

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - Council Offices, Monkton Park,
Chippenham, SN15 1ER
Date: Wednesday 14 September 2016
Time: 11.00 am

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

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Membership:

Cllr Andrew Davis (Chairman)	Cllr Charles Howard
Cllr Tony Trotman (Vice Chairman)	Cllr David Jenkins
Cllr Glenis Ansell	Cllr Christopher Newbury
Cllr Trevor Carbin	Cllr Fred Westmoreland
Cllr Terry Chivers	Cllr Bridget Wayman
Cllr Stewart Dobson	

Substitutes:

Cllr Ernie Clark	Cllr Paul Oatway QPM
Cllr Brian Dalton	Cllr James Sheppard
Cllr Bill Douglas	Cllr Ian West
Cllr Mary Douglas	Cllr Jerry Wickham
Cllr Dennis Drewett	Cllr Graham Wright
Cllr George Jeans	Cllr Magnus Macdonald

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PART I

Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 24*)

To approve and sign as a correct record the minutes of the meeting held on 13 July 2016. (Copy attached)

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 Chair.

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 10.20am 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 (acting on behalf of the Corporate Director) no later than 5pm on **Wednesday 7 September 2016**. 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 **15/11153/OUT- Land at Forest Farm Chippenham, South of Pewsham Way & West of the A4, London Road, Chippenham, SN15 3RP- Mixed Use Development Including the Construction of up to 200 Dwellings Including Affordable Housing, B1 Employment, Community Building, Creation of New Vehicular Access, Footways, Cycleways and Bus Stop Lay-bys, Ancillary Road Infrastructure, Public Open Space, Children's Play Areas, Landscaping, Pumping Station and Surface Water Attenuation Facilities**
(Pages 25 - 46)

A report by the Case Officer is attached.

- 7 **14/11556/FUL- Land North of A350, West Cepen Way, Chippenham, SN14 6YG- Storage & Distribution Centre (B8) & Service Yards, Parking, Landscaping & Associated Development. Retail Unit (A1) with Mezzanine Floor & Outside Garden Centre Area, Including Service Yards, Parking, Landscaping, Access & Associated Development** *(Pages 47 - 78)*

A report by the Case Officer is attached.

- 8 **16/03515/OUT- Langley Park, Chippenham, Wiltshire, SN15 1GE- Outline Application for the demolition of existing buildings and redevelopment to provide up to 400 units (C3); a 69 bed hotel (C1) with cafe (A3) up to 199 sqm; a discount foodstore (A1) of up to 1,741 sqm; B1, B2 & B8 floorspace (up to 13,656 sqm) and highway improvements to the Little George and the B4069/Pew Hill junctions with all matters (except access) reserved.**
(Pages 79 - 116)

A report by the Case Officer is attached.

- 9 **16/04273/FUL- Langley Park, Foundry Lane, Chippenham, Wiltshire, SN15 1GE- The Demolition of Existing Buildings and Redevelopment to Provide a 69 Bed Hotel with Cafe (A3) of 199sqm and 22 Residential Units (Class C3), Car Parking, Foundry Lane Access Works and Other Associated Works.** *(Pages 117 - 142)*

A report by the Case Officer is attached.

- 10 **15/12351/OUT- Land at Rawlings Farm, Cocklebury Lane, Chippenham, SN15 3LR- Outline Permission for up to 700 Dwellings, Including 4.5ha Employment Space and Primary School. Up to 10ha New Public Open Space, Landscaping, Stormwater / Drainage Works, Substation and Associated Works. Access Using Parsonage Way, Darcy Close and from**

Cocklebury Lane (for Cycling and Pedestrian Only). *(Pages 143 - 182)*

A report by the Case Officer is attached.

11 **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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STRATEGIC PLANNING COMMITTEE

DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 13 JULY 2016 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Andrew Davis (Chairman), Cllr Tony Trotman (Vice Chairman), Cllr Terry Chivers, Cllr Stewart Dobson, Cllr Charles Howard, Cllr David Jenkins, Cllr Christopher Newbury, Cllr Fred Westmoreland, Cllr Jerry Wickham (Substitute) and Cllr Magnus Macdonald (Substitute)

Also Present:

Cllr Toby Sturgis, Cllr Keith Humphries and Cllr Pip Ridout

46 Apologies for Absence

Apologies were received from:

Cllr Trevor Carbin; Cllr Bridget Wayman, substituted by Cllr Jerry Wickham; and Cllr Glenis Ansell, substituted by Cllr Magnus MacDonald.

47 Minutes of the Previous Meeting

Resolved:

To confirm and sign the minutes of the meeting held on 15 June 2016.

48 Declarations of Interest

The Chairman noted that, with regard to application ref: 14/06562/FUL, he was a member of Warminster Town Council, and that, whilst a member of the Planning Committee of the Town Council, he had considered and voted on previous, separate applications on the site. He stated that he was no longer a member of the Planning Committee of the Town Council, and had not, therefore, considered application ref: 14/06562/FUL. As such, he was able to consider and vote on the item on the agenda.

49 **Chairman's Announcements**

The Chairman reminded members of the public that whilst they had the opportunity to make representations on the application under consideration today and to contact and lobby their local member and any other members of the planning committee before today's meeting, he would not allow any last minute lobbying of members once the debate has started, including the circulation of new information, written or photographic which had not been verified by the Council's planning officers. He respectfully asked Members and members of the public to please bear this in mind.

50 **Public Participation and Councillors' Questions**

No questions had been received from councillors or members of the public.

The Chairman welcomed everyone to the meeting. He then explained the rules of public participation and procedure to be followed at the meeting.

51 **14/06562/FUL - Land to West of St Andrews Road, Warminster, BA12 8ES - Development of 203 Residential Dwellings, Open Space, Landscaping, Sustainable Urban Drainage, Vehicular and Pedestrian Accesses and Associated Infrastructure and Engineering Works including the Provision of a Foul Drainage Pumping Station**

The following people spoke against the proposal:

Alison Kjaer, Jeremy Stadward and Francis Morland

The following people spoke in support of the proposal:

Richard Watts; Brian Condon and Andy Cockett

Consideration was given to a report prepared by Kenny Green, Development Management Team Leader, that recommended the Committee approve the application subject to planning conditions; and sought Members to agree to defer and delegate the issuing of a decision to the Head of Development Management following the completion of s106 legal agreement to enshrine the obligations as outlined within paragraph 9.67 of the report.

The officer made a presentation in which he first publicly acknowledged the significant amount of work undertaken by Cllr Ridout and Cllr Humphries in terms of responding to local concerns and liaising with the case officer for the entire application process. The officer asked the committee to note that since

July 2014, there had been numerous meetings with officers and that the local Cllrs were kept fully informed throughout the process. Before commencing with the PowerPoint presentation, the case officer brought the committee's attention to agenda supplement 1 and revised comments provided by the Council's Public Rights of Way officer relating to the removal of the requirement for a secondary (adopted) footpath connection onto WARM6 (PRoW) located to the north of the site (in the NE part of the site). The officer recommended that, if the Committee were minded to approve the application, and seek the deletion of the secondary footpath which was no longer deemed necessary, they should instruct officers to request the submission of revised plans deleting the footpath. The officer also made specific reference to additional late public and consultee representations from the AONB officer which had been received since the publication of the report and after the production of the agenda supplement.

Members then had the opportunity to ask technical questions after which they received statements from members of the public as detailed above, expressing their views regarding the proposal.

Issues highlighted during the course of the presentation and discussion included: due reference to the (June 2016) endorsed WWUE masterplan, including the phasing plan and how the site relates to the town and the remainder of the WWUE strategic site allocation, the views of the highways officers, and the applicant's plans to mitigate traffic issues arising from construction were explained; a detailed summary was provided relating to drainage issues and an explanation was given as to how constraints had been addressed by the applicant through plan revisions and submission of an on-site drainage solution and strategy to manage surface water run-off; members were informed about extensive modelling work that had been undertaken which led to the key drainage consultees (the flood authority, the EA and Wessex Water) all confirming no objections. In addition, the range and type of dwellings and materials to be used were highlighted; and, specific mention was made to single storey dwellings being planned within and around the scheme to mitigate against overlooking/overbearing concerns in relation to existing properties; the support from the Housing Team was noted in terms of the spread of affordable housing on the site and the adopted road layout and issues relating to the local road network capacity were noted. The location of the site in relation to existing properties and how the boundaries would be treated was explained. Particular reference was made to the proposed landscape planting proposals within plots and public open space was made in addition to explaining the mitigating measures that would protect the AONB and Cley Hill; through the use of several plans and photographs, the topography of the site, land levels and the current mix of housing in the adjacent neighbourhood was clarified. Key consultee engagement and their recommendations were recorded including late commentary provided by the AONB officer. It was also confirmed that Historic England raised no objection regarding the impact on Cley Hill. The Council's conservation team raised no objection in terms of the development's impact on the nearby conservation area and listed buildings.

Members then heard the views of Cllrs Pip Ridout and Cllrs Keith Humphries, the local unitary ward Members, who addressed the concerns of local people, including the impact on traffic in the town, and commended the work of officers how had assisted them in seeking revisions to the original plans.

Cllr Christopher Newbury proposed, subsequently seconded by Cllr Terry Chivers, that consideration of the application be deferred to enable a site visit to take place.

Following a short debate, and having been put to the vote, the motion was not carried.

The meeting then returned to debate the application.

Cllr Christopher Newbury proposed, subsequently seconded by Cllr Tony Trotman that permission be granted as per the officer's recommendation, subject to the following amendments:

- That condition (2) be revised following the receipt of revised plans removing the secondary footpath connection with WARM6. Members delegated this matter to officers to secure; as well as,
- Instructing officers to undertake a site inspection of the site boundary trees and hedges for the purposes of imposing tree/hedge protection orders.

After a debate, and having been put to a vote, the Committee unanimously;

Resolved:

To agree to approve this application subject to the following conditions and to defer and delegate the issuing of a decision to the Head of Development Management following the completion of s106 legal agreement to enshrine the obligations outlined within paragraph 9.67.

- 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 approved plans contained within the plan list schedule drawing issue ref 31051/AC/TD dated 15 June 2016.**

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

[Members to note: The above condition will be updated (with the plan schedule re-dated) following the submission of amended plans deleting the secondary footpath connection with WARM6].

- 3. The development hereby approved shall be constructed in full accordance with the Construction Traffic Management Plan (CTMP) dated May 2015. Should the projected construction programme deviate away from the detail contained within the CTMP, an updated CTMP will require the written approval of the local planning authority prior to any commencement taking place on site. If the programme is to be revised during the construction phase(s), no deviation will be tolerated until the details have been approved in writing.**

REASON: In order to ensure that the amenity of the local highway network is adequately protected as well as adopting measures to minimise disruption to local amenities.

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- 4. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. Within 6 months of any dwelling being occupied evidence shall be submitted to and approved in writing by the local planning authority certifying that the stated level or its equivalent has been achieved.**

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out within Wiltshire Core Strategy CP41 are achieved.

- 5. 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 garage hereby approved which is required to satisfy on-plot parking standards shall be converted to ancillary habitable accommodation without first obtaining planning permission.**

REASON: To safeguard the amenities and character of the area and in the interest of highway safety and to ensure there is adequate car parking provision.

NOTE: Future PD rights to convert garaging into additional ancillary habitable accommodation would still apply to plots that can accommodate the requisite parking provision on-site. This condition

would only apply for plots/properties that rely on the garaging for off-street car parking.

6. That for the avoidance of any doubt, the land fronting plot 31 which is contiguous to the adoptable highway shall not be considered part of the residential curtilage, but instead it shall remain associated highway for the future purpose of delivering the strategic link road further to the north and Victoria Road.

REASON: To define the terms of this permission and to ensure the link road is not encumbered by any over land ownership dubiety or ransom strip conflict.

7. No construction works on the site shall take place outside the following hours: 07:30 to 18:00 Mondays to Fridays; and 08:00-13:00 on Saturdays or at any time on Sundays or Bank Holidays.

REASON: In the interests of protecting the amenity of nearby residential properties.

8. The development hereby approved shall be carried out in accordance with Redrow Homes' Acoustic Assessment and trickle vents detailed specifications.

REASON: In the interests of protecting residential amenity.

Pre-Commencement Conditions:

9. No development shall commence on site until a scheme of phasing the proposed landscaping, including the hedgerow boundary planting has been approved in writing by the Local Planning Authority. The landscaping shall be carried out in the first planting and seeding season following occupation of the related building(s) or the completion of the development, whichever is the sooner within that particular phase; any trees or plants which 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. The landscaping and hedgerow enhancement planting shall be implemented in full accordance with approved plan drawings R0323_07F (The detailed Public Open Space Landscape Proposals) and R0323_10E Sheets 1-3 (Detailed On-Plot Landscape Proposals).

REASON: This information is required to ensure that the phased development and proposed landscaping is undertaken in an acceptable manner.

10. No development hereby approved with the exception of ground

works and vegetation clearance shall commence until a lighting strategy for the site has been submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including a Lux plot) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and**
- b) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles**

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To minimise light spillage into hedgerows and trees, to ensure no illumination of the bat roost and to maintain dark foraging and commuting corridors for bats, particularly along the northern boundary hedgerow.

11. No development (including vegetation clearance and preparatory ground works) hereby approved shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Full specification of habitats to be created and enhanced, including locally native species of local provenance and locally characteristic species**
- b) Description and evaluation of features to be managed; including location shown on a site map, including hedgerows, mature trees and wildflower meadow areas**
- c) Landscape and ecological trends and constraints on site that might influence management**
- d) Aims and objectives of management; including:**
 - The creation and management of 'hop-overs' at breaches through hedgerows for pedestrian/cycleway links;**
 - The provision of integral bat boxes and nest box provision for House sparrow, Starling, House martin and Swift across the site;**
 - Further details of wildflower meadow areas and species-rich rough grassland areas; and how will they be created;**
 - Hedgehog mitigation and enhancement measures, e.g. hedgehog boxes in suitable locations within hedgerows, specific habitat**

- creation, gaps under garden fences;
- e) Appropriate management options for achieving aims and objectives;
 - f) Prescriptions for management actions;
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over on a 5-year period basis; including bat roost inspections for tree surgery works to T1, T12 and T13 (if necessary) and mitigation for loss of high potential bat roosts;
 - h) On-going monitoring and remedial measures;
 - i) Timeframe for reviewing the plan
 - j) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development and establishment of an on-site management company.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

REASON: This information is required to ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features in perpetuity.

NOTE: This is a modified version of the model condition from section D.4.5 of the British Standard BS42020:2013 Biodiversity – Code of practice for planning and development. In c) above ‘trends and constraints’ refer to those circumstances that might influence long-term management of a site, for example, natural succession, recreational use, other types of disturbance relevant to the site, flooding, geology, soil, etc. In g) above the annual work plan period requires to be determined on a case by case basis in conjunction with the developer, their ecological consultant and the Council Ecologist. In most cases, 5- years may be appropriate, but up to 10 years may be necessary depending on the development and management requirements. It should be noted that this is a work programme for a specified number of years that must be reviewed at the end of that period and rolled forward in perpetuity. In j), it is appreciated that full details of the management company may not be available until after occupation, however, it would be desirable to obtain as many details as possible.

12. No tree surgery works shall commence until an inspection for roosting bats has been carried out by a professional, licensed ecologist. If bats are found, mitigation measures shall be submitted

to and approved in writing by the local planning authority.
Mitigation shall be carried out in line with the approved measures.

REASON: To ensure roosting bats are fully considered before tree surgery works to trees with high potential for roosting bats.

13. No development hereby approved shall commence until an enhanced native planting scheme for the attenuation pond's immediate environs and the northern public open space, including species composition, origin, source, a timetabled planting scheme as well as its aftercare and maintenance, has been submitted to and approved in writing by the local planning authority. Once agreed in writing, the approved details shall be carried out in full within 12 months of the completion of the development hereby approved.

REASON: This information is required to ensure planting of the attenuation pond is carried out appropriately in line with Environment Agency guidelines to avoid the introduction of invasive, non-native species as well as further enhancing the public open space with more shrub and tree planting.

NOTE: The maintenance requirements as outlined by condition 9 would apply.

14. No development pursuant to the construction of the foul water pumping station hereby approved shall commence until the exact details of the "living wall" to be planted around the perimeter of the foul water pumping station compound has been submitted to and approved in writing by the local planning authority. Once approved in writing, the living wall planting shall be carried out in full within either 12 months following the completion of the development or following the bringing into use of the foul pumping station whichever is the earliest.

REASON: This information is required to ensure an appropriate planting scheme around the foul pumping station is agreed in the interests of good planning as well as enhancing the public open space and landscaping proposals.

NOTE: The maintenance requirements as outlined by condition 9 would apply.

15. No development shall commence on site (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in

writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including reptiles, badgers, nesting birds, great crested newts, hedgerows, bats, veteran willow trees;
- d) A dust suppression scheme to minimise windblown dust from affecting adjoining neighbouring properties. This scheme should cover all the phases of the construction site, including earth works, spoil heap storage, vehicle movements and cutting of materials;
- e) Exact details confirming the site compound, site operative parking, wheel washing, pollution control measures to be adopted and the projected phasing of development including the siting of the compound for the construction phases;
- f) The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- g) The times during construction when specialists ecologists need to be present on site to oversee works;
- h) Responsible persons and lines of communication;
- i) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- j) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
- k) An Ecological Mitigation Plan to provide a visual representation of all required mitigation measures;
- l) On going monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report should be prepared by a professional ecologist / the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved

remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats, to ensure that approved mitigation and compensation works are carried out and completed as approved and in line with current best practice guidelines, and to ensure adequate professional ecological expertise is available to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licence, during construction.

16. No development hereby approved shall commence until a scheme for the discharge of surface water from the development (including surface water from access/driveways and roads/footpaths) incorporating sustainable urban drainage details together with permeability tests results to BRE365 detailed calculations for the infiltration pond which shall be designed to satisfy an appropriate factor of safety along with detailed specifications for the supporting impermeable wall and further details regarding embankment stability and flood routing measures to protect existing and future residents and flood risk prevention, has been submitted to and approved in writing by the local planning authority. None of the dwellings shall be first occupied until the surface water drainage systems including the underground tank(s), the attenuation pond, embankments and supporting impermeable wall have been fully constructed in accordance with the approved scheme.

REASON: This information/level of detail has not been submitted with the application and is considered necessary to define the terms of this permission and to ensure the surface water drainage / SuDS solution is acceptable to the lead local flood authority.

17. No development hereby approved shall commence until details of a temporary on-site looped access construction traffic route plan has been submitted to and approved in writing by the local planning authority. Following the written approval of such matters, the development shall proceed in accordance with the routing plan unless otherwise agreed by the local planning authority.

REASON: In order to secure a satisfactory construction access which allows for one way movement of construction traffic on each of the cul-de-sac arms of St Andrews Road, and to reduce construction traffic impacts along individual frontages.

18. For this phased development, no development hereby approved shall commence (as part of each phase) with the exception of site preparation and preparatory ground works, until details of the site

access junctions, connections to St Andrews Road, estate roads, traffic calming measures, cycle tracks, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. In particular the details shall include vertical and horizontal details sufficient to ensure that a future connection to Victoria road can be effectively provided. The development shall not be first occupied until the estate roads, cycle tracks, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed for the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

19. No works comprising the proposed pedestrian/cycleway link to connect with Folly Lane shall commence until full no-dig specification details and measures to be adopted to protect the adjacent tree/hedgerows above and below ground have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

Pre-Occupancy Conditions:

20. Prior to the first occupation of the dwellings hereby approved, the foul water pumping station and its associated infrastructure including the off-site rising main must be completed and available to accommodate any connection, unless agreed in writing with the Local Planning Authority.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream properties.

NOTE: Wessex Water have agreed the foul water drainage proposals with the practical connections still to be subject to a s98/s104 legal agreement under the Water Industry Act 1991.

- 21. For this phased development, prior to the occupation of the dwellings (as part of each phase) the associated roads, including footpaths and turning spaces shall be fully constructed with a properly consolidated and surfaced footpath and carriageway to at least binder course level between the dwelling and existing adopted highway.**

REASON: To ensure that the development is served by an adequate means of access.

- 22. For this phased development, no dwellinghouse shall be occupied until upgrade details of the shared footway and cycle track between the site and Victoria Road have been submitted to and approved in writing by the local planning authority.**

REASON: In the interests of promoting non-motorised sustainable modes of travel.

- 23. For this phased development, no dwellinghouse shall be occupied (as part of each phase) until the parking spaces together with the access have been provided in accordance with the approved plan drawings**

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

- 24. For this phased development, no dwellinghouse shall be occupied until a public art scheme for the site and a timetable for its subsequent installation has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proposal complies with the relevant public art policies

NOTE: The applicants proposed promotion of a public art installation at the entry of the LEAP on site is encouraged and should further advice and guidance be required in terms of promoting local school and/or

local artist involvement, contact should be made with Meril Morgan, the Council's arts officer.

25. For this phased development, prior to the occupation of Plots 31-41, the proposed bus route road (for future connection with Victoria Road) shall be provided in the north-west part of the site so as to allow adoption of the road to the site boundary.

REASON: In the interests of the proper planning for the area and to ensure that a link through to Victoria Road can be secured in line with Core Strategy objectives.

26. For this phased development, no dwellinghouse shall be occupied (as part of each phase) until cycle parking and storage facilities have been provided on site.

REASON: To ensure that satisfactory cycle storage is provided on site and to encourage non-motorised means of transport by future residents.

27. For this phased development, prior to the occupation of the dwellings on plots 52-72 and 95-114 (inclusive), the approved fencing as illustrated on plan drawing 15005.102 - the boundary treatment plan, shall be provided and maintained in perpetuity, although when necessary it may be replaced with similar fencing (for security and general repair and maintenance purposes), however it must be kept in the same position as notated on the approved plans.

REASON: To define the terms of the permission and to ensure that the associated properties listed above have fixed rear boundaries in place prior to their occupation and to protect the well-established boundary hedgerow and trees which define the rugby club and site boundary.

NOTE: Any garden extension further to the rear would require planning permission and it should be noted that the western and upper southern boundary hedgerow and trees have a significant landscape and ecological value; and, any future proposal that seeks consent to extend individual rear gardens at the expense of the boundary hedgerow and trees would require exceptional justification.

Planning Informatives:

1. The applicant/developer is advised that to satisfy the surface water management condition requirements, the Council expects the following detail to be submitted: 1. A clearly labelled drainage layout plan showing the pipe networks and the attenuation ponds and drainage storage tanks. This plan should show any pipe node

numbers referred to in the drainage calculations and the invert and cover levels of manholes. 2. A manhole schedule. 3. Model runs to demonstrate that the critical storm duration is being used. 4. Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated. 5. Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with NPPF.

2. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively. The surface water soakaways which require building warrant approval should be constructed in accordance with the BRE Digest No 365 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice". Only clean, uncontaminated surface water should be discharged to soakaway.
3. To avoid disturbing nesting birds and breeding season, no works should take place to the site boundaries between March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.
4. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.
5. All hedgerows should be fully protected in line with the recommendations made in section F6.2 of the Ecology Chapter of the ES. Hedgerows should receive a minimal trim to remove sideways growth that may interfere with construction machinery rather than being completely cut back / coppiced. Further advice can be obtained from the Council's arboricultural and ecology

officers.

6. The developer/applicant is required to reach an agreement with Wessex Water with respect to finalising foul water and clean water connections.
7. The developer/applicant is advised to incorporate water efficiency measures into this scheme to provide resilience to some of the extremes of weather conditions that climate change brings. It benefits future residents by reducing water bills, and also benefits wider society by allowing more water to go round in times of shortage. The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be promoted and implemented. An appropriate submitted scheme should include a water usage calculator showing how the development would not exceed a total (internal and external) usage level of 105 litres per person per day.
8. The developer/applicant is advised to ensure appropriate safeguards are fully implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: - the use of plant and machinery - oils/chemicals and materials - wheel-washing and waste water disposal - the use and routing of heavy plant and vehicles - the location and form of work and storage areas and compounds - the control and removal of spoil and wastes. The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>
9. The developer/applicant is advised to follow the guidance from the Wiltshire Fire & Rescue Service in terms of precautionary measures to reduce the risks of fire and on-site measures to deal with an emergency. This advice is often in addition to building regulation requirements. Further guidance can be obtained regarding the on-site provision of fire hydrants and a water supply for the purposes of fire-fighting.
10. The developer/applicant should give due consideration to securing a covenant on dwellings with garden boundaries adjacent to the rugby club hedgerows to ensure that these hedgerows are retained in perpetuity.

The Chairman reminded the meeting that the next scheduled meeting of this Committee was due to be held on Wednesday 21 September 2016, at County Hall, Trowbridge, starting at 10.30am.

53 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 12.36 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic & Members' Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	14/09/2016
Application Number	15/11153/OUT
Site Address	Land at Forest Farm Chippenham, South of Pewsham Way & West of the A4, London Road, Chippenham, Wiltshire, SN15 3RP
Proposal	Mixed Use Development Including the Construction of up to 200 Dwellings Including Affordable Housing, B1 Employment, Community Building, Creation of New Vehicular Access, Footways, Cycleways and Bus Stop Lay-bys, Ancillary Road Infrastructure, Public Open Space, Children's Play Areas, Landscaping, Pumping Station and Surface Water Attenuation Facilities
Applicant	Gleeson Developments Limited
Town/Parish Council	CHIPPENHAM
Electoral Division	CHIPPENHAM HARDENS AND ENGLAND
Grid Ref	393871 171605
Type of application	Full Planning
Case Officer	Sam Croft

Reason for the application being considered by Committee - Under the Scheme of Delegation Specific to Planning, this application falls to be considered by the Strategic Planning Committee by reason of it being a large-scale major application which, by its nature would raise issues of more than local importance.

The applicant has submitted an appeal in respect of this application on grounds of non-determination. As a consequence no formal decision can be made in respect of this application. However, in order to progress with the appeal, officers seek the opinion of the Committee in respect of the application had they been in a position to determine it and on what grounds the Committee wish to contest the scheme at appeal, if at all.

1. Purpose of Report

1.1 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, had the Council been in a position to determine the application, planning permission be REFUSED.

2. Report Summary

2.1 The main issues in the consideration of this application are as follows:

1. Principle of development
2. Design and layout
3. Landscape/Visual
4. Ecology
5. Impact on the Historic landscape and heritage assets
6. Access and highway issues
7. Flood Risk and drainage

2.2 The application has generated 37 letters of objection and 2 letters of support. Chippenham Town Council objected to the application.

3. Site Description

3.1 Forest Farm is located to the south of Pewsham on the south east outskirts of Chippenham. It is bordered to the west by woodland and Pewsham Way, beyond which lies the residential suburb of Chippenham known as Pewsham which developed in the 1980s and 1990s. To the north of the site lie a number of residential dwellings and the A4 London Road, and to the east lies the former Wilts and Berks Canal. To the south can be found hedgerows adjoining part of the Avon Valley Walk. The Stanley Park Sports Ground lies immediately opposite the site to the north east beyond the A4 London Road, while Abbeyfield Secondary School lies approximately 0.95 kilometres to the north.

3.2 Footpath CHIP16/CALW83 crosses the western part of the site, linking Pewsham with the disused Pewsham Locks and wider countryside to the south. Overhead electricity pylons cross the site in a north east to south west direction. An aviation fuel pipeline and a rising sewer cross the northern part of the site in an east west direction. Part of the former Wilts and Berks Canal lies within the southern part of the site.

3.3 Topographically, the site generally rises by eight metres from a low point in the south east to its highest point in the North West.

3.4 The existing suburb of Pewsham is served by a local centre, which contains a public house (The Old Lane), a retail convenience store, a series of smaller shops, a community centre and The Lodge Surgery. This local centre is located approximately 1.4 kilometres to the west of Forest Farm. Other facilities within Pewsham include Pewsham Park and the King's Lodge Community School, both of which are within 1.1 kilometres of the site; the London Road cemetery and the Cricketts Lane Allotments, which are within 1.6 kilometres of Forest Farm.

3.5 Within 1.95 kilometres to the east of Forest Farm towards Derry Hill lie other facilities including a car dealership, a range of businesses at the Forest Gate Business Park, the Pewsham Garage and the Lysley Arms public house.

4. Relevant Planning History

4.1 There is no relevant planning history relating to this site.

5. Proposal

5.1 Gleeson's planning application for the mixed-use development of Forest Farm has been made in outline, with details of the appearance and scale of the proposed buildings, the site layout and landscaping proposals left for future determination should permission be granted.

5.2 As details of the proposed access into the site from the A4 London Road are considered to be critical to the site's potential future development, full permission is being sought for these details now. The form of the proposed roundabout takes into account the potential for a new access to be provided into the Stanley Park Sports Ground, which was Chippenham Town Council's desire over a decade ago.

5.3 A site of one hectare has been allocated within the proposed master plan to accommodate up to 4,645 square metres of class B1 office and light industrial units. The site is located close to the proposed new vehicular entrance from the A4 and although located adjoining the proposed housing units, is capable of being served by a stand-alone vehicle access. Whilst the design of the employment units would be a matter for determination at the reserved matters stage, Gleeson envisages that the units would comprise a traditional, rural, barn-like appearance, arranged in a courtyard manner and landscaped.

- 5.4 The illustrative master plan makes provision for 200 new homes, of which up to 40% would be affordable in accordance with the policies of the Wiltshire Core Strategy. The gross developable area allocated to housing on the illustrative master plan extends to 7.2 hectares, giving an average net density of 28 dwellings per hectare.
- 5.5 The illustrative master plan makes provision for four hectares of public open space within the proposed development. None of this open space is proposed to accommodate formal sports pitches given the proximity of the Stanley Park Sports Ground opposite the site. Children's play areas would be accommodated within the areas of proposed open space, with details of the number and type to be agreed as part of discussions with Wiltshire Council prior to the determination of the application.
- 5.6 Public footpath CHIP16/CALW83 has been accommodated on the illustrative master plan within the areas of proposed open space to ensure the route can be maintained within a green corridor. Provision has also been made for a footpath/cycleway to loop around the site, connecting with public footpath CHIP16/CALW83 and allowing connections through to Pewsham, the A4 London Road and the wider countryside.

6. Planning Policy

National Planning Policy Framework (NPPF)

6.1 The NPPF was introduced in March 2012 as a principal material consideration in the determination of planning applications. It identifies the presumption in favour of sustainable development at paragraph 14 as a 'golden thread' running through plan making and decision taking. Conceptually, the NPPF confirms the following:

- The need to plan positively,
- the need for a 5 year supply of housing,
- the status to be afforded to the development plan,
- development management issues

Wiltshire Core Strategy

- 6.2 The Wiltshire Core Strategy (WCS) was adopted by the Council in January 2015. For the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004 and Annex 1 of the NPPF, the WCS including those policies of the North Wiltshire Local Plan saved in the WCS (Appendix D) constitutes the statutory development plan relevant to this case.
- 6.3 The WCS introduces a housing requirement for the period to 2026 presented by Housing Market Areas.
- 6.4 Core Policy 1 and Core Policy 2 of the WCS set the foundations for how 'sustainable development' is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. The delivery strategy seeks to deliver future development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 178 ha of new employment land and at least 42,000 homes, with 24,740 of these distributed to the North and West Housing Market Area.
- 6.5 Chippenham is identified within the WCS as a Principal Settlement which acts as a strategically important employment and service centre for a number of villages in the Community Area and beyond. Chippenham is to be a focus for development (Core Policy 1).
- 6.6 Core Policy 2 states that development outside the "limits of development" for Chippenham will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or neighbourhood plan. The limits of development are defined on the Policies Map.

- 6.7 Core Policy 10 (CP10) of the WCS identifies the level of housing growth appropriate for Chippenham. CP10 also sets out the intention to prepare a Chippenham Site Allocations Development Plan Document (DPD), which seeks to identify land for employment and housing in Chippenham. The DPD will also set out a range of facilities and infrastructure necessary to support growth.
- 6.8 Several topic specific development management type policies within the WCS are relevant when considering this planning application. They are referred to within the report where necessary, but include:
- CP1 (Settlement Strategy)
 - CP2 (Delivery Strategy)
 - CP3 (Infrastructure Requirements)
 - CP10 (Spatial Strategy: Chippenham Community Area)
 - CP34 (Additional Employment Land)
 - CP41 (Sustainable Construction and Low-Carbon Energy)
 - CP43 (Providing Affordable Homes)
 - CP50 (Biodiversity and Geodiversity)
 - CP51 (Landscape)
 - CP52 (Green Infrastructure)
 - CP57 (Ensuring High Quality Design and Place Shaping)
 - CP58 (Ensuring the Conservation of the Historic Environment)
 - CP61 (Transport and new development)
 - CP62 (Development impacts on transport network)
 - CP63 (Transport strategies)
 - CP66 (Strategic transport network)

Saved policies of the North Wiltshire Local Plan 2011 (NWLP)

- 6.9 Several policies within the North Wiltshire Local Plan (2011) have been saved and continue to be relevant to this application.

- NE14 – Trees and the Control of New Development
- H4 – Residential Development in the Open Countryside
- CF3 – Provision of Open Space

7. Consultations

Chippenham Town Council – The Town Council reserves the right to make further comments relating to this outline application in future once the Chippenham Site Allocation Plan has been adopted. However, concerns raised by Town Council Members and members of the public include potential flooding issues, transport issues, access onto the busy A4 and the impact on housing numbers to the current level.

Lacock Parish Council - Resolved to object to the planning application on the ground that it is premature pending determination of the Chippenham Site Allocations DPD.

Wiltshire Council Highway Officer - No objection subject to a planning agreement/conditions

Wiltshire Council Leisure and Amenity Officer (public open space) – No objections, subject to the securing of the open and play space being secured through provisions within s106.

Wiltshire Council Housing Enabling Officer - No objection.

Wiltshire Council Environmental Health Officer - No objection subject to conditions.

Wiltshire Council Ecologist - No objection.

Wiltshire Council Council Landscape Officer - Objection, see Landscape/Visual Impact section.

Wiltshire Council Council Conservation Officer - Objection.

Wiltshire Council Arboricultural Officer - No objection.

Wiltshire Council Archaeologist - No objection subject to conditions.

Wiltshire Council Council Education Officer - Require contributions.

Highways Agency - No objections subject to conditions.

Wessex Water - No objections.

Canal and River Trust - No comment

Wiltshire Swindon & Oxfordshire Canal Partnership - The Canal Partnership would like to comment on this application as the Masterplan indicates a Phase 2 which will be adjacent to the restoration line for the Wilts & Berks Canal. The Partnership would ask that consideration is given to the recreational and amenity value of the restored canal for this site and Phase 2 and suitable financial contribution is given to help fund the canal restoration.

CPRE - This application is premature to the site selection process for the Chippenham Local Plan. The access proposed leading directly on to the A4 by means of a new roundabout would lead to very considerable effects on traffic flows in both directions along the A4 and all existing journey time calculations. No reference is made to the issue of how the increased car numbers resulting from the development will affect the western sections of Pewsham Way and Avenue La Fleche which have three mini roundabouts (Canal Road, Webbington Road and the Magistrates Court) and two northern access roads (King Henry Drive and Lodge Road) and how the potential increase of 400 plus extra car movements will be handled to avoid traffic congestion. This will further exacerbate the present difficulties at the Bridge Roundabout and all routes from it. New homeowners are much more likely to be heading towards the A350 employment sites than heading east towards Calne. The proposed access on to the A4 opposite the sports fields, and the suggestion that there should be a new access to these fields from the same roundabout, thereby drawing yet more traffic along the already very busy A4 is traffic planning at its worst.

8. Publicity

8.1 The application was advertised by site notice, press advert and neighbour consultation.

8.2 Thirty-seven letters of objection received, including letters from highway consultants employed by local community. Summary of key relevant points raised:

- Traffic and highways impact
- Suitability of access and impact on current infrastructure
- The development is outside the development framework boundary
- Impact on Archaeology
- Impact upon drainage
- Infrastructure implication when East Chippenham, North Chippenham and Rawlings Green development are complete
- Air/noise pollution
- Urbanisation of a rural area and narrowing of the gap between Derry Hill and Chippenham
- Harmful to landscape character
- Loss of high grade agricultural land
- Impact on local services including schools/doctors surgeries
- Impact on Ecology
- Loss of amenity
- Poor design/layout

- Lack of bus service/connectivity to Chippenham
- Lack of pedestrian/cycle access to local facilities

8.3 Two letters of support were received in respect to the application.

9. Planning Considerations

Principle of Development

9.1 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.

9.2 In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Plan saved in the WCS, forms the relevant development plan for the Chippenham area. The Chippenham Site Allocations DPD remains an emerging Plan submitted to the secretary of state for examination. Weight can be afforded to this document in accordance with Annex 1 of the NPPF, which states that weight to be given is proportionate to the stage of preparation, the extent of unresolved objections and the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework. Given that there are still objections to the plan, and the examination is due to reconvene shortly, little weight can be attached to it at this stage.

9.3 Important material considerations in this case include the requirement in the National Planning Policy Framework (NPPF) to assess whether the Council has a five year housing supply for the north and west housing market area that includes Chippenham, and recent appeal decisions within Wiltshire.

Wiltshire Core Strategy: Core Policies CP1, CP2 and CP10

9.4 The relevant policies relating to the principle of development in Chippenham are:

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 10: Chippenham Area Strategy

9.5 Core Policy 1 and Core Policy 2 of the WCS set the foundations for how 'sustainable development' is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. The delivery strategy seeks to deliver future development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 178 ha of new employment land and at least 42,000 homes.

9.6 Chippenham is identified within the WCS as one of three Principal Settlements which act as a strategically important employment and service centres for a number of villages in the immediate area and beyond. Chippenham is to be a focus for development (Core Policy 1). The principal settlements will provide significant levels of jobs and homes, together with supporting community facilities and infrastructure meeting their economic potential in the most sustainable way to support better self containment.

9.7 Core Policy 2 sets out the delivery strategy for Wiltshire in the period 2006-2026. This is to be delivered in a sustainable pattern, in a way that prioritises the release of employment land and previously developed land. At least 42,000 homes are to be delivered in Wiltshire, with 24,740 of those distributed to the North and West Housing Market Area.

9.8 Core Policy 2 states that development outside of the limits of development of existing settlements will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The exceptional circumstances are set out in paragraph 4.25 of the Core Strategy. In this case, the site lies

outside of the limits of development for Chippenham and has not been identified for development through either the emerging Chippenham Sites Allocation DPD or a Neighbourhood Plan. The proposal does not meet any of the exceptional circumstances identified in WCS paragraph 4.25 where development outside limits of development is acceptable. Similarly, as it lies beyond the limits of development, it does not comply with saved policy H4 of the North Wiltshire Local Plan as it does not meet the exceptions, such as agricultural needs, set out in that policy. The proposal is therefore in conflict with the development plan in this respect.

- 9.9 Core Policy 10 of the WCS identifies the level of housing growth appropriate for Chippenham. The housing requirement for the town is identified as at least 4510 homes supported by 26.5 ha of employment. CP10 also sets out the intention to prepare a Chippenham Site Allocations Development Plan Document (DPD), which seeks to identify land for employment and “at least 2625 dwellings” (once existing completions and commitments have been taken into account). The DPD will also set out a range of facilities and infrastructure necessary to support growth. The status of the emerging DPD is discussed further below).
- 9.10 Criteria are included in CP10 to guide development, in addition to the other provisions contained within the Core Strategy. The criteria are based on the key issues identified for Chippenham in paragraphs 5.46 – 5.48 of the WCS. They have been included to give direction to the preparation of the Chippenham Site Allocation DPD. However, the criteria could also provide a useful set of benchmarks against which planning applications may also be measured. The criteria relate to:
- Economic led growth
 - Town centre resilience and accessibility
 - Mixed use development and mix of housing
 - Major infrastructure and traffic impact
 - Environmental constraints
- 9.11 The context provided through the core strategy specifically for Chippenham is that the town should be a focus for growth which will be delivered through planned strategic allocations which deliver the requirements set out in Core Policy 10.

Chippenham Site Allocations Plan DPD (CSAP)

- 9.12 The CSAP has been submitted to the Secretary of State for Examination. The CSAP has been amended following the suspension of hearings identified below and identifies mixed use land opportunities necessary to deliver at least the scale of growth required by Core Policy 2 of the WCS. Two strategic allocations are identified at South West Chippenham (a current application site - together with 3 smaller additions) and Rawlings Green.
- 9.13 The CSAP hearings were suspended by the Inspector on 11th November 2015. In a letter from the Inspector on the 16 November 2015 he sets out his main concerns which were:
- Adequacy of the site selection procedure in terms of the ranking used and the two tiered approach taken
 - Adequacy of the Sustainability Appraisal which also used the two stage process and failed to consider reasonable alternatives
 - Deliverability of a plan which relies on a northern arc of development to deliver an Eastern Link Road
- 9.14 In response to these concerns the Council has set out a programme of work, to include public consultation, which will enable the hearings to recommence (Letter to the Inspector on 4 December 2015). This is scheduled to commence later this month. Although the suspension of the hearings has introduced a delay to the process the evidence prepared to support the Plan in the form of topic specific evidence papers linked to the CP10 criteria in the WCS remains relevant. However, for the present purposes little weight can be attached

to the CSAP itself given the fact that outstanding objections remain and the examination has yet to recommence.

- 9.15 Notwithstanding the progress with the DPD, CP10 retains its clear vision that sites on the edge of the town should come forward through a plan led process. The criteria included within CP10 could, however, usefully be applied to the consideration of planning applications.

Material Considerations relevant to the principle of development

- 9.16 The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify and regularly update a supply of specific deliverable sites sufficient to provide 5.25 years' worth of housing land supply measured against the housing requirements of the housing market area identified in the WCS (a description normally abbreviated to 5 years supply). The NPPF makes it clear that where this cannot be demonstrated, relevant policies for the supply of housing (which in this case would include CP1, CP2 and CP10) cannot be considered up to date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, while CP1, CP2 and CP10 are deemed out-of-date, that does not necessarily mean that they carry no weight. In the instant case it is believed that the policy objective of identifying Chippenham as a principal settlement which is to be a focus for development is still highly relevant and credible so that this policy objective should continue to carry significant weight.
- 9.17 Housing land supply has to be regularly assessed. The Council cannot currently demonstrate a 5 year housing land supply in the North & West HMA, and the current calculation is that the Council has a 4.76 years supply. This does not include the proposed site allocations in the Chippenham Site Allocations DPD. In these circumstances, NPPF Paragraph 49 advises that policies relevant for the supply of housing should not be considered up-to-date. As a result the presumption in favour of sustainable development as set out at Paragraph 14 of the Framework is engaged so that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 9.18 The conclusion that can be drawn from the foregoing is that the principle of development on this site must be considered acceptable unless evidence exists of adverse impacts that would significantly outweigh the benefits of providing housing and employment development in Chippenham.

Housing Delivery

- 9.19 Chippenham is a town which has seen limited levels of housing delivery in recent years as compared to historic levels of delivery. In part this is due to a downturn in the economy, which, of course, is now on an upward trajectory. Annual monitoring also suggests that at present the needs of Chippenham are being met at other locations within the North and West Wiltshire Housing Market Area, particularly Calne and Corsham. While Chippenham is identified as a Principal Settlement in the Core Strategy, the neighbouring settlements of Calne and Corsham are identified as market towns. In contrast to Chippenham annual monitoring shows rates of housing at these two towns are exceeding anticipated rates, indicating that growth has probably been deflected to them and away from Chippenham as a result of a lack of allocated land for development. (All of Calne and Corsham's indicative requirement for housing has been granted permission with 11 years of the Plan remaining, (Housing Land Supply Statement, April 2015 updated with appeal decisions at Corsham).
- 9.20 To deliver the indicative housing requirement set for Chippenham Town within the plan period an average build rate for Chippenham of about 225 homes is needed. This has not been achieved for the period since 2006 with 1015 homes built in 9 years.

- 9.21 As mentioned above the suspension of the CSAP has introduced doubt into the deliverability of the proposed allocations which has led to a shortfall in relation to the 5 year housing land supply position in the North and West Wiltshire HMA. Delivering housing now could be seen as a benefit to help address any shortfall in housing land supply. It should be noted that North Chippenham Housing site has recently been approved for 750 houses (N/12/00560/OUT 15th Feb 2016). However, although this is a significant number of houses, compared to the number that needs to be provided in Chippenham (4510), it is a relatively small proportion and certainly does not take away from the argument that a 5 year housing land supply cannot be demonstrated and that Chippenham has not been fulfilling its role as a Principal Settlement in housing terms.

Prematurity

- 9.22 PPG advice is as follows:

'Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*
b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.' (PPG 21b/14)

- 9.23 In the present case it is concluded that the proposal is not so substantial either on its own or in combination with other proposals to undermine the Plan-making process. The granting of consent for the application proposal would not prevent either of the proposed Sites Allocations DPD sites coming forward. Officers are aware that the Applicant in this case sees this application as Phase 1 of a larger development. However, officers' view is that the Council can only consider the application that is actually before it.

10. Design and Layout

- 10.1 This planning application is submitted in outline only. With the exception of access, all matters are reserved for later consideration. In order to assist in consideration, an 'Indicative Masterplan' embedded within a Design and Access Statement document setting out the principles of development has been provided so as to provide an indication of how the site could be developed in the quantum applied for. This is precisely the purpose of an outline submission, where all matters relating to layout, landscaping, appearance and scale are reserved for later consideration under separate Reserved Matters applications.

- 10.2 Since the application is submitted in outline only, reserved matters application(s) would be required for appearance, layout and scale before any development could take place. Accordingly, the detail for such matters as detailed plot and building layout; must all be assessed at that stage.

11. Landscape/Visual Impact

- 11.1 The Wiltshire Core Strategy – Core Policy 1: Settlement Strategy identifies Chippenham as a 'Principal Settlement' in the hierarchy of Wiltshire settlements. Principal Settlements are identified to deliver a greater proportion of Wiltshire's overall housing and employment land. It is accepted that this amount of growth cannot be delivered through re-development of large brown field sites in Chippenham, as there are not sufficient such sites. Therefore green field sites will be necessary to allocate for development in order to deliver this new strategic growth for the town.

- 11.2 All new development has the potential to result in landscape and visual change effects. So it should not be unexpected that this proposed large scale urban extension on green field land will result in some adverse (harmful) changes to the landscape as a resource, and also result in some adverse visual effects for people (visual receptors) viewing this proposed new development.
- 11.3 The landscape character assessments identify that large scale development connected with the future expansion of Chippenham is a specific issue which needs to be planned carefully in order to minimise harmful urbanising effects to landscape character and amenity. The 'Chippenham Landscape Setting Assessment' (TEP report) identifies that the future expansion of Chippenham needs to pay particular regard to the separate identity and character of its outlying rural settlements and built heritage assets which are important characteristic features of the wider landscape character.
- 11.4 A Landscape and Visual Impact Assessment (LVIA) was submitted with this application. The LVIA has identified a number of harmful landscape and visual effects, some of which have been assessed to be 'significantly adverse'. The most harmful change effects resulting from this development proposal are identified as; the permanent loss of existing farmland pasture and its replacement with urban development; the breach of the existing urban containment provided by mature wooded landscape structure south of Pewsham resulting in prominent new urban development extending into countryside south of the A4 Pewsham Way; the loss of rural openness within and across the application site from various private and public viewpoints, with new development and planting restricting and containing views.
- 11.5 While this application must be considered on its own merits, a number of other large outline planning applications for mixed use urban development schemes have also been made to the Local Planning Authority, all of which are located outside the existing defined limits of development, and all of which will result in some adverse landscape and visual change effects. All of these application sites are included within 'Strategic Site Areas' and have been assessed in terms of potential landscape implications within 'Chippenham Landscape Setting Assessment', prepared by TEP (2014). This report forms part of the council's wider evidence base underpinning the emerging 'Chippenham Site Allocations Plan'. 'Strategic Area D' is not currently being promoted as one of the Council's preferred allocation sites for strategic settlement growth.
- 11.6 This application site occupies a small part of Area D and it could be argued that this part of Area D exhibits the least rural and least tranquil characteristics and qualities of Area D, and might therefore be considered to represent the least sensitive part of this wider strategic area in landscape terms. This is due to the close proximity and influence of the busy A4 (on 2 sides), presence of detracting overhead power lines crossing the site, shared inter-visibility with Stanley Park Sports Ground and loose grained urban influences from existing ribbon development located along the A4 between Chippenham and Derry Hill. However, this proposal will introduce a new large scale highly visible dense urban block viewed from the A4 and from some private and public receptors along the elevated limestone ridge. The proposal will undermine and breach the existing wooded and well contained settlement boundary along the relevant stretch of Pewsham Way from the southern and eastern viewing arc. These effects will not be mitigated until the proposed mitigation planting begins to mature (estimated at 20-30 yrs) at which point residential roof tops will still be visible from elevated receptors located along the limestone ridge in a similar way to the existing Pewsham estate roof tops that are currently visible, although those on the proposed site will be closer. The proposed 3 storey dwellings at the edge of the site and on rising land will remain prominent, and it is considered that an outline development parameter of maximum 2.5 stories should be secured within the proposal. The issue of new development creating a narrowed rural separation and increased settlement coalescence between Chippenham and Derry Hill will also be a permanent effect resulting from urban development of this site. This would cumulatively increase in severity if phase 2 of this development is ever progressed. The possibility of height and species restrictions for new

planting within the area of the proposed new southern landscape buffer under and adjacent to the line of existing overhead electricity infrastructure raises concerns. In order to support local countryside character, this planting would need to incorporate the largest of locally occurring native tree species typical of the local area and planted in areas which will not be at risk of removal or 'tree topping' by the utility company in the future, if this proposed mitigation is to prove effective and sustainable over the longer term. To this end the applicant should be asked to confirm further detail of any National Grid or other electricity company's specific easement routes and maintenance access requirements across the site. Any necessary standoffs to new native woodland planting under and in close proximity to this overhead infrastructure will need to be clearly illustrated within their outline parameter plans and landscape strategy as a development constraint.

- 11.7 The Council's Landscape Officer is not convinced that the illustrative layout material has adequately responded to the mitigation requirements identified in the LVIA, or appropriately considered the landscape recommendations contained within the TEP report for strategic area D, or responded suitably to the local landscape character assessment guidelines. It is also of concern that the application boundary arbitrarily carves through the southern fields and fails to work with the existing obvious landscape structure of field pattern boundaries. The current proposal is clearly defining future development plots connected with a planned phase 2 development, which is particularly apparent close to the proposed access point.
- 11.8 The proposal does not, in officers opinion demonstrate that sensitive design, landscape mitigation or enhancement of landscape character would be appropriately incorporated into this development proposal. In this regard, the submitted 'Building heights parameter plan' (Figure NTS4) and 'Land use and landscape parameter plan' (Figure NTS3) may weaken the future ability of the council to control, or require that important changes are made within any subsequent detailed application/s. If the LPA is minded to further consider, or grant planning consent for a large scale urban extension at this site, then a condition requiring an additional reserved matters submission of a revised development parameters plan/s which should include 'Land use; Strategic landscape, green infrastructure, and ecology functions and areas; building heights & urban block/massing; external vehicular and pedestrian connections and internal circulation routes and clearly show development constraints such as utility service easements, and infrastructure would be required.
- 11.9 Further to these comments and following subsequent correspondence with the applicants landscape consultant, and the receipt of revised planning information the landscape officer provided the following additional comment;
- 11.10 The LVIA identifies that development could be mitigated to some extent by careful urban and landscape design parameters guiding the design and layout of new built development (i.e. restrictions to building heights) and by retaining and reinforcing existing trees and hedgerows within green swathes following existing field boundaries, strengthening landscape treatment along the A4, and also by identifying land for the creation of a new southern landscape buffer fronting countryside to the south.
- 11.11 The landscape officer concluded that he is unable to support the application. The revised illustrative 'Landuse and Landscape Parameter Plan' (included within the ES Addendum ref: Figure NTS3 / 2.2) better responds to the mitigation requirements identified in the LVIA, the management guidelines highlighted in the relevant Landscape Character Assessments, and also the landscape recommendations contained within the TEP report for strategic area D. The revised development parameters illustrate development up to 2.5 storeys maximum, retention and strengthening of hedgerows and trees; an increase of the landscape buffer fronting the A4, and establishes new design intent for inclusion of 'green streets' (tree planting in public realm) broadly following contours to help break up the proposed urban development blocks. However, the proposal is still considered to be at odds with the policy requirements of WCS - Core Policy 51, which requires that; *"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 and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. 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 water bodies.*
- (ii) The locally distinctive character of settlements and their landscape settings.*
- (iii) The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe.*

11.12 Notwithstanding the application being submitted in outline form, and despite the site's proximity to the edge of Chippenham, it is clear that the Landscape Officer regards urban development of this size and general scale at this location to have an unacceptably harmful impact on landscape character. He considers that the development proposal would breach the A4 and the strong well wooded landscape structure located along the southern edge of Pewsham which undermines the existing effective and established visual containment of the town. The introduction of this urban development into this open and visually prominent area of countryside also reduces the existing rural separation between the separate settlements of Chippenham and Derry Hill and erodes the existing valued and effective landscape transition between town and countryside.

12. Ecology

12.1 The development would potentially impact upon a number of ecological receptors including:

- Cattle grazed pasture
- Hedgerows
- Mature/veteran trees
- Watercourses
- Bats
- Great crested newt
- Breeding birds

12.2 The submitted indicative masterplan and parameters plan suggest how many of the more significant habitat features would be incorporated into the fabric of the development, and this is explained in more detail within the ES and would be secured through the subsequent reserved matters applications. Impacts could be further reduced through sensitive construction methods, landscaping/habitat creation, sensitive lighting and favourable long-term management, which could be secured through planning conditions. The development would inevitably have some residual effects upon the above receptors within the development area and nearby as a result of habitat fragmentation and general effects of urbanisation, particularly on the hedgerow network and farmland bird assemblage. However, there are opportunities to improve the ecological value of other habitats on the periphery of the site, particularly through the creation of the SUDS.

12.3 The Council Ecologist is therefore satisfied that the proposals submitted are in accordance with paragraph 118 of the NPPF and CP50 of the Wiltshire Core Strategy, and meet all statutory requirements in accordance with Circular 05/2006, subject to a number of conditions.

Matters Considered:
Statutory/non-statutory sites

- 12.4 The proposals are not considered likely to affect any statutory or non-statutory designated sites due to the nature, location and scale of development proposed.

Habitats

- 12.5 The site is dominated by improved cattle grazed pastures of low ecological value bounded by hedgerows. These pastures would be lost, however this would be compensated by the creation of smaller areas of species-rich grassland in the SUDS basins and surrounding areas.
- 12.6 These hedgerows are variable in condition, species richness and ecological value, with the most valuable being the hedgerow which runs north/south through the site along the site of the public right of way (H7/H10) which is species-rich and has a large number of mature standard trees and is of BAP quality. The illustrative masterplan shows how the majority of these could be successfully assimilated into the layout, including those which traverse the site, albeit there will be a degree of loss which will fragment the remaining network as a whole. Some of the hedgerows on the northern boundary of the site would be bounded on both sides by residential gardens, leading to their probably long-term decline through unfavourable management; however the majority would be within the public realm on at least one side. The masterplan indicates that the most important hedgerow would be largely retained within the public realm on both sides along most of its length, and this could easily be achieved along its entire length through detailed design. The scheme will include a degree of native structure planting and new hedgerows which will help to compensate for the impacts on the wider hedgerow network.
- 12.7 Mature trees occur almost entirely within the hedgerow network which would be retained with the exception a single free standing mature oak, however this is not believed to be of particularly notable ecological value. A single specimen oak exhibits signs of being a 'veteran'; however the indicative masterplan indicates that this would be retained within an area of public open space. An area of mature mixed deciduous woodland is present to the west of the development site; however this would be buffered from development.
- 12.8 A number of ditches traverse the site, flowing in a generally southerly direction towards the River Avon. These are variable in character, being drier and of lower ecological value at their northern end, becoming wetter and more diverse further south. While it appears that the ditches which cross the site would be lost, the creation of permanently wet SUDS features in the south of the site is likely to create ecologically more valuable wetland habitats in the long-term.

Species

- 12.9 Populations of great crested newt have been confirmed as breeding within 250m of the site to the north (Wedmore Farm) and south of the site (former canal). The A4 road is likely to be a barrier to migration of newts from the northern population onto the site; however it is likely to provide terrestrial habitats for the southern population, which would be lost to the development. This would be compensated for the creation of areas of rank grassland and hibernacula at the western end of the development (closest to the ponds), and also through the creation of SUDS features and native planting. Newts would also be translocated out of the development footprint prior to commencement of construction in order to avoid killing/injury of animals which may be present at the time, while adapted gully pots are proposed to reduce mortality in the long-term. It is expected that these measures will be sufficient to maintain the favourable conservation status of the local populations.
- 12.10 Bat roosts are present in Forest Farm to the south of the site; however no roosts were identified within the site itself. A good diversity of bats (ten species) was recorded using the local hedgerow network for commuting/foraging, although greatest activity was recorded outside of the development area, with the exception of the species-rich hedgerow which runs along the public right of way. Rare species including barbastelle, nathusius pipistrelle, greater horseshoe and lesser horseshoe were all recorded by static detectors, however only in relatively low numbers. The proposals include the provision of 50 bat boxes,

incorporation of valuable hedgerows within the development scheme, and a sensitive lighting scheme to ensure that those retained hedgerows remain dark and of value to commuting/foraging bats.

- 12.11 The site supports an assemblage of 42 breeding birds including six red list and eight amber list species, representing a fairly typical breeding assemblage for a greenfield site in this location. This assemblage would be largely dispersed from the development site due to human disturbance, while they are likely to be replaced by an assemblage of common urban species. The effects of disturbance and predation (by cats) are likely to extend beyond the site boundaries into the wider countryside, decreasing with distance.
- 12.12 Badgers are active in the local area, but no setts were recorded within the site itself.
- 12.13 No evidence of reptiles, dormouse, water vole or otter was recorded during the surveys.

13. Impact on Historic Landscape and Heritage Assets

13.1 The existing A4 (London Road) provides a visual separation from the existing Pewsham extension to Chippenham and the adjacent rural landscape. The character of the immediate area surrounding the application site is rural. There are a handful of properties on the southern side of the A4 adjacent to the roundabout, typically these houses are set within generous plots and their rear gardens adjoin open farm land. The site is currently fields which affords views to Derry Hill behind and the Tower of the Golden Gates to the Bowood Estate. The Golden Gates are Grade II* listed and currently perceived in a rural open setting when viewed from the context of the A4 Corridor as one leaves Chippenham. The gates and tower are located within the Derry Hill Conservation Area and in close proximity on a number of other listed building including:

- 21 Derry Hill - Grade II
- 22 Derry Hill - Grade II
- 23 Derry Hill - Grade II
- The Lansdowne Arms - Grade II
- 25 Devizes Road - Grade II

13.2 In addition the gates and tower mark the entrance to the Bowood Estate, a Grade I registered Park and Garden.

13.3 Whilst the statutory list entry refers to the villages of Derry Hill and Studley as being part of the Northern Setting of the registered park, the wider setting of the estate has been historically a belt of rural fields and agricultural land interspersed with modest pockets of housing and farmsteads leading towards the direction of Chippenham. The principle of housing on the land known as Forest Farm would alter the current situation causing a degree of harm to the setting of the heritage assets located on top of Derry Hill.

13.4 The submitted information details a study area that requires expansion to explore full impact of the proposed scheme on the setting of these designated heritage assets.

13.5 In addition to the issues mentioned above the Conservation Officer has also noted that the scheme will have an impact on the current setting of the following designated heritage assets:

- Forest Gate Farm House - Grade II
- Hill View - Grade II
- Jeroans - Grade II
- The Lysley Arms – Grade II

13.6 It is similar considered that the proposed development would result in a degree of harm to the setting of these heritage assets.

- 13.7 Historic England have also reviewed the application and commented that the majority of designated heritage assets within close proximity of the site are Grade II or of local interest and do not come within their remit (for normal comment). There may also be archaeological deposits present in this area that should be properly evaluated in line with the County Archaeologist's Advice. Of particular note is the undesignated disused canal that has considerable historic and communal interest. Further away to the south east, is the Registered Bowood Park, a Grade I listed historic park with its array of separately listed assets within the grounds including the Grade I Bowood House and Grade II* Golden Gates, the main entrance to the park which commands a dominant position on the hills overlooking this site.
- 13.8 Historic England are pleased to see that an appropriate specialist report has been commissioned to better understand the historic environment close to the development site but are disappointed that more work has not been undertaken to ascertain the impact of this proposal on the heritage significance of Bowood Park and its setting. Of particular interest will be the impact of lighting for this development including the new roundabout and associated road works and how this will impact on the rural qualities of this agricultural land that forms a pastoral backdrop and buffer between the town and villages. The creation of an employment area with large footprint buildings so close to the southern edge of the development could also have a dramatic impact on the landscape character.
- 13.9 Central to Historic England's advice to local authorities is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to *"have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses"*. When considering the current proposals, in line with paragraph 128 of the NPPF, Historic England did not consider that enough information has been provided for them to judge the impact of this development on this highly significant heritage asset and its setting. The settlements of Derry Hill, including Old Derry Hill Conservation Area and Studley are important historic estate villages, lying to the north of the Park's perimeter, forming part of the wider historic landscape to Bowood and should also be subject to a thorough assessment. Historic England noted the additional information submitted on the 13th April 2016; however, this did not include sufficient information for Heritage England to make a proper assessment of the likely impact. Without this information Heritage England are unable to support the application.
- 13.10 In respect to archaeological interest, this site has been the subject of archaeological evaluation with two phases of geophysical survey and a programme of trial trenching. The results of this work were included within the Environmental Statement Addendum. The survey and trenching work has revealed a small Roman farmstead present in the central and southern western of part of the site, as indicated in Figs 5.7 and 5.8 of the Addendum. As the remains here are of local and regional significance they can be mitigated by archaeological excavation, as detailed in sections 5.58-5.64 of the Addendum, and secured as a condition to any grant of consent. However, there is some confusion about the type and extent of mitigation required as set out in sections 5.58-5.64 of the Addendum, and the details will need to be clarified and approved in a Written Scheme of Investigation prior to any work commencing. Fig 5.7 indicates a proposal for the extent of mitigation required which the Council's Archaeologist does not agree with. More mitigation on the west part of the site is required than indicated here.
- 13.11 Overall, this development is considered to harm the setting a number of heritage assets because the rural character would be eroded, the agricultural land that many of the heritage assets were constructed to be associated with will be lost and the setting urbanised. The Conservation Officer expresses the view that the harm caused would be less than substantial but that the harm cannot be outweighed by the public benefit. The proposals would therefore be contrary to the NPPF section 12, as well as section 16(2) and 72(1) of the Planning (Listed Building and Conservation Area) Act 1990.

- 13.12 Notwithstanding the application being submitted in outline form only where only at Reserved Matters stage will all details be known, it is clear that the Conservation Officer regards development of this size and general scale, in this location, to have an unacceptably harmful impact on the landscape setting of heritage assets including the Listed Buildings and Derry Hill in particular.

14 Access and Highway Issues

Travel Plans

- 14.1 The planning submission includes two framework travel plans, one each for the housing and employment elements. These FTPs will be required to be modified to a degree to make them acceptable (e.g. to secure adequate monitoring periods following full occupation; to better define how TP Coordinators will be established and funded, to ensure that early incentives for bus and cycle travel are included etc). Fundamentally, however, the FTPs offer a sound base on which to grow.

D&A Statement

- 14.2 The D&A Statement identifies, amongst other things, that Pewsham Way severs the site from parts of the town. This will need to be addressed by way of formal crossing arrangements on Pewsham Way to facilitate easier movement for cyclists and pedestrians.
- 14.3 At 5.54 the D&AS suggests provision of a refuge on Pewsham Way to aid movement to local services; monitoring over time will determine the most appropriate form of crossing. It also identifies a requirement for new surfaced routes on Pewsham Way to accommodate demand and attract sustainable transport options.

Transport assessment

- 14.4 The TA demonstrates that, with local improvements for pedestrians and cyclist the site can be regarded as being reasonably sustainable from a transport perspective; it is adjacent a good local bus corridor, with bus stops appropriately located to serve the site. However, it is noted that some of the proposed dwellings would fall in excess of the recommended maximum walking distance to the bus stops on London Road. There are currently no bus services on Pewsham Estate.
- 14.5 The Highways Officer is satisfied that the requisite local improvements (to include but not limited to improved and new cycle track links on the A4, including Chippenham Transport Strategy Refresh 2015, radial route scheme PC09, cycle-track provision on links to Pewsham estate across Pewsham Way, and footpath surface upgrades) can be achieved by way of conditions and planning obligations. The TA clarifies the D&AS on issues related to off-site transport improvements.
- 14.6 The traffic forecasts are based on 2014 traffic data, which is accepted, although it is known that for London Road 2015 peak hour counts were up to 4.5% higher.
- 14.7 The assessment shows that the proposed site access will not have capacity issues at 2020, but the existing Pewsham Way roundabout will be required to have capacity improved on its eastern arm to accommodate forecast flows and mitigate impacts (the sensitivity testing, Chapter 8, confirms the development impacts on queuing traffic in the morning peak period). Likewise the Pewsham Way arm of the Avenue La Fleche roundabout will require some modification to improve capacity. Impacts at the Bridge Centre junction, where capacity is limited, would be slightly adversely affected by the development, but improvements here could not readily be justified at the expense of the development.
- 14.8 The development would, if permitted, have an impact on the restricted numbers of dwellings allowed to access the A4 from the East Chippenham site in advance of other infrastructure works associated with the East Chippenham, the North Chippenham and

Rawlings Green sites, if the restraints identified in the transport evidence for the Core Strategy EIP are to be maintained.

Masterplan

- 14.9 The general arrangement of the development (as set out in the broader masterplan in the D&AS) appears to assume a second (emergency) access to the site, but no provision is shown to facilitate bus movement into or through the site (again an issue for RMs). It is disappointing that no second access is shown to Pewsham Way, but this is not considered to be justification to refuse the application.
- 14.10 The masterplan for the site shows the provision of possible cycle-tracks to link to the existing infrastructure on the west side of Pewsham Way; such links are critical to the delivery of sustainable transport travel options, and delivery of the off-site connecting routes will need to be secured by condition or planning obligation.
- 14.11 Within the site the potential arrangements appear to be acceptable in principle, but the road junction to serve the Phase 2 development might need to be located further from the roundabout to ensure that TD9 paragraph 1.26 SSD is available (an issue to be resolved through RMs).
- 14.12 There is no route within the site shown connecting with the permissive footpath link to the canal to the south of the site; this will be required along with the surfacing of CHIP 16 within the site.

Site Access/A4 works/ Off-site highway works

- 14.13 The proposed site access is acceptable in principle, but the east side A4 road alignment will need to be amended to remove the reverse curves on the A4 carriageway, which would be aesthetically unacceptable, as well as unnecessary and a potential safety threat to motorcycle riders (from detritus in generally un-trafficked areas).
- 14.14 The layout provides for a potential 4th arm to serve the sports ground, currently served from Stanley Lane; this is an acceptable arrangement, but temporary arrangements in respect of carriageway edges will be required for such period as the fourth arm is not utilised. Temporary physical arrangements will be required to ensure that access is not possible to the sports site unless and until works have received planning permission and been constructed.
- 14.15 Bus bay provision will be subject to review.
- 14.16 The shared surface cycle-track should be (LTN 1/12) 3m wide where possible, linking back to Stanley Lane.
- 14.17 It is acknowledged that the Stage 1 RSA found no issues with the initially drawn arrangements for the site access.
- 14.18 The arrangements shown on Drawing GA-012C are acceptable in principle. Junction capacity improvements at either end of Pewsham Way do not require design drawings at this stage. A s278 agreement will be required to deliver the access works and other identified on-highway works.
- 14.19 The Highways Officer later provided additional comments following the submission of an addendum to the TA dated 13th April 2016, and has confirm that they concur with the conclusions reached therein. The matters raised above have all been addressed. In relation to the pedestrian crossing on Pewsham Way, the officer sees no reason why the Lodge Road link should not be provided by the developer, subject to the council making available the necessary land (where it is not already highway), as an alternative to a contribution being made, at the council's discretion.

14.20 Accordingly the officer has confirmed that they raise no objection to the application subject to conditions/planning agreement.

15. Flooding and Drainage

15.1 The Council's drainage officer concluded that the drainage will be directed to Wessex Water sewers so if they have spare capacity then they raise no objection to the application. Wessex Water has commented that the site will be served by separate systems of drainage constructed to current adoptable standards. It is acknowledged the FRA submitted with the planning application which confirms Wessex Water's requirements for further appraisal to consider the impact of the predicted foul flows from the development on the downstream sewer network. Appraisal will need to consider the timing and phasing of other planned development in the upstream catchment to facilitate a sustainable drainage option, as appropriate, for development at East Chippenham.

15.2 The applicant has indicated that surface water will be attenuated on site and discharge to an existing watercourse to the south of the site; the strategy will require the approval of the LLFA. Wessex Water will discuss adoption arrangements as appropriate. Water supply modelling will be required to consider the impact of development upon Wessex Water's existing customers and a suitable point of connection for the development. The nature of off-site reinforcement will need to be considered in line with other approved developments within the area.

16. Conclusion

16.1 The application site lies outside of the limits of development for Chippenham, as defined by Policy CP1 of the Wiltshire Core Strategy. Core Policy 2 goes on to state that development outside of the limits of development of existing settlements will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The application is neither exceptional in this regard nor brought forward through the plan making process and is therefore contrary to the provisions of Policy CP1 and CP2 as well as saved Policy H4 of the North Wiltshire Local Plan 2011. CP10 is offended insofar as it is linked to CP1 and 2 and only envisages development in Chippenham being Plan led.

16.2 At present, the Council cannot demonstrate a 5 year supply in the North and West HMA, as required by the NPPF. In these circumstances, paragraph 14 of the NPPF is engaged and the application must be considered in the context of the "presumption in favour of sustainable development" and a weighing of the adverse impacts of the development compared to the benefits

16.3 In this particular instance, there are several material planning considerations that are reasons why the proposal cannot be regarded as being sustainable development:

- A development of this size and general scale, in this location, would have an unacceptably harmful effect on the landscape character of this rural area of countryside which generates a number of harmful landscape and visual impacts. Despite the site's close proximity to the existing edge of Chippenham large scale urban expansion at this location will undermine the valued countryside transition and setting to the town and breach the existing effective visual urban containment provided by mature wooded landscape structure south of Pewsham. This development will also reduce the existing rural separation between the individual settlements of Chippenham and Derry Hill, which is also considered to be harmful. The proposal is therefore contrary to the provisions of policies CP10, CP51 (i), (ii) and (iii) and also CP57 (i), (ii), (iii) and (vi) of the Wiltshire Core Strategy.
- The development is considered to harm the setting a number of heritage assets because the rural character would be eroded, the agricultural land that many of the heritage assets were constructed to be associated with will be lost and the peaceful setting urbanised. The Conservation Officer expresses the view that the harm caused

would be less than substantial but that the harm cannot be outweighed by the public benefit. The proposals would therefore be contrary to Core Policy 58 of the WCS, NPPF section 12, as well as section 16(2) and 72(1) of the Planning (Listed Building and Conservation Area) Act 1990.

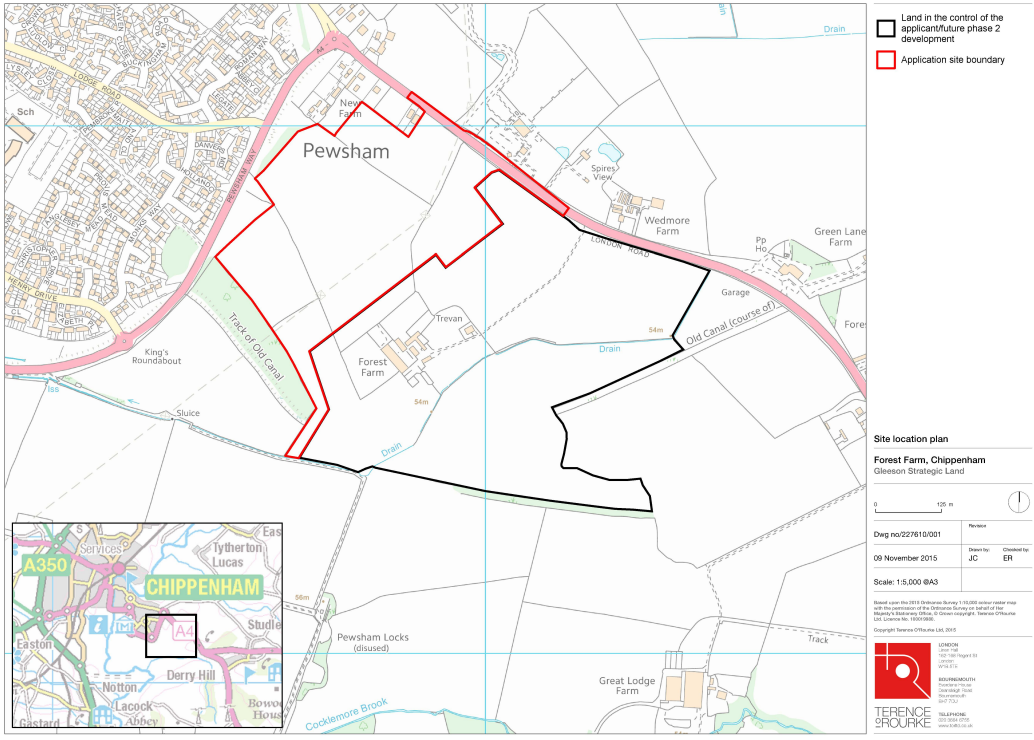
16.4 It is considered on this occasion that the adverse impacts identified above outweigh the benefits of scheme. It is therefore not considered to be sustainable development in the context of the NPPF paragraph 49 and planning permission should be refused accordingly.

17. Recommendation

17.1 Had the Committee been able to determine the application, officers would have recommended that planning permission be REFUSED. It is therefore recommended that officers be authorised to contest the appeal for the following reasons (including the delegated authority to negotiate potentially satisfactory outcomes that may address reason for refusal 4 prior to that appeal taking place):

1. The proposal is unacceptable when having regard to the principles of policies CP1 and CP2 of the Wiltshire Core Strategy (2015), saved Policy H4 of the North Wiltshire Local Plan 2011, as well as the principles set out within the National Planning Policy Framework.
2. A development of this size and general scale, in this location, would have an unacceptably harmful effect on the landscape character of this rural area of countryside which generates a number of harmful landscape and visual impacts. Despite the site's close proximity to the existing edge of Chippenham large scale urban expansion at this location will undermine the valued countryside transition and setting to the town and breach the existing effective visual containment provided by mature trees and woodland. This development will also reduce the rural separation between individual settlements which is also considered to be harmful. The proposal is therefore contrary to the provisions of policies CP10, CP51 (i), (ii) and (iii) and also CP57 (i), (ii), (iii) and (vi) of the Wiltshire Core Strategy.
3. The development is considered to harm the setting of a number of heritage assets because the rural character would be eroded, the agricultural land that many of the heritage assets were constructed to be associated with will be lost and the peaceful setting urbanised. The harm caused would be less than substantial but that the harm cannot be outweighed by the public benefit. The proposals would therefore be contrary to Core Policy 58 of the WCS, NPPF section 12, as well as section 16(2) and 72(1) of the Planning (Listed Building and Conservation Area) Act 1990.
4. The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure. Such infrastructure shall include (but not be limited to) affordable housing, educational facilities, public open space, play equipment and footpath connections to the town, public transport provision and directly related highways work, waste collection and measures for future maintenance of the site. The application is therefore contrary to Core Policy 3 of the Wiltshire Core Strategy.

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REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	14 th September 2016
Application Number	14/11556/FUL
Site Address	Land North of the A350, West Cepen Way, Chippenham, Wiltshire SN14 6YG
Proposal	Storage & Distribution Centre (B8) & Service Yards, Parking, Landscaping & Associated Development. Retail Unit (A1) with Mezzanine Floor & Outside Garden Centre Area, Including Service Yards, Parking, Landscaping, Access & Associated Development.
Applicant	First Chippenham LLP
Town/Parish Council	Chippenham Without
Division	Kington
Grid Ref	390483 174694
Type of application	Full
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application was called to Committee by Councillor Greenman in the event of a recommendation for approval to consider issues of highways impact, environmental impact, archaeological assessment, scale and size. In addition, to explore consistency with the Core Strategy including Wiltshire Council's addendum in respect of the boundary to Chippenham formed by the A350.

The application has been reported to Committee given the very large scale of representations of both support and objection and given the strategic scale of the proposed development.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that planning permission be refused.

(Should the committee be minded to wish to approve the application, such a resolution would need to be referred to the Secretary of State for Communities and Local Government to determine whether or not he wishes wish to recover the application for his own determination.)

2. Report Summary

3498 objections received which includes 500 and 17 persons on 2 separate petitions. 230 comments and observations received. 151 representations of support received during the early phases of consultation.

Following further submissions and related consultation a total of 3772 objections. 250 comments received. 158 representations of support.

Multiple Parish and Town Councils have raised objection and concerns.

3. Site Description

The site is open agricultural land located on the fringe of Chippenham adjacent to the A350 bypass outside of the defined settlement boundary. The land is gently undulating with higher ground to the centre of the site falling to lower levels adjacent the A350. The site features mature boundary hedgerows incorporating mature trees, there are separate field parcels forming the site and these are defined by mature hedgerows including mature trees. The hedgerows on site in part fall within the definition of important hedgerows under the hedgerow regulations whilst some of the mature trees within the site are subject to tree preservation orders. The site is also crossed by a watercourse whilst further water courses run adjacent to the site.

To the north west of the site land rises steeply and includes woodland subject of a tree preservation order with Chippenham Golf Course lying adjacent to that land. To the north of the site and north east are significant built developments including a hotel, petrol stations, care home and Morrison superstore. The section of the A350 running northward from the Badger roundabout north of the site has been subject to recent dualling. To the north east and east of the site on higher ground falling to lower levels in a southerly direction is the residential development of Cepen Park West. This locality is separated from the application site by the A350, retained verges, mature hedgerows and trees and significant bunding between the A350 and the residential area. To the south and west of the site lies open agricultural land again defined by mature hedgerows with mature trees and watercourses. To the south west lies the village of Allington which contains various heritage assets including a designated conservation area and various listed buildings.

The site itself is one of archaeological potential and investigations by the applicant have confirmed the presence of significant archaeology dating from Bronze Age, Roman and Medieval periods. English Heritage (now Historic England) consulted interested parties in respect of proposals for the Scheduling of these archaeological remains as an Ancient Monument during the application process. As of 03/03/2015 it was confirmed that part of the site is designated as a Scheduled Ancient Monument.

Since the application was submitted significant works to the highway A350 have now taken place with further sections of the road now subject to dualling, including within the vicinity of the site albeit the section of road directly adjacent the proposed site access arrangements has not yet been fully dualled and the work remains to be completed.

4. Planning History

14/07265/SCO	Request for EIA Screening / Scoping Opinion
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5. The Proposal

The application description is as follows:-

Storage & Distribution Centre (B8) & Service Yards, Parking, Landscaping & Associated Development. Retail Unit (A1) with Mezzanine Floor & Outside Garden Centre Area, Including Service Yards, Parking, Landscaping, Access & Associated Development.

The proposal is put forward as for the erection of a regional storage and distribution facility for The Range to service their southern operations including the company's programme of retail store expansion. The distribution centre will include ancillary office space. The proposals also include an A1 retail store for the Range with related outdoor garden centre. The proposals include ancillary development including access, landscaping, planting, parking, service areas, acoustic fence, outdoor storage, earth movement and drainage works.

The proposed regional distribution centre (RDC) will have a total floorspace of 72,070 sq m (GIA) including 1,906 sq m (GIA) of office space over two storeys and two hub offices totalling 929 sq m (GIA), with a 760 sq m recycling centre and separate gate house building. The building will measure approximately 18 metres to ridge height. Provision of 600 parking spaces is proposed to serve the RDC operating 3 shift patterns over a 24 hour period. An internal circulation road running around the building is proposed for HGVs to be serviced via bays located to the front and rear of the RDC building.

The retail store will comprise 3,782 sq m of floorspace with an additional 1,858 sq m mezzanine floor and 556 sq m outdoor garden centre. The net trading floorspace is 5,413 sq m including the garden centre. The retail store will also have 100 sq m ancillary customer café. The retail unit would measure 7metres in height internally. Provision at the store of 250 car parking spaces is proposed. Opening hours for the retail store are not proposed in the application form and would need to be the subject of condition in the event of approval.

The structures will utilise a combination of cladding panels in various muted and natural colours (olive green, moorland green), with some natural local limestone in the retail unit and significant elements of glazing.

The site will be levelled through significant earth movement including extraction to the rear or western boundary and toward the centre of the site with land raising to the front or eastern site boundary in order to create a level site.

The proposals include on site creation of balancing ponds and the diversion of an existing watercourse around the southern boundary of the site. The site will also accommodate an internal access and circulation road system for both buildings and parking areas with a bus turning facility and layby. The proposals include direct access to the A350 via a priority right turn junction on highway with ghost land to access the site and a left turn egress only back to the A350 from the site.

The proposals have been screened as Environmental Impact Assessment (EIA) development falling with category 10 Urban Development Projects of greater than 0.5 hectares within Schedule 2 of the Town and Country Planning Environmental Impact Assessment Regulations 2011 (As amended). Schedule 2 category developments do not automatically require an EIA as is the case with Schedule 1, an assessment is required as to the sensitivity of the application site and location in terms of environmental designations and interests and the potential for the development proposed to impact on such considerations. In this instance the combination of the scale of the development proposed and potential impacts in terms of landscape and visual amenity, ecology, drainage, water supply, heritage assets and highways cumulatively contributed to the assessment that the development proposed must be the subject of an EIA. The application submission was supported by an Environmental Statement (ES) following an EIA. This ES has been the subject of further information submissions following the initial consultation in respect of the proposals. Consultation process and outcomes are addressed in further detail below.

6. Planning Policy

National Planning Policy Framework (NPPF) Paras 14, 17 Sections 1, 2, 4, 7, 11 & 12

Planning Practice Guidance

Wiltshire Core Strategy Adopted January 2015:-

CP1, CP2, CP3, CP10, CP34, CP36, CP38, CP41, CP50, CP51, CP52, CP55, CP56, CP57, CP58, CP60, CP61, CP62, CP65, CP67 and CP68

Saved policy NE 14 North Wiltshire Local Plan.

Chippenham Sites Allocations DPD submitted to the Secretary of State July 2015; and Revised Submissions July 2016.

7. Consultations

Consultation was undertaken in respect of the initial application submission which expired on the 8/1/14. The press notice issued in respect of this consultation did not include a complete description of the development proposed and so a further consultation period was undertaken with full re-consultation. Following the first consultation period and responses received additional submissions were made in respect of archaeological Investigations and an Addendum to the Environmental Statement. A further period of consultation was then undertaken in accordance with statutory requirements under the EIA Regulations relating to further information in respect of an Environmental Statement. The comments received in respect of the consultation on the application submissions are summarised as follows:-

Highways Agency (Subject to revised working arrangements and renaming as Highways England during the application process):

Holding direction issued seeking additional information. Following provision of a technical note by applicant's transport consultants Highways England maintained that they remained unable to respond as not all the requested information was provided. This largely related to impacts on traffic movements at J17 of the M4.

Subsequent to this the applicant team has been in direct liaison with Highways England in order to provide the additional information requested. That process was completed in June 2015. As at April 2015 new regulations in respect of Highways England were introduced and this removes their right of direction on planning applications, however directions already in effect remained in place. Under the new arrangements and in accordance with the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015, where a LPA disagrees with the recommendations of Highways England the application must be referred to the Secretary of State Department of Transport for determination.

Highways England has removed its holding direction to positive determination subject to use of a condition. The condition requires that the proposed B8 warehouse does not operate a change of shift working during peak travel hours. Officers (Planning, Highways, & Enforcement) all consider that this condition is both unenforceable and potentially unreasonable as it does not allow for a staggered shift changeover during these hours. As such the proposed condition is not considered to meet the 6 tests on the use of conditions set out in the PPG and should therefore not be applied. Given this position if the Committee is minded to approve the application referral to the Secretary of State for Transport will be necessary.

Environment Agency:

No objection subject to conditions and informatives.

Natural England:

No objection identified but support proposed bat mitigation measures; identifies the need for the LPA to assess landscape impact; Refers to its standing advice re: protection of natural species; promotes biodiversity enhancement.

Wessex Water:

No objection but identifies requirement for agreement of point of connection of the proposed private foul drainage system public network and that the public network only has capacity for domestic flows; trade effluent will require separate consideration and agreement. No details of water storage tank capacity available but there is capacity in the water supply network as requested. The impact of connection and provision subject to further testing and agreement of operation requirements, which could be covered by conditions.

Wiltshire Fire & Rescue:

No objection but recommend use of sprinkler systems and identify need to agree location of fire hydrants. Access for emergency vehicle required.

English Heritage (reorganised and renamed during the application process now Historic England):

Objection - harm to above ground Heritage Assets.

In respect of below ground heritage assets – initiated process for consideration of scheduling as an ancient monument.

Scheduled Ancient Monument status confirmed as of 03/03/15. The applicant submitted a request to the Secretary of State for Culture, Media and Sport (DCMS) for that decision to be reviewed. That review has now been completed and the designation of part of the site as a Scheduled Ancient Monument has been confirmed by the Secretary of State by correspondence dated 23/07/2015.

As such in the event of a resolution to approve the application a further application to DCMS for Scheduled Ancient Monument Consent would be necessary.

Following submission of ES Addendum including Archaeological Investigation Historic England objects to the proposals identifying harm to the setting of Grade II* Listed Buildings and the Setting of the Allington Conservation Area; Also harm to the fabric and setting of below ground heritage assets – buried archaeology. Historic England identify that a Scheduled Ancient Monument Consent would be required should full planning permission be granted.

Spatial Plans and Economic Development Teams:

Additional information requirements identified.

Following Submission of the ES Addendum it is identified that the GVA uplift and job creation figures are sound and credible. The proposals will make a significant contribution to the strategic economy and meet the economic development aims and objectives of both the South West Strategic Plan and the WCS.

It is identified that the proposals accord with and meet several of the criteria of CP34 of the WCS in respect of new employment related development on unallocated sites. Criterion vi in respect of environmental impacts is not fully addressed given the representations of specialist consultees in these matters.

This position is on the basis of the application submissions identifying The Range as the end user of the development. The withdrawal of the Range as occupant at least in respect of the RDC is addressed further in the main body of the report.

GVA Grimley:

Additional Information requested.

Following submission of the ES Addendum it is identified that the sequential test in respect of sustainable locations for retail development required by the NPPF para 24 and policy CP38 of the WCS has not been addressed and met in full. In particular inadequate information is included to demonstrate that potential alternative and sequentially preferable sites have been fully assessed. In several instances sites have been discounted as inadequate without the applicant fully considering and demonstrating that they have considered alternative forms of development proposals.

It is also identified that the impact on Chippenham Town Centre in terms of trade diversion has been underestimated with the impact likely to be considerably greater than identified in the RIA resulting in harm to the vitality and viability of the Town Centre. It is recommended that the application be refused on both grounds.

Wiltshire Council Highways:

Objection. Recommend refusal

Following submission of the ES addendum Highways Officers maintained their objection to the scheme proposals with particular reference to the impact of traffic movements to and from the site during peak hours and the negative impact on the free flows of traffic on the A350 at peak hours including vehicular movements at the two nearby roundabouts.

Wiltshire Council Drainage:

No objection subject to conditions

Wiltshire Council Rights of Way:

No objection

Wiltshire County Archaeologist:

Holding Objection until results of the Trial Trenching investigation became available.

Following submission of the ES Addendum Officers maintained their objection to the proposals and recommended refusal due to harm to and loss of significance of the buried archaeology.

Wiltshire Council Ecology:

Additional information requested

Following submission of the ES addendum officers raise objection to the harm to BAP protected Ecological habitats and species of fauna. Concern is also raised as to the ES submissions which are identified as consistently underestimating the significance of the impact of the proposals and over estimating the benefits of the proposed mitigation measures.

Wiltshire Council Landscape Officer:

Objection and recommend refusal.

Following the submission of the ES Addendum officers maintained their objection to the scheme proposals identifying significant harm to the landscape and character and

appearance of the locality. Proposed mitigation in terms of landscaping and planting was assessed to be inadequate in relation to the scale of development proposed and assessed impact on the landscape. The LVIA contained in the ES was considered to overestimate the significance and benefits of proposed mitigation.

Wiltshire Council Tree Officer:

Objection. Inadequate information provision, inadequate assessment of proposed planting stock. Loss of category A trees without sufficient compensation.

Following the submission of the ES Addendum officers object to the loss of category A trees and inadequate compensation/mitigation in relation to replacement tree planting.

Wiltshire Council Urban Design:

Objection recommend refusal.

Following the submission of the ES addendum and scheme revisions in respect of design character officers maintained their objection and recommended refusal on the basis of harm to the character and appearance of the locality.

Wiltshire Council Waste:

Inadequate information and detail to comment definitely at this stage as to adequacy and efficacy of the waste management proposals.

Following submission of ES Addendum support subject to conditions.

Wiltshire Council Public Protection:

No objection subject to conditions and suggested revisions.

Following the submission of the ES addendum and objector submissions Officers maintained no objection subject to condition but did request full submission of the air quality modelling data and methodology. This was not provided by the applicant. This matter is addressed further in the main body of the report.

Wiltshire Council Conservation Officer:

Identified harm to the setting of designated heritage assets including Allington Conservation Area and various Listed Buildings contrary to National and Local Policies – Objection.

Following the submission of the ES addendum officers maintain their objection identifying harm to the setting of Grade II * Listed Heritage Assets and the Allington Conservation Area and recommended refusal

The applicant resolved to respond to the identified additional information requirements and objections raised in the first round of consultation including with further information submissions. The applicant also completed the detailed site investigations in respect of Archaeological Trial Trenching. Consultation in respect of these further information submissions was undertaken in accordance with the requirements of Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Parish Councils

Chippenham Town Council - Supports new jobs and retail opportunities for Chippenham but is concerned about the rural buffer to the town. Considers that the retail unit would be better located within the town or sites adj town centre and on brownfield land. Distribution Centre fails to respect character of the town and its setting. Facility would be better located adj J17 of the M4. Scale of proposal has visual impact on the town and rural buffer. Concern raised over traffic impact of this proposal; Light Pollution; Impact on Residential Amenities

and Environmental impact on countryside and wildlife. Possible flooding and drainage issues. Concern over impact on Development Plan strategy west of Chippenham and generating support for further development west of the A350.

Chippenham Without Parish Council – Strong objections and recommends refusal. Identifies significant detrimental impact to Chippenham, adjacent rural area and the town centre. Loss of open countryside. Contrary to national and local planning policies restricting development in the open countryside adjacent the town. A350 is a logical boundary for Chippenham and should be considered a limit to development. Once breached the development sets a precedent for further development. Any development in this location should be considered through the Chippenham Sites DPD and the proposal is premature to that document and process. Similarly the Parish Council is aiming to prepare a neighbourhood plan and development should be considered through that process. The Parish Council consider that the application is contrary to national and local planning policies including North Wiltshire Local Plan saved policies e.g. NWLP Saved Policies HE1 & HE6 harm to the Allington Conservation Area; WCS CP1 conflict with settlement strategy; CP3 harm to environmental constraints e.g. Archaeology, drainage and flood risk; CP9 & 10 Chippenham Area Development Strategy conflict; CP34 Fails to meet all criteria; CP50, 51, 57, 58 & 66 harm to biodiversity, geodiversity, landscape, Heritage Assets, Highway network and poor quality design. Disputes the claimed Economic benefits and identifies harm to the highway network via the proposed access and traffic generation including 24 hour operation.

Kington St Michael Parish Council – Object on the grounds that development west of the A350 conflicts with the strategy for the development of Chippenham and sets a precedent for development west of the A350; the scale of development causes harm to the landscape and conflicts with CP51 WCS; Disputes the claimed economic benefits especially job creation figures; Identifies large scale traffic generation resulting in congestion on the A350; Identifies concerns over flooding resulting from the scale of development and hard surfacing proposed; Identifies harm to the vitality and viability of Chippenham Town Centre;

Langley Burrell Parish Council – Objects on the grounds of harm to the Landscape character and visual amenity of the locality being out of character with the surrounding area, conflict with CP57 WCS; The scale and form of development proposed will generate significant volumes of traffic movements and trips resulting in significant congestion on the A350; 24 hour site operation will result in harm to residential amenities and the character and amenity of the locality through noise and light pollution and will also result in air pollution; The proposed distribution centre would be better located adj J17 of the M4 as a stand alone unit. Development to the west of the A350 breaches a logical barrier for the town creating a precedent for future development in conflict with the strategy for the development of Chippenham which was being promoted through the WCS albeit subject to amendment by the Examination Inspector. Hardenhuish Brook has a history of flooding which will be worsened by development on this scale with implications for flooding in the locality/catchment area. The proposed development does not accord with or meet the requirements of WCS CP34 especially criteria v, vi, vii, viii & ix. Disputes the claimed economic benefits of development particularly job creation for the town.

Biddestone and Slaughterford Parish Council – Identifies significant concern particularly in respect of development beyond the A350 in conflict with the development strategy of Chippenham in the WCS thereby setting a precedent for future development in this location. The scale of development is out of character with the character and appearance of the locality and will not blend into the landscape especially given inadequate landscaping and planting which will not replace that lost to development. The development will generate a significant increase in vehicular traffic negatively impacting on the surrounding highway network though increased congestion. Concerned that the retail unit will be detrimental to the

social and economic future of the town centre where it is considered that there are available units and sites for retail development.

North Wraxall Parish Council – Identifies significant concerns in respect of conflict with WCS policies; Scale and design of the building out of character with the locality increase in vehicular traffic resulting in a negative impact to the surrounding road network; congestion at the bumpers farm roundabout on the A350; Major retail unit outside the town centre would have a detrimental impact on the Social and Economic future of the town centre.

Castel Combe Parish Council – Raise concerns in common with other Council's on the Parish Forum. In particular conflict with Local Planning Policies CP9, CP10, CP51, CP57 & CP58 WCS. Harm to the local community and vitality and viability of the Town Centre. Breaches the logical boundary to the town harming the rural buffer and setting a precedent for future development in this location.

Seagry Parish Council – Objects on the grounds that development breaches the boundary to the town of the A350 contrary to national and local policies. Disputes the claimed economic benefits of the scheme proposals. Would result in harm to the vitality and viability of the town centre.

Marshfield Parish Council (Outside of but adj Wiltshire) Identifies concerns over traffic generation and impact on the A420; harm to the rural character of the locality.

8. Publicity

The application was advertised by press notice, site notices and neighbour notification letters. As noted above a further consultation period with revised press notice, site notices and further notification letters was undertaken due to an incomplete description of development in the original press notice.

Also as noted above the application was the subject of further information submissions adding to the initial Environmental Statement submission. These further information submissions were advertised by press notice and consultees and interested parties were notified in writing of the submission.

In summary following the consultation in respect of the initial application submission 3498 objections were received which included 500 on 17 on two petitions. 230 comments and observations were also received. 151 representations of support received. Officers have been informed of online petitions and facebook based campaigns expressing support for the Range with significant numbers of persons referenced. However, no formal submissions have been made to the Council for example copying a petition of support with signatories. Officers cannot accept and give weight to facebook pages with "likes" as representations on an application as these are not a formal submission and include no confirmed details as to the person involved and the basis of their "like" or support. In liaison with persons involved in the organisation of these on line campaigns officers made this position clear and requested that formal petitions be submitted.

Objections - Summary

The objections and comments made are summarised as follows:-

Harm to Character & Appearance/Visual Amenity of the locality – 517 comments

Harm to the Allington Conservation Area/Listed Buildings in the locality – 78 comments

Negative impact on Highways in the locality through traffic generation – 797 comments

Principle of development in this location is unacceptable / inappropriate and will breach the Settlement Framework Boundary for Chippenham contrary to adopted planning policy and create a precedent for further development in this location – 252 comments

Loss of Agricultural land – 105 comments

Harm to and loss of important Archaeology – 91 comments

Harm to residential amenities (Highways disturbance, Noise, Light, Air Pollution, Overbearing Impact) – 343 comments

Increased Flood Risk/Inadequate provision for surface water drainage – 164 comments

Loss of Trees – 12 comments

Inadequate / Inaccurate Information submitted – 68 comments

Harm to/loss of Ecological Interests – 109 comments

Harm to Chippenham town centre/other retail centres – 455 comments

Overstated benefits of development which do not outweigh harmful impacts, in particular dispute over job generation figures/nature of the jobs created.

Harm to health

Premature to Chippenham Development Plan Document progression

Loss of green field land / green belt

Pollution – Noise, Air and Light

Better locations adj M4

Impact on property prices

Poor public consultation

Proposals do not take account of A350 dualling

Chippenham has enough shops selling the same items

Retail unit should be within Chippenham Town Centre

Inaccessible by foot/ Footbridge required.

Support - Summary

Some of those persons expressing support for the proposals made specific comments as to the reasons for their support which can be summarised as follows:-

Employment opportunities are required in Chippenham

Will provide jobs and generate employment

Following further submissions and related consultation a total of 3772 objections. 250 comments received. 158 representations of support. With respect to the consultation undertaken on the further information submission representations received can be summarised as follows:-

Harm to Character & Appearance/Visual Amenity of the locality – 235 comments

Harm to the Allington Conservation Area/Listed Buildings in the locality – 194 comments

Negative impact on Highways in the locality through traffic generation – 254 comments

Better alternative locations elsewhere - 216

Principle of development in this location is unacceptable / inappropriate and will breach the Settlement Framework Boundary for Chippenham contrary to adopted planning policy and create a precedent for further development in this location – 12 comments

Loss of Agricultural land – 7 comments

Harm to and loss of important Archaeology – 16 comments

Harm to residential amenities (Highways disturbance, Noise, Light, Air Pollution, Overbearing Impact) – 12 comments

Increased Flood Risk/Inadequate provision for surface water drainage – 7 comments

Loss of Trees – 4 comments

Inadequate / Inaccurate Information submitted – 15 comments

Harm to/loss of Ecological Interests – 15 comments

Harm to Chippenham town centre/other retail centres – 201 comments

Overstated benefits of development which do not outweigh harmful impacts, in particular dispute over job generation figures/nature of the jobs created.

Additional comments were made by many objectors referring to light & noise pollution. Whilst a limited number also made broadly supportive comments that there is a lack of job opportunities locally and development will bring economic benefits.

Whilst the quantum of comments received has been referenced in the above summary it should be noted that the scale of comments received either in support or objection is not in itself a material planning consideration and as such does not provide a sound and defensible reason for determination. It should also be noted that Officers have sought to ensure that duplicate representations are not registered but a significant number of individuals have made multiple submissions some of which are very similar, raising similar objections and concerns but phrased in slightly different terms.

Procedural Matters

As is referenced above The Secretary of State for Communities & Local Government has notified the Council that he wishes to consider whether or not he would want to recover the application for his determination and as such any resolution of the Committee for approval would need to be referred to the Secretary of State. It is not thought that this applies to a refusal, although this matter is currently being checked out with the National Planning Case Work Unit.

In the event of a resolution by Committee to approve the application the resolution would also need to be referred to the Secretary of State for Transport / Department for Transport under the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015. Referral is required as Highways England only removes its objection to the scheme proposals subject to the use of a condition. Officers do not consider that the condition meets the 6 tests on the use of conditions set out in Planning Practice Guidance and do not consider that it can be attached to any grant of permission. On this basis the Council would be determining the application not in accordance with the advice of Highways England and in those circumstances referral is required under the Direction.

It should also be noted that in the period January 2016 – May 2016 the applicant team liaised with officers on an informal basis in respect of possible scheme revisions aimed at addressing impact on Heritage Assets – especially the Scheduled Ancient Monument. Officers assessed that the draft revisions did not overcome previously identified concerns in several respects. Subsequently the applicant team proposed a course of action for consideration on the basis that formal submissions to amend the scheme proposals be submitted and that these be determined under the auspices of the current application albeit the type of application was proposed to be altered from an application for Full Planning Permission to one for Outline Planning Permission. Officers identified that the scheme and application type revisions were so significant as to constitute a new development proposal and so could not be determined under the terms of the current application and a new submission would be required. No formal submissions were made.

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.

Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting a Listed Building or Conservation Area to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

Both national legislation and the NPPF require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. Applications that accord with an up to date development plan should be approved without delay. The NPPF also identifies that sustainable development as defined at para 14 is the golden thread underpinning all planning guidance and proposals that constitute such development should also be supported. As such the following assessment addresses whether or not the proposals are in accord with the development plan, whether or not material circumstances indicate a decision not in accord with the development plan can be justified and whether or not the proposals constitute sustainable development. Any such

assessment is a matter of balanced judgement and the overall assessment and recommendation in this respect is reached in the conclusion section of this report.

9.1 Principle of Development

The proposed development incorporates two different land uses, B8 Storage and Distribution which is an employment type land use; and secondly A1 Retail uses. These raise different material considerations, including relevant planning policies, in respect of the principle of development.

It is however important to note that the application site is not allocated for either form of development proposed or indeed any other form of development. The site lies outside of the defined settlement framework boundary of Chippenham and is therefore within the open countryside. The location of the defined framework boundary for Chippenham and the allocation of sites for development is the subject of review and emerging proposals within a specific Development Plan Document (DPD) for Chippenham, as was required following the preparation, examination and adoption of the Wiltshire Core Strategy. This document is still under consideration but the direction of travel of policies and allocations indicates no change to the existing settlement framework boundary to the west of the A350. CP1 & CP2 identify that Chippenham is one of the major Strategic centres within Wiltshire and therefore a focus for major development. The policies identify that development outside the defined limits of the settlement is not supported except where in accord with other policies of the plan. CP10 of the WCS identifies significant requirements for development in the Chippenham community area with development focussed on Chippenham as the principle settlement with the area and in accordance with the strategy for the location development set out in CP1. The policy goes on to clarify that allocations to address the identified development requirements will be set out in the Chippenham Sites Allocation DPD in accordance with criteria defined in CP10 and in response to issues identified in support text to the plan paras 5.48 & 5.54. In this context it is identified that new employment development at Chippenham is a priority but this should be on allocated and/or brownfield sites. Also that retail development within and adjacent Chippenham Town Centre will be supported but that out of centre development will weaken the centre. In this context it should be noted that neither the WCS nor the Chippenham Sites DPD propose allocation of this site for development or indeed any major development to the west of the A350.

However, policies in the adopted WCS do allow for development to come forward in such locations subject to several criteria. In respect of the B8 RDC element of the proposals CP34 is of relevance in this context. This policy does allow for additional development within the B8 use class to come forward outside of but adjacent the principal settlements, which includes Chippenham, subject to several criteria. Assessment of the proposals in respect of these criteria is undertaken under issue specific headings below. With respect to the retail element of the scheme proposals CP38 is also of relevance. This policy addresses proposals for retail and leisure development outside of defined town centres where in excess of 200 sq m. The policy requires the submission of an impact assessment in accordance with national guidance. Where this demonstrates that proposals would not harm the vitality and viability of existing centres and complies with the sequential approach to site selection by demonstrating that the most centrally located site available has been selected proposals would be acceptable in principle. The consideration of these tests with respect to these proposals is addressed in further below.

With respect to both elements of the scheme various policies contained within both the NPPF and the WCS are also relevant and the requirements of which would also need to be addressed before permission could be granted. These matters are addressed under relevant subject headings below.

Given this situation the location of the site outside of the defined settlement framework boundary of Chippenham is not in and of itself fatal to the application proposals.

9.2 Retail Impact

The applicant has submitted a retail impact assessment in support of the application. In summary this identifies that:-

- The proposals will not result in harm to the vitality and viability of existing retail centres in particular Chippenham Town Centre;
- Principal trade diversion will be from stores in the Bath Road retail park but this is largely compensated for by projected retail expenditure growth;
- There are no sequentially preferable sites for the retail element of the scheme capable of accommodating the scale of proposed development

The Council instructed consultants with expertise in retail impact assessment and detailed knowledge of circumstances within Wiltshire to assess the submission proposals, the relevant consultancy being GVA Grimley. On the basis of the initial application submissions GVA Grimley identified a number of queries and additional information requirements in order to be able to assess the proposals fully. The applicant team responded to this request and the additional information was made available to all parties as part of a full re-consultation. Following this process GVA Grimley advised that the requirements of the sequential test had not been fully met and that the harm to the vitality and viability Chippenham Town Centre with respect to trade diversion had been significantly underestimated.

With respect to the sequential test GVA Grimley advise that the applicant has not adequately demonstrated in respect of a number of sites that they have fully considered alternative operation options for their proposals. They have relied on a single appeal decision to justify dismissing alternative and sequentially preferable sites on the basis that the site is not immediately available for their form of proposed development. The applicant has not submitted evidence of having investigated with the site owners site availability and has not considered options for retail operations that may have been viable on the sites in question.

With respect to trade diversion GVA Grimley identify that on the basis of their own calculations the trade diversion from Chippenham Town Centre will be in the order of £3.1 million and that this equates to 2.3% of town centre retail activity. GVA Grimley estimate that together with other permitted schemes in the locality trade diversion is estimated to be at 11.2% of town centre turnover. If the retail store operates at a level higher than projected, which is possible, diversion will be greater. The scale of trade diversion is assessed as significant and as having a harmful impact on the vitality and viability of the town centre contrary to national and local policy. In making this assessment GVA Grimley identify significant issues with the calculations' and assumptions made in the submitted RIA in terms of estimated retail activity and turnover in the town centre, being significantly greater than estimated in the Council's own retail studies informing the WCS and CSAP DPD as updated. Similarly and of significant importance the applicant estimates a far greater trade diversion from other existing stores and centres than from the town centre itself i.e. Bath Road Retail Park, this is identified as 60% of the stores anticipated turnover and GVA consider this to be a significant over estimate.

The applicant team indicated an intention to respond in full and with further submissions in respect of these matters. Officers have allowed an extended period of time for this to take place and repeatedly requested receipt of these further submissions. No further submissions have been made and the application is therefore reported on this basis. It should also noted that as of 21/01/2016 the owner of The Range business made public announcements that the company was withdrawing from the scheme proposals in Chippenham having identified an alternate location for the B8 RDC. These announcements were made in radio interviews

and are a matter of public record. Officers have requested clarification and confirmation of the position from the applicant team and allowed an extended period of time in order to do so. No response has been received. This matter is addressed further below but at the time of writing it is unclear as to whether or not the Range would occupy the A1 Retail element of the scheme proposals.

9.3 Economic Impact

There are several aspects to the assessment of economic impacts and this is linked to the requirements of CP34, also the proposed co-location of the retail and B8 RDC employment elements. In summary the matters to be considered and tested include:-

- Contribution to the wider strategic interest of the economic development of Wiltshire (moving toward a higher-value economy by expanding key employment sectors);
- Contribution to local economic needs (Job creation, financial benefits arising from construction, operational activity, enhanced employment activity, onward supply chains)
- Impact on strategic employment allocations and commitments;
- Benefits of and requirements for co-location of retail and employment elements.

The applicant has submitted an Economic Impact Assessment in support of their application. In short this asserts that the proposals will:-

- Generate approximately 1107 FTE jobs in the operational phase of development,
- Generate approximately 618 jobs in the construction phase of development;
- £44 million GVA to the wider South West economy through construction of which £20.1 million could go to Wiltshire and £7.1 million could go to Chippenham Economies;
- £38.1 million annual uplift to the South West Economy from the operation of the proposed development; of which £31 million could go to the Wiltshire Economy; and £13 million to the Chippenham Economy;
- The proposals will generate £2 million in additional business rate revenue of which Wiltshire would retain £1 million;
- There are no available and deliverable strategic sites capable of accommodating the scale of proposed development;
- Training and operational benefits including testing new delivery technologies and store operational practices resulting from co-location.

Officers from both the Economic Development and Spatial Plans Teams have jointly reviewed the submissions. The initial response identified that the consideration of alternative sites and impacts on strategic site allocations was limited and not comprehensive. Consequently it was not adequately demonstrated that development of the application site was appropriate and necessary, particularly in the context of the issues raised and harm caused by extension of development beyond the Chippenham Settlement Framework boundary and that the requirements of CP34 had therefore not been addressed. Officers did however consider that the figures identified in the assessment in terms of job creation and economic uplift / GVA were sound. In this context it is considered that the scheme would make a significant contribution to the local and strategic economy and these benefits of the development must therefore be given weight. Officers also identified several queries and requests for additional information which had to be addressed before a complete and comprehensive response and advice could be provided, this also included the position with respect to the Retail Impact Assessment review.

The applicant team has responded to this position with additional submissions which were the subject of further consultation with all parties. The Council's Strategic Planning and Economic Development Teams advise that following the submissions the figures in respect

of GVA uplift to the local economy and in respect of job creation are sound. In this respect several of the criteria contained within policy CP34 of the WCS are met and therefore there is some policy support for the proposals. It is however identified by officers that criterion vi & ix which require developments to be consistent in scale with their location and not to adversely affect nearby buildings and the surrounding area; and be supported by adequate infrastructure are not met given the consultation responses of other officers and organisations. In this context Landscape, Trees, Ecology, Urban Design, Conservation, Archaeology and Highways Officers all identify objections and harm. Similarly Historic England also identifies harm. As such there is conflict with these elements of the policy. It is therefore necessary to balance the benefits arising from compliance with various criteria in the policy against the harm identified in relation to conflicting elements. That exercise is completed in the conclusion to this report.

Objectors have made detailed submissions in respect of the supporting business case and economic benefits arising from the scheme proposals contradicting the assertions of the applicant and the assessment of the Council. Officers have invited the applicant team to respond to these submissions and allowed an extended period for them to do so. That opportunity has not been taken up and no further submissions have been made.

Of relevance to this exercise and policy compliance and conflict is the applicants' submissions in relation to the co-location of the B8 and A1 uses on this site and their submissions that there is no requirement to consider alternative site locations for the proposals. In the latter respect this is not considered to be correct. CP34 requires an assessment of the impact on the delivery of strategic locations and only supports proposals adjacent to principal settlements on unallocated sites where they are required to benefit local economic and social interests and meet sustainable development objectives. It is intrinsic to considering whether these criteria are met that some consideration is given to whether or not there are alternative locations that may be more appropriate for the proposed uses. Similarly CP38 requires a sequential test to be applied to demonstrate that the proposed site is the only suitable and available site for the retail use, it is inherent in this policy that other sites must be considered. In addition as is set out in the heritage asset section below case law has established that where harm to a heritage asset is identified as is the case with this proposal it is incumbent on the decision maker to consider whether the benefits of development could be achieved without the identified harm to the asset and this requires consideration of alternative sites. Furthermore this is EIA development and the EIA process similarly requires consideration of whether or not alternative locations for the proposed development exist which will result in less or no environmental impacts in comparison with the application site. As such it is considered that there is a clear requirement for the applicant to have considered alternative locations. This has not been demonstrably completed by the applicant and it is considered by officers that there are other locations around Chippenham that could potentially offer the same benefits of development without the same scale and nature of impact and harm to interests of acknowledged importance.

With respect to the co-location of the A1 and B8 uses the arguments put forward concentrate on the staff training and operational benefits in terms of goods delivery and testing of store and product layouts. It is accepted that the co-location on the same site would enhance the ability of the company to achieve these benefits but these are considered to be relatively limited and marginal benefits. It is also considered that these benefits could also be achieved if the uses were on two separate sites but in the same locality i.e. in and around Chippenham. The benefits are not convincing as a requirement for co-location on the same site and are considered to be overstated. They are not considered to outweigh the harm to the vitality and viability of the town centre and the site specific impacts particularly in respect of heritage assets that has been identified and this has relevance in terms of the constrained site area and limited mitigation proposals. The removal of the A1 retail unit from this site

would have offered greater space on site for landscaping and planting mitigation, potentially reducing harm and consequently conflict with other policy requirements.

9.4 Changed Circumstances Relevant to Economic Benefits

It must be noted that the above assessment is wholly on the basis of the identified occupation of the both the A1 and B8 elements of the scheme proposals by “The Range” as an end user. As of 21/01/2016 the owner of The Range business made public announcements that the company was withdrawing from the scheme proposals in Chippenham having identified an alternate location for the B8 RDC. These announcements were made in radio interviews and are a matter of public record. Officers have requested clarification and confirmation of the position from the applicant team and allowed an extended period of time in order to do so. In particular officers have sought clarification as to the intentions in respect of occupancy of the A1 element by The Range; whether or not an alternate user of the RDC is proposed or if this is now a speculative proposal with no end user identified; whether or not the supporting information is to be revised. The applicant team has declined to respond. On this basis officers consider that at the least the RDC proposal is speculative with no end user identified. Significant weight cannot therefore be given to the economic benefits and uplift argument stemming from this element of the scheme and it is not considered that the requirements of CP34 as to a significant contribution to the economy of Wiltshire have been met. There is therefore conflict with this policy in respect of several of the criteria and the in principle support afforded by compliance with the policy is therefore absent. The importance of the benefits in terms of balancing planning harm is addressed further below.

9.5 Residential Amenities

As is noted in the description of development and throughout this report the scale of built development is very significant indeed. The B8 RDC would be one of the largest in the region and possibly the largest single building in the Chippenham locality. Taken together with the A1 use and related car parking and vehicular access and movement the development would be very large in scale.

However, this does not automatically and necessarily result in harm to existing residential amenities. Similarly the fact that a development will be visible from nearby properties does not automatically result in harm to the amenities of those properties. The site is set at a lower level than the majority of the nearest properties in Cepen park and it is separated from them by large scale bunding, mature planting in and around this bund; mature boundary planting to the application site; and the A350 itself. There is a distance of 70.5 metres to the nearest property within the built area of Chippenham and these residential properties are separated by the A350. The proposals incorporate boundary planting and landscaping, internal fencing and planting alongside directional and timed lighting.

The ES assesses noise, lighting and air quality impacts and the Council’s Public Protection team has assessed these submissions. The ES is found to appropriately and accurately assess the impacts of the proposed development and these are not considered to be so significant and harmful as to warrant refusal. Public Protection Officers raise no objections in this respect subject to the use of conditions.

With respect to air quality, objectors have made detailed submissions querying and disputing both the applicant’s submissions and the Council’s assessment of those submissions. As with other matters referenced above the applicant has been offered the opportunity to respond to these submissions and an extended period of time allowed to do so. In addition the Council’s Public Protection Officers requested submission of the detailed modelling work undertaken to inform the submissions in order to fully verify and confirm their assessment. That offer and request has been made to the applicant on several occasions over an extended period. No response to objector’s submissions has been made and no modelling

information provided. The Council's Public Protection Officers consider their assessment to be accurate and do not raise formal objection to the scheme proposals.

Given these site circumstances, assessments and the form and nature of the proposals it is not considered that the development will result in harm to existing residential amenities in terms of overbearing impact, loss of daylighting, loss of privacy, light or noise disturbance or intrusion within the nearby properties such that permission ought to be refused on this basis.

9.6 Highways and Access

Both the Council's Highways Officers and Highways England (formerly Highways Agency) have been consulted in respect of the application submissions including the additional submissions.

At the first round of consultation Highways England issued a holding direction under its then powers (since revised) pending the receipt of additional information submissions. In particular Highways England sought submission of information demonstrating the projected volume and impact of vehicular movements on J17 of the M4. An extended process of liaison took place between Highways England and the applicant's consultant team seeking to address requirements. Following receipt and consideration of the assessment Highways England has removed its holding direction and raises no objection to the scheme proposals subject to the use of a condition as follows:-

The B8 distribution unit (72,070sqm) hereby approved shall not operate a weekday employee shift changeover between the hours of 0730 and 0930 in the morning, and between 1630 and 1830 in the evening. The use classes referred to in this condition are those defined in The Town and Country Planning (Use Classes) Order 1987 (as amended).

Condition Reason

The condition is necessary in order to limit the traffic generation of the development to that set out and assessed in the Transport Assessment which supported the planning application. The Transport Assessment demonstrated that the transport impacts of the B8 development operating within the time limits set out in the proposed condition would not be severe. There is no evidence which demonstrates that development traffic in excess of that which could occur within the limits set out in the proposed condition would not be severe.

The applicant team has been invited to consider and comment on that proposed condition over an extended period of time and has made no submissions in that respect.

Officers including the case officer, Highways and Enforcement officers consider that this condition would not be enforceable as it would not be possible to clearly establish a breach of the condition. In addition officers consider that the condition would be unreasonable as it would not allow for a staggered short changeover during the restricted hours and which may address the concerns identified. As such it is not considered that the proposed condition meets the 6 tests on the use of conditions set out in PPG and should not be applied in the event of a resolution to grant permission. In effect it is recommended that a decision in accordance with the consultation response and recommendation of Highways England is not agreed. In these circumstances and under terms of the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015 Local Planning Authorities must refer the application to the Secretary of State for Transport for determination in the event of a resolution to approve without the condition attached.

With respect to the Council's Highways Team at the first round of consultation officers raised objection to the scheme proposals. In particular officers had raised concerns as to the impact of a direct access to the site from the A350 in terms of peak hour traffic movements

to and from the site resulting in traffic disruption, congestion, delay and unsafe traffic movements. In this context officers identified that other options for site access i.e. via a new arm from either one of the nearby roundabouts had not been robustly and demonstrably identified as unfeasible. These concerns and objections were raised during pre-application discussions and a comprehensive response had been anticipated but not received.

Further concerns were raised as to the peak hours impact of traffic generated by the proposals on the operation and traffic movements through the Badger and Brook Roundabouts. These are the two roundabouts at the north and south of the stretch of the A350 adjacent the application site. Highways Officers identified on the basis of the application submissions that the traffic accessing and exiting the site during peak hours would result in "hook" movements on these roundabouts in order to access the correct direction of travel for the onward journey and that this would significantly inhibit the movement of traffic through these roundabouts resulting in congestion and delay harmful to the free flow of traffic in the locality at peak times.

Additionally officers raised objections as to the lack of accessibility of the site for staff and customers by any other means than the private car. Given a lack of detail as to proposals for bus services and pedestrian and assessed the proposals as unsustainable. Consequently Officers recommended refusal of the application for three reasons.

The applicant sought to respond to these objections with additional survey information as to traffic volumes on this section of the A350 and relevant junctions alongside more detailed proposals for site access by pedestrians and cyclists including a controlled access via Brook Roundabout to the South. The submissions make commitments to significant financial contributions via a S106 agreement for implementation of the cycle and pedestrian connections including any necessary road works and for the provision shuttle bus services, which could include an existing service diverted into the site or creation of a wholly new service funded for a period of 5 years. In addition Technical Note submissions assert that there are absolutely no reasonable means of accessing the proposed development off the existing Badger and Brook roundabouts located to the north and south of the site respectively due to land ownership and geometric constraints.

Further consultation was undertaken in respect of the additional submissions and these were reviewed in full by Highways Officers. Officers maintained their objections finding the submissions did not address their concerns regarding hook movements on the roundabout and access directly to and from the A350 itself. In this respect there is conflict with WCS policy CP62. The proposals for the shuttle bus services were agreed and accepted as addressing concerns in that respect and objections removed. The pedestrian and cycle links to the site were not considered to introduce sufficient accessibility as to enable the development of a significant retail and employment facility to be considered sustainable and in this respect the proposed scheme was found to be in conflict with WCS policies CP60, CP61, and NPPF paragraphs 9, 17, 30, 34 and 35.

It should be noted that since the application was submitted and further Transport Assessment information submitted for consideration in the ES Addendum in response to the Wiltshire Highways and Highways England submission there have been significantly changed circumstances. Significant sections of the A350 in close proximity to the site have been the subject of works of dualling. Albeit the section directly adjacent the site as proposed to form the site access/egress has yet to be dualled. It is considered that the baseline conditions informing the Transport Assessment/Environmental Statement as updated and including cycle /pedestrian link proposals have changed materially. The applicant has been afforded an extended period of time by officers to review the position and make revised and / or additional submissions should they so wish but has not done so. The consideration of the application proposals must be made in that context.

9.7 Landscape and Visual Impact Including Trees

Both Landscape and Trees officers raise objection to the scheme proposals. This is on the basis of the significant harm to the character, appearance and visual amenity of the locality arising from introduction of large scale built form into an open agricultural landscape in a highly prominent location. The proposals are assessed as resulting in significant large scale change to the landscape character in this location. Officers also object to the loss of mature high value and high quality trees on site that are the subject of a Tree Preservation Order. In addition officers do not consider that the proposed landscaping is sufficient or effective mitigation for the harm identified. Officers do not consider the landscaping and planting proposed to be of sufficient structural scale to mitigate the visual intrusion of development on this scale. Indeed it is identified that significant elements of the development proposal are subject to very limited proposed landscaping and planting mitigation i.e. along the southern boundary and will be highly prominent in views from the immediate vicinity and medium distance views. The submitted ES including LVIA is not considered to be convincing in its assessment of the impact of the scheme proposals including the value and benefits of the proposed mitigation. Reliance on existing planting to the eastern boundary adjacent to the A350 as providing substantive screening is not considered to be well founded and sound. Similarly the mitigation benefits of proposed planting to the north and west is considered to be significantly over stated. Similarly officers do not consider that the proposed planting will achieve longevity and maturity as indicated in the submissions given locations of planting and the density of planting within limited spatial areas, especially to the western boundary. The proposals are considered unrealistic in this respect and this assessment as to the establishment of tree planting further undermines the benefits of the suggested mitigation that arises.

Officers also identify the importance of the A350 as a logical and defensible western boundary and limit to the built form and area of Chippenham in this locality. It is suggested that development on the scale proposed would significantly undermine this position and provide support for further development beyond the road line. Indeed the applicant themselves seek to justify this development proposal by reference to the development that has occurred to the north of the site beyond the A350 i.e. Chippenham Golf Course, Premier Inn and the Retirement Residential Accommodation as establishing a form of precedent. This is not considered convincing in the context of the scale and form of development that is proposed being very large scale built employment and retail development. Both forms of land uses are more appropriately located on allocated employment sites in town centres and in town centres respectively as a starting principle. The scale of development proposed is of a wholly different order and form than that which exists. It is considered that development on this scale and of this form and nature would significantly undermine a policy of restraint in respect of other proposals beyond the existing western limits of Chippenham, which is the broad approach adopted in the WCS and the emerging CSAP DPD. Furthermore it should be noted that there is no identified end user for this development proposal at least in respect of the B8 RDC but possibly both elements. As such planning permission if granted may not be implemented but establishes that the location is suitable for development and creates a "material consideration" in respect of further proposals for development. This would be inappropriate.

It should be noted in this context and in relation to Design and Heritage Asset Impact considerations that the applicant has been encouraged by officers on multiple occasions from pre-application enquiry stage through to meetings in February 2016 and subsequent correspondence to revisit the site area of the proposed development to expand significantly the site boundaries and include significantly greater structural landscaping. The applicant has repeatedly declined to do so asserting this to be unnecessary.

9.8 Design

Officers were presented with scheme proposals as part of an initial pre-application enquiry. On a without prejudice basis and at the request of the applicant team comments were provided in respect of the design character of the proposals. With respect to the built element of the scheme these comments have been taken on board and responded to positively. It is of course acknowledged that a proposal of this scale and form has design limitations and will inevitably be somewhat functional. The proposals have included the use of a roofscape that is staggered and layered and includes oversailing of the elevation. In this respect the proposal breaks up the bulk and mass of the building to a certain degree. In addition the frontage elements of both buildings as they face toward Chippenham and the A350 include the use of materials and elevation treatments that again seek to break up the bulk and mass of the structure in this elevation. In addition this approach adds character and with the use of materials reflecting the local vernacular of stone within the town, there is therefore considered to be a linkage to the town and an effort to include elements that add quality to what is a very large scale development and which is principally functional in design character.

There are elements that have not been designed to minimise impact on the character and appearance of the locality and this relates back to the issues identified under the previous section heading of landscaping. The southern and south eastern site boundary is exposed and visually prominent. The northern and western boundaries include minimal landscaping and planting treatment again doing little to mitigate visual impact on the character and appearance of the area. The roofscape includes extensive use of rooflights which will result in some degree of light spill given the proposed 24 hour operation of the RDC facility. The site includes extensive areas of at grade parking provision with external storage to the facilities and an external garden retain store, in part screened with internal fencing. In these respects it is considered that the design has failed to seek the highest quality design solution to addressing impacts on the character and appearance of the area. As with the minimal provision for structural landscaping and planting the approach is driven by the constrained and limited extent of the site area, the vast majority of which has been proposed for built development.

As such officers object to the scheme proposals on the basis of the harm caused to the character and appearance of the locality as a result of the scale, form, bulk, mass, positioning and layout of the scheme proposals.

9.9 Heritage Assets / Archaeology

The site itself and the locality are the subject of several heritage asset designations. The site lies within proximity to Grade II* listed buildings and the Allington Conservation Area. In addition following site investigations below ground archaeology of regional and national significance was identified including a Roman farmstead structure surviving in good condition. Evidence of multi phase occupation at the site was also identified as of significant potential with iron-age pottery finds and evidence of medieval human occupation. Consequently the site was designated as a Scheduled Ancient Monument (SAM) by the Secretary of State for Culture Media and Sport on the advice of Historic England. The applicant has challenged this designation seeking two separate reviews. The Secretary of State, Department for Culture Media and Sport has re-confirmed the designation. Subsequent to this the applicant has been invited to revisit their application submissions on multiple occasions and has declined to formally amend or withdraw the proposals and has not revisited the supporting information. No application for Scheduled Ancient Monument Consent has been submitted to the Secretary of State.

The significance of the SAM is the historic interpretative value of the Romano British culture, occupation and way of life in this region. The relationship to the agrarian and pastoral landscape in this locality provides interpretive and historic information of national importance

illuminating the historic record and resource. The resource includes multiple structures indicating a high status family farmstead site and a significant rarity in the archaeological record hence national importance. This is further reinforced by findings indicating multiple phases of occupation of an extended period from the Neolithic to Mediaeval periods again providing important historic information as to the cultures of Britain in this part of the country.

Historic England and the Council's Archaeologist formally object to the scheme proposals with the harm to the archaeological resource identified as a major concern and reason for the objection. The below ground archaeology would be entirely lost via removal as a result of the land levelling and construction works and the relationship of the structures to the surrounding landscape, which remains largely untouched and in agricultural use, would also be lost in its entirety. The proposed timeframe for excavation of the site and investigation and archaeological recording as proposed by the applicant team of 1 month of archaeological mitigation works is considered to be wholly inadequate and unrealistic. It is considered that important interpretative information and research could not be facilitated and secured in this timeframe with consequent substantial harm to the heritage asset. As identified above the economic benefits of the scheme proposals are not well established and founded given the withdrawal of the identified end user from the RDC scheme proposals and lack of clarity as to the retail scheme element. In this context and alongside the inadequate proposals for archaeological mitigation it is not considered that the identified substantial harm is outweighed by the benefits of development and the exposure and investigation of the archaeology.

With respect to the Listed Buildings including Bolehyde Manor (grade II*), Allington House, The Pitts, Manor Farm, Ivy Cottage and The Cottage; and the Allington Conservation Area the significance of these heritage assets lies in their contribution to the local historic record as evidence of the development and evolution of the community at Allington and small villages and hamlets in the vicinity of the market town of Chippenham. The setting of both these heritage assets defines and informs the relationship of the structures individually and collectively with the surrounding pastoral landscape and the agricultural activity therein again informing the linkage to and relationship with the market town of Chippenham. The proposed development will not affect the fabric of any of these heritage assets but will have less than substantial harm on the setting of both the Conservation Area and the setting of various listed buildings including Bolehyde Manor (grade II*). The large scale of the built structure results in a significant loss of open agricultural land forming a part of the setting of these heritage assets and would alter the relationship between them and Chippenham. The structure would be prominent in views to and from the Conservation Area and various listed Buildings including Bolehyde Manor (grade II*), impinging on and fundamentally altering the characteristics of these views and inter relationships. Officers further identify that the proposed mitigation of landscaping and planting alongside use of materials is wholly inadequate in preventing and minimising the harm to the setting of the heritage assets. Historic England and the Council's Conservation Officer have both objected to the scheme proposals in this respect identifying harm to the setting of the heritage assets. In this context there is conflict with CP58 of the WCS and paras 128 – 134 & 137 of the NPPF.

The Council as Local Planning Authority is under a statutory duty to seek to preserve and where possible enhance both listed buildings and Conservation Areas. Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply.

Given this statutory requirement and the guidance contained at paras 128 – 134 of the NPPF it is necessary to consider what, if any, material benefits of the scheme proposals outweigh the identified harm. In this context recent case law has established that it is not sufficient to show an equal balance between harm and benefits as such an approach does not give effect to the statutory requirement to give special attention to the preservation of heritage assets. In this context and as already noted the claimed economic benefits of the

scheme proposals are in significant doubt given the now speculative nature of the RDC element of the development and possibly the A1 retail store also, with the identified end user have publicly withdrawn from the scheme. The applicant team has not sought to respond to this change in circumstances and has not provided any further material justification of the development and especially in the context of the harms identified. In addition no comprehensive consideration to the assessment of alternative locations for development that may achieve the asserted benefits of development without resulting in the identified harm has been undertaken. Given the statutory requirements and case law it is not considered that the scheme proposals as they currently stand can be considered to result in such significant benefits that the identified harm is outweighed sufficiently to overcome objection to the proposals and the conflict with the development plan CP58 WCS 2015.

9.10 Ecology

Whilst both Natural England and the Environment Agency have not raised objection to the scheme proposals the Council's Ecologist has done so. As is identified in the consultation summary above officers consider that the development will result in harm to BAP protected ecological habitats and species. Concern is also raised as to the ES submissions which are identified as consistently underestimating the significance of the impact of the proposals and over estimating the benefits of the proposed mitigation measures. Previously requested information was not submitted with the ES addendum/Ecology Technical Note (ETN).

Officers consider that the identified ecological impacts are largely related to the loss of the network of watercourses and species-rich hedgerows with mature trees, and the fauna associated with those habitat features; the ecological impacts are therefore concentrated in the south east of the site where the retail unit would be located. Both the NPPF 118 and CP50 are clear that significant ecological harm should first be avoided as far as possible (including the consideration of location development on alternative, less harmful sites) before considering mitigation and compensation for unavoidable impacts. The current proposals are considered to be an unsustainable, overdeveloped form of development on the site and indeed an alternative scheme which avoided many of the significant ecological impacts and allowed greater space for areas of ecological mitigation / compensatory habitat (as advised at the pre-application stage) could be more acceptable in ecological terms. However it is not clear that all such reasonable alternatives have been fully explored or considered by the applicant. In support of this assessment officers identify the following technical observations in relation to the submissions:-

Hedgerows

The ETN disputes the recommended application of the DEFRA metric to calculate a proportionate level of replacement hedgerow. While it is recognised that this metric was published alongside a pilot project, it still represents the best available evidence and national expert opinion on the reasonable and proportionate requirements for replacement of valuable hedgerow habitats, and has been approved by DEFRA. As such greater weight is attached to that published metric than the compensation proposed by the applicant team, which is not based on any justification other than it is the greatest length that can be planted on the site due to the large extent of development proposed, which merely supports the argument that the scheme represents overdevelopment of the site, with insufficient space available for ecological mitigation / compensation.

Besides the total length of hedgerow lost / replaced, the ES does not take account of the ecological value or functionality of the hedgerow network as a whole before and after the development. In the long-term, the hedgerow network (new and retained) will be fragmented and bounded by urban development, considerably reducing its ecological connectivity, particularly for species which are sensitive to urban development. The ETN suggests that the implementation of a long-term management plan will 'maximise biodiversity benefits' however the proposed layout will preclude favourable management of several sections of

hedgerow as implied by the ETN, particularly where they are adjacent to buildings, acoustic screening, security fencing, lighting, drainage features and hard standing. Indeed the Landscape and Ecological Management Plan itself confirms that new hedgerows would in fact be managed twice a year to a height of 1-1.5m (Table 2), which would significantly limit the ecological value of these hedgerows. It is also difficult to view this management plan as a benefit of the development given that the hedgerows are currently managed favourably and it is reasonable to assume that this favourable management would continue in the absence of development.

Neither the ES nor the ETN considers the period of time it will take to fully compensate for the loss of the hedgerow network. Several of the hedges comprise a high density of mature tree specimens (particularly in the lower lying eastern parts of the site), which reflect the significant age of these well established hedges and are likely to support a diverse range of biodiversity, particularly associated with these old growth features. New hedges would not provide effective replacement for these old growth features for a very long period, therefore loss of these habitats need to be viewed as a long-term loss which cannot be effectively compensated in the lifetime of the development.

In conclusion, officers do not accept that the proposed hedgerow planting would provide reasonable or proportionate compensation for the loss extensive areas of species-rich hedgerow and mature trees to the extent that any such impacts could be reasonably be assessed as 'negligible', therefore officers maintain that this loss of habitat is a material consideration under CP50 and should weigh against the proposals.

Ditches and Streams

The qualification of the onsite watercourses as 'headwaters' under the JNCC definition of the 'Rivers and Streams' priority / BAP habitat type is disputed in the ETN which suggests that they do not qualify as such because are not marked on the OS map at a scale of 1:50,000. In order to resolve this difference of opinion it is necessary to quote the specific JNCC definition of a headwater:

'a watercourse within 2.5 km of its furthest source as marked with a blue line on Ordnance Survey (OS) maps at a scale of 1:50,000.'

The watercourse itself does not need to be shown on the 1:50,000 map, as suggested by the applicant team, but only needs to be within 2.5km upstream of such a watercourse to qualify as a headwater under this definition; the onsite watercourses joins the Hardenhuish Brook (which is shown on the 1:50,000 OS map) approximately 300m downstream, therefore the onsite watercourses do meet this part of the JNCC definition. Officers acknowledge that there may continue to be a degree of debate on this definition, therefore it is worth pointing out that all of these watercourses would also fall within 1 or more of the definitions of 'water bodies' in the Water Framework Directive, to which CP50 applies (Para.6.67); Officers therefore maintain that the loss of this network is therefore a material consideration under CP50 of the WCS.

The total length and value of the watercourses to be lost are still not measured, described or assessed in the ES, however the ETN implies that its loss would be adequately compensated by the creation of 1089m of new ditches within the surface water drainage scheme without detailed justification. The submitted plans and the surface water management plan indicate that this drainage network will be very straight, with uniform cross sections and be managed heavily for drainage purposes (removal of debris, mown every two months, annually weeding and clearance) which are unlikely to develop any significant ecological interest in the long-term, as opposed to the existing watercourses which have more meandering courses with variable bank profiles which are not heavily managed.

These drainage features would also be intercepting runoff from extensive areas hard standing including access roads, car parking, trailer bays and external storage which will contain contaminants attached to sediments which will be intercepted within the drainage network before being discharged from the site, therefore water quality is likely to be lower than that in the existing watercourses, compromising the ecological value of this drainage network in the long-term.

In conclusion there is no justification that the surface water drainage network would provide reasonable or proportionate ecological compensation for the existing watercourses to the extent that any such impacts could be reasonably be assessed as 'negligible', therefore Officers maintain that this loss of habitat is a material consideration under CP50 and should weigh against the proposals.

Bats

The ETN disputes the use of published guidance on the evaluation of bat commuting and foraging habitats (Wray *et al*, 2010), which was recommended by officers in consultation responses and advice given identifying that both the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for Ecological Impact Assessment in the UK and the WCS (Para.6.67) make it clear that the value of undesignated habitats and species should be measured against published criteria wherever possible. Whilst Officers appreciate that there is room for professional judgement in what is an often disputed area of ecological assessment, significant weight is not attached to the Wray's criteria, which have been produced by national experts, published in the CIEEM journal which is subject to assessment by an editorial board, and are widely used by consultants in Ecological Impacts Assessments. Officers acknowledge the points raised in the ETN which may justify some site specific / local refinement of the Wray criteria, nonetheless based on the information available and local knowledge of the area officers are still satisfied that the site is of greater than 'local' value as suggested by the ES. The ETN also maintains that the loss of important commuting routes through the site will not be significant because alternative routes exist and does still not consider the cumulative effects of the dualling of the adjacent A350 as highlighted in previous consultation response.

Officers therefore conclude that impacts upon local bat populations would be significant as a result of the loss, fragmentation and degradation of commuting / foraging habitats associated with the existing hedgerow / watercourse network (see above). All bats are of recognised importance as Wiltshire BAP species and inclusion on Annex IV of the Habitats Directive, while several of the rarer species using the site are recognised as being of particularly high conservation importance through their inclusion as priority species in the NERC Act and inclusion on Annex II of the Habitats Directive. The impact of the development upon bat populations is a material consideration under CP50 of the WCS and Circular 06/2005, while the Council also has a legally responsibility to have regard to the requirements of the Habitats Directive, therefore the loss of bat commuting / foraging habitats as a result of the development should weigh against the proposals.

Birds

The farmland bird assemblage present on the site, including species of conservation concerns, would be largely displaced due to habitat loss and fragmentation, particularly the hedgerow and watercourse network. While it is acknowledged that the replacement hedgerows and planting may be of value to common urban species which are tolerant of urban development, this will not mitigate or compensate for the impacts upon most of the species to which CP50 applies. As such Officers are not satisfied that this impact may be dismissed as 'negligible' as maintained in the ETN, and is a material consideration under CP50 which should weigh against the proposals.

Invertebrates

An invertebrate survey of trees within the site was undertaken in February 2015 and submitted with the ETN. Government advice is that field surveys need to be carried out at an appropriate time of year, generally between May and October and indeed best practice guidance is also clear that multiple visits are necessary throughout the survey season in order to carry out a robust assessment of invertebrate assemblages. This survey is therefore considered to be highly constrained by its timing and scope and does not represent a robust evaluation of the invertebrate assemblage at the site necessary in order to inform the ES. Officers are of the opinion that a full invertebrate survey of the site would be required to inform the ES, in accordance with published best practice, preferably Natural England's 'Surveying terrestrial and freshwater invertebrates for conservation evaluation' which is endorsed through both Government standing advice and the CIEEM, and is widely applied by ecologists in the field. The scope of such a survey should also include other habitats (in addition to mature trees), including hedgerows, ditches, ephemeral waterbodies and floodplain grassland.

Dormouse

The ETN acknowledges that the submitted survey falls short of the required effort to comply with Natural England's standing advice, however the applicant team maintain that the presence of dormouse is 'reasonably unlikely' and therefore no further survey work is necessary. Given that the onsite hedgerows including those to be lost to the development are suitable for dormouse, and the need to take a precautionary approach to assessing impacts upon European Protected Species, the current assessment is insufficient to determine absence of dormice with certainty.

As is noted throughout the applicant team has been afforded an extended period of time to address these matters proactively and with further information submissions as requested. This opportunity has not been taken up and it is concluded that the proposals conflict with WCS CP50 and paras 17 & 118 of the NPPF.

9.11 Drainage

The Environment Agency, Wessex Water and the Council's Drainage officers have assessed the scheme proposals and supporting information including ES Addendum. No objection is raised subject to the use of conditions. It is considered that the development proposed can be sufficiently mitigated such that there would be no significant harm from flood risk as a result of the built form and loss of storage capacity. Similarly, sufficient provision can potentially be made for water supply and foul drainage subject to further detailed assessment, such that the requirements of the development proposed can be met. There is therefore considered to be no conflict with national and local policies in respect of drainage matters.

10. Conclusion

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*". Paras 2 & 11 of the NPPF reiterate and confirm this requirement. This is the starting point for determination from a policy point of view. The Wiltshire Core Strategy forms the local component of the current development plan.

In addition Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting a Listed Building or Conservation Area to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Paragraphs 128, 131, 132, 133, 134 of the NPPF reflect and reiterate this advice and require Local Planning

Authorities to balance any identified harm to heritage assets with clear and convincing benefits which outweigh that harm as set within its statutory duties identified above.

As is noted in the report harm is identified to heritage assets including below ground archaeology and the designated Scheduled Ancient Monument; Grade II* Listed Buildings including Bolehyde Manor (Grade II*), Allington House, The Pitts, Manor Farm, Ivy Cottage and The Cottage; and the Allington Conservation Area.

Furthermore harm to several other interests of acknowledged importance and consequent conflict with several aspects of National Planning Policy (NPPF) and Wiltshire Core Strategy policies is identified:-

- In particular harm to the character, appearance of visual amenity of the locality and harm to the character and appearance of the landscape.
- Related to this impact is harm to protected trees through loss and removal and/or insufficient information to adequately demonstrate retention, and/or inadequate mitigation.
- Harm to Biodiversity Action Plan protected habitats and species of fauna and/or insufficient information to adequately assess impacts.
- Harm to the strategic highway network through traffic movements to and from the site; unsustainable development in transport terms with inadequate access by modes of transport other than the private motor vehicle.
- Harm to the vitality and viability of Chippenham Town Centre through trade diversion and inadequate information demonstrating a robust and policy compliant approach to site selection.

In addition the proposals are inadequately justified in a number of respects in terms of the adequacy and comprehensiveness of the supporting information submissions, especially in the context of matters raised during consultation and changed material circumstances since the application was submitted. In this respect additional information has been sought in respect of ecology; economic benefits; retail impact and application of the sequential test; operation and use of the development. This is of particular relevance in respect of the claimed economic benefits arising from the scheme proposals and the operation and use of the site, which are fundamentally inter related. This goes to the heart of the balancing exercise that is required in terms of harm to heritage assets, but also in more general terms in assessing the conflict with the development plan and what if any material considerations would indicate that a decision in favour of development and otherwise not in accordance with the provisions of the Development Plan should and could be reached.

As is identified in the body of the report the changed circumstances arising from the withdrawal of the identified end user "The Range" from the scheme proposals and lack of any statement from the applicant team in this respect significantly undermines the submissions made in support of the economic benefits of the scheme proposals. The degree of uncertainty now attached to the claimed economic benefits of the scheme proposals and the lack of updated information is considered to be so great that there is no sound basis for concluding that the conflict with the development plan and/ or the identified harm to heritage assets is outweighed. In this respect in itself it is considered that the application proposals do not accord with and meet the requirements of CP34 Additional Employment Land WCS.

As is required by the provisions of paragraphs 186 and 187 of the NPPF officers have sought to work with the applicant and provided multiple opportunities over an extended period of time to allow these matters to be addressed proactively. The applicant has not responded positively. Similarly the applicant has not withdrawn the application requiring the Council to make a determination of the scheme proposals on the basis of the available information. This has led to a less than satisfactory position in terms of assessment and

determination but it is necessary to reach a resolution in the interests of the community as a whole and those directly affected by the scheme proposals.

As such it is concluded that the scheme proposals will result in significant harm to a number of interests of acknowledged importance and that insufficient information is available to demonstrate that the public benefits of the scheme proposals outweigh the harms identified. In this respect it is considered that the development proposed is not in accord with the Development Plan and there are no clearly identified material circumstances that would support and justify a decision not in accord with the plan. The proposals fail to constitute sustainable development resulting in significant harm to the environment in multiple respects without providing sufficient mitigation of those harmful impacts; without providing sufficient information to fully assess impacts and justify proposed mitigation; and without demonstrating economic and social benefits. In these circumstances the NPPF makes it clear that development proposals should be refused planning permission.

RECOMMENDATION

Refusal for the following reasons:-

- 1. The proposed development by virtue of scale, form, location, works of construction and inadequate mitigation would result in substantial harm to below ground archaeological remains that are the subject of a Scheduled Ancient Monument designation. The proposals are contrary to CP57 criterion i and CP58 criteria i & iii Wiltshire Core Strategy Jan 2015 and paras 17 & 132 of the NPPF.**
- 2. The proposed development by virtue of its scale, form, location and inadequate mitigation would result in harm to the setting of various listed buildings (including Bolehyde Manor (Grade II*), Allington House, The Pitts, Manor Farm, Ivy Cottage and The Cottage). The proposals are contrary to CP57 criteria i and CP58 criteria iii Wiltshire Core Strategy Jan 2015; paras 17, 128, 132, 134 and 137 of the NPPF; and Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.**
- 3. The proposed development by virtue of its scale, form, location and inadequate mitigation would result in harm to the setting of the Allington Conservation Area. The proposals are contrary to CP57 criteria i and CP58 criteria iv Wiltshire Core Strategy Jan 2015; paras 17 128, 132, 134 and 137 of the NPPF; and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.**
- 4. The proposed development by virtue of its scale, form, location and inadequate mitigation would result in harm to protected species of fauna and their habitats. In addition the proposed development is not informed by sufficiently detailed and robust information to fully assess the impact on all protected species of fauna and their habitats. The proposals are contrary to CP50 Wiltshire Core Strategy Jan 2015 and paras 17 & 118 of the NPPF.**
- 5. The proposed development taking direct access from the A350 national primary route outside of a built-up area, and for which no overriding need has been established, would be contrary to adopted Core Strategy Policy 62 Wiltshire Core Strategy Jan 2015.**
- 6. The proposed development would lead to unacceptable traffic conditions, with additional congestion, delays, and hazardous conditions at nearby roundabouts and the proposed site access contrary to policy CP62. The**

proposed development would be detrimental to road user safety and convenience on the important A350 national primary route. The submitted traffic assessments of nearby roundabouts and the site access have been inadequately validated to reflect current observed traffic conditions and are therefore insufficient to enable the traffic effects of the development to be properly assessed. The development would be contrary to adopted Core Strategy policies CP60, CP61 and CP62 Wiltshire Core Strategy Jan 2015 and to NPPF paras 30 and 32.

7. The proposed development without good, direct, safe and useable pedestrian / cycle links to nearby facilities, the town centre and residential areas, would not accord with policies that development should be sustainable. The proposed development would depend heavily on the private car for access, and would be contrary to policies CP60 & CP61 Wiltshire Core Strategy Jan 2015 and National Planning Framework paras 9, 17, 30, 34 and 35.
8. The proposed development by virtue of its scale, form, location and inadequate supporting information fails to demonstrate application of the sequential test to site selection and will result in harm to the vitality and viability of Chippenham Town Centre through trade diversion. The proposals are contrary to CP38 of the Wiltshire Core Strategy Jan 2015 and paras 28 of the NPPF.
9. The proposed development by virtue of its scale, form, location and inadequate mitigation would result in harm to the character, appearance and visual amenity of the landscape and the locality. The proposal conflicts with CP51 criteria i, ii, iii, vi & vii and CP57 criteria i, ii, iii & vi Wiltshire Core Strategy Jan 2015; Saved Policy NE14 of the North Wiltshire Local Plan; and paras 17 & 61 of the NPPF.
10. The proposed development by virtue of its scale, form, location and inadequate and unclear supporting information fails to demonstrate that the development is required to benefit local economic and social needs. Further to reasons for refusal 1 through 9 above the proposals do not meet sustainable development objectives, are not consistent in scale with their location, adversely affect the surrounding area and are not supported by adequate infrastructure. The proposal conflicts with CP34 criterion v, vi, vii and ix Wiltshire Core Strategy Jan 2015 and paras 7, 14 & 17 of the NPPF.

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	14 September 2016
Application Number	16/03515/OUT
Site Address	Langley Park, Chippenham, Wiltshire, SN15 1GE
Proposal	Outline Application for the demolition of existing buildings and redevelopment to provide up to 400 units (C3); a 69 bed hotel (C1) with cafe (A3) up to 199 sqm; a discount foodstore (A1) of up to 1,741 sqm; B1, B2 & B8 floorspace (up to 13,656 sqm) and highway improvements to the Little George and the B4069/Pew Hill junctions with all matters (except access) reserved.
Applicant	Chippenham Properties Ltd & Langley Properties Ltd
Town/Parish Council	CHIPPENHAM
Electoral Division	CHIPPENHAM HARDENHUISH – Cllr Caswill
Grid Ref	392385 174316
Type of application	Outline Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

Under the Scheme of Delegation Specific to Planning, this application falls to be considered by the Strategic Planning Committee by reason of it being a large-scale major application which, by its nature would raise issues of more than local importance.

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 authority is delegated to the Head of Development Management to GRANT planning permission, subject to the completion of a Section 106 legal agreement and the imposition of appropriate conditions within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Air Quality Management and is therefore contrary to Policies CP3 CP43 & CP55 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development.

- Conformity of the local plan
- Impact on Conservation Area and setting of listed buildings
- Whether the development constitutes over development of the site.
- Impact on residential amenities of adjoining neighbours.
- Impact on character and appearance of the area.
- Retail Impact

Chippenham Town Council raised no objection to the proposed development and 15 letters of objection and 15 letters of support have been received.

3. Site Description

The application site lies within the framework boundary of Chippenham and is classified as previously developed land comprising industrial buildings of varying use and age. The site lies immediately to the north of Chippenham town centre and has residential land uses on its north and west boundaries along Langley Road, Tugela Road and Hawthorn Road. To the north east of the site is Cocklebury Lane Industrial Estate which is separated from the site by Cocklebury Lane. Forming the south eastern boundary of the site is the railway line, Chippenham Railway Station surface level car park, Chippenham Railway Station itself, Wiltshire College and industrial units beyond. Currently, the site is served from Pew Hill and Foundry Lane with additional accesses at Tugela Road, Hawthorn Road and Cocklebury Lane albeit these are not actively used by the industrial estate other than for pedestrian access.

4. Planning History

2006 - Applications N/06/00650/OUT & N/06/00649/OUT

Outline planning application submitted for the partial demolition and redevelopment of a 14.59ha part of the estate for mixed use redevelopment comprising employment, residential and retail, together with associated amenity space, car parking, access, servicing, and other ancillary uses and development. The planning application was refused

2007- Applications N/07/00791/OUT & N/07/00802/FUL

Revised outline application and a full planning application for a retail store. The outline planning application sought consent for the partial demolition and redevelopment of a 7.7ha part of the Estate for mixed use redevelopment comprising residential (Use Class C3) and retail (Use Class A1) together with associated amenity space, car parking, access, servicing and other ancillary uses and development. The full planning applications sought consent for the provision of a food retail store (52 000sqft net sales area) with associated car parking and enabling development. The planning application was refused.

An appeal against the Council's decision was lodged and dismissed by the planning inspectorate. The inspector's reasons for dismissing the appeal are discussed later in this report. The applicants subsequently lodged a High Court Challenge against the Inspector's decision, this challenge failed and the decision to refuse planning permission was upheld

2009 - Application N/09/00317/OUT

An outline planning application was submitted in February 2009 for 'demolition and redevelopment of the site to provide a mixed use scheme comprising residential, retail, hotel, public open space, together with car parking, servicing, access and other ancillary uses and development. The planning application was withdrawn by the applicant prior to its determination.

2013 - Application N/13/01776/OUT

An outline application was submitted in June 2013 for 'Demolition and Redevelopment of Land at Langley Park and Extension and Refurbishment of Hathaway Retail Park for up to 115 Residential Units, Food and Goods Retail Units, Multi Storey Car Park, Leisure and Hotel, Industrial Units. Highway Improvements to The Little George Junction, Landscaping and Associated Development'. Members of the Northern Area Planning Committee resolved to grant planning permission subject to the signing of a s106 agreement.

The Council formally disposed of the application in April 2015 as the applicants had failed to complete the legal agreement. No formal approval for the redevelopment of the site was issued.

5. The Proposal

The Site currently accommodates 74,173m² gross floor area (GFA) of B1, B2 and B8 employment uses. Existing employers on the site include Siemens, IXYS and Vysiion and will be retained within the site, with the provision of additional space for their consolidation and expansion.

The proposals seek to redevelop part of the site following demolition of existing vacant and under-used building stock to facilitate the development of a mix of uses including:

- Approximately 13,565m² new employment (B1/ B2/B8) floor space;
- Discount food store (A1) of 1,741m²;
- Café (A3) of 199m²;
- 69-bedroom hotel (C1);
- Up to 400 residential units (C3);
- New public open space including Linear Park.
- Highway Improvements

6. Planning Policy

Wiltshire Core Strategy Jan 2015:

- Core Policy 1- Settlement Strategy
 - Core Policy 2- Delivery Strategy
 - Core Policy 3- Infrastructure Requirements
 - Core Policy 9- Chippenham Central Areas of Opportunity
 - Core Policy 10- Spatial Strategy: Chippenham Community Area
 - Core Policy 34- Additional Employment Land
 - Core Policy 35- Existing Employment Land
 - Core Policy 36- Economic Regeneration
 - Core Policy 38- Retail and leisure
 - Core Policy 40- Hotels, B&Bs, Guest Houses and Conference Facilities
 - Core Policy 41- Sustainable Construction and Low Carbon Construction
 - Core Policy 43- Providing Affordable Homes
 - Core Policy 45- Meeting Wiltshire's Housing Needs
 - Core Policy 51- Landscape
 - Core Policy 45- Meeting Wiltshire's housing needs
 - Core Policy 50- Biodiversity and Geodiversity
 - Core Policy 51- Landscape
 - Core Policy 56- Contaminated Land
 - Core Policy 57- Ensuring high quality design and place shaping
 - Core Policy 58- Ensuring the Conservation of the Historic Environment
 - Core Policy 62- Development impacts on the transport network
 - Core Policy 64- Demand Management
 - Core Policy 67- Flood Risk
- Appendix D

Appendix E
Appendix G

Saved Policies of the North Wiltshire Local Plan:

- NE18- Noise and Pollution
- T5- Safeguarding
- CF2- Leisure facilities and open space
- CF3- Provisions of open space

National Planning Policy Framework 2012:

Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)

Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)

Chapter 6- Delivering a wide choice of high quality homes (Paragraphs 47, 49, 50 & 55)

Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)

Chapter 8- Promoting healthy communities (Paragraph 75)

Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)

Chapter 12- Conserving and enhancing the historic environment (Paragraphs 126, 128, 129, 132, 133 and 139)

7. Summary of consultation responses

Chippenham Town Council- No objection. However the Town Council does have concerns regarding delivery vehicles accessing the site and would ask that careful consideration be given to the street scene and in particular the design of adequate safety railings at this junction

Sport England - Object- Sport England considers that the application conflicts with Objective 3: *Provide new facilities to meet demand*, in that there is absence of any reference to the levels of formal recreation provision likely to be required on and/or off-site, to meet immediate demand for the new residents and facilities available in the wider region.

Historic England- We welcome this proposal for regeneration in the heart of Chippenham. The site partly comprises a small section of the Chippenham town centre Conservation Area. It also impacts upon a number of designated heritage assets including Avon House that is Grade II and the Grade II* listed Church of St Paul. There is also the undesignated heritage asset known as Westinghouse, a 1930s office building that is located within the development site. However, we understand that many of the un-designated heritage assets have already received prior approval for their demolition.

In the case of St Paul's Church, we wish to ensure that its setting has been fully assessed and any potential harm from this development mitigated. Our particular issue will be with any proposed highway alterations around Little George Roundabout.

Whilst the majority of the site is outside the terms of our remit, we would wish to ensure that the scheme reflects the distinctive character of Chippenham and that the design of the scheme is to an appropriate quality in line with Paragraph 64 of the National Planning Policy Framework.

Highway England- No objection subject to a planning condition

Wiltshire Police - No objection subject to conditions but no indication appears to be given as to what strategy has been adopted in respect of the physical security of the dwellings, their perimeter protection and that of the car parking courts referred to in any of the documentation provided.

Wessex Water- Submitted details confirm design flow rates for the 1 in 1 year and 1 in 30 events. The assessment principally addresses the flood risk requirements for extreme events with allowance for climate change and indicates how surface water run-off will be managed across the site.

We acknowledge that the development will be brought forward in phases and there are likely to be design changes as these phases progress. We accept that detailed design will bring changes and we will need to manage these changes through adoption approvals.

We agree that there will be reduced impermeable areas and therefore marginal improvements to existing service levels. We are unable to guarantee that capacity will be available to drain exceedance flows beyond a 1 in 30 year event.

The developer will need to agree hydraulic conditions with the sewerage undertaker for these design events when submitting adoption drawings and proposals.

It may be appropriate to place a condition on the NOD to ensure that we can co-ordinate and agree the necessary engineering measures to deliver the drainage strategy from outline to detailed permissions.

Wiltshire Council Drainage - No objection subject to conditions. There are public and private foul sewers crossing the site thus site layout will need to accommodate them in existing locations with required clearances or an application to divert will be required to the sewerage undertaker

Checks and modelling by the undertaker likely to be required to ensure that the existing systems have sufficient capacity to serve the proposed development. It is known that some of the existing foul sewers actually have storm water connections

Storm Drainage - Site is located in FRZ 1 according to EA on line mapping. There is also is a surface water flood risk for 1 in 30 (high), 1 in 100 (medium), and 1 in 1000 (low)

Drainage strategy report-

- Covers the moving of storm to foul requirement
- Proposals for attenuation to ensure flood risk is reduced on/off site
- Ground investigation needed should infiltration disposal be proposed at detail stage
- Some confusion as Executive Summary, 2.5 and 4.3 mentions 40% in relation to climate change but 1.16 says 30% - latest guidance from EA is climate change allowance is site specific and sets out how to determine – applicant needs to confirm which figure he is using and how this meets the latest guidance

Any alteration to highway drainage systems will need the approval of Wiltshire Council's Highways & Drainage teams

Wiltshire Council Urban Design - Some concerns with the original submission but amended plans have overcome some of these concerns. Some reservations with the proposed development but largely relates to detail which would form part of the reserved matters scheme.

Wiltshire Council Primary Education- The application generates a need for 4 classrooms (up to 120) of new places. The exact financial requirements here are dependent on the level of affordable housing included. There would also be the possibility of requirements for both a new primary school site and/or a crossing to create a safe walking route from the development to that new school provision. Secondary Education- Were we assessing this

enquiry as a registered application today, the Council would pursue the funding for secondary infrastructure expansion via the CIL mechanism. Early Years - Local Authorities are required by legislation to secure sufficient early years education places for two, three and four year olds. The development would generate a contribution totalling between £332,918.00 & £350,440.00 depending on total number of units and percentage of onsite affordable housing.

Wiltshire Council Affordable Housing- There is a demonstrable need for affordable housing in the Chippenham Community Area and therefore a 40% on site affordable housing contribution at nil subsidy should be sought. In order to meet current demonstrable need the tenure mix required would be 60% Affordable Rent and 40% Shared Ownership.

Wiltshire Council Ecology- Support subject to planning conditions.

Wiltshire Council Noise and pollution - Consideration should be given to the hierarchy of noise control where the noise is firstly managed through good design/internal layout and lastly glazing and acoustic ventilation.

I have concerns about train noise and vibration disturbance to potential residents and would need a noise and vibration impact assessment at reserved matters stage.

It is important that any detailed application takes consideration of noise and provides properties with suitable mitigation through design orientation, firstly with glazing elements and acoustic vents. I would requesting that all internal rooms achieve the Good Standard as stated in BS 8233: 2014 for both daytime and night time with an openable window. A full noise assessment would be requested if there are any proposed noise generating leisure venues i.e. skate parks, basket ball courts or similar a similar condition will be required for new plant required on the hotel, foodstore and cafe.

To ensure there is no disturbance to existing residents an hours of construction condition should be attached to any planning permission this can be incorporated into the site construction management plan.

Wiltshire Council Contaminated Land- No objection but a contaminated land condition will be required.

Wiltshire Council Arts Services- There is no particular reference to the inclusion of public art and design in this application, which we would expect for such a significant development of this size and nature, as referred to in Core Policies 3 and 57 of the Wiltshire Core Strategy.

The NPPF recognises that cultural wellbeing is part of achieving sustainable development and includes cultural wellbeing within the twelve core planning principles that underpin both planmaking and decision-taking.

Based on an indicative figure of £300 per dwelling and £3 per sq metre of commercial development, a contribution of in the region of £167,000 would seem to be an appropriate figure for this site.

Wiltshire Council Tree Officer - As this is an outline application and the full impact of the scheme proposals have not been given, the report does address the need for a full Arboricultural Impact Assessment (AIA) along with a corresponding Arboricultural Method Statement (AMS). If permission is given for the above application planning conditions will be required.

Wiltshire Council Spatial Planning - The principle of a mixed use development at Langley Park is acceptable. The brownfield site is located within the Chippenham Central Area of Opportunity and is allocated in the WCS Core Policy 9 to provide business uses as part of a mixed use development.

These proposals will help to ensure that the existing business uses on part of the site are retained as envisaged in WCS Core Policy 9. It will also ensure that site continues to be a vibrant business location, one of the key considerations for proposals within the Chippenham Central Area of Opportunity and consistent with the employment led strategy for Chippenham. The proposed uses are also in line with the Chippenham Town Centre Masterplan.

This site is one of the few previously developed sites available in Chippenham. The delivery of housing as part of a mixed use site will contribute to boosting housing supply in Chippenham and Wiltshire and to Chippenham being a place to live and work in, another of the considerations for proposals within the Chippenham Central Area of Opportunity.

The site has been identified as the most sequentially preferable site to accommodate a large supermarket in Chippenham with easy access to the town centre in the context of the 2014 retail study and the proposals will provide additional convenience floor space in excess of the 1338sq net by 2020 identified in the WCS and will go some way to meet the additional floor space requirements identified in the 2014 retail study.

However, further information is required in relation to the retail impact of the proposal in accordance with core policy 38 and further information is required in relation to the design and layout of the scheme to ensure its compliance with Core Policy 57.

Wiltshire Council Highways - The applicant has addressed the various concerns raised at pre application stage and expressed in earlier meetings. This included but not limited to:

- I. the provision of an acceptable access arrangement for the main Pew Hill access, by way of a double mini-roundabout to include the Birch Grove junction
- II. satisfactory evidence has been submitted to support the levels and locations of car parking proposed on the site
- III. an adequate access arrangement to serve as a potential second access to the north side railway station access has been included on the submitted revised drawings.

No objection is raised subject to planning conditions and s106 financial contributions.

Wiltshire Council Conservation Officer - The loss of the existing industrial buildings appears justified; the applicant has considered the significance of the existing buildings and concluded for the most part they make limited contribution to historic environment.

The demolition of the industrial buildings is considered acceptable on this occasion as the existing buildings make a limited contribution to local character and distinctiveness and that the removal of these redundant structures will allow the reuse of this brownfield site in close proximity to the town centre and railway station.

The potential improvements to the setting of the Grade II listed Avon House are noted and deemed to be significant public benefits to the setting of this Grade II listed building. This element of the scheme is considered to better reveal the significance of the designated

heritage asset in accordance with requirements of section 12 of the NPPF and section 66 of the Planning (LB and CAs) Act 1990.

The loss of the Whitehouse building is regrettable however this structure does not benefit from statutory protection, the potential public benefits of the delivery of a viable new use, local facilities, employment, and residential are considered to offset the harm caused to the historic environment (the scheme is therefore considered in accordance with section 12 of the NPPF paras 132 and 134).

The low scale nature of the proposed food store will preserve views of the spire of the Grade II listed St Pauls Church and the existing visual relationship with the Grade II Station. The proposed hotels and apartments fronting Foundry Lane and the Railway appears an acceptable response the buildings being of similar outline to the existing built form.

The storey heights referenced in relation to the residential components of the scheme is consider to be of a similar scale to the existing industrial buildings there the existing setting of the heritage assets around the site will be preserved.

Wiltshire Council Estates Department- I confirm that in my judgement, having assessed the applicant's Viability Appraisal, the Langley Park Chippenham development scheme (16/03515/OUT) is unviable if the package of contributions requested by consultees is required. Only limited contributions can be requested. This is covered within the report.

8. Publicity

The application was advertised by neighbour letter, site notices and press advert.

The application has generated 15 letters of objection and 15 letter of support. However, some of the letters of support did highlight minor concerns with the development. A summary of the comments is set out below:

- Additional housing required
- Highway safety
- Congestion
- Insufficient parking
- Impact on residential amenity
- Management of new public open space
- Ecological impacts
- Pedestrian access to the site from existing streets
- Issues with contaminated land
- Air quality
- Whitehouse should not be demolished
- Drainage & Flood risk
- Overlooking
- Public Art needed
- Existing trees need to be retained
- Strict control of deliveries necessary

Waitrose - Summary of comments set out below:

- Permitting the application will have a major detrimental impact on the turnover of the existing store.
- Only limited weight should be afforded to the previous consent on the site as no formal decision was made, only a resolution to grant.
- the level of adverse impact on the Little Waitrose store (and the knock on effect on linked trips) will in no way 'strengthen' the retail offer of Chippenham town centre,

and will instead significantly 'weaken' the existing offer, contrary to the objectives of the Core Strategy.

- the Retail Assessment is based on the Council's Town Centre and Retail Study published in March 2011, which itself is based on the results of a household survey that was undertaken in June 2010 i.e. prior to the opening of the Little Waitrose store in Chippenham.

Tesco - Summary of comments set out below:

- RIA has been undertaken by the applicant, but serious reservations over the methodology and assumptions applied.
- M&S proposed at Bath Road Retail Park has not been factored into the assessment. This is not yet a commitment, but is expected to be in the near future.
- Fundamental flaws in the town centre impact assessment that supports the application, and in reality, the impact on Chippenham town centre would be significantly adverse

9. Planning Considerations

9.1 Principle of Development

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.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the Chippenham Area.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

Core Policy 1 of the Wiltshire Core Strategy sets out the settlement strategy for the area, identifying Chippenham as a 'Principal Settlement', a focus for new development. Core Policy 2 confirms a presumption in favour of sustainable development within the defined limits of development.

The NPPF encourages the reuse of brownfield land. One of the twelve core planning principles is "*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*"

Paragraph 111 also says:

"Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land."

The strategy for Chippenham is based on delivering significant job growth, which will help to improve the self-containment of the town by providing more jobs for local people (WCS Paragraph 5.47).

WCS Core Policies 2 and 10 require 26.5ha employment land and at least 4510 houses to be provided at Chippenham between 2006 and 2026.

This site is identified in WCS Core Policy 9 Chippenham Central Area of Opportunity “to deliver a mixed use site solution for a key redevelopment opportunity area to support the retention of significant business uses on part of this site.”

WCS Paragraph 5.54 sets out the key principles to be addressed in developing Chippenham Central Area. All proposals for development in this area should establish appropriate high quality public realm and pedestrian and cycle routes to create a lively visual and social environment focused on linking all parts of the town with its centre. The Langley Park site forms part of one of the Character Areas identified in the Chippenham Central Area Masterplan and is also a saved Policy H2 allocation from the North Wiltshire Local Plan 2011 to provide 250 dwellings as part of a mixed use site.

The Chippenham Central Area Masterplan

The Chippenham Central Area Masterplan was produced in 2013 by Chippenham Vision, a local stakeholder partnership and was consulted on thoroughly with the local community. The Masterplan is based on an analysis of how the region, Chippenham and its town centre are performing and planning for housing and employment growth. It includes guidance to improve the town centre and surrounding area. The Masterplan area comprises the Chippenham Central Area of Opportunity as set out in the Wiltshire Core Strategy CP9. In the Masterplan Langley Park is identified as one of five character areas within the central area of opportunity. The introduction to the character area says:

“Regenerating Langley Park and the surrounding area with uses that compliment and support the vitality and viability of the town centre, through a mixed-use development that facilitates new linkages across the railway. A key aspiration of the Masterplan is to support the retention and enhancement of business uses on Langley Park”

The detailed character area guidance for the Langley Park goes on to say:

“The area has a longstanding history of industrial uses which have now partly disappeared. Where redevelopment has occurred, replacement development has been generally low quality and out of scale with the rest of the area (over-sized and impermeable) It is crucial, therefore, that future redevelopment opportunities complement the existing retail, residential and employment uses that make up or border this area at an appropriate scale.

A redevelopment opportunity of particular note is the Langley Park site itself. New employment uses can be located adjoining those businesses that will remain on the site but these must allow for the appropriate redistribution of car parking on the site. The residential area adjoining Langley Park should be extended eastwards into areas that are not to be maintained for employment use Where appropriate, flexibility is permitted within a restricted set of uses to maximise opportunities for regeneration Foundry Lane would benefit from public realm improvements and the northern entrance to the railway station would benefit from an enhanced arrival space....A new link across the railway is vital and would improve connections to the town centre. Improved access to the station through Langley Park and town centre parking will relieve the Little George roundabout which can be enhanced as a pedestrian and movement focus with opportunities for active frontages around this key entrance point to the town. Upper New Road and land to the north of Great Western Arches provide opportunities for new retail and improved public realm”

The Chippenham Central Area Masterplan, though useful in ascertaining what local community groups, business etc would like to see as part of the site redevelopment, has not been subject to full public consultation or scrutiny and formally adopted as a Development

Plan Document and can therefore only be afforded very limited weight in the decision making process.

Employment Land

The site currently accommodates a number of industrial and commercial units, some of which are now vacant. This site is not identified as a Principal Employment Area in the WCS. However, it is located within the Chippenham Central Area of Opportunity and is in a key location near to the Railway Station and defined town centre.

These proposals will help to ensure that the existing business uses on part of the site are retained as envisaged in Core Policy 9. It will also ensure that the site continues to be a vibrant business location, one of the key considerations for proposals within the Chippenham Central Area of Opportunity. The level of additional employment floor space is in accordance with the policies and principles of the Core Strategy.

The applicants are seeking additional employment floor space for existing businesses and new businesses to locate to the area. The submitted supporting information states that these employment generating uses will be limited to uses within classes B1(b), B1(c), B2 & B8 land uses. This information has been considered by Highway's England & the Council's Highway Officer and no objection is raised subject to conditions.

Having considered the submitted information the proposed additional floor space and uses are considered to be in accordance with both local and national policies including CP34 & CP36.

9.2 Highways

As acknowledged earlier in the report. The application is similar in nature to the previous application (13/01776/OUT) which the Strategic Planning Committee determined should be approved subject to a planning obligation to secure defined requirements. The submitted Transport Assessment acceptably sets out the principal transport issues.

The site is relatively well located in Chippenham to be considered sustainable from a transport perspective, with its proximity to the railway station and the town centre, with its attendant facilities. School trips are less favourably accommodated, but there are local pedestrian and cycle networks available to serve this need. Specific highway matters are addressed in turn below:

Little George Junction - The application proposes a modification of the Little George junction, in accordance with the principles for improvement agreed for the previous application on the site. The impacts of the development are forecast by the TA to be severe at this junction if left in unmodified form. The junction of New Road and Marshfield Road is overcapacity in future years with queues on New Road forecast to increase over existing (2015) levels; this is likely to interfere with the proposed traffic signals at the Little George junction; measures will be required to ensure that these two junctions do not conflict.

Pew Hill Access Junction- The applicant has now addressed the various concerns expressed earlier in the application process. The access arrangement for the main Pew Hill access, by way of a double mini-roundabout to include the Birch Grove junction is considered to be an acceptable solution. Though final detailed plans will be required this can be controlled by condition.

General Access Arrangements - Through movement of traffic is anticipated to be modest; the TA suggests that most commercial development traffic would access the site via the Langley Road junction rather than via Foundry Lane. A TRO will be required to restrict the largest vehicles from travelling through the proposed 'King Alfreds Gate' residential part of the development (both from Langley Park and from Hathaway Retail Park.). It is not

considered that the internal site link road offers an appropriate route for general lorry traffic associated with the site employment uses. Evidence will be required to ensure that the road can comfortably accommodate a bus route, as proposed.

The Langley Park site has several accesses, not all of which have been used for a number of years by regular vehicular traffic. However, these accesses need to be kept available for pedestrian and cycle use to encourage non-car trips.

Pedestrian and cycle linkage to the town centre is prejudiced by the presence of the railway line, which has a severing effect. There are currently two bridges which can be used for town centre access, a pedestrian only bridge within the station, the other on public footpath CHIP11, which has recently been rebuilt, with lifts at the town and platform sides, but not at the Old Road side of the station.

The TA acknowledges the severance issues for cyclists caused by the railway bridge, and the deterrents on the alternative routes to the town centre. There is no plan within the submitted application to install a lift or contribute towards the provision of one. This is disappointing as the previous application provided a contribution. However, taking into consideration the viability issues it would be difficult to justify this contribution.

Site Parking - The application proposes parking which falls below the Council's standards, but proposals are referenced to 'manage' parking on the site, not least so that railway station parking is not problematic. A TRO to restrict parking on all site roads will need to be included within the heads of terms of the s106 agreement; this should also address any under-provision against standards resulting in on-street parking problems.

Parking proposals for the hotel will need to be reviewed/addressed at RM stage, so that local streets are not used for private development parking purposes. It is considered that the degree of under-provision for the apartments proposed on the site (measured against adopted standards, and notwithstanding the census data provided for existing low occupancy housing) would likely result in on-street parking, in the absence of local controls.

Given the reliance on on-street parking for the hotel, the situation could become unacceptable. No on-street parking will therefore be allowed unless a satisfactory arrangement of resident only parking can be devised. It is questionable whether the Census data for residential development in the surrounding area will necessarily be reflected in the new development for the non-apartment residential element of the development. Actual on-site provision will be determined at RM stage, but generally parking will be required in accordance with the council's standards.

Access to Railway Station Car Park - The railway station car park to the north side of the railway is poorly served via Old Road; the previous application made provision to facilitate a new access from the development site to the eastern end of the car park. Plans have now been submitted showing how this access could be facilitated if the land owner was wishing to provide an alternative for pedestrians and vehicles.

Construction Traffic - Planning permission should be subject to the submission and approval of a construction traffic management plan and development phasing plan. This plan should identify how construction traffic will be managed so as to minimise the effects on the amenity of local residents, and to avoid the use of inappropriate routes on the outskirts of the town. Timing of construction traffic will have to be managed to avoid impacts during network peak periods. Construction traffic leaving the site will likewise be controlled, and facilities effected to ensure that dirt from the site does not fall onto the highway from the wheels of construction traffic. It is important that the individual new land uses are not opened for trading or occupation unless and until they are provided with an appropriate access.

In summary, subject to appropriate conditions and the provision of s106 contributions the development is considered to be in accordance with local and national planning policies, in particular CP3, CP62 & CP64.

9.3 Hotel

Core Policy 39 supports tourist development in the Principal Settlement's. Core Policy 40 also supports the provision of new hotels in Principal Settlements, as well as in smaller settlements where the proposals are of an appropriate scale and character within the context of the immediate surroundings and the settlement as a whole. In all cases, it must be demonstrated that proposals will not have a detrimental impact on the vitality of the town centre; and avoid unacceptable traffic generation.

The Wiltshire and Swindon Visitor Accommodation Futures Final Report (June 2014) considers the opportunities for hotel and visitor accommodation in the area. It recognises the important role of tourism and identifies a shortage of hotel accommodation, including Chippenham. This document further refines this position and suggests that at least two budget hotels are needed in Chippenham (in Chippenham and on the outskirts of Chippenham).

Paragraph 23 of the NPPF is clear that needs for main town centre uses should be met in full and should not be compromised by limited site availability. The Planning Statement accompanying the application considers the potential impact of the hotel, concluding that the proposed budget hotel may take some trade away from the Angel Hotel but also notes that the accommodation offering is different i.e. a budget hotel.

There is no prescribed method for carrying out an impact assessment for hotels but the Planning Statement has considered this issue. It is acknowledged that the Angel Hotel is the only sizable hotel in the centre of Chippenham and there are no other consented hotels to be constructed in the Town Centre or edge of centre.

Alternative sites for the proposed supermarket have been considered and these sites are equally applicable for the construction & consideration of a hotel in Chippenham. Whilst the proposed development may bring greater and wider benefits to the town in terms of the economy and its contribution towards the redevelopment aspirations of the town if it were located more centrally, a suitable site (Bridge Centre) is not available at the current time (this is explained in more detail with the retail impact assessment).

There is a clear need for hotel accommodation in the town and the application site proposal would contribute to this need. Furthermore, Langley Park is within the defined Chippenham Central Area of Opportunity as defined by CP9, within which mixed use schemes are promoted which support the vitality of the town centre. Paragraph 5.48 of the plan supports proposals which will enhance Chippenham's offer as a service centre, particularly the town centre for retail, leisure and the evening economy in order to reduce the outflow of shopping and leisure trips. Therefore it is considered that the proposal for hotel provision is acceptable and is in accordance with the Core Strategy and NPPF.

9.4 Retail Impact assessment

The proposed development involves a 'main town centre uses' as defined by the National Planning Policy Framework (the Framework). As the site is in an out of centre location the application is accompanied by a Retail Impact Assessment (RIA) which undertakes the sequential test and impact assessment required by paragraphs 24 and 26 of the Framework and Policy CP38 of the CS.

The shopping patterns evidence base data used for the applicant's assessment is the same as the shopping patterns evidence commissioned specifically for the Core Strategy. As with

most evidence base studies, these will become less reliable over time and it is not unusual for applicant's to commission their own up-to-date surveys. It is disappointing that up to date surveys have not been submitted by the applicant. However, it is important to note that the Council has relied on the 2010 household survey to determine other recent planning applications for retail development in the Chippenham area, the most recent application being determined in June 2016 for M&S Simply Food. In terms of adopting a consistent approach the data is considered to be acceptable.

The applicant has provided an additional convenience goods assessment which takes into account the impact of the Whitehall Garden Centre redevelopment and the M&S Simply Food proposal. As set out above the information is not up to date and can only be indicative although it shows that:

- Based upon GVA predicted impact for the Tesco, the proposed store will have a 4% solus impact on the convenience goods sector in Chippenham town centre and which is part of a wider 11% cumulative impact on this sector.
- If Tesco's forecast is used, then the solus impact on the convenience goods sector will be 7% and the cumulative impact will rise to 14%.
- The proposed store will have a small 0.3% impact upon the comparison goods sector in Chippenham town centre and which is a small part of the 5% cumulative impact on the town centre's comparison goods sector.
- The overall impact of the proposed Langley Park foodstore is between 0.7% and 1.1% on a solus basis and between 5% and 6% on a cumulative basis.

The anticipated cumulative trade impact on the convenience and (to a lesser extent) comparison sectors in Chippenham will increase should permission be granted for the supermarket. However, this level of impact will be well below the level of impact which the Council found acceptable in relation to the previous supermarket which members resolved to grant planning permission for in 2013.

There will be a trade impact on Chippenham. This will however be low and would not have any significant effect on viability. Paragraph 27 of the NPPF is clear, where an impact assessment is required, that planning permission should only be refused where the development is likely to have a significant adverse impact.

Though the data relied on by the applicants is from the 2010 household survey there is nothing in the evidence to suggest that the conclusions reached by the applicant and GVA would be in conflict with the Core Strategy or NPPF, in fact quite the contrary as this survey data has been used when determining other recent retail applications. As such, it is concluded that the development would not have a significant adverse impact on the vitality or viability of Chippenham Town centre or elsewhere. It is considered that there will be no conflict with Policy CP38 because the impact assessment carried out in accordance with the Framework has been satisfied; and the level of harm will be far less than the harm caused by the previous scheme for the site which members resolved to grant planning permission.

9.5 The Sequential Test

Within the retail impact assessment the applicant has sought to address this requirement, assessing a range of alternative sites in and around Chippenham. This report concluded that there are no sequentially preferable sites that were suitable or available.

Section 4 of the submitted RIA considers the following sites:

1. Bath Road car park / Bridge Centre
2. Borough Parade car park
3. Railway Station car park
4. Westmead fields
5. Hathaway Retail Park

Of the above sites, sites 2-5 have been considered in relation to the other recent retail development proposals and dismissed on the basis of either their suitability and/or availability to accommodate retail development. However, the consistent focus for the sequential test for many recent retail development proposals has been the Bath Road car park/Bridge Centre site which lies on the edge of the defined primary retail frontages in the Local Plan and is also allocated for retail development in the same document. The site is also a retail allocation in Policy CP9 of the Core Strategy.

The Bath Road car park has a long history of proposals to redevelop this site and the surrounding area. This has included supermarket use and more recently a mixture of food and non-food retail units. The recent proposal to provide a mix of retail units via ING's development agreement with the Council has ended. However, the Bath Road site remains available and the Council are looking to develop this site.

Bath Rd Car Park site has been on the table for a number of years and has yet to reach a planning application stage. There are a number of constraints: not least the need to reconfigure the highway, the listed building on site, its conservation area location and the need to deal with a culvert that runs across the site.

The latest advice (10th March 2016) from the Economic Development Team has listed the stages that will need to be completed to bring the site forward, which are:

1. A consultant has been commissioned to assess and cost the works to reconfigure the road. The results are not yet available.
2. A bid has been submitted to Swindon and Wiltshire Local Economic Partnership (SWLEP) for Growth Deal funding for the road alterations.
3. The site clearance of the Bridge Centre will commence (now complete).
4. If the scheme becomes a priority scheme, which is dependent on the outcome of LEP Board meeting and central Government's budget, then an Outline Business Case including a more detailed scheme design and costings will need to be produced, followed by procurement of contractors. At the same time negotiations can be pursued with the investor which may in turn require formal procurement. A planning application for the site would have to be produced and agreed.
5. If both activities are pursued in parallel and all went smoothly, physical development could start in 18 months. However, at this stage there are a lot of unknowns and uncertainties and the above time scale is hugely optimistic.

The very soonest that it is predicted that physical works could commence is within 18 months, but that relies on everything going according to plan and this is unlikely (given the complexity of the site) to be the case. Additionally there is absolutely no certainty at this stage that anything will actually come forward which is both financially viable and acceptable in planning terms.

The site has been promoted for in excess of 10 years with M&S expressing an interest in the site since 2007, with nothing even getting as far as a planning application.

The likelihood of a scheme coming forward within the best scenario timeframes is considered unlikely, given that nothing about the site has fundamentally changed. It is not

considered that Bath Rd Car Park site, at this stage, can be considered to be available or suitable.

It is considered that the applicant has demonstrated that there are no sequentially preferable sites available that could accommodate the proposed development, even if the scale and format of the unit was to be altered in some way.

Paragraph 24 of the NPPF suggests, when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The site is located in an established commercial area on the edge of the secondary shopping frontage, directly adjacent to a train station and to a cycle route, pedestrian routes and public transport. It is accepted that the site is accessible and this weighs in favour of the proposal.

9.6 Ecology

The site is comprised of heavily urbanised habitats, dominated by expansive areas of buildings and hard standing. The areas adjacent to the railway embankment have patches of semi-natural habitat including grassland, scrub and woodland which contribute to the wider wildlife corridor through the town provided by the railway line and support a population of slow worms and foraging bats; impacts on these habitats would be limited and the creation of the SUDS and linear park would compensate for the loss of these habitats and be beneficial in the long-term. Buildings within the site are largely unsuitable for roosting bats and very limited evidence of bats has been recorded, indicating that individual bats might occasionally use one or two of these for night roosting; pre-commencement checks and sensitive working methods should reduce any risk of encountering bats during the demolition phase and replacement roost features could easily be accommodated within the new development. The proposal is therefore not in conflict with Core Policy 50.

9.7 Impact on Listed Buildings

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Considerable weight must therefore be given to the preservation of the listed building, including its setting.

The House of Lords in *South Lakeland District Council v Secretary of State for the Environment* case decided that the “statutorily desirable object of preserving the character or 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.

Located within the application site is a Grade II listed building (Avon House). Beyond the site there are various listed buildings which are visible or partially visible from the application site including a Grade II Station & St Paul’s Grade II* listed church. Part of the site is within a Conservation Area and other parts of the site are viewed within the back drop of it.

The Council’s Conservation Officer and the applicant’s supporting documentation agree that the proposed extensions to existing industrial buildings in close proximity to the listed building will have some minor harmful impacts to the setting of Avon House. This harm is very minor and considered to be less than substantial.

For the purposes of determining the application Core Policy 58 is relevant and states:

Development should protect, conserve and where possible enhance the historic environment.

Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance:

The wording of core policy 58 and the supporting text to the policy is quite clear that if harm is identified it is in conflict with the policy. As the proposal fails to conserve or enhance the setting of Avon House the development is in conflict with CP58.

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.

The NPPF is a material planning consideration and paragraphs 133 & 134 of the NPPF are relevant to the determination of the application. Paragraph 134 provides: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

The potential improvements to the setting of the Grade II listed Avon House with the demolition of other structures within the site, better landscaping and improvements to the existing building and possible increased employment opportunities are noted and deemed to be significant public benefits outweighing the limited harm identified to the setting of this Grade II listed building. Though some harm has been identified to the setting of Avon House and the scheme is therefore in conflict with CP58 it is concluded that this harm is outweighed by the significant public benefit associated with the scheme and therefore can be approved as there is no conflict with the NPPF for the reasons set out above.

With regard to the proposed food store, hotel and residential units - The low scale nature of the supermarket will preserve views of the spire of the Grade II listed St Pauls Church and the existing visual relationship with the Grade II Station. The proposed hotel and apartments fronting Foundry Lane and the Railway appears an acceptable response to the design challenges of the site and the supporting information has demonstrated that a form and scale of development can be achieved which will preserve the character of the area, conservation area and setting of the listed building and is therefore in accordance with local and national planning policies.

The remaining housing, rearranged parking and additional business units are sufficient distance from any listed buildings to ensure that development in these locations will have a neutral impact on the setting of listed buildings and will therefore conform to local and national planning policies, in particular CP58 of the Core Strategy).

9.8 Impact on Conservation Area

During the consideration of the previous planning application concerns were raised in relation to the removal of a former Westinghouse office building known locally as ‘The White House’. The building is representative of a 1920s and 1930s Art Deco Architecture.

The Inspector, in his decision at paragraphs 34-39, considered the removal of this building and concluded that the removal of the structure was acceptable in principle. Although this decision was assessed against PPG15 and not the NPPF it is considered that the policy context is similar. Having considered the previous inspector’s decision and policies contained within the NPPF, & WCS it would now be difficult conclude other than that the historic form and values have been seriously eroded by unsympathetic alterations.

The loss of the Whitehouse building is regrettable however this structure does not benefit from statutory protection, the potential public benefits of the delivery of a viable new use,

local facilities, employment, and residential are considered to offset to any harm caused to the historic environment (the scheme is therefore considered in accordance with section 12 of the NPPF paras 132 and 134).

In relation to the conservation areas in the locality, it is not possible to identify any harm to the conservation areas or their setting, the proposal would therefore conserve the setting of the conservation areas and possibly improve the setting as a result of the removal of many unsightly buildings and their replacement with modern high quality structures.

9.9 Impact on Neighbours

Some concerns have been raised by local residents in relation to the proposed maximum height of the residential development backing onto Tugela Road and Hawthorn Road. Although this is currently an outline application and the precise detail is a reserved matter, the indicative layout and building height parameter plan demonstrate that adequate privacy can be achieved. The outlook from some properties will be improved due to the removal of the existing industrial buildings on site. The development accords with Core Strategy Policy CP57.

9.10 Scale Height Massing

Though the application is submitted in outline form the application has been accompanied by a significant volume of supporting information. This information has been provided to demonstrate how the scheme could work in urban design terms and to also demonstrate that the proposal will not have an adverse impact on the character and appearance of area.

Initial concerns were raised by officers with regards to the proposed mass and height of buildings along the Foundry Lane frontage, generally illustrated through the Design and access statement. It was considered that this form could be overbearing in immediate and longer view neighbourhood setting. Officers suggested that the heights and massing should strictly accord with the skyline profile shown on the 'Foundry Lane Elevation' on page 54/55 of the D&AS. Amended plans have now been submitted to address this concern and no objection is now raised to this part of the scheme. Officers are satisfied that a satisfactory reserved matters application can be submitted for the quantum of development proposed.

Concerns were also raised with regards to the indicative plans for the proposed 'Discount Supermarket' as shown in the perspectives on page 55 and page 59 of the Design and access Statement. It is considered that the indicative plans do not pay sufficient attention to the intrinsic local context and doesn't reinforce local distinctiveness. There are specific elements of the scheme that may be visually awkward in juxtaposition with the proposed Hotel in this prominent 'gateway' setting. These concerns were expressed during pre-application discussions and it is disappointing that the proposed occupier has chosen to ignore the professional advice provided by Council Officers.

However, amendments have been made to the supporting statements and these changes are welcome and demonstrate how an acceptable design could be achieved. The application is in outline format and officers are satisfied that a satisfactory design, taking on board the matters raised above, can be accommodated within the area of land earmarked for the discount supermarket.

Amendments have been made to indicative plans for the proposed Hotel. Concerns were originally raised to the perspective on page 49 of the Design and Access Statement and these changes are welcome and clearly demonstrate that should a reserved matters application be received the visual integrity of the 'stone' façade and the corporate advertising of the Hotel chain would be sensitive to the locality and maintain the quality and

distinctiveness of the area. Officers are now satisfied that a hotel of the maximum size proposed can be accommodated on the area of land shown on the constraints plan.

The revised Design and Access Statement has fully considered the original comments outlined by officers. The amendments convey the substantial use of 'stone' facings to buildings which would reflect an intrinsic characteristic of the town's distinctiveness and officers now have comfort that extensive use of render or brickwork facings will not materialise within the wider site and thereby undermine this quality on the Foundry Lane and spine route street facades of the 'King Alfred's Gate' residential area. Conditions can be applied to the permission to ensure that the developer follows through with use of these materials. Subject to an appropriately worded condition it is considered that a suitably high quality design could be achieved within the site and the development would thereby accord with policy CP57 and CP58 of the Core Strategy.

9.11 POS & Outdoor Sports Pitches

The amount of public open space within the site is limited and falls short of the requirements set out in the Core Strategy and saved policies of the North Wilts Local Plan.

As the application has been submitted in outline form the exact requirement for onsite public open space is not known, however, working on indicative property sizes it is clear that there will be a significant shortfall. It is possible to satisfy this requirement off site as a financial contribution in line with saved policy CF3 of the Local Plan. This would fall into two separate categories:

- i) Provision of open space elsewhere which is appropriately located in relation to the development;
- ii) Contributions towards the upgrading of existing nearby open spaces.

As discussed later in the report the scheme is unviable and an offsite contribution is not possible. As the proposal fails to provide sufficient onsite public open space, sports pitches or a financial contribution to cover the shortfall the proposal is in conflict with the policies contained within the local plan and Core Strategy (saved policy CF3 of the Local Plan). The failure of the proposal to accord with these policies is a matter that weighs against the proposal. However, the site is located in close proximity to two large local parks and leisure centre with excellent facilities and in relatively close proximity to the newly constructed and expanded sports facilities at Stanley Park.

It is disappointing that further offsite contributions or onsite facilities could not be provided, but taking into consideration the Brownfield nature of the site, viability of the site and the need for housing and employment within Chippenham it is considered that the harm from not providing sufficient public open space is outweighed by the benefits of the scheme.

9.12 Site Permeability

The planning inspector appointed to determine the previous planning appeal did not consider the store to be in a 'highly accessible' location. The inspector was of the view that the strength of potential links to the town centre was much over-stated. The inspector concluded that a distance of well over 1km from the store entrance would prevent easy linkage with the main retail core of the town.

To overcome these concerns the applicant has provided the opportunity of direct access to two existing pedestrian footbridges over the railway, these two bridges provide direct access to Chippenham Railway Station and access over the railway line allowing easy access to the

town centre, local parks and employment. Furthermore, the new road through the site will provide access to the new housing, industrial buildings, discount supermarket, Hathaway Retail Park and Chippenham Station's Northern Car Park.

The proposed development will provide new footways and cycleways within the site and connect the site to Tugela Road and Hawthorn Road. On balance these proposed improvements to existing town centre links, POS, services and employment are considered to enhance the links between the town centre and this site and increase the likelihood of linked trips and spin-off associated with the transference of spending and thereby having a positive impact on the retail economy of the town centre and the connectivity of this site and the immediate residential areas to Chippenham town centre, local parks, facilities and public transport hubs.

9.13 Landscape

Lines of trees are shown as an important and attractive feature to appropriately help reinforce the street hierarchy of Foundry Lane and the spine route. It will be essential for these to be contained and managed within the public realm and not contained within the private front boundaries of individual properties.

In terms of wider landscape impact the proposal is considered to have a positive impact on the area, both from the immediate street scene and wider landscape setting. The removal of the existing dilapidated, monolithic buildings and the replacement of these with high quality modern buildings, which respect the character of the area and industrial heritage of the site and surrounding area is considered to be a significant benefit to the area. The proposed development will accord with Policy CP57 and CP51 of the Core Strategy.

9.14 Viability & S106

Paragraphs 173-177 of the NPPF relate to viability. The NPPF states that plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

The applicants have submitted an assessment of viability, the report states that the proposed scheme is currently unviable based upon existing planning policy and associated proposed S106 requirements. To ensure that the report is accurate and the reduced contributions are justified, the Council has undertaken a review of the viability assessment. The outcome of the viability assessment concluded that the contributions set out below plus CIL payments could be provided without jeopardising the deliverability of the scheme:

Subject to the issue relating to the Pew Hill access being resolved, the following requirements will be sought by way of a planning agreement:

- Ability to facilitate a second access to the railway station northern car park.
- A contribution towards the provision of a bus service/bus facilities through the site
- Payment for a TRO to address foreseeable (especially station-related) parking issues within Langley Park, and to regulate use of road by LGVs
- 14 affordable housing units
- The Air Quality monitoring contribution of £14,351.54p and
- A contribution for householder bin/recycling facilities
- Public open space to be managed by a Management Company.

It is important to note that when considering the previous application the Council accepted that the scheme was unviable and accepted a reduced s106 package, it should not therefore come as a surprise that this scheme is also unviable. Furthermore, the previous application

was not CIL liable and therefore could contribute greater levels of s106 contributions as it did not have the liability of CIL payments.

Having taken into consideration Policy CP3 of the Core Strategy and the NPPF officers are satisfied with the level of contributions proposed and do not feel that a reason refusal on these grounds could be justified.

10. Conclusion and Planning Balance

The proposed development would result in some adverse impact upon a Grade II Listed building. There would also be a shortfall in the required level of onsite affordable housing, and financial contributions in general. When these matters are considered with the proposed public open space provision, tree planting, decontamination of the site and enhancements to the visual appearance of the area it is considered that on balance, the scheme would satisfy the environmental dimension to sustainable development.

Given the fact that the proposal would have significant benefits in respect of the economic and social aspects of the scheme, the proposal would, in the context of the NPPF and Core Strategy comprise sustainable development.

The harmful impacts and the conflict with aspects of the development plan, including elements of saved policies in the North Wilts Local Plan, the failure to meet the full requirement of financial contributions, carry medium weight and weigh against the proposal.

It is considered that the scheme would accord with other provisions of the development plan, including elements of CS relating to the delivery of housing and employment within in Chippenham and focusing development on Brownfield land. Furthermore, given the very real and pressing need to deliver the housing that is required to meet the needs of the residents of the County and when weighed with the other social, economic and environmental matters that have been identified above, the totality of harm falls short of the requirement to significantly and demonstrably outweigh the benefits of the scheme.

The proposal would accord with the provisions of the NPPF. This is an important material consideration that outweighs the conflict with the development plan. There is also merit in the applicant's contention that the proposal would be a local housing solution to a local housing problem, as the development is proposing greater levels of housing than the indicative figures set out in the Core Strategy. Given all of the above, there is greater weight in the arguments for granting permission.

RECOMMENDATION

Authority is delegated to the Head of Development Management to GRANT planning permission, subject to the completion of a Section 106 legal agreement and the imposition of appropriate conditions within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Air Quality Management and is therefore contrary to Policies CP3 CP43 & CP55 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

- 1 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.

- 2 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 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 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.

- 4 Prior to the commencement of the development a phasing plan shall be submitted to and approved by the local planning authority. The phasing plan shall identify, amongst other things, at what stage during the proposed road alterations at the Langley Road site access, the realignment of Foundry Lane, the provision of the link road (between Langley Road and the realigned Foundry Lane) and the improvement of the Little George junction will be secured, as well as access to individual units of development.

REASON; In order to ensure that all parts of the development are afforded reasonable access to the local road network, and that a choice of access is available at an early stage.

- 5 The development hereby permitted shall be carried out in broad accordance with the details shown on the approved plans and documents as listed below:

LP-01 H

MP-01 Z

PMP-01 C

PMP-02 G

PMP-03 F

PMP-04 J

PMP-05 J

PMP-06 C

PMP-07 D

PMP-09 B

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REASON: to ensure the development is carried out in accordance with the approved plans.

- 6 The internal floor area of the discount food store shall be no greater than 1,741sqm with the net sales area no greater than 1,254 square metres.

There shall be no more than 400 residential units (C3)

There shall be no more than 13,565m² new employment (B1/ B2/B8) floor space;

The Café (A3) shall have gross floorspace of not more than 199m²;

The hotel (C1) shall have no more than 69-bedrooms;

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

- 7 The landscaping scheme(s) for each phase of the development , as required by condition 2, the shall include:-

o location and current canopy spread of all existing trees and hedgerows on the land;

o details of any trees or hedgerows to be retained, together with measures for their protection in the course of development;

o a detailed planting specification showing all plant species, supply and planting sizes and planting densities;

o finished levels and contours;

o means of enclosure;

o car park layouts;

o all hard and soft surfacing materials;

o minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

o proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

o retained historic landscape features and proposed restoration, where relevant.

The above details shall be provided prior to the buildings in that phase of the development being brought into use

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 8 No development shall commence on site until a scheme of phasing of landscaping has been approved in writing by the Local Planning Authority. The landscaping shall be carried out in the first planting and seeding season following occupation of the building(s) or the completion of the development, whichever is the sooner within that particular phase; 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.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development.

- 9 The detailed landscaping plans to be submitted pursuant to condition no. 4 shall include a plan at not less than 1:200 scale, showing the position of any trees proposed to be retained and the positions and routes of all proposed and existing pipes, drains, sewers, and public services, including gas, electricity, telephone and water. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no services shall be dug or laid into the ground other than in accordance with the approved details.

REASON: To ensure the retention of trees on the site in the interests of visual amenity.

- 10 No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works should be carried out in accordance with BS5837:2005 (Recommendations for Tree Work).

REASON: For the avoidance of doubt and to ensure the satisfactory appearance of the development.

- 11 No phase of development shall be occupied or brought into use until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes within that phase, has been submitted to, and approved in writing by, the Local Planning Authority. That phase of development shall not then be occupied or brought into use until the scheme has been implemented.

REASON: To ensure that satisfactory fire fighting facilities are incorporated into the site.

- 12 No phase of development shall commence, until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period of that Phase.

The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel cleaning facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. measures to control noise during construction;
- ix. a signage strategy for construction traffic.

REASON: In the interests of highway safety and the amenity of local residents.

- 13 No phase of development shall commence on site until a scheme for the discharge of foul water from the site, including any on/off site improvements to provide capacity to serve the site and allowing clearances to existing sewers or diversions, has been submitted to and approved in writing by the Local Planning Authority.

No building within the phase of development shall be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

- 14 No phase of development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365; full details of attenuation including ownership and maintenance regimes to ensure that not increase (and preferably a decrease) in current storm water flows to public storm sewers and removing current storm to foul connections has been submitted to and approved in writing by the Local Planning Authority.

That phase of development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

- 15 No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works

required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report should be submitted to the Local Planning Authority. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable

- risks to workers, neighbours and other offsite receptors.
- 16 Prior to the commencement of development of the foodstore (A1) a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, shall be submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E3 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented before the development is first brought into use and shall be maintained in effective working order at all times thereafter.
- REASON: To limit the impact of the development on adjacent residential amenity
- 17 (i) No deliveries shall be made to or collections made from the development hereby approved except between the hours of 06:00am and 22:00pm Monday to Saturday and 07:00am and 17:00pm on Sundays.
- (ii) There shall be no use of reverse beepers on delivery or collection vehicles between 06:00am and 07:00am Monday to Saturday and between 07:00am and 09:00am on Sundays. All deliveries between these approved hours shall be direct via the loading and unloading dock shown on the approved plans.
- REASON: To limit the impact of the development on adjacent residential amenity and prevent undue disturbance
- 18 The foodstore (A1) unit hereby permitted shall not be open to the public except between the hours of 08:00am to 22:00pm on Monday to Saturday, 09:00am to 18:00pm on Sunday & Public Holidays.
- REASON: To limit the impact of the development on residential amenity.
- 19 No development of the foodstore (A1) shall take place until full details of all proposed fixed plant installed on the building and/or site (and including all mitigation measures screening) has been submitted to and agreed in writing by the Local Planning Authority. Such details shall include confirmation that the plant will not exceed -5dB below the lowest background noise level and that noise rating not exceed 37dB when measured at the nearest residential properties. Development shall be carried out in complete accordance with such details so agreed.
- REASON: To limit the impact of the development on residential amenity.
- 20 The foodstore shall not commence development until details of secure covered cycle parking for both customers and staff have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and thereafter retained.
- REASON: In the interest of highway safety and to promote alternative and sustainable transport.

- 21 The foodstore (a1) shall not be opened for trade until the car park circulatory aisles, the car parking spaces, the disabled spaces and the parent and child spaces have been provided, surfaced and marked out in accordance with the a parking plan that shall be submitted to and approved in writing by the Local Planning Authority. These vehicle parking spaces shall thereafter be retained for their designated users.
- REASON: In the interest of highway safety and to ensure that sufficient off street parking is provided.
- 22 The Foodstore shall not open for trade until a Green Travel Plan relating to the Foodstore has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.
- REASON: In the interests of road safety and reducing vehicular traffic to the development
- 23 Development of the Foodstore shall not commence until details of the provision for the loading and unloading of goods vehicles servicing the Foodstore have been submitted to and approved in writing by the Local Planning Authority. The Foodstore shall not be first brought into use until such provision has been made. This space shall be maintained for such purpose at all times thereafter.
- REASON: To ensure that adequate provision is made for loading/unloading within the site in the interests of highway safety.
- 24 Development of the Foodstore shall not commence until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients and drive gradients car associated with the Foodstore including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The Foodstore shall not be first brought into use until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients and drive gradients, associated with the Foodstore have all been constructed and laid out in accordance with the approved details.
- REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.
- 25 Development of the Foodstore (A1) shall not commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure associated with the Foodstore have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the Foodstore

brought into use.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 26 Development of the Foodstore shall not commence on site until details and samples of the materials to be used for the external walls and roofs of the foodstore within that phase 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.

- 27 No development of a residential phase shall commence until details and samples of the materials to be used for the external walls and roofs of dwellings within that phase 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.

- 28 Prior to the commencement of development of the residential units details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure within that phase have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to any dwellings within the phase being occupied

REASON: In the interests of visual amenity and the character and appearance of the area.

- 29 Prior to the commencement of the residential phase of development details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, relating to that phase have been submitted to and approved by the Local Planning Authority.

No phase of residential development shall be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture associated with that phase have all been constructed and laid out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

30 No dwelling in a residential phase shall be occupied until a Green Travel Plan addressing that phase of residential development has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

31 Development of the Hotel shall not commence on site until details and samples of the materials to be used for the external walls and roofs of the Hotel within that phase 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.

32 Development of the Hotel shall not commence until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients and car parking, associated with the Hotel including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The Hotel shall not be first brought into use until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, and car parking associated with the Hotel have all been constructed and laid out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

33 Development of the Hotel shall not commence until details of the provision for the loading and unloading of goods vehicles servicing the Hotel have been submitted to and approved in writing by the Local Planning Authority. The Hotel shall not be first brought into use until such provision has been made. This space shall be maintained for such purpose at all times thereafter.

REASON: To ensure that adequate provision is made for loading/unloading within the site in the interests of highway safety.

34 The Hotel shall not be opened for trade until a Green Travel Plan relating to the Hotel has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 35 Prior to the commencement of development of the Hotel a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, shall be submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E3 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented before the development is first brought into use and shall be maintained in effective working order at all times thereafter.

REASON: To limit the impact of the development on adjacent residential amenity

- 36 No development of the Hotel shall take place until full details of all proposed fixed plant installed on the building and/or site (and including all mitigation measures screening) has been submitted to and agreed in writing by the Local Planning Authority. Such details shall include confirmation that the plant will not exceed -5dB below the lowest background noise level and that noise rating not exceed 37dB when measured at the nearest residential properties. Development shall be carried out in complete accordance with such details so agreed.

REASON: To limit the impact of the development on residential amenity.

- 37 The Hotel shall not be opened for trade until the car park circulatory aisles and the car parking spaces have been provided, surfaced and marked out in accordance with the a parking plan that shall be submitted to and approved in writing by the Local Planning Authority. These vehicle parking spaces shall thereafter be retained

Reason: In the interest of Highway Safety.

- 38 The Hotel shall not be opened for trade until a Green Travel Plan relating to the Hotel has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 39 Development of the B1, B2 & B8 floorspace shall not commence on site until details and samples of the materials to be used for the external walls and roofs of buildings within that phase 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: To ensure the satisfactory appearance of the development

40 Development of the B1, B2 & B8 floorspace shall not commence until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure associated with the of the B1, B2 & B8 floorspace have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

REASON: In the interests of visual amenity and the character and appearance of the area.

41 Development of the Development of the B1, B2 & B8 floorspace shall not commence until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients and car parking, associated with the Development of the B1, B2 & B8 floorspace including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The Development of the B1, B2 & B8 floorspace shall not be first brought into use until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, and car parking associated with the Development of the B1, B2 & B8 floorspace have all been constructed and laid out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

42 Prior to the commencement of development of the B1, B2 & B8 floor space a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, shall be submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E3 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented before the development is first brought into use and shall be maintained in effective working order at all times thereafter.

REASON: To limit the impact of the development on adjacent residential amenity.

43 Development of the Development of the B1, B2 & B8 floorspace shall not commence until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients and car parking, associated with the Development of the B1, B2 & B8 floorspace including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The Development of the B1, B2 & B8 floorspace shall not be first brought into use until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, and car parking associated

with the Development of the B1, B2 & B8 floorspace have all been constructed and laid out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 44 Development of the B1, B2 & B8 floorspace shall not commence until details of the provision for the loading and unloading of goods vehicles servicing the B1, B2 & B8 floorspace have been submitted to and approved in writing by the Local Planning Authority. The B1, B2 & B8 floorspace shall not be first brought into use until such provision has been made. This space shall be maintained for such purpose at all times thereafter.

REASON: To ensure that adequate provision is made for loading/unloading within the site in the interests of highway safety.

- 45 Only B1(b) and (c) (Research & Development and light industry), B2 & B8 land uses as defined by the Town and Country Planning (Use Classes) Order 1987 shall be permitted.

REASON: To ensure trip generation levels are within the realm of those identified in the TA and considered for SRN traffic impact

- 46 Prior to the occupation of any dwellings on the site, access for pedestrian and cycle users between the site and Tugela Road and Hawthorn Road shall be provided in accordance with details which shall first have been submitted to and approved by the local planning authority. The details for Hawthorn Road shall include for the provision of a vehicle turning facility at the end of the existing road, and shall show measures to restrict movement of motorised vehicles to or from the development site. The works shall be undertaken in accordance with the approved details.

REASON: In the interests of sustainable transport, and to secure direct links to the site from adjacent land.

- 47 The detailed layout shall make provision to accommodate a landing ramp for a bridge for non motorised users crossing between the site and the south side of the railway. The design shall identify the route which potential future users of the bridge may use as a right of way between the prospectively maintainable highway and the bridge.

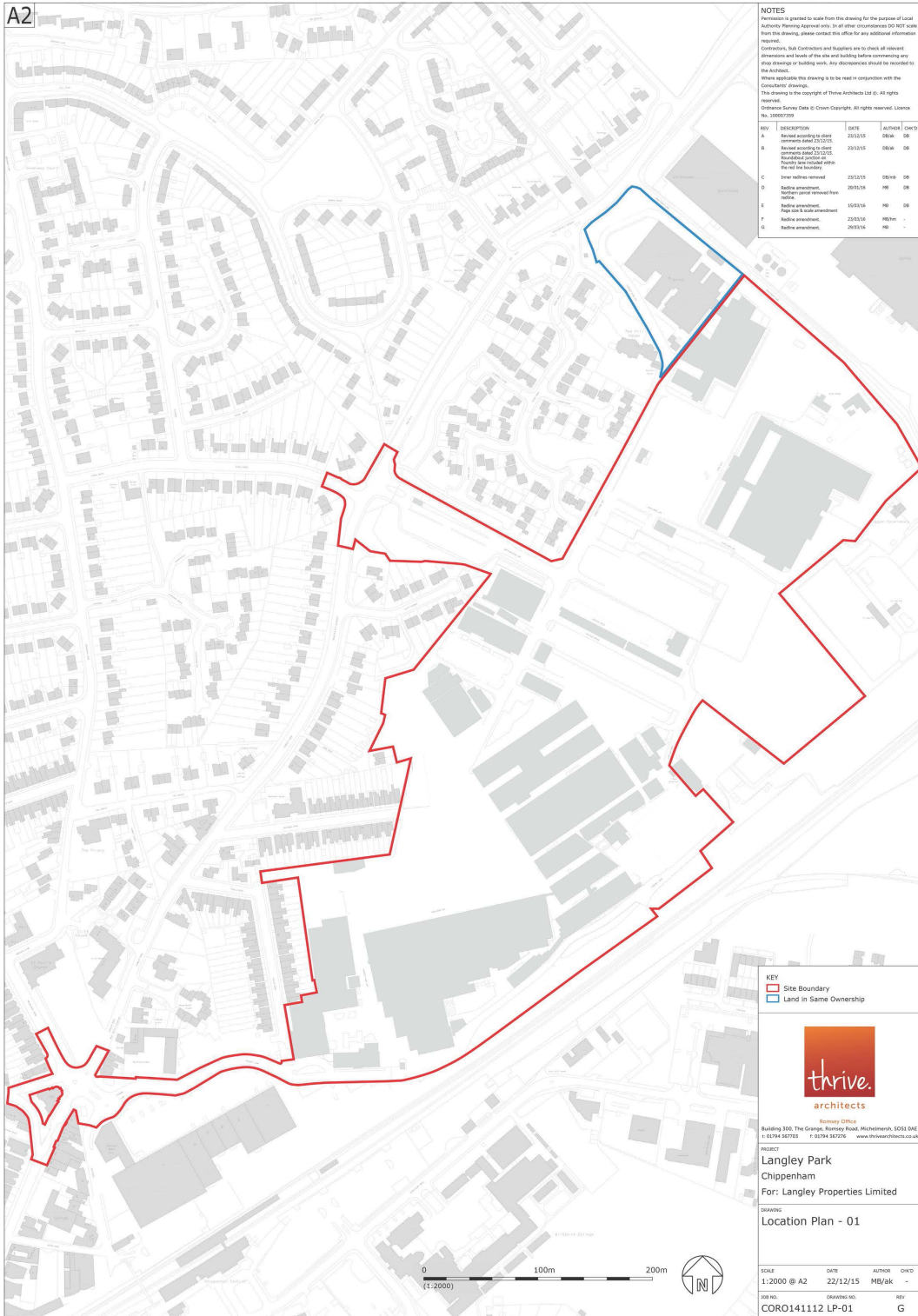
REASON: In order to secure a future sustainable transport route via the site to the south side of the railway.

- 48 Except where otherwise agreed by the local planning authority, car parking provision shall be in accordance with the minimum standards set out in Wiltshire Council's Car Parking Strategy for all new dwellings provided on the site, and in accordance with the Strategy's maximum car parking standards, adjusted in accordance with the provisions of the Strategy, for all other land uses on the site hereby permitted

REASON: To ensure adequate provision of car parking space is made for residential development on the site, and to ensure that over-provision is not made for traffic

attracting land uses other than residential.

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NOTES
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REV	DESCRIPTION	DATE	AUTHOR	CHKD
A	Final approval to start construction plan 22/12/15	22/12/15	MB/ak	GB
B	Final approval to start construction plan 22/12/15	22/12/15	MB/ak	GB
C	Final approval to start construction plan 22/12/15	22/12/15	MB/ak	GB
D	Final approval to start construction plan 22/12/15	22/12/15	MB/ak	GB
E	Final approval to start construction plan 22/12/15	22/12/15	MB/ak	GB
F	Final approval to start construction plan 22/12/15	22/12/15	MB/ak	GB
G	Final approval to start construction plan 22/12/15	22/12/15	MB/ak	GB

KEY
 Site Boundary
 Land in Same Ownership



thrive.
architects

Romney Office
 Building 305, The Grange, Romney Road, Michelmersh, SO51 8AE
 t: 01264 842703 f: 01264 842705 www.thrivearchitects.co.uk

PROJECT
Langley Park
 Chippenham
 For: Langley Properties Limited

DRAWING
Location Plan - 01

SCALE	DATE	AUTHOR	CHKD
1:2000 @ A2	22/12/15	MB/ak	-

JOB NO.	DRAWING NO.	REV
CORO141112	LP-01	G

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	14 September 2016
Application Number	16/04273/FUL
Site Address	Langley Park, Foundry Lane, Chippenham, Wiltshire, SN15 1GE
Proposal	The Demolition of Existing Buildings and Redevelopment to Provide a 69 Bed Hotel with Cafe (A3) of 199sqm and 22 Residential Units (Class C3), Car Parking, Foundry Lane Access Works and Other Associated Works.
Applicant	Langley Properties Ltd and Chippenham Properties Ltd
Town/Parish Council	CHIPPENHAM
Electoral Division	CHIPPENHAM MONKTON – Cllr Caswill
Grid Ref	392385 174316
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Caswill to consider issues including Highway matters and pedestrian access to the wider Chippenham Area.

Under the Scheme of Delegation Specific to Planning, this application would usually be considered by the Northern Area Planning Committee. However by reason of it being a part of a large-scale major application which, by its nature would raise issues of more than local importance it is necessary to consider the application at the Strategic Committee.

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 authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to the completion of a Section 106 legal agreement and the imposition of appropriate conditions within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Air Quality Management and is therefore contrary to Policies CP3 CP43 & CP55 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development.
- Conformity of the local plan
- Impact on Conservation Area and setting of listed buildings
- Impact on residential amenities of adjoining neighbours.
- Impact on character and appearance of the area.

Chippenham Town Council raised no objection to the proposed development and 0 letters of objection and 0 letters of support have been received.

3. Site Description

The application site lies within the framework boundary of Chippenham and is classified as previously developed land comprising current and former industrial buildings of varying use and age. The site lies immediately to the north of Chippenham town centre and has residential & retail land uses adjacent to the site. Forming the south eastern boundary of the site is the railway line, Chippenham Railway Station surface level car park, Chippenham Railway Station itself, Wiltshire College and industrial units beyond. Currently, the site is served from Foundry.

4. Planning History

2006 - Applications N/06/00650/OUT & N/06/00649/OUT

Outline planning application submitted for the partial demolition and redevelopment of a 14.59ha part of the estate for mixed use redevelopment comprising employment, residential and retail, together with associated amenity space, car parking, access, servicing, and other ancillary uses and development. The planning application was refused

2007 - Applications N/07/00791/OUT & N/07/00802/FUL

Revised outline application and a full planning application for a retail store. The outline planning application sought consent for the partial demolition and redevelopment of a 7.7ha part of the Estate for mixed use redevelopment comprising residential (Use Class C3) and retail (Use Class A1) together with associated amenity space, car parking, access, servicing and other ancillary uses and development. The full planning applications sought consent for the provision of a food retail store (52 000sqft net sales area) with associated car parking and enabling development. The planning application was refused.

An appeal against the Council's decision was lodged and dismissed by the planning inspectorate. The inspector's reasons for dismissing the appeal are discussed later in this report. The applicants subsequently lodged a High Court Challenge against the Inspector's decision, this challenge failed and the decision to refuse planning permission was upheld

2009 - Application N/09/00317/OUT

An outline planning application was submitted in February 2009 for 'demolition and redevelopment of the site to provide a mixed use scheme comprising residential, retail, hotel, public open space, together with car parking, servicing, access and other ancillary uses and development. The planning application was withdrawn by the applicant prior to its determination.

2013 - Application N/13/01776/OUT

An outline application was submitted in June 2013 for 'Demolition and Redevelopment of Land at Langley Park and Extension and Refurbishment of Hathaway Retail Park for up to 115 Residential Units, Food and Goods Retail Units, Multi Storey Car Park, Leisure and Hotel, Industrial Units. Highway Improvements to The Little George Junction, Landscaping and Associated Development'. Members of the Northern Area Planning Committee resolved to grant planning permission subject to the signing of a s106 agreement.

The Council formally disposed of the application in April 2015 as the applicants had failed to complete the legal agreement. No formal approval for the redevelopment of the site was issued.

5. The Proposal

Demolition of existing buildings and redevelopment to provide a 69 bed hotel with café (A3) of 199sqm and 22 residential units (class C3), car parking, Foundry Lane access works and other associated works.

6. Local Planning Policy

Wiltshire Core Strategy Jan 2015:

Core Policy 1-	Settlement Strategy
Core Policy 2-	Delivery Strategy
Core Policy 3-	Infrastructure Requirements
Core Policy 9-	Chippenham Central Areas of Opportunity
Core Policy 10-	Spatial Strategy: Chippenham Community Area
Core Policy 34-	Additional Employment Land
Core Policy 35-	Existing Employment Land
Core Policy 36-	Economic Regeneration
Core Policy 38-	Retail and leisure
Core Policy 40-	Hotels, B&Bs, Guest Houses and Conference Facilities
Core Policy 41-	Sustainable Construction and Low Carbon Construction
Core Policy 43-	Providing Affordable Homes
Core Policy 45-	Meeting Wiltshire's Housing Needs
Core Policy 51-	Landscape
Core Policy 43-	Providing affordable homes
Core Policy 50-	Biodiversity and Geodiversity
Core Policy 51-	Landscape
Core Policy 56-	Contaminated Land
Core Policy 57-	Ensuring high quality design and place shaping
Core Policy 58-	Ensuring the Conservation of the Historic Environment
Core Policy 62-	Development impacts on the transport network
Core Policy 64-	Demand Management
Core Policy 67-	Flood Risk
Appendix D	
Appendix E	
Appendix G	

Saved Policies of the North Wiltshire Local Plan:

NE18-	Noise and Pollution
T5-	Safeguarding
CF2-	Leisure facilities and open space
CF3-	Provisions of open space

National Planning Policy Framework 2012:

Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)	
Chapter 1-	Building a strong, competitive economy (Paragraphs 18 & 19)
Chapter 6-	Delivering a wide choice of high quality homes (Paragraphs 47, 49, 50 & 55)
Chapter 7-	Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)
Chapter 8-	Promoting healthy communities (Paragraph 75)
Chapter 11-	Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)
Chapter 12-	Conserving and enhancing the historic environment (Paragraphs 126, 128, 129, 132, 133 and 139)

7. Summary of consultation responses

Wiltshire Police- I note on page 49 of the Design and Access Statement the developer's stated intention "to address the key principles highlighted within the guidance literature for 'Secured by Design'". There is however no clear indication on how access to the communal entrances to the proposed apartment block will be controlled or how such matters as deliveries and visitor access will be managed. I therefore request that consent to this application be conditional on the developer seeking and achieving 'Secured by Design Homes 2016' accreditation in respect of the physical security of the apartment block.

Wiltshire Council Drainage- No objection subject to conditions.

Wiltshire Council Urban Design- Some concerns with the original submission but amended plans have overcome some of these concerns. Some reservations with the proposed development but largely relates to detail which would be controlled by condition.

Historic England- We welcome this proposal for regeneration in the heart of Chippenham. The site partly comprises a small section of the Chippenham town centre Conservation Area. It also impacts upon a number of designated heritage assets including Avon House that is Grade II and the Grade II* listed Church of St Paul. There is also the undesignated heritage asset known as Westinghouse, a 1930s office building that is located within the development site. However, we understand that many of the un-designated heritage assets have already received prior approval for their demolition.

In the case of St Paul's Church, we wish to ensure that its setting has been fully assessed and any potential harm from this development mitigated. Our particular issue will be with any proposed highway alterations around Little George Roundabout.

Whilst the majority of the site is outside the terms of our remit, we would wish to ensure that the scheme reflects the distinctive character of Chippenham and that the design of the scheme is to an appropriate quality in line with Paragraph 64 of the National Planning Policy Framework.

Wiltshire Council - Education- A full contribution towards the funding of a new East Chippenham primary school is required from this application. This will be based upon the current cost multiplier of £18,064 per place = £108,384 (& to be subject to indexation). Were we assessing this enquiry as a registered application today, the Council would pursue the funding for secondary infrastructure expansion via the CIL mechanism.

Highway England - No objection.

Wiltshire Council Affordable Housing- There is a demonstrable need for affordable housing in the Chippenham Community Area and therefore a 40% on site affordable housing contribution at nil subsidy should be sought. In order to meet current demonstrable need the tenure mix required would be 60% Affordable Rent and 40% Shared Ownership.

Wiltshire Council Ecology- Support subject to planning conditions.

Wiltshire Council Noise and pollution- Consideration should be given to the hierarchy of noise control where the noise is firstly managed through good design/internal layout and lastly glazing and acoustic ventilation.

I have concerns about train noise and vibration disturbance to potential residents and would need a condition to ensure the amenity to proposed occupants is acceptable, using for instance glazing elements and acoustic vents.

Wiltshire Council Contaminated Land- No objection but a contaminated land condition will be required.

Wiltshire Council Arts Services- There is no particular reference to the inclusion of public art and design in this application, which we would expect for such a significant development of this size and nature, as referred to in Core Policies 3 and 57 of the Wiltshire Core Strategy.

The NPPF recognises that cultural wellbeing is part of achieving sustainable development and includes cultural wellbeing within the twelve core planning principles that underpin both planmaking and decision-taking.

Wessex Water- Submitted details confirm design flow rates for the 1 in 1 year and 1 in 30 events. The assessment principally addresses the flood risk requirements for extreme events with allowance for climate change and indicates how surface water run-off will be managed across the site.

We acknowledge that the development will be brought forward in phases and there are likely to be design changes as these phases progress. We accept that detailed design will bring changes and we will need to manage these changes through adoption approvals.

We agree that there will be reduced impermeable areas and therefore marginal improvements to existing service levels. We are unable to guarantee that capacity will be available to drain exceedance flows beyond a 1 in 30 year event.

The developer will need to agree hydraulic conditions with the sewerage undertaker for these design events when submitting adoption drawings and proposals.

It may be appropriate to place a condition on the NOD to ensure that we can co-ordinate and agree the necessary engineering measures to deliver the drainage strategy from outline to detailed permissions.

Wiltshire Council Tree Officer- No objection

Wiltshire Council Spatial Planning- The principle of a mixed use development at Langley Park is acceptable. The brownfield site is located within the Chippenham Central Area of Opportunity and is allocated in the WCS Core Policy 9 to provide business uses as part of a mixed use development.

These proposals will help to ensure that the existing business uses on part of the site are retained as envisaged in WCS Core Policy 9. It will also ensure that site continues to be a vibrant business location, one of the key considerations for proposals within the Chippenham Central Area of Opportunity and consistent with the employment led strategy for Chippenham. The proposed uses are also in line with the Chippenham Town Centre Masterplan.

This site is one of the few previously developed sites available in Chippenham. The delivery of housing as part of a mixed use site will contribute to boosting housing supply in Chippenham and Wiltshire and to Chippenham being a place to live and work in, another of the considerations for proposals within the Chippenham Central Area of Opportunity.

The site has been identified as the most sequentially preferable site to accommodate a large supermarket in Chippenham with easy access to the town centre in the context of the 2014 retail study and the proposals will provide additional convenience floor space in excess of

the 1338sq net by 2020 identified in the WCS and will go some way to meet the additional floor space requirements identified in the 2014 retail study.

However, further information is required in relation to the retail impact of the proposal in accordance with core policy 38 and further information is required in relation to the design and layout of the scheme to ensure its compliance with Core Policy 57.

Wiltshire Council Highways- The applicant has addressed the various concerns raised at pre application stage and expressed in earlier meetings. No objection subject to planning conditions.

Wiltshire Council Conservation Officer- No objection. The loss of the existing industrial buildings appears justified; the applicant has considered the significance of the existing buildings and concluded for the most part they make limited contribution to historic environment.

The demolition of the industrial buildings is considered acceptable on this occasion as the existing buildings make a limited contribution to local character and distinctiveness and that the removal of these redundant structures will allow the reuse of this brownfield site in close proximity to the town centre and railway station.

Wiltshire Council Estates Department- I confirm that in my judgement, having assessed the applicant's Viability Appraisal, the Langley Park Chippenham development scheme (16/03515/OUT) is unviable if the package of contributions requested by consultees is required. Only limited contributions can be requested. This is covered within the report.

Chippenham Town Council- No objection. However the Town Council does have concerns regarding delivery vehicles accessing the site and would ask that careful consideration be given to the street scene and in particular the design of adequate safety railings at this junction.

Langley Burrell Parish Council- Whilst the use of this "brown field" site for development is to be applauded, this proposal raises severe concerns regarding the potential increase in traffic using the B4069 into Chippenham, which is the principal route into the town from this Parish.

The B4069 from Chippenham is even now grossly overloaded at peak times, being a secondary route to the M4 Junction 17, frequently used as a "rat-run" to avoid congestion on the principal A350 route. The increase of traffic likely to be generated by this proposed development will inevitably have a significant adverse effect on what is already an unsatisfactory situation, in particular the congestion at the Langley Road/Malmesbury Road/New Road/Foundry Lane roundabout, where lengthy traffic queues and delays regularly in excess of 30 minutes are a daily occurrence.

The cumulative effect of this and the whole issue of the various other ongoing development proposals to the north and east of Chippenham have extremely serious implications for the whole area, and until road local infrastructure and traffic management can be improved, any further traffic-generating development on the Langley Park site is considered highly undesirable and should in our view regrettably be resisted

8. Publicity

The application was advertised by neighbour letter, site notices and press advert. The application has generated 0 letters of objection and 0 letter of support.

9. Planning Considerations

9.1 Principle of Development

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.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the Chippenham Area.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

Core Policy 1 of the Wiltshire Core Strategy sets out the settlement strategy for the area, identifying Chippenham as a 'Principal Settlement', a focus for new development. Core Policy 2 confirms a presumption in favour of sustainable development within the defined limits of development.

The NPPF encourages the reuse of brownfield land. One of the twelve core planning principles is "*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*"

Paragraph 111 also says:

"Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land."

The strategy for Chippenham is based on delivering significant job growth, which will help to improve the self-containment of the town by providing more jobs for local people (WCS Paragraph 5.47).

WCS Core Policies 2 and 10 require 26.5ha employment land and at least 4510 houses to be provided at Chippenham between 2006 and 2026.

This site is identified in WCS Core Policy 9 Chippenham Central Area of Opportunity "*to deliver a mixed use site solution for a key redevelopment opportunity area to support the retention of significant business uses on part of this site.*"

WCS Paragraph 5.54 sets out the key principles to be addressed in developing Chippenham Central Area. All proposals for development in this area should establish appropriate high quality public realm and pedestrian and cycle routes to create a lively visual and social environment focused on linking all parts of the town with its centre. The Langley Park site forms part of one of the Character Areas identified in the Chippenham Central Area Masterplan and is also a saved Policy H2 allocation from the North Wiltshire Local Plan 2011 to provide 250 dwellings as part of a mixed use site. The application only forms a small proportion of the wider 'Langley Park' site but this site is considered important to the regeneration of the site as it will provide highway and access improvements.

The Chippenham Central Area Masterplan

The Chippenham Central Area Masterplan was produced in 2013 by Chippenham Vision, a local stakeholder partnership and was consulted on thoroughly with the local community. The Masterplan is based on an analysis of how the region, Chippenham and its town centre are performing and planning for housing and employment growth. It includes guidance to improve the town centre and surrounding area. The Masterplan area comprises the Chippenham Central Area of Opportunity as set out in the Wiltshire Core Strategy CP9. In the Masterplan Langley Park is identified as one of five character areas within the central area of opportunity. The introduction to the character area says:

“Regenerating Langley Park and the surrounding area with uses that compliment and support the vitality and viability of the town centre, through a mixed-use development that facilitates new linkages across the railway. A key aspiration of the Masterplan is to support the retention and enhancement of business uses on Langley Park”

The detailed character area guidance for the Langley Park goes on to say:

“The area has a longstanding history of industrial uses which have now partly disappeared. Where redevelopment has occurred, replacement development has been generally low quality and out of scale with the rest of the area (over-sized and impermeable) It is crucial, therefore, that future redevelopment opportunities complement the existing retail, residential and employment uses that make up or border this area at an appropriate scale.

A redevelopment opportunity of particular note is the Langley Park site itself. New employment uses can be located adjoining those businesses that will remain on the site but these must allow for the appropriate redistribution of car parking on the site. The residential area adjoining Langley Park should be extended eastwards into areas that are not to be maintained for employment use Where appropriate, flexibility is permitted within a restricted set of uses to maximise opportunities for regeneration Foundry Lane would benefit from public realm improvements and the northern entrance to the railway station would benefit from an enhanced arrival space....A new link across the railway is vital and would improve connections to the town centre. Improved access to the station through Langley Park and town centre parking will relieve the Little George roundabout which can be enhanced as a pedestrian and movement focus with opportunities for active frontages around this key entrance point to the town. Upper New Road and land to the north of Great Western Arches provide opportunities for new retail and improved public realm”

The Chippenham Central Area Masterplan, though useful in ascertaining what local community groups, business etc would like to see as part of the site redevelopment, has not been subject to full public consultation or scrutiny and formally adopted as a Development Plan Document and can therefore only be afforded very limited weight in the decision making process.

9.2 Highways

As acknowledged earlier in the report. The application is similar in nature to the previous application (13/01776/OUT) which the Planning Committee determined should be approved subject to a planning obligation to secure defined requirements. The submitted Transport Assessment acceptably sets out the principal transport issues.

The site is relatively well located in Chippenham to be considered sustainable from a transport perspective, with its proximity to the railway station and the town centre, with its attendant facilities. School trips are less favourably accommodated, but there are local

pedestrian and cycle networks available to serve this need. Specific highway matters are addressed in turn below:

Little George Junction- The application proposes a modification of the Little George junction, in accordance with the principles for improvement agreed for the previous application on the site. The impacts of the development are forecast by the TA to be severe at this junction if left in unmodified form. The junction of New Road and Marshfield Road is overcapacity in future years with queues on New Road forecast to increase over existing (2015) levels; this is likely to interfere with the proposed traffic signals at the Little George junction; measures will be required to ensure that these two junctions do not conflict. This can be controlled by condition.

The Langley Park site has several accesses, not all of which have been used for a number of years by regular vehicular traffic. However, these accesses need to be kept available for pedestrian and cycle use to encourage non-car trips.

Pedestrian and cycle linkage to the town centre is prejudiced by the presence of the railway line, which has a severing effect. There are currently two bridges which can be used for town centre access, a pedestrian only bridge within the station, the other on public footpath CHIP11, which has recently been rebuilt, with lifts at the town and platform sides, but not at the Old Road side of the station.

The TA acknowledges the severance issues for cyclists caused by the railway bridge, and the deterrents on the alternative routes to the town centre. There is no plan within the submitted application to install a lift or contribute towards the provision of one. This is disappointing as the previous application provided a contribution. However, taking into consideration the viability issues it would be difficult to justify this contribution.

Site Parking- This is satisfactory and in accordance with the Council parking standards.

Access to Railway Station Car Park- The railway station car park to the north side of the railway is poorly served via Old Road; the previous application made provision to facilitate a new access from the development site to the eastern end of the car park. Plans have now been submitted showing how this access could be facilitated if the land owner was wishing to provide an alternative for pedestrians and vehicles.

Construction Traffic - Planning permission should be subject to the submission and approval of a construction traffic management plan and development phasing plan. This plan should identify how construction traffic will be managed so as to minimise the effects on the amenity of local residents, and to avoid the use of inappropriate routes on the outskirts of the town. Timing of construction traffic will have to be managed to avoid impacts during network peak periods. Construction traffic leaving the site will likewise be controlled, and facilities effected to ensure that dirt from the site does not fall onto the highway from the wheels of construction traffic. It is important that the individual new land uses are not opened for trading or occupation unless and until they are provided with an appropriate access.

In summary, subject to appropriate conditions and the provision of s106 contributions the development is considered to be in accordance with local and national planning policies, in particular CP3, CP62 & CP64.

9.3 Hotel

Core Policy 39 supports tourist development in the Principal Settlement's. Core Policy 40 also supports the provision of new hotels in Principal Settlements, as well as in smaller settlements where the proposals are of an appropriate scale and character within the context of the immediate surroundings and the settlement as a whole. In all cases, it must be demonstrated that proposals will not have a detrimental impact on the vitality of the town centre; and avoid unacceptable traffic generation.

The Wiltshire and Swindon Visitor Accommodation Futures Final Report (June 2014) considers the opportunities for hotel and visitor accommodation in the area. It recognises the important role of tourism and identifies a shortage of hotel accommodation, including Chippenham. This document further refines this position and suggests that at least two budget hotels are needed in Chippenham (in Chippenham and on the outskirts of Chippenham).

Paragraph 23 of the NPPF is clear that needs for main town centre uses should be met in full and should not be compromised by limited site availability. The Planning Statement accompanying the application considers the potential impact of the hotel, concluding that the proposed budget hotel may take some trade away from the Angel Hotel but also notes that the accommodation offering is different i.e. a budget hotel.

There is no prescribed method for carrying out an impact assessment for hotels but the Planning Statement has considered this issue. It is acknowledged that the Angel Hotel is the only sizable hotel in the centre of Chippenham and there are no other consented hotels to be constructed in the Town Centre or edge of centre.

There is a clear and need for hotel accommodation in the town and the application site proposal would contribute to this need. Furthermore, Langley Park is within the defined Chippenham Central Area of Opportunity as defined by CP9, within which mixed use schemes are promoted which support the vitality of the town centre. Paragraph 5.48 of the plan supports proposals which will enhance Chippenham's offer as a service centre, particularly the town centre for retail, leisure and the evening economy in order to reduce the outflow of shopping and leisure trips. Therefore it is considered that the proposal for hotel provision is acceptable and is in accordance with the Core Strategy and NPPF.

9.4 Ecology

The site is comprised of heavily urbanised habitats, dominated by expansive areas of buildings and hard standing. The areas adjacent to the railway embankment have patches of semi-natural habitat including grassland, scrub and woodland which contribute to the wider wildlife corridor through the town provided by the railway line and support a population of slow worms and foraging bats; impacts on these habitats would be limited and the creation of the SUDS and linear park would compensate for the loss of these habitats and be beneficial in the long-term. Buildings within the site are largely unsuitable for roosting bats and very limited evidence of bats has been recorded, indicating that individual bats might occasionally use one or two of these for night roosting; pre-commencement checks and sensitive working methods should reduce any risk of encountering bats during the demolition phase and replacement roost features could easily be accommodated within the new development. The proposal is therefore not in conflict with Core Policy 50.

9.5 Impact on Listed Buildings

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Considerable weight must therefore be given to the preservation of the listed building, including its setting.

The House of Lords in *South Lakeland District Council v Secretary of State for the Environment* case decided that the "statutorily desirable object of preserving the character or 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.

There are no listed buildings within the site but beyond the site there are various listed buildings which are visible or partially visible from the, including a Grade II Station & St Paul's Grade II* listed church. Part of the site is within a Conservation Area and other parts of the site are viewed within the back drop of it.

The proposed hotel and apartments fronting Foundry Lane and the Railway appears an acceptable response to the design challenges of the site and the supporting information, including plans, demonstrates that the form and scale of development preserves and in some circumstances improves the character of the area, conservation area and setting of the listed buildings and is therefore in accordance with local and national planning policies.

At worst the proposal will have a neutral impact on the setting of listed buildings within the locality and will therefore conform to local and national planning policies, in particular CP58 of the Core Strategy.

9.6 Impact on Conservation Area

During the consideration of the previous planning application concerns were raised in relation to the removal of a former Westinghouse office building known locally as 'The White House'. The building is representative of a 1920s and 1930s Art Deco Architecture.

The Inspector, in his decision at paragraphs 34-39, considered the removal of this building and concluded that the removal of the structure was acceptable in principle. Although this decision was assessed against PPG15 and not the NPPF it is considered that the policy context is similar. Having considered the previous inspector's decision and policies contained within the NPPF, & WCS it would now be difficult conclude other than that the historic form and values have been seriously eroded by unsympathetic alterations.

The loss of the Whitehouse building is regrettable however this structure does not benefit from statutory protection, the potential public benefits of the delivery of residential units, employment and visual improvements offset any harm caused to the historic environment, the scheme is therefore considered in accordance with section 12 of the NPPF paras 132 and 134.

Moving onto the conservation areas in the locality, it is not possible to identify any harm to the conservation areas or their setting, the proposal would therefore conserve the setting of the conservation areas and possibly improve the setting as a result of the removal of many unsightly buildings and their replacement with modern high quality structures.

9.7 Impact on Neighbours

Some concerns have been raised by local residents in relation to the proposed height of the flats and hotel backing onto Tugela Road. I am satisfied that the layout and building height and design demonstrates that adequate privacy could be achieved. The outlook from some properties will be improved due to the removal of the existing industrial buildings on site. The development accords with Core Strategy Policy CP57.

9.8 Scale & Design

Hotel- The vertical banding shown on the Foundry Lane elevation and both visible flank elevations of the proposed Hotel have now been removed and the amendments to the scheme, along with the alterations to the advert have significantly improved the visual appearance of the scheme.

The blue wrapping to the supporting columns has also been removed which improves the visual integrity of the facade. The grey projecting surround shown to the windows is sufficient to clearly mark the guest entrance below.

Roof level plant- Roof top plant and service intakes/outlets have the potential to significantly stand out on the skyline and mar the appearance of the buildings. The lift overruns on both buildings and the broken line defining a possible plant zone on the Hotel roof plan while set well inboard from the main facades would be prominent in their wider setting including medium distance views from the railway and proposed Linear Park, Cocklebury Lane and higher land to the north and east.

Screen walls have now been shown to the plant zone. The finishes for these and the lift overruns can be controlled by way of condition. Consideration will of course be given to the colour and transparency of these screens and overrun enclosures to mitigate their prominence on the skyline. Officer will resist plant located outside of this zone or rise above the screens on the hotel or added to the Gateway Apartment roof.

Apartment Building- The blank 'Side Elevation' of the Apartment building is likely to be seen from Foundry Lane. While it is understandable why windows are not placed in this face which would be overlooked by the hotel rooms and cafe, some visual relief was requested. This has now been provided at ground floor level as requested by the Council's urban design officer. This is seen as a positive step forward and helps elevate the quality of the development in accordance with Core Strategy Policy CP57.

Highway matters- There is potential for the wide cycleway and paved area directly in front of the cafe to more easily be overrun by vehicles both for this purpose and customers visiting the cafe which would be in conflict with pedestrians/cyclists. This would also diminish the quality of the cafe outdoor seating area and appearance of the development from Foundry Lane. Secure bollards or a length of railing or high kerbs could be used. This issue is not insurmountable and can be controlled by condition.

Detailed Design- Concerns were raised with regards to the fixings, jointing and finish of the rainscreen panels and metal sheet facings. Further detail and clarification was also sought with regards to cills, external doors and window frames. Though these are details that are usually controlled by condition it was deemed necessary to have comfort that they would be acceptable and not have an adverse impact on the amenity of the area. Officers are satisfied that the details are acceptable and a suitably worded condition can be attached to the decision.

The appearance of the boundary walls and railings - Large scale elevation/section were requested to establish the quality and appearance of the low stone block walls and railings. These are a prominent element in the street scene and would provide defensible space to the ground floor openings of the apartments and it was deemed necessary to ensure that the design and visual appearance of these was high quality, the appearance of the vehicle security gates into both the Hotel car park and Apartment car parking court also needs to be carefully considered. The detail submitted is considered to be acceptable. The exact design and material can be controlled by condition.

Having considered the revised plans and additional information officers are satisfied that the proposed development is high quality and in accordance with the NPPF and Policy CP57 of the Wiltshire Core Strategy.

9.9 POS & Outdoor Sports Pitches

The amount of public open space within the site is limited and falls short of the requirements set out in the Core Strategy and saved policies of the North Wilts Local Plan.

As discussed later in the report the scheme is unviable and an offsite contribution is not possible. As the proposal fails to provide sufficient onsite public open space, sports pitches or a financial contribution to cover the shortfall the proposal is in conflict with the policies

contained within the local plan and Core Strategy (saved policy CF3 of the Local Plan). The failure of the proposal to accord with these policies is a matter that weighs against the proposal. However, the site is located in close proximity to two large local parks and leisure centre with excellent facilities and in relatively close proximity to the newly constructed and expanded sports facilities at Stanley Park.

It is disappointing that further offsite contributions or onsite facilities could not be provided, but taking into consideration the Brownfield nature of the site, viability of the site and the need for housing and employment within Chippenham it is considered that the harm from not providing sufficient public open space is outweighed by the benefits of the scheme.

9.10 Site Permeability

The planning inspector appointed to determine the previous planning appeal was of the view that the strength of potential links to the town centre was much over-stated. The inspector concluded that a distance of well over 1km would prevent easy linkage with the main retail core of the town.

To overcome these concerns the applicant has provided the opportunity of direct access to two existing pedestrian footbridges over the railway, these two bridges provide direct access to Chippenham Railway Station and access over the railway line allowing easy access to the Town Centre, local parks and employment. Furthermore, the retention & 'opening up' of existing pedestrian routes will provide access to the new housing, industrial buildings, Hathaway Retail Park and Chippenham Station's Northern Car Park.

The proposed development will provide new footways and cycleways within the site and connect the site to Tugela Road and eventually Hawthorn Road. On balance these proposed improvements to existing town centre links, POS, services and employment are considered to enhance the links between the town centre and this site and thereby having a positive impact on the town centre and the connectivity of this site and the immediate residential areas to Chippenham town centre, local parks, facilities and public transport hubs.

9.11 Landscape

Lines of trees are shown as an important and attractive feature to appropriately help reinforce the street hierarchy of Foundry Lane. In terms of wider landscape impact the proposal is considered to have a positive impact on the area, both from the immediate street scene and wider landscape setting. The removal of the existing dilapidated, monolithic buildings and the replacement of these with high quality modern buildings, which respect the character of the area and industrial heritage of the site and surrounding area is considered to be a significant benefit to the area. The proposed development will accord with Policy CP57 and CP51 of the Core Strategy.

9.12 Viability & S106

Paragraphs 173-177 of the NPPF relate to viability. The NPPF states that plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

The applicants have submitted an assessment of viability, the report states that the proposed scheme (including the remaining development in the outline application) is currently unviable based upon existing planning policy and associated proposed S106 requirements. To ensure that the report is accurate and the reduced contributions are justified, the Council has undertaken a review of the viability assessment. The Council, having assessed the proposal agree that the development would be unviable should the applicant have to contribute everything requested by consultees.

The outcome of the viability assessment for the outline application concluded that the following contributions plus CIL payments could be provided without jeopardising the deliverability of the scheme:

The following requirements will be sought by way of a planning agreement for the outline application:

- Ability to facilitate a second access to the railway station northern car park.
- A contribution towards the provision of a bus service/bus facilities through the site
- Payment for a TRO to address foreseeable (especially station-related) parking issues within Langley Park, and to regulate use of road by LGVs
- 14 affordable housing units
- The Air Quality monitoring contribution of £14,351.54p and
- A contribution for householder bin/recycling facilities
- Public open space (POS) to be managed by a Management Company.

Should permission be granted for the outline application and this application the legal agreements will be linked to ensure that all 14 affordable housing units and POS are located in appropriate locations and thereby ensuring that the POS is functional and usable and all 14 units are in one location to ensure that an affordable housing provider would be willing to take on the units and to ensure that it is not fragmented within the site.

It is important to note that when considering the previous application the Council accepted that the scheme was unviable and accepted a reduced s106 package, it should not therefore come as a surprise that this scheme is also unviable. Furthermore, the previous application was not CIL liable and therefore could contribute greater levels of s106 contributions as it did not have the liability of CIL payments.

Having taken into consideration Policy CP3 of the Core Strategy and the NPPF officers are satisfied with the level of contributions proposed and do not feel that a reason refusal on these grounds could be justified.

10. Conclusion and Planning Balance

There would also be a shortfall in the required level of onsite affordable housing, and financial contributions in general. When these matters are considered with the proposed public open space provision, tree planting, decontamination of the site and enhancements to the visual appearance of the area it is considered that on balance, the scheme would satisfy the environmental dimension to sustainable development.

Given the fact that the proposal would have significant benefits in respect of the economic and social aspects of the scheme, the proposal would, in the context of the NPPF and Core Strategy comprise sustainable development.

The harmful impacts and the conflict with aspects of the development plan, including elements of saved policies in the North Wilts Local Plan, the failure to meet the full requirement of financial contributions, carry medium weight and weigh against the proposal.

It is considered that the scheme would accord with other provisions of the development plan, including elements of CS relating to the delivery of housing and employment within in Chippenham and focusing development on Brownfield land. Furthermore, given the very real and pressing need to deliver the housing that is required to meet the needs of the residents of the county and when weighed with the other social, economic and environmental matters

that have been identified above, the totality of harm falls short of the requirement to significantly and demonstrably outweigh the benefits of the scheme.

The proposal would accord with the provisions of the NPPF. This is an important material consideration that outweighs the limited conflict with the development plan. There is also merit in the applicant's contention that the proposal would be a local housing solution to a local housing problem, as the development is proposing greater levels of housing than the indicative figures set out in the Core Strategy. Given all of the above, there is greater weight in the arguments for granting permission.

RECOMMENDATION

Authority be delegated to the Head of Development Management to GRANT planning permission, subject to the completion of a Section 106 legal agreement and the imposition of appropriate conditions within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Air Quality Management and is therefore contrary to Policies CP3 CP43 & CP55 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

- 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 Prior to the commencement of the development a phasing plan shall be submitted to and approved by the local planning authority. The phasing plan shall identify, amongst other things, at what stage the improvement of the Little George junction will be secured, as well as access to individual units of development.

REASON; In order to ensure that all parts of the development are afforded reasonable access to the local road network, and that a choice of access is available at an early stage.

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

SL02 P2

LP02 A

ML02 P2

RL02 P1
SE_SV-01 B
G-APT.e1 P3
G-APT.e2 P3
G-APT.p1 P1
G-APT.p2 P1
G-APT.p3 P1
G-APT.p4 P1
G-APT.p5 P1
G-APT.p6 P2
TL.e1 E
TL.e2 E
TL.p1 J
TL.p2 E
TL.p3 E
TL.p4 E
TL.p5 E

DESIGN AND ACCESS STATEMENT ADDENDUM DOCUMENT July 2016

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

- 4 Prior to the commencement of development details of car and cycle parking and servicing arrangements for the site shall be submitted to and approved by the local planning authority.

REASON: In order to ensure that access, parking arrangements and servicing for the site are acceptable, and that adequate provision can be made without a requirement for parking on the access road.

- 5 Prior to any phase of development being brought into use the access roads and parking and servicing areas for that phase shall have been completed in accordance with details which shall have been submitted to and approved by the local planning authority.

REASON: To ensure proper provision is made for access and parking.

6 Visibility for drivers emerging from site access for each phase of development shall be provided from a set-back distance of 2.4m from the nearside carriageway edge to points 43m distant on the nearside kerblines in both directions. The visibility envelope shall not be obstructed at a height more than 600mm above the footway level.

REASON: In the interests of highway safety

7 The landscaping scheme(s) for each phase of the development shall include:-

- o location and current canopy spread of all existing trees and hedgerows on the land;
- o details of any trees or hedgerows to be retained, together with measures for their protection in the course of development;
- o a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- o finished levels and contours;
- o means of enclosure including gates and barriers to car parks, railings, fences, gates, walls & bollards;
- o car park layouts;
- o all hard and soft surfacing materials;
- o minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- o proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- o retained historic landscape features and proposed restoration, where relevant.

The above details shall be provided prior to the buildings in that phase of the development being brought into use

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

8 No development shall commence on site until a scheme of phasing of landscaping has been approved in writing by the Local Planning Authority. The landscaping shall be carried out in the first planting and seeding season following occupation of the building(s) or the completion of the development, whichever is the sooner within that particular phase; 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.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order

that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development.

- 9 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.

- 10 No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works should be carried out in accordance with BS5837:2005 (Recommendations for Tree Work).

REASON: For the avoidance of doubt and to ensure the satisfactory appearance of the development.

- 11 No phase of development shall commence, until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout then construction period of that Phase.

The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel cleaning facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;

viii. measures to control noise during construction;

ix. a signage strategy for construction traffic.

REASON: In the interests of highway safety and the amenity of local residents.

- 12 No phase of development shall commence on site until a scheme for the discharge of foul water from the site, including any on/off site improvements to provide capacity to serve the site and allowing clearances to existing sewers or diversions, has been submitted to and approved in writing by the Local Planning Authority.

No building within the phase of development shall be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

- 13 No phase of development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365; full details of attenuation including ownership and maintenance regimes to ensure no increase (and preferably a decrease) in current storm water flows to public storm sewers and removing current storm to foul connections has been submitted to and approved in writing by the Local Planning Authority.

That phase of development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

- 14 No phase of development shall be occupied or brought into use until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes within that phase, has been submitted to, and approved in writing by, the Local Planning Authority. That phase of development shall not then be occupied or brought into use until the scheme has been implemented.

REASON: To ensure that satisfactory fire fighting facilities are incorporated into the site.

- 15 No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency’s “Model Procedures for the Management of Land Contamination, CLR 11” and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report should be submitted to the Local Planning Authority. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage

(ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 16 No part of the development shall be occupied or first brought into use until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting therefrom has been removed from the site.

REASON: In the interests of the character and appearance of the area and neighbouring amenities.

- 17 (i) No deliveries shall be made to or collections made from the Hotel hereby approved except between the hours of 06:00am and 22:00pm Monday to Saturday and 07:00am and 17:00pm on Sundays.

(ii) There shall be no use of reverse beepers on delivery or collection vehicles between 06:00am and 07:00am Monday to Saturday and between 07:00am and 09:00am on Sundays. All deliveries between these approved hours shall be direct via the loading and unloading dock shown on the approved plans.

REASON: To limit the impact of the development on adjacent residential amenity and prevent undue disturbance.

- 18 Development of the Hotel shall not commence until details of the provision for the loading and unloading of goods vehicles servicing the Hotel have been submitted to and approved in writing by the Local Planning Authority. The Hotel shall not be first brought into use until such provision has been made. This space shall be maintained for such purpose at all times thereafter.

REASON: To ensure that adequate provision is made for loading/unloading within the

- site in the interests of highway safety.
- 19 No works on the hotel phase of development shall commence on site until details of all external window and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels. The works shall be carried out in accordance with the approved details.
- REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the area.
- 20 Development of the Hotel shall not commence on site until details and samples of the materials to be used for the external walls and roofs of the Hotel within that phase 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.
- 21 Development of the Hotel shall not commence until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients and car parking, associated with the Hotel including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The Hotel shall not be first brought into use until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, and car parking associated with the Hotel have all been constructed and laid out in accordance with the approved details.
- REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.
- 22 The Hotel shall not be opened for trade until a Green Travel Plan relating to the Hotel has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.
- REASON: In the interests of road safety and reducing vehicular traffic to the development.
- 23 Prior to the commencement of development of the Hotel a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, shall be submitted to and approved in writing by the Local Planning Authority. The

external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E3 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented before the development is first brought into use and shall be maintained in effective working order at all times thereafter.

REASON: To limit the impact of the development on adjacent residential amenity.

- 24 No development of the Hotel shall take place until full details of all proposed fixed plant installed on the building and/or site (and including all mitigation measures screening) has been submitted to and agreed in writing by the Local Planning Authority. Such details shall include confirmation that the plant will not exceed -5dB below the lowest background noise level and that noise rating not exceed 37dB when measured at the nearest residential properties. Development shall be carried out in complete accordance with such details so agreed.

REASON: To limit the impact of the development on residential amenity.

- 25 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

- 26 No development of a residential phase shall commence until details and samples of the materials to be used for the external walls and roofs of dwellings within that phase 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.

- 27 Prior to the commencement of the residential phase of development details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, relating to that phase have been submitted to and approved by the Local Planning Authority.

No phase of residential development shall be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture associated with that phase have all been constructed and laid out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory

manner.

- 28 Prior to the commencement of development of the residential units a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, shall be submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E3 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented before the development is first brought into use and shall be maintained in effective working order at all times thereafter.

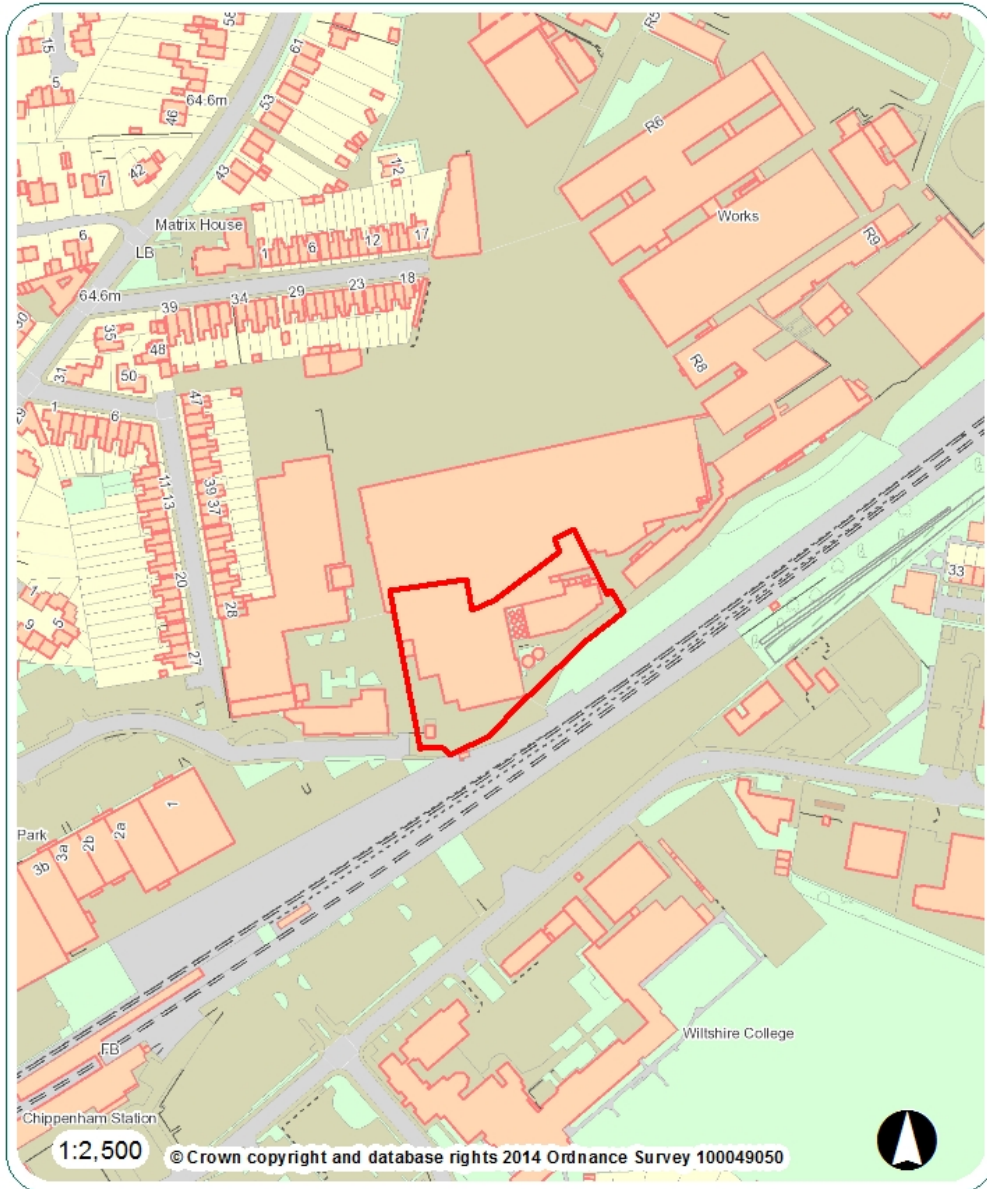
REASON: To limit the impact of the development on adjacent residential amenity

- 29 No development of the Hotel shall take place until full details of all proposed fixed plant installed on the building and/or site (and including all mitigation measures screening) has been submitted to and agreed in writing by the Local Planning Authority. Such details shall include confirmation that the plant will not exceed -5dB below the lowest background noise level and that noise rating not exceed 37dB when measured at the nearest residential properties. Development shall be carried out in complete accordance with such details so agreed.

REASON: To limit the impact of the development on residential amenity.

- 30 No works on the residential phase of development shall commence on site until details of all external window and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels. The works shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the area.



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	14 September 2016
Application Number	15/12351/OUT
Site Address	Land at Rawlings Farm, Cocklebury Lane, Chippenham, Wiltshire, SN15 3LR
Proposal	Outline Permission for up to 700 Dwellings, Including 4.5ha Employment Space and Primary School. Up to 10ha New Public Open Space, Landscaping, Stormwater/Drainage Works, Substation and Associated Works. Access Using Parsonage Way, Darcy Close and from Cocklebury Lane (for Cycling and Pedestrian Only).
Applicant	KBC Developments LLP
Town/Parish Council	CHIPPENHAM
Electoral Division	CHIPPENHAM MONKTON
Grid Ref	393297 173929
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

Under the Scheme of Delegation Specific to Planning, this application falls to be considered by the Strategic Planning Committee by reason of it being a large-scale major application which, by its nature would raise issues of more than local importance.

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 authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Air Quality Management and is therefore contrary to Policies CP3 CP43 & CP55 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development.

- Conformity to the local plan
- Impact on Conservation Area and setting of listed buildings
- Whether the development constitutes over development of the site.
- Impact on residential amenities of adjoining neighbours.
- Impact on character and appearance of the area
- Prematurity

Chippenham Town Council objected to the proposed development and 150 letters of objection and 1 letter of support have been received.

3. Site Description

The development site is located on approximately 51Ha of mixed farmland between the Great Western railway line and the River Avon to the north east of Chippenham. The eastern boundary of the site is defined by the former Calne - Chippenham railway line and is presently a Sustrans Cycle route set into a cutting. More apparent as a boundary to the western side of the site is the Monkton Park housing estate which sits adjacent to the cycle path. The eastern boundary is a mature hedgerow that runs roughly north-south close to an existing cattle bridge over the railway line. A High Tension (132KV) power line crosses the site towards the western side while a smaller branch of 32KV overhead lines provides power to an adjacent communications mast.

The site is largely square in shape. The only two means of access that presently exist are at Cocklebury Lane (with a narrow Victorian bridge over the railway) and a narrow footbridge at Eastern Avenue. The site generally slopes towards the River Avon but also falls away in the north western edge, towards Chippenham Town Centre. A distinctive valley exists towards the centre-west of the site, which is made more attractive by several mature trees including oaks. Roughly 20% of the site is within the floodplain. A brick and concrete World War II (WWII) pillbox is located close to the river within the flood plain, which will be unaffected by the proposals. Aside from the access boundaries, the remaining boundaries are easily defined and identified both from a map and on-the-ground. Rawlings Farmhouse and structures within its curtilage are included in the application site. An existing dwelling (Rawlings Farm Cottage) is enclosed by the site but does not fall with the application site.

4. Planning History

15/11886/FUL	Construction of a Bridge Across the London to Bristol Railway Line, as an Extension to Parsonage Way so as to Serve the Proposed Housing Development at Rawlings Green – under consideration
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5. The Proposal

Outline planning permission for up to 700 dwellings, including 4.5Ha mixed use employment space; a new primary school; new open space, landscaping, small local centre to accommodate up to 600m² of new retail space, care home for the elderly up 3000m², bridge access the railway from Parsonage Way, site access at Darcy Close and other associated works with all matters (except access) reserved.

6. Planning Policy

Wiltshire Core Strategy Jan 2015:

Core Policy 1-	Settlement Strategy
Core Policy 2-	Delivery Strategy
Core Policy 3-	Infrastructure Requirements
Core Policy 10-	Spatial Strategy: Chippenham Community Area
Core Policy 34-	Additional Employment Land
Core Policy 41-	Sustainable Construction and Low Carbon Construction
Core Policy 43-	Providing Affordable Homes

Core Policy 51-	Landscape
Core Policy 43-	Providing affordable homes
Core Policy 45-	Meeting Wiltshire's housing needs
Core Policy 50-	Biodiversity and Geodiversity
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 Development
Core Policy 62-	Development impacts on the transport network
Core Policy 63-	Transport Strategies
Core Policy 64-	Demand Management
Core Policy 67-	Flood Risk
Appendix D	
Appendix E	
Appendix G	

Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution

T5- Safeguarding

H4- Residential development in the open countryside

CF2- Leisure facilities and open space

CF3- Provisions of open space

The Draft Chippenham Site Allocations DPD

The emerging Langley Burrell Neighbourhood Plan

National Planning Policy Framework 2012:

Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)

Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)

Chapter 6- Delivering a wide choice of high quality homes (Paragraphs 47, 49, 50 & 55)

Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)

Chapter 8- Promoting healthy communities (Paragraph 75)

Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)

Chapter 12- Conserving and enhancing the historic environment (Paragraphs 126, 128, 129, 132, 133 and 139)

7. Summary of consultation responses

Chippenham Town Council - Object with particular concerns relating to traffic and transport, air pollution, flora and fauna, loss of agricultural land, flood risk and drainage, landscape impact & public consultation.

Bremhill Parish Council - Object. Concerns relating to prematurity, highway infrastructure, flooding both downstream of this site at Chippenham Town and upstream at Kellaways, cumulative effect of traffic arising from all these proposed developments will cause a road safety issue on the M4 slip roads, landscape impact, the access from the railway crossing into the Wavin distribution centre

Langley Burrell Parish Council- Object. Considerable underestimation of the traffic generation at the proposed site. Traffic generation and subsequent assessment of the peak hours has been underestimated by over 150 vehicles in the AM peak hour and over 200 vehicles in the PM peak hour.

The proposal fails to make any allowance for the potential for the Barrow Farm development to be permitted at appeal. Neither of these developments has modelled the potential increase in traffic through Langley Burrell, Kingston Langley and other local villages during the period before the Northern and Eastern Bypass is complete.

Development must avoid adversely affecting the rural and remote character immediately around the site and increasing the visual prominence and urban influence of Chippenham over a much wider area.

Highly unsatisfactory that in the proposals by the developers, the northernmost part of the site is now occupied by employment space and housing. The positioning of employment especially (but also the housing) flagrantly undermines the objectives of preserving the remote rural character and creating a soft rural/urban transition which respects the setting of the Peckingell listed building.

Wiltshire Council Landscape Officer- The amount of proposed residential development within the application exceeds the requirement identified or envisaged within the emerging Chippenham Site Allocations Development Plan Document (DPD) for 'Strategic area B'. While the retention and strengthening of the majority of existing hedgerows within the site is welcomed, the landscape strategy and development parameters fall short of the bold new landscape structure considered necessary to maintain a characteristic well wooded eastern settlement edge.

The land to the north of the disused railway/ cycle track sloping east towards the River Avon is visually exposed within the landscape. The well wooded embankment and cutting slopes of the disused railway and the woodland belt growing along the top of the active GWR railway line provide important landscape structure which helps to contain the urban influences of the existing town from extending across the River Avon Floodplain and outlying isolated rural settlements north and east.

Major urban development within this strategic area will breach this existing urban containment currently provided by this woodland for near and middle distance receptors, and adversely affect the character of the existing eastern settlement transition with countryside, hence the policy requirement (CH2) for a strong new landscape structure to mitigate this urban extension onto these exposed farmland slopes. Planned development in this strategic area must maintain and enhance the town's characteristic wooded transition to countryside along its eastern edge.

The current outline illustrative Masterplan along with its associated development parameters do not represent a sensitive solution for the introduction of a major new mixed use urban extension within Strategic Area B. The illustrative proposals and development parameters pay only minor reference and limited regard to the site specific sensitivities and main landscape and visual issues highlighted within the local landscape character assessments and the TEP Study.

The introduction of urban development encroaching into the River Avon's east facing valley side is likely to generate permanent adverse cumulative landscape and visual effects for numerous receptors. This has the potential to cumulatively undermine the existing wider panoramic wooded setting of this eastern side of the town. Existing levels of tranquillity will be disturbed and reduced and harmful urban influences will encroach into countryside, overlooking the wide flood plain of the River Avon, extending into the River Marden Valley and towards Tytherton Lucas Conservation Area, and Upper Peckingell Farm. The greatest landscape and visual effects will result from the introduction of the scale and form of urban development currently being promoted across the eastern slopes within the site without adequate landscape structure to contain and filter resulting effects.

Within the riverside park areas there is potential for a change of landscape character to result from the existing pastoral farmland character to something quite different, if or when the existing grazing /management regime of this floodplain land associated with Rawlings Farm ceases or changes. If the LPA is minded to grant outline planning consent for this development, until a Management Plan is submitted to the LPA for the proposed 'Riverside Park' land, the resulting landscape effects of taking this large area of land out of agricultural use remains uncertain. There is also a degree of uncertainty about the long-term economic viability of maintaining such a large area of open space in perpetuity.

This outline development proposal does not demonstrate that appropriate or sensitive urban development parameters, or mitigating landscape design measures could appropriately or successfully assimilate new development of this proposed nature into the receiving landscape without generating permanent harm to landscape character and visual amenity. Much of this harm could be better mitigated by the inclusion of an improved landscape framework and by reducing the height of proposed urban development parameters without subsequently increasing the scale of built massing throughout the site.

Wiltshire Council Air Quality- No objection subject to conditions and the payment of a financial contribution.

Wiltshire Council Waste & Recycling- The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. The estimated s106 contribution is required for the provision of this essential infrastructure to make the application acceptable. The requirement is subject to change dependent on the confirmed mix of flats and houses, in accordance with section 10 of the councils SPD.

Wiltshire Council Tree Officer- No objection subject to conditions

Wiltshire Council Ecology- Objection but planning permission can be granted subject to conditions.

Wiltshire Council Public Protection- No objection subject to conditions

Wiltshire Council Archaeology- No objection subject to conditions

Wiltshire Council Affordable Housing - There is demonstrable affordable housing need in the Chippenham Community Area and a 40% on-site affordable housing contribution at nil subsidy should, therefore, be sought from these proposals in line with policy approaches - with a tenure split of 60% affordable rented homes and 40% intermediate (shared ownership) housing in order to meet current demonstrable need.

Wiltshire Council Contaminated Land - No objection subject to conditions.

Wiltshire Council Drainage - No objection subject to conditions.

Wiltshire Council Highways - No objection subject to planning conditions and planning obligations.

Wiltshire Council Conservation - The proposed development will result in harm to the setting of the Listed Building known as Rawlings Farm House. This harm is less than substantial in terms of the NPPF.

Wiltshire Council Secondary Education- Secondary Summary – a financial contribution towards the expansion of Abbeyfield School by 135 places at £21,747 each = £2,935,845.

The Council intends to pursue the funding for this secondary infrastructure expansion via the CIL mechanism. Primary Education- A financial contribution of 175 places required at £16,979 each = £2,971,325 (to be index linked) along with a 2ha site for a new primary school. Site location and suitability to be approved by the Council. Early Years Education- A financial contribution of 648,432.00 is required.

Wiltshire Council Public Art- Public art should be incorporated within the application site.

Environment Agency- No objection subject to conditions.

Wessex Water- No objection subject to conditions.

Historic England - We would recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again.

Crime Prevention Officer- No Comment

Highways England- No objection subject to the imposition of a planning condition

Sport England- It is acknowledged that there is no requirement to identify where those CIL monies will be directed as part of the determination of any application. That said, Sport England would encourage the Council to consider the sporting needs arising from the development as well as the needs identified in its Infrastructure Delivery Plan (or similar) and direct those monies to deliver new and improved facilities for sport.

Natural England - No objection

National Planning Casework Unit - No comments

Network Rail- No objection

Canal and River Trust - No comment

Wiltshire Fire and Rescue - No objection subject to a planning condition

8. Publicity

The application was advertised by neighbour letter, site notices and press advert.

The application has generated over 150 letters of objection and 1 letter of support. A summary of the comments is set out below:

- Inadequate Access and Highway Infrastructure/ Congestion
- Vehicular Access at Darcy Close would create a rat run
- Highway Safety Issues
- No need for Eastern Link Road & Concern for delivery
- Against Eastern Link Road
- Parsonage Way Link Road necessary for any development to take place
- Concern over Construction Traffic Route and Darcy Close
- Loss of Parking on Darcy Close
- Noise Impact
- Air Quality/Pollution
- Ecological Impact
- Flood Risk

- Loss of/Impact on Public Amenity
- Loss of Hedgerow and Trees
- Prematurity (Ahead of DPD Adoption)
- Housing not needed
- Scale/Concentration of Development
- Need for Employment in this location?
- Insufficient employment land provided
- Brownfield sites should be used first
- Alternative sites preferable
- Impact on PROW/ Cycle Routes
- Crime impacts
- Pressure on Local Services/ Provision of Infrastructure
- Robustness of traffic assessment
- Loss of BMV Land
- Coalescence concerns rural villages/ urban sprawl
- Light Pollution
- Impact on heritage assets
- Impact on Landscape
- Viability of the scheme
- Pollution of River
- Housing Needed in Chippenham
- Development to the north of the relief road is contrary to the belief that the road would form the limit of development for Chippenham
- The Bridge access should not open until the link road is complete
- Air pollution
- Necessary improvements to J 17 of the M4 not in place
- Bridge is not deliverable as third parties own land for the bridge on Parsonage Way
- Adverse impact on businesses in Parsonage Way.
- Bridge costing is not accurate

Objection letters and statements have also been received from Langley Burrell Residents Association, Tytherton Lucas Residents Association, Wavin & Campaign against Urban Sprawl in the East. Their concerns and objections are summarised above.

9. Planning Considerations

9.1 Principle of Development

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.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the Chippenham Area. The emerging Langley Burrell Neighbourhood Plan underwent informal consultation in March 2016 and formal submission is intended to take place in the summer. Due to its limited progress to date, this document can only be afforded very little weight.

Important material considerations in this case include the requirement in the National Planning Policy Framework (NPPF) to assess whether the Council has a five year housing supply for the north and west housing market area that includes Chippenham.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

9.2 Chippenham Sites Allocation DPD

The Draft Chippenham Site Allocations Plan was submitted to the Secretary of State for independent examination in July 2015. Hearings into the soundness of this plan were suspended in November that year in order to allow the Council to undertake further work. As a result of this work a set of proposed modifications were consulted on in May-July. Hearings are programmed to resume on 27 September 2016. The current proposals in the emerging Chippenham Sites Allocation Plan (CSAP) include strategic allocations at South West Chippenham (CH1) and Rawlings Green (CH2).

The Chippenham Sites Allocation DPD remains an emerging Plan submitted to the secretary of state for examination. Weight can be afforded to this document in accordance with Annex 1 of the NPPF, which states that weight to be given is proportionate to the stage of preparation, the extent of unresolved objections and the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework. Given that there are still objections to the plan, and the examination is due to reconvene shortly, little weight can be attached to it at this stage.

9.3 Wiltshire Core Strategy CP1, CP2 and CP10 and Saved Policy H4

CP1, CP2 and CP10 deal with the broad issues of settlement strategy and delivery. Other relevant policies of the Development Plan are otherwise discussed later in the Report under topic heads.

Core Policy 1 and Core Policy 2 of the WCS set the foundations for how 'sustainable development' is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. The delivery strategy seeks to deliver future development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 178 ha of new employment land and at least 42,000 homes.

Chippenham is identified within the WCS as one of the three Principal Settlements which act as a strategically important employment and service centres for a number of villages in the immediate area and beyond. Chippenham is to be a focus for development (Core Policy 1). The principal settlements will provide significant levels of jobs and homes, together with supporting community facilities and infrastructure meeting their economic potential in the most sustainable way to support better self containment.

Core Policy 2 sets out the delivery strategy for Wiltshire in the period 2006 - 2026. This is to be delivered in a sustainable pattern, in a way that prioritises the release of employment land and previously developed land. At least 42,000 homes are to be delivered in Wiltshire, with 24,740 of those distributed to the North and West Housing Market Area.

Core Policy CP2 states that development outside of the limits of development of existing settlements will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The exceptional circumstances are set out in paragraph 4.25 of the Core Strategy. In this case, the site lies outside of the limits of development for Chippenham and while it is a draft allocation in the Sites Allocations Document only limited weight can attach to that. The proposal does not meet any of the exceptional circumstances identified in WCS paragraph 4.25 where development outside limits of development is acceptable. Similarly, as it lies beyond the limits of development, it does not comply with save policy H4 of the North Wiltshire Local Plan as it does not meet the exceptions, such as agricultural needs, set out in that policy. The proposal is therefore in conflict with the development plan in this respect.

Core Policy 10 of the WCS identifies the level of housing growth appropriate for Chippenham. The housing requirement for the town is identified as at least 4510 homes supported by 26.5 ha of employment. CP10 also sets out the intention to prepare a Chippenham Site Allocations Development Plan Document (DPD), which seeks to identify land for employment and 'at least 2625 dwellings' (once existing completions and commitments have been taken into account). The DPD will also set out a range of facilities and infrastructure necessary to support growth.

Criteria are included in CP10 to guide development, in addition to the other provisions contained within the Core Strategy. The criteria are based on the key issues identified for Chippenham in paragraphs 5.46 – 5.48 of the WCS. They have been included to give direction to the preparation of the Chippenham Site Allocation DPD. However, the criteria could also provide a useful set of benchmarks against which planning applications may also be measured. The criteria relate to:

- Economic led growth
- Town centre resilience and accessibility
- Mixed use development and mix of housing
- Major infrastructure and traffic impact
- Environmental constraints

The context provided through the core strategy specifically for Chippenham is that the town should be a focus for growth which will be delivered through planned strategic allocations which deliver the requirements set out in Core Policy 10.”

9.4 Housing Land Supply

Housing land supply has to be regularly assessed. The Council cannot currently demonstrate a 5 year housing land supply in the North & West HMA, and the current calculation is that the Council has a 4.76 years supply. This figure does not include the proposed site allocations in the Chippenham Site Allocations DPD. In these circumstances, NPPF Paragraph 49 advises that policies relevant for the supply of housing should not be considered up-to-date. As a result the presumption in favour of sustainable development as set out at Paragraph 14 of the Framework is engaged so that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

It can be seen therefore that CP1, CP2, CP10 and Saved Policy H4 are all relevant for the supply of housing and are to be considered out-of-date. This does not mean, however, that these policies carry no weight or even only limited weight. It is clear Development Plan policy that Chippenham is to be a main focus for development and that this should carry significant weight. It is moreover clear that Chippenham is not performing in line with Development Plan expectations. Of the minimum level of 4,510 houses to be provided in Chippenham over the Plan period, 1,780 are still required as of April 2015.

In summary, it is concluded that while limited weight only can apply to the fact of breach of settlement boundaries given the shortfall in the housing land supply and the clear need to meet a significant amount of future housing and employment need beyond existing settlement boundaries, the fact that Chippenham is to be a focus for development should carry significant weight in the decision-making process.

9.5 Whether a Sustainable Location

The 50.75 hectare site, which comprises undeveloped agricultural land, Grade II Listed Farm House and associated farm buildings, lies on the eastern edge of Chippenham, approximately 2 kilometres from the town centre. The Council's strategy for housing and employment is to focus growth in the principal settlements of Chippenham, Trowbridge and Salisbury. As such, Chippenham is a location that is expected to accommodate new housing development.

Whilst the loss of countryside would cause some environmental harm, the Council is unable to meet the full housing requirement for Chippenham without development taking place on greenfield land.

In terms of accessibility, a Primary School will be located within the site and this will be secured by way of s106 agreement and will offer easy access by foot for the residents of the proposed development. Abbeyfield & Hardenhuish Secondary Schools are both within 3km walk of the site, though this is greater than maximum walking distances suggested in Institution of Highways & Transportation 'Guidelines for Providing Journeys on Foot' it is not so far away that the site would be deemed inherently unsustainable. Hardenhuish Secondary school is the closest secondary school to the site, however, the Council's projections suggest that this is full and demand generated by this development will be met by Abbeyfield.

The site incorporates a local centre and various convenience stores/small supermarkets are located within Chippenham Town centre which is less than 2km walk. The weekly shopping trip would be difficult on foot or cycle and would generally be undertaken by car in any event, often in conjunction with other activities. Employment opportunities in Chippenham include the employment generating uses on site, town centre employment and Langley Park Industrial Estate all of which are within walking distance. Other employment opportunities in Chippenham include Bumpers Farm & Methuen Park industrial estates.

The nearest bus stops are located in Monkton Park and Chippenham Train Station which are within 1 kilometre walk of the site. Further bus stops are located within Langley Burrell and at the entrance of Langley Park. Furthermore, the s106 agreement will see funding for bus routes to be diverted within the site thus improving connectivity with Chippenham. Whilst some of the existing transport public transport links are further than the 'acceptable' walking distance to a bus stop, majority of the frequent services depart from Chippenham Railway Station with the 55, 55A, 33, 35, 91, 92, 231, 635, X31 & X33 stopping here. These buses offer access to other settlements such as Royal Wootton Bassett, Calne and Devizes where facilities and employment opportunities are available.

Whilst the bus stops and train station are located further from parts of the site than is ideal, that is balanced, to some extent, by the good frequency of service, the nature of the destinations & the employment opportunities possibly established on site. All in all, given the accessibility of a number of services and facilities by foot /bicycle, combined with a good frequency of public transport service to nearby towns, albeit that from some locations within the site the nearest bus stops are just over a kilometre away, it is considered that future residents would have a realistic alternative to the private car to access services and facilities required on an everyday basis.

To conclude on this issue, the development would not prejudice the fulfilment of sustainable development objectives as set out in local and national planning policy. It is therefore considered to be a sustainable location for new housing development, as is recognised by

the Core Strategy and in particular policies CP1, CP2, CP10 & CP34. This matter weighs in favour of the proposal.

9.6 Employment Land

The application seeks to provide up to 4.5ha of land for employment generating uses. It is estimated that the overall development could accommodate premises for approximately 530 new jobs, excluding jobs in schools and shops serving the site. It is accepted that there is no truly meaningful difference between the level of job opportunities anticipated between the proposals of policy CH2 of the CSAP and this application.

The proposals fulfil the strategic role of providing land for economic growth, though possibly half a hectare less than specified in draft policy CH2 it does provide employment land in accordance with CP1, CP2 and CP34 *iv,v,vi,vii,viii & ix of the Core Strategy*.

As identified within the report there is some harm to the character and appearance of the area and this has, in part, been mitigated through the retention of important landscape features and additional structural landscaping. Any further refinement of the master plan to accommodate further employment is likely to reduce this landscaping buffer and 'Country Park' and is not encouraged.

The illustrative master plan shows two areas for employment uses. One area is located by the proposed road bridge and nearer to the A350. A second area is proposed alongside a local centre. This location seems well positioned for the railway station and town centre. A split into two areas uses the flexibility provided by draft policy CH2 and seems based on a reasonable rationale. The treatment of employment offers a choice to prospective business but to ensure the proposal does not provide duplication of planned investment at Chippenham Railway Station or conflict with the objective of enhancing the viability and vitality of the town centre appropriately worded planning conditions will be required. The provision of employment land to help fulfil the plans desire to allow self containment and reduce out commuting is a matter which weighs in favour of the proposal.

9.7 Affordable Housing

Core Policy 43 states the Council will seek to negotiate an element of affordable housing to meet local needs on all housing developments of 5 or more dwellings. The applicant has agreed to provide 40% onsite affordable housing with a 60% affordable rent and 40% shared ownership tenure split. The provision secured by the planning obligation accords with the policy and meets the relevant tests set out in the CIL regulations. The proposed development therefore accords with Core Policy 43 and this is a matter which weighs in favour of the proposal.

9.8 Highway Matters

This proposal provides for two of the crucial transport links required to support development to the north and east sides of Chippenham, namely the Cocklebury link Road and part of a possible 'Eastern Link Road' (ELR), including the essential new crossing of the GWR mainline.

The TA sets out a proposed access strategy for the site, which generally aligns with that envisaged in the transport modelling work undertaken by Atkins on behalf of the Council. The principal links to serve the site are therefore acceptable in principle. Planning obligations will be required to ensure appropriate triggers are applied to the delivery of the Cocklebury Link and the Parsonage Way railway bridge and to facilitate the provision of an ELR to the eastern-most part of the site to allow connection to this road if required at a later date.

Furthermore, access facilities for pedestrians and cyclists will be enhanced along Cocklebury Lane. Arrangements will be sought to deliver an alternative private access to

Rawlings Cottage, with a view to downgrading the status of the byway and the need to cross the railway bridge with vehicular traffic.

The general design principles for these two roads is set out in the D&A Statement at chapter 10. Both roads are proposed to have frontage development. It is proposed that the 'ELR' frontage property would be provided with rear parking facilities to minimise the prospect of reversing manoeuvres onto this road from private drives. The Cocklebury Link, however, is proposed to be provided with direct drives onto the road with no turning facilities, this is not an acceptable arrangement on this potentially busy route connecting Monkton Park with the wider highway network, but can be controlled at reserved matters stage and is not an insurmountable matter.

The travel planning proposals for the residential element of the site are acceptable in principle, but some further detail will be required, particularly in relation to the submission of monitoring reports and the use of personalised travel planning as an intervention tool. The targets away from single occupancy car travel are modest, as is the proposed increased use of buses, where little incentive is offered; such issues will be dealt with by way of a planning obligation. There will also be a requirement for a framework workplace and school travel plan.

The focus of pedestrian and cycle activity to the south of the site will involve existing routes such as the North Wilts River Route. Local improvements will be sought to upgrade surface finishes on the former railway route where it fronts the site, as well as the link west of the History Centre and Great Mead (CHIP12), which is not suitable for an area within a newly built environment. Routes within the site will be addressed through use of appropriate conditions.

Car and cycle parking provision within the site will be conditioned to accord with the adopted standards (Car Parking Strategy and Cycle Strategy) of the Council.

The assessment of local junctions has been based on 4 different development scenarios agreed with the Council. The analysis demonstrates that the Station Hill/New Road junction will be overloaded in all scenarios. The situation will improve when the CLR is delivered and available, and connected through to the A350. In the interim period it will be necessary to alter the arrangements at this junction, through the introduction of traffic signals control.

The analysis also identifies capacity issues at the Birch Grove junction, in the absence of the North Chippenham part of the ELR; a contingency arrangement will be required to improve this junction linked to provision of the NCC ELR. The proposal for modifying the Darcy Close/Cocklebury Road junction are accepted in principle, in order to acknowledge the changed local traffic priorities and to assure adequate capacities for all arms of the junction. Stage 1 RSA's should be submitted for all three junctions, as well as the link road along existing Darcy Close.

The delivery of transport infrastructure is addressed by way of identified thresholds of occupied dwellings on the site; however, in order to protect the town against potential default, it will be required to establish a time related trigger in relation to the provision of the GWR mainline crossing connecting with Parsonage Way.

The application's proposals include for a primary school. It will be necessary to ensure that adequate pedestrian/cycle routes are provided to the school at an appropriate time in the development; of particular concern is access from the west, where the available routes will be Parsonage Way and Cocklebury Lane. It is a normal requirement for an NMU audit to be submitted to demonstrate the effectiveness and adequacy of existing routes leading to and from the site, likely to be used by occupiers of the development; an NMU should be

prepared, with particular emphasis on routes to schools, and submitted prior to any final transport recommendation on the application.

Whilst the development proposal provides for a secondary access to the Monkton Park area, which is welcome, it will be necessary, for environmental and school safety reasons to preclude access to the route for lorry traffic. A planning obligation will be sought to preclude the through use of the route by heavy goods vehicles, potentially allowing access from the north and south only, and not permitting use on an 'except for loading' basis. There will also be a requirement for on-street parking orders, both within and beyond the site, to ensure that through traffic is not unduly inconvenienced, and that bus access is not obstructed.

The NPPF at Paragraph 32 states that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposal would not result in a severe impact in these terms.

Having considered the submitted information and the updated statements including the NMU route audits and Bus strategy it is considered that, subject to s106 and conditions, the proposed development is in accordance with policies CP3, CP10, CP60, CP61, CP62, CP64 & CP66 of the Core Strategy and NPPF

9.9 Impact on Landscape

The site comprises approx. 50.75 hectares of sloping pastoral agricultural land (largely Grade 2 in the ALC) located between the active Great Western Railway and the River Avon. The site falls from the railway at approx 65m AOD in the west to the river Avon in the east at approx. 45m AOD and is largely contained within the current landholding associated with Rawlings Green Farm. The site comprises a number of small and medium sized fields enclosed by field hedgerows, with occasional hedgerow trees. In the northern part of the application site a distinctive dry valley is evident, which once contained a small tributary watercourse of the River Avon. This watercourse is believed to have been diverted during the construction of the Railway. A tall thinning hedgerow borders the northern boundary of the site, providing some filtering of the site from Peckingell, which includes grade II listed farm buildings.

The proposed site lies to the east of Parsonage Way Industrial Estate, separated by the busy Great Western Railway line which is located in deep cutting (soon to be electrified) along the sites western boundary. The historic urban core of Chippenham's town centre lies approx. 1.4km to the south of the site. To the immediate south of the site, Monkton Park housing estate occupies slightly lower land and is separated from the application site by the heavily wooded disused railway line which is now utilised as a cycleway linking Chippenham to Calne. The site is fairly isolated with the only vehicle access currently provided by Cocklebury Lane a narrow Byway (CHIP45) accessed from the north, off Maud Heath's Causeway (B4069). Access into the site is via a bridge crossing the railway.

The disused railway/cycleway is in deep cutting along most of its length with the exception of a short section constructed on steep embankment (approx. 10-15 metres above the river and floodplain) which elevates the route to cross the River Avon via a cycleway/footbridge (Black Bridge), which also incorporates a purpose built viewing platform for the public to enjoy the views of the River Avon corridor and associated floodplain areas. East of the river, the cycleway continues on embankment to New Leaze Farm access track where the embankment finally runs into adjoining ground levels level with adjoining agricultural land on both sides. Mature trees and woodland extend up these embankment and cutting slopes on both sides of the river on both north and south slopes, which channels views from the bridge and viewing platform along the river and adjacent sections of floodplain meadow. This woodland thins out at Eastern Avenue and Darcy Close at the south western corner of the application site.

The small rural outlying settlement of Tytherton Lucas and its associated Conservation Area is located approx. 800 metres (east) from the planning application site boundary at its closest point. Upper Peckingell Farm (Grade II listed) lies approximately 100m to the north of the site boundary, with Langley Burrell located on the western side of the railway approximately 600m north of the north west corner of the application site.

This is a settled farmed landscape with scattered farmsteads, listed buildings and small outlying historic villages with a strong use of natural stone contributing to the characteristic rural vernacular. The Rivers, tributary watercourses and associated riparian vegetation, valley slopes, floodplain meadows and the elevated limestone ridge all contribute to the value and quality of the local landscape. The overhead electricity transmission lines and their supporting pylons extend eastwards from Rawlings Farm, across the river towards New Leaze Farm and the cycleway. At New Leaze Farm they abruptly change direction to cross the cycleway in a south-east direction towards Stanley Lane. This urbanising infrastructure is visually prominent and detracts from the quality of the local area.

The existing vehicular access into the site is from Cocklebury Lane, a narrow single width road/track which passes through Parsonage Way Industrial Estate from the north west at Maud Heath's Causeway (B4069). This farm access road also doubles along much of its length as a Public Right of Way (Byway CHIP45 north of Rawlings Farm Cottage and footpath CHIP44 south of the cottage) providing a southern link to Eastern Avenue and an onward eastern connection onto National Cycleway Route 403/North Wiltshire Rivers Route which runs along the disused railway and provides an important link to the wider rural PRow network further east towards New Leaze Farm and Stanley. Public footpath CHIP12 provides a link from Cocklebury Road close to Chippenham Railway Station Car Park and runs along the edge of the railway to enter the application site at its south western corner before joining Cocklebury Lane (CHIP45) close to the railway bridge.

Footpath CHIP43 extends from the southern end of CHIP44 close to the bridge crossing the disused railway at the end of Eastern Avenue to join footpath LBUR1 and LBUR3 in a north east direction. These footpaths provide a route from the south west of the site to cross the sites east facing slopes towards Peckingell and Tytherton Lucas. Views from the upper parts of the sloping site offer elevated panoramic rural views eastwards across the expansive River Avon Valley and floodplain below, with the elevated limestone ridge forming the backdrop to the east. The River Marden Valley cuts through the limestone ridge, allowing a distant view towards the North Wessex Downs AONB scarp and the impressive Cherhill Monument, located south east of Calne. Bencroft Hill is a notable natural landform and feature viewed from these footpaths and Maud Heath's Monument at Wick Hill is a local landmark in this same rural view.

Footpath LBUR5 runs from Maud Heath's Causeway, south of Kilvert's Parsonage to enter the site via a farm accommodation bridge (Green Bridge) which crosses the active main line railway close to the northwest corner of the site. The route passes only for a few metres through the site before heading east to join LBUR3 which runs from Peckingell southwards into the site to join LBUR1. Views are elevated, rural and sometimes partially screened and filtered by hedgerows looking across the site at contour. The land form levels out north of Peckingell.

The site does not form part of any national landscape, heritage or open space designations but lies within Landscape Type; '12: *Open Clay Vale*' in Landscape Character Area '12B: *Avon Open Clay Vale*', within the 'Wiltshire County Landscape Character Assessment' (2005), and at the district level within Landscape Type; '11: *Lowland River Farmland*' in Landscape Character Area '11: *Avon Valley Lowland*', within the 'North Wiltshire Landscape Character Assessment' (2004).

A Landscape and Visual Impact Assessment (LVIA) has been prepared by 'Barton Willmore' (December 2015) ES, Volume II, Appendix 4.10. The predicted Landscape and Visual effects are included at ES, Volume I, Chapter 4 of the submitted Environmental Statement (ES). The LVIA considers and assesses the development proposals contained within the Illustrative Masterplan prepared by Barton Willmore (Dwg. No. 9405/Rev E & Appendix 1.6 of the ES). The ES makes clear at Section 1, Paragraph 1.1.6 that this Illustrative Masterplan incorporates the Parameter Plans, access plans, building heights plan and other master planning outputs and further clarifies that the 'Parameter Plan' (Volume II, Appendix 1.2 of the ES, Dwg. No. 9600/Rev G, now understood to be revised to Rev H) is the only layout which is considered to be binding on any subsequent 'Reserved Matters' applications.

An assessment of predicted landscape effects (Landscape Character & Landscape Features) and predicted visual effects (visual amenity) likely to result from implementing the development proposals are included within the ES Volume I, Section 4.4 (pages 78 – 86) and summarised within the 'Landscape Effects Table' (ES Volume II, Appendix 4.7) and within the 'Visual Effects Table', (ES Volume II, Appendix 4.8). Potential 'cumulative' landscape and visual effects are considered at Section 4.6 (pages 90-91).

Landscape Impacts - The LVIA includes assessment of predicted landscape effects 'During Construction (temporary)', 'At Completion year 1' and 'Residual at year 15' for landscape character and for landscape features as follows;

Landscape Character- For National Character Area (NCA) 117-Avon Vales, the report assesses low and very low adverse change effects which are likely to generate a Neutral Significant Effect during construction, at year 1, and at year 15. This is due to the small scale of the site area in context with the very large size of the national character area.

For the Wiltshire County Landscape Character Area 12b-Avon Open Clay Vale (1:50,000) the report assesses low and very low adverse change effects, which is considered likely to generate a Minor Adverse Significant Effect during construction, reducing to a Neutral Significant Effect at year 1 and at year 15.

For the North Wiltshire Landscape Character Area 11-Avon Valley Lowland (1:25,000) the report assesses low and very low adverse change effects, which is considered likely to generate a Minor Adverse Significant Effect during construction, reducing to a Neutral Significant Effect at year 1 and year 15.

For the Chippenham Landscape Setting Assessment - Strategic Area B (site and localised 1:10,000 context), the report assesses a medium adverse effect during construction, low beneficial effect at year 1 and a medium beneficial effect at year 15, which are considered likely to generate a Moderate Adverse Significant Effect during construction, changing to a Minor Beneficial Significant Effect at completion, and 15 yrs following completion.

The Council's landscape officer disagrees with the findings contained within the (LVIA) assessment relating to the predicted effects for Landscape Character at the County, District or Site levels. This is due to specific landscape issues highlighted within these published landscape character assessments and the identified sensitivities highlighted within the Chippenham Landscape Setting Assessment relating to the future urban expansion of Chippenham. These highlighted issues and sensitivities are not judged to have been fully considered within the assessment. They highlight the need to minimise any resulting adverse landscape and visual effects connected with the future urban expansion of Chippenham. The Character Assessments point to the need to avoid continued uncharacteristic modern urban expansion up exposed valley slopes and the need to repair

and improve existing harsh urban settlement edges and transport corridors with substantial new areas of planting.

Planned settlement expansion within this strategic area must deliver sympathetic transitions with adjoining countryside to the east and north to conserve the valued rural sense of place and tranquillity, connected with the expansive floodplain of the River Avon and River Marden, and protect the rural separation and tranquil isolated characteristic outlying hinterland village settlements located to the north and east of the site. The Mitigation/Notes within the Landscape Tables and text within the LVIA recognise the importance of providing mitigating strategic planting to filter and screen new development in order to sustain the town's characteristic wooded eastern settlement edge. However, the proposed form and amount of new structural planting, and the scale, density and height of new built development is highly unlikely to achieve the soft well vegetated urban edge with small groups or small clusters of rooflines which are often only glimpsed within woodland offering the limited public views considered to be characteristic and necessary to successfully integrate new urban development at this site. Extensive new landscape structure planting is identified to be necessary within Draft Policy CH2 in order to halt the identified further breakdown of transitions between town and countryside around Chippenham, resulting from the introduction of new urban development and transport corridors in exposed locations at the edge of the town. In this respect the proposed landscape structure planting included in the submitted Parameter Plans and Illustrative Masterplan is not considered to be robust or bold enough to successfully integrate this proposed new urban expansion on these exposed east facing pastoral farmland slopes. This, in combination with the current urban design parameters proposing 2.5 storey and 3 storey development on the upper and middle east facing slopes and the proposed breach of woodland (tree belt) along the top of the railway cutting to enable the rail bridge crossing into strategic area B from Parsonage Way, leads to the conclusion that the predicted 'Neutral' and 'Minor Beneficial' residual effects for local Landscape character will not be achieved. The currently proposed development will be at odds with local landscape character assessment guidelines, generating landscape harm, contrary to CP51 and Draft Policy CH2 requirements.

Landscape Features – The LVIA considers Tree Belts; Hedgerows and Hedgerow Trees; Agricultural fields; River Avon Slopes to be characteristic landscape features within the site. For 'Tree Belt' the report assesses low adverse change effects during construction, low beneficial effects at year 1 and medium beneficial effects at year 15, which is considered likely to generate a Minor Adverse Significant Effect during construction, reducing to a Minor Beneficial Significant Effect at year 15. For a longer term residual neutral effect to result for this receptor, the new rail bridge requires some structural planting along the northern edge of the new access road as it turns into strategic area B to help visually close off the new axial view into Parsonage Way Industrial Estate created by the removal of trees to enable the new vehicular access into the site. Some additional structural tree belt planting is also required along the northern edge of the site to maintain and supplement the existing tall hedge / tree belt to better contain new development, maintain rural separation and settings to listed buildings at Peckingell.

Further structural tree planting is required along the mid slope contour of the site. However, it is accepted that some strategic gaps in structural planting would be beneficial to maintain some eastern views from elevated open spaces and existing public rights of way, towards the floodplain and limestone ridge over and through corresponding gaps in development to support positive place making objectives within new development. Some strong groups of new tree planting are also required along the lower eastern edge of development to help filter the urban edge from lower levels and from southern and northern approaches along the riverside and from within the new country park / Riverside park land.

For 'Hedgerow and Hedgerow/field trees' the report assesses medium adverse change effects during construction, low adverse effects at year 1 and low beneficial effects at year 15, which is considered likely to generate a Moderate Adverse Significant Effect during construction, reducing to a Minor Beneficial Significant Effect at year 15. This judgement is accepted with appropriate tree and hedgerow protection measures in place to safeguard these important landscape features and with appropriate supplementary hedgerow and hedgerow tree planting where opportunities exist.

For 'Agricultural fields' the report assesses medium adverse change effects during construction, low adverse effects at year 1 and year 15, which is considered likely to generate a Moderate Adverse Significant Effect during construction, reducing to a Minor Adverse Significant Effect at year 15. It is not unreasonable to consider the permanent loss of agricultural grade 2 land and the permanent cessation of associated farming uses to be replaced with urban development and associated supporting urban and suburban infrastructure to represent a Major or Moderate Adverse change effect. This is not an unexpected effect for this receptor following the permanent loss of farmland to new urban and recreational land uses, given the nature, permanence and prominence of these change effects.

For 'River Avon Slopes' the report assesses Low adverse change effects during construction reducing to Low beneficial effects at year 1 and year 15, which is considered likely to generate a Minor Adverse Significant Effect during construction, reducing to Minor Beneficial Significant Effect at year 1, and reducing to Moderate Beneficial Significant Effect at year 15. It is unclear if this assessed receptor could actually be described as 'River Avon Slopes' as the area identified as area B within 'Figure 12 : Site Landscape Features and Components' appears to include only the lower parts of the slopes with greater associations with floodplain and immediate river corridor rather than the defining River Avon Slopes. From reading the mitigation / notes within the Landscape Table, the commentary seems to largely relate to watercourses, marginal vegetation and river banks rather than the sloping valley side pasture etc.

The east facing river slopes, overlooking the wide expansive River Avon and River Marden floodplain are largely laid to pasture and are a prominent local feature of the landscape viewed from the floodplain and also from further distances at Wick Hill and Bencroft Hill to the east and edge of settlement at Tytherton Lucas. The introduction of urban development onto these exposed slopes has the potential to result in major or moderate adverse change effects for this receptor due to the magnitude of change and the visual prominence and sensitivity of the receptor identified in local landscape character assessments and the TEP study. The south west corner of the site slopes down from Cocklebury Lane towards the active railway line. The resulting urbanising change effects on these south-west facing slopes are considered to be less sensitive to change due to stronger existing urban influences between these slopes and the electricity substation, railway and town. The introduction of urban development onto these south west facing slopes are likely to generate less harmful change effects to landscape character, and easier to mitigate through new structure planting than the east facing slopes.

It can be reasonably expected that the introduction of new urban development at this prominent Greenfield location, up to 3 storeys in height, including some larger massing of employment buildings, will generate permanent Major or Moderate Adverse Significant Effects for local Landscape Character, and also for some landscape features within the site. It is based on the anticipated resulting magnitude of change effects which are likely to arise from the introduction of the proposed scale, form and height of new urban development proposed onto the sensitive visually exposed east facing pastoral slopes, overlooking the

wide expansive River Avon and River Marden Floodplain, opposite the elevated limestone ridge.

Visual Impacts- It is noted at Section '6 Visual Appraisal' of the Rawlings Green LVIA (appendix 4.10, Volume II of the ES), paragraph 6.3.8 *"The rail bridge is expected to be in place prior to construction of the proposed development and is therefore considered as part of the baseline conditions."* The separate planning application for the rail bridge (15/11886/FUL) is directly linked to this application. The only reason for constructing this new rail bridge is to provide access into Strategic Area B for the purpose of facilitating the mixed use development subject of this application (15/12351/OUT). The resulting landscape and visual effects predicted to arise from tree removals and the removal of existing earth bunds at the top of the railway cutting will remove established valued screening and open up a new viewing corridor into Parsonage Way Industrial Estate from countryside to the east. This effect should be acknowledged as a direct result of this development proposal, assessed within the scope of this LVIA and ES and specific mitigation measures need to be included or controlled by condition.

The visual appraisal establishes a 15km radius 'Predicted Zone of Theoretical Visibility' (Figure 13, ES Appendix 10.4) and assesses the anticipated visual change effects 'During Construction (temporary), at 'Completion Year 1 (with mitigation based on Parameter Plans)', and 'Residual Year 15' for a series of representative public viewpoints illustrated with 16 no. Representative Viewpoint Photographs, and a Viewpoint Location Plan (Figure 14), Section 6, ES Appendix 10.4). The viewpoints represent views experienced by various receptors (people) at varying distances from the site which help to illustrate the potential resulting visual effects for public visual amenity including;

- Cyclists and pedestrians using the North Wiltshire River Route and National Cycle Route 403;
- Users of PRow in the local and wider area;
- Users of Parsonage Way;
- Residents, pedestrians and road users at Chippenham's settlement edge immediately to the south of the site
- Residents, pedestrians and road users at areas of high ground east of the site including Bencroft Hill and Wick Hill.
- Visitors to places of interest such as the Church of St Nicholas, Maud Heath's Causeway and Monument, and Cherhill Monument.

A summary of the visual appraisal is provided at paragraph 6.4.1 (Volume II, ES Appendix 4.10) *"The visual appraisal has been undertaken through a combination of desk based study with the generation of a Zone of Theoretical Visibility (ZTV) and extensive field work. The ZTV and visual appraisal demonstrate that in relation to near and mid-distance receptors the Site is predominantly contained and enclosed due to a combination of : flat landform; surrounding housing, roads, railway line and associated mature vegetation; and hedgerow vegetation. In relation to long distance views, there are wide ranging panoramic views in which Chippenham and the Site sits below the skyline."*

And paragraph 6.4.2 *"The landscape surrounding the northeast edge of Chippenham, has a predominantly rural character with small, scattered settlements and individual dwellings. The landscape is gently undulating with vegetation preventing extensive views. Around Chippenham , the original settlement in the valley bottom has expanded up the valley sides exposing these areas within wider views. Receptors of these views are predominantly users of the extensive network of PRow which link Chippenham to the wider rural landscape and surrounding small settlements."*

The assessment of visual effects concludes that resulting effects on views are mainly adverse and not significant. The report does not assess any Major Adverse Significant Effects for any visual receptors.

However the report does assess that Moderate Adverse Significant Effects will arise during 'construction' (temporary effects) for visual receptors from;

- Viewpoint 01 - North Wiltshire Rivers Route/National Cycle Route 403 (near view, looking north).
- Viewpoint 2 – Darcy Close (near distance view, looking north east).
- Viewpoint 05 – Parsonage Way (near distance view, looking east).
- Viewpoint 06 – Footpath (LBUR3), Upper Peckingell (near distance view, looking south)
- Viewpoint 07 – Church of St. Nicholas, Tytherton Lucas (medium distance view, looking west)
- Viewpoint 08 – Footpath (BREM39), Tytherton Lucas (medium distance view, looking west)
- Viewpoint 12 – Stanley Lane, Bencroft Hill (long distance view, looking west)
- Viewpoint 14 – Wick Hill, Bremhill Wick (long distance view, looking west)

And also at 'Completion' Year 1 for visual receptors from;

- Viewpoint 01 - North Wiltshire Rivers Route/National Cycle Route 403 (near view, looking north).
- Viewpoint 05 – Parsonage Way (near view, looking east).
- Viewpoint 06 – Footpath LBUR3, Upper Peckingell (near view, looking south)
- Viewpoint 08 – Footpath (BREM39), Tytherton Lucas (medium view, looking west)
- Viewpoint 12 – Stanley Lane, Bencroft Hill (long distance view, looking west)
- Viewpoint 14 – Wick Hill, Bremhill Wick (long distance view, looking west)

The report predicts that all of these Moderate Adverse Significant Effects will reduce to Minor Adverse Significant Effects at year 15 except Viewpoint 07 which is predicted to reduce to a Neutral Significant Effect at year 15.

The most obvious and direct visual change effects will result for people using the existing rural footpath network passing through the site. Views from within the site from existing public footpaths looking east (No representative LVIA Viewpoints included within the report) that currently experience elevated long distance rural views across existing farmland and hedgerows, over the River Avon and Marden floodplain areas, and towards the wooded limestone ridge forming the eastern backdrop to views, will notice an obvious change to views experienced from within a new urban setting with views blocked, channelled and viewed over and between new urban development, similar to views currently experienced towards countryside at The Tynings, Monkton Park. These visual change effects are considered to be permanent and Major or Moderate Adverse would be difficult to mitigate.

Existing viewpoint 4, looking east towards the site from Parsonage Way (Viewpoint 4) is considered less sensitive to urban change given the industrial context these views are experienced from. However, for eastern receptors looking west towards Parsonage Way the removal of mature trees from the top of the railway cutting to facilitate the proposed new bridge across the railway will increase the visual exposure to this existing urban employment area. The resulting effects are considered adverse and should be mitigated. Mitigation should be provided through replacement structure planting along the northern edge of the new road entering the site to close this new visual break in vegetation over the longer term for eastern countryside receptors, this could be controlled by condition.

Visual receptors looking back at the site from longer distances from the elevated viewpoints along the limestone ridge, represented by Viewpoints 12, 13, 14 & 15 are likely to view the development proposal as a prominent new urban extension, with the highway lighting clearly evident alongside the proposed 2.5 and 3 storey urban built form including some large building massing in some of the more visually sensitive parts of the site from opposite eastern viewpoints. Increasing the structural planting along the sites mid slope contour is considered necessary to better integrate the proposed urban settlement extension over the longer term.

The amount of proposed residential development within the application exceeds the requirement identified or envisaged within the emerging Chippenham Site Allocations Development Plan Document (DPD) for 'Strategic area B'. While the retention and strengthening of the majority of existing hedgerows within the site is welcomed, the landscape strategy and development parameters fall short of the bold new landscape structure considered necessary to maintain a characteristic well wooded eastern settlement edge.

The land to the north of the disused railway/ cycle track sloping east towards the River Avon is visually exposed within the landscape. The well wooded embankment and cutting slopes of the disused railway and the woodland belt growing along the top of the active GWR railway line provide important landscape structure which helps to contain the urban influences of the existing town from extending across the River Avon Floodplain and outlying isolated rural settlements north and east.

Major urban development within this strategic area will breach this existing urban containment currently provided by this woodland for near and middle distance receptors, and adversely affect the character of the existing eastern settlement transition with countryside, hence the policy requirement (CH2) for a strong new landscape structure to mitigate this urban extension onto these exposed farmland slopes. Planned development in this strategic area must maintain and enhance the town's characteristic wooded transition to countryside along its eastern edge.

The introduction of urban development encroaching into the River Avon's east facing valley side, in combination with the potential mixed use urban development of Strategic Area C on the opposite side of the River Avon (In particular, New Leaze Farm land holding, north of the cycleway) is likely to generate permanent adverse cumulative landscape and visual effects for numerous receptors. This has the potential to cumulatively undermine the existing wider panoramic wooded setting of this eastern side of the town. Existing levels of tranquillity will be disturbed and reduced and harmful urban influences will encroach into countryside.

Within the riverside park areas there is potential for a change of landscape character to result from the existing pastoral farmland character to something quite different, if or when the existing grazing /management regime of this floodplain land associated with Rawlings Farm ceases or changes. Until a Management Plan is submitted to the Council for the proposed 'Riverside Park' land, the resulting landscape effects of taking this large area of land out of agricultural use remains uncertain.

Much of this harm could be better mitigated by the inclusion of an improved landscape framework and by reducing the height of proposed urban development parameters without subsequently increasing the scale of built massing throughout the site.

As outlined earlier in the report, the location of adjacent residential development, Wavin, Langley Park, electricity pylons and the railway line are set in the backdrop to this site as they form the built development limits of Chippenham. As a matter of fact the development

of the application site would extend the boundary of Chippenham beyond its existing built limits and this will have impacts on the character and appearance of the area.

The information contained within the Environmental Statement and supporting documentation for the application identifies many mature trees, all of which will be retained. The retention of these trees within the site and public realm proposals would help lessen the impact of the development on the character and appearance of the area.

Whilst the two additional entry points to the site will see the removal of some trees, scrub and hedgerow and have an impact on the open nature of the countryside, this could be mitigated and would not be a significant longer term adverse affect. he development

The proposal would inevitably change the character of the site from open fields to one that is developed and some visual and landscape harm would result. Whilst retained trees and hedgerows will mitigate the visual impact of the development to some extent, it will not be until the proposed large swathes of landscaping to the East and North of the site has matured and become fully established that the development would be visually integrated with the town. However in the longer term, the effect of this would be less significant.

Policies 51 & 57 of the NWLP seek high quality design and the provision of landscaping respectively though the illustrative layout plan sets out indicative proposals for substantial planting and landscaping there are still concerns that with regards to landscape impact. Though there is the possibility to control this by way of condition and achieve an acceptable landscape impact there is uncertainty. It is concluded that the proposed development would conflict with Policies 51 & 57 of the NWLP or with the NPPF.

It is acknowledged that the loss of a greenfield site would result in some harm to the character and appearance of the area. There would be adverse visual effects, particularly for nearby residents and people using public footpaths. To this extent the proposed development would not accord with Core Policy 51 which seeks to protect and conserve landscape character. This weighs against the proposed development.

9.10 Education

The development will generate the need for 175 primary places. A financial contribution of 175 primary places is required at £16,979 each = £2,971,325 (to be index linked) along with a 2ha site for a new primary school. The site location and suitability will need to be approved by the Council as part of the reserved matters application.

The need a requirement for the primary school is acknowledged by the applicant and is consistent with the requirements of the DPD. Having considered the proposal and the justification for the school contributions the school and contribution is reasonable and necessary for the development to be acceptable in planning terms. The requirement does meet the tests as set out in the online PPG and paragraph 204 of the NPPF.

Secondary School education contributions will be collected through CIL. The development is therefore in accordance with Core Strategy Policy CP3.

9.11 Flood Risk & Drainage

Both the environment agency and Council's drainage team raise no objection to the proposed scheme, subjection to conditions. It is considered that the development is acceptable with regards to this matter. The development therefore accords with Core Strategy Policy CP67.

9.12 Loss of Agricultural Land

Local residents have raised concerns about the loss of Agricultural Land. Paragraph 112 of the NPPF refers to the best and most versatile agricultural land (BMV) and where significant development is necessary, poorer quality land should be used in preference of higher quality land. Annex 2 of the NPPF classifies best and most versatile agricultural land as being:

“Land in grades 1, 2 and 3a of the Agricultural Land Classification”

The applicant’s Agricultural Land Classification survey, submitted in support of the application, confirms that 84% of the land proposed for development would fall within the category of BMV as defined in the NPPF. The Council has sought to prioritise Brownfield sites for the delivery of housing within the County. This is reflected in CP9 at Chippenham which promotes redevelopment of land in a central area of opportunity and in the proposed modifications to the CSAP which have recognised a relatively recent brownfield opportunity at South West Chippenham. However, such opportunities are limited.

With the large number houses and employment generating uses required in Chippenham during the current plan period it is unfortunate but inevitable that a significant amount of greenfield land will be required to provide for the housing levels required at this principal settlement. Although the proposal is not in accordance with paragraph 112 of the NPPF, the NPPF states that “local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”, there is therefore flexibility in paragraph 112 and the fact that a large proportion of the site is BMV is not fatal to the application, rather it should be a consideration in the planning balance.

In conclusion, the proposed development is in conflict with paragraph 112 of the NPPF as the development would lead to the loss of the BMV land and this matter weighs against the application when considered in the planning balance.

9.13 Ecology

Several features of nature conservation value of relevance to CP50 of the Wiltshire Core Strategy would be impacted by the proposals including, mature and veteran trees, the dismantled railway line, Western woodland and watercourses.

The ES has failed to identify or protect a large number of trees with high bat roosting potential, and a degree of doubt remains about the potential presence of a maternity roost in Rawlings Green Cottage, which would become isolated by urban development. The activity surveys did not include static detectors or a sufficient degree of survey effort to confidently identify commuting routes and foraging areas which are likely to be lost as a result of the development.

Invertebrates – The diversity of habitats present are likely to support a good assemblage of invertebrates, particularly associated with wetland habitats and mature trees, and despite the ES acknowledging this potential value, no surveys were carried out. This information would have helped to identify the more sensitive and valuable habitat features worthy of retention.

Concerns previously raised about birds, dormouse, badger, great crested newt, otter, reptiles and water vole are relatively low risk and / or and could arguably be dealt with at the reserved matters stage or via a condition, therefore no objection remains on these grounds.

The ES does not set out a clear strategy for how mitigation and compensation measures are to be implemented during the construction phase, incorporated into reserved matters such as layout and landscaping, or a commitment to manage features in the long term, as one would expect for an EIA development of this nature and scale.

While the Council may be able secure some of these measures by imposing a series of conditions on any permission granted, the ability to reduce the effects of the development will be limited by the parameters established through the outline permission. There is also a risk that the lack of a clear commitment and agreed mitigation framework could lead to disagreement and delays at the reserved matters stage and applications to discharge conditions.

9.14 Air Quality

Whilst the area is not currently of concern regarding air quality it is recognised that all development is additive of air quality to some degree. Notwithstanding the findings of the air quality assessment that suggests impacts will be negligible, the desired scenario in terms of air quality and development is one that serves to help reduce potential air quality impacts locally. The overriding concern here in Wiltshire is for the satisfaction of the adopted Core Policy, Air Quality Strategy, Air Quality Action Plan and adopted SPD which work towards achieving contributions to the reduction of oxides nitrogen across the county irrespective of the existence of an AQA.

The Council are principally concerned with how developers are going to contribute to the improvement of local air quality, hence the councils adopted core policy seeks positive contributions to the aims of the Air Quality Strategy in Wiltshire; positive contributions may take the form of sustainable travel alternatives and infrastructure, driver training, tree planting, contributing to local air quality action groups. The Council also seek a financial contribution towards Air Quality Action Planning projects. The applicant has agreed to the requested contribution and no objection to the scheme is therefore raised.

9.15 Listed Buildings and Conservation Area

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Considerable weight must therefore be given to the preservation of the listed building, including its setting.

The House of Lords in *South Lakeland District Council v Secretary of State for the Environment* case decided that the "statutorily desirable object of preserving the character or 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.

Located within the application site is a Grade II listed farm house and various non designated heritage assets (World War II pillbox & former railway line). Beyond the site there are various listed buildings which are visible or partially visible from the application site including a grade II listed Bridge, II* listed house and II* listed church. Though the site is not within a conservation area it is in close proximity to three Conservation Areas (Tytherton Lucas, Langley Burrell & Chippenham), the closest being Chippenham.

The Council's Conservation Officer and the applicant's supporting documentation agree that the proposed development is harmful to the setting of the listed farmhouse (Rawlings Farm).

For the purposes of determining the application Core Policy 58 is relevant and states:

Development should protect, conserve and where possible enhance the historic environment.

Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance.

The wording of core policy 58 and the supporting text to the policy is quite clear that if harm is identified it is in conflict with the policy. As the proposal fails to conserve or enhance the setting of the heritage asset the development is in conflict with CP58. This is a matter that weighs against the scheme in the planning balance.

Failure of the proposed development to comply with CP58 is not necessarily fatal to the acceptability of the proposed development. 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.

The NPPF is a material planning consideration and paragraphs 133 & 134 of the NPPF are relevant to the determination of the application. Paragraph 134 provides: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”*

The process of determining the degree of harm, which underlies paragraph 132 of NPPF, must involve taking into account the value of the heritage asset in question. In considering harm it is also important to address the value of the asset, and then the effect of the proposal on that value. Not all effects are of the same degree, nor are all heritage assets of comparable significance, and it is for the decision maker to assess the actual significance of the asset and the actual effects upon it.

It is agreed that the principal adverse effects concerning the historic environment detailed within this application site concern the loss of the existing rural fields associated with the Rawlings Farm Complex and associated visual change that will ensue with the extension of Chippenham into the countryside.

The farm complex comprises the Grade II listed rubble stone farmhouse and a small cluster of buildings of varying ages to the rear. The outbuildings extend around the west and northwest sides of a rectangular yard and the remainder of the yard is enclosed by modern, monolithic agricultural buildings which obscure much of the listed building when viewed from various angles. Only the Farmhouse is listed in its own right and none of the other buildings are referred to in the statutory listing. That is not to say that they do not contribute to the setting of the listed building.

As a Farm Complex the existing fields that surround the listed farm are linked to the special interest of the building and its setting. It is considered that the large modern agricultural buildings have harmed the setting of the building and that the agricultural fields to the South East and North contribute most to its setting. That is not to say that the remaining fields do not contribute to the setting because they do. However, they are less important due to the lie of the land, existing setting and association not being readily apparent in views from the farm complex itself in these directions. However, views in and out of the site from public and private vantage points from the South East and North provide a greater appreciation of the building and farmstead.

The existing residential and commercial developments in Chippenham including the recent Wavin extension along with the large electricity pylons and mainline railway, including the electrification works which will soon be installed, impinge on this setting to some extent. Nonetheless, this is not sufficient to undermine the sense of rural openness that the undeveloped fields still provide.

The indicative layouts provided by the applicant indicate that the modern unsightly agricultural buildings will be removed and no division of the yard will take place, though the 'Cocklebury Link' road will be in close proximity to the side of the building and this will be a change in its character this change is not considered to cause substantial harm as there are large areas of open space to the North East and South of the farmstead.

The indicative layout submitted with the application scheme shows various areas of open space. This is an indicative plan and sets out how the quantum of development proposed could be delivered. Notwithstanding the point above the size of this open space is limited and would not recreate the existing setting. This, combined with the mass and height of the proposed dwellings to the East and South, does water down the connection between the Farmhouse and its rural setting, such an impact is inevitable when developing agricultural land surrounding a listed farm house. However, in NPPF terms, it is considered that the level of harm to the setting of the listed building at Rawlings Farm is less than substantial.

The Court of Appeal in *E Northants DC v Secretary of State for Communities and Local Government* [2014] EWCA Civ 137 ("Barnwell") makes clear that the duty imposed by s72 (1) meant that when deciding whether harm to a conservation areas/listed buildings was outweighed by the advantages of a proposed development the decision-maker should give particular weight to the desirability of avoiding such harm. There is a "strong presumption" against the grant of permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to maintaining the conservation area/listed building. For the reasons set out above the proposal is in conflict with both Core Policy 58 of the Core Strategy, it would also be in conflict with the NPPF unless the benefits of the scheme clearly outweigh the harm.

Significant weight must therefore be given to the harm in the planning balance and determining if planning permission should be granted.

It is also necessary to consider the impact on other designated and undesignated heritage assets within and adjacent to the application site. Firstly, the access from Darcey Close will cross the former Chippenham to Calne Railway Line which is considered to be a non-designated heritage asset. Whilst the former railway is no longer in its original use it retains firm evidence of its historic importance as part of transport links that served area in the 19th Century. The railway track has been removed but the stone bridges and railway cutting are retained intact in the vicinity of the application site.

The intervention detailed for the proposed access road would remove a section of the northern bank of the railway cutting and disrupt the former track bed to allow the new road to cross the former railway. These works result in less than substantial harm to the setting of the non designated heritage asset.

The access from Parsonage Way will impact on the setting of the Grade II listed Green Bridge via the creation of vehicular access bridge over the Great Western Railway Line. The existing bridge and its setting are described within the Statutory List entry for the asset. The proposal will have an impact on the setting of this listed bridge via the addition of an additional structure within the existing railway cutting in close visual proximity to it.

However, this new crossing will provide additional public vantage points for members for better appreciation of the heritage asset, the construction of the bridge therefore has a neutral impact on the setting of this heritage asset.

St Paul's spire, located within Chippenham and many kilometres from the site, is currently visible from the application site. These long distance views will be retained though they will be partially obscured in some locations within the application site. This was not a planned

view or vista but readily visible via the gap afforded by Cocklebury Lane Bridge. The development will have a neutral impact on the setting of this listed building.

Within Peckingell there is a cluster of Listed Buildings, these were originally conceived as detached buildings within a rural landscape, the development will therefore cause less than substantial harm to the setting of these buildings as the building will retain their rural setting to the East.

There has been local concern raised in relation to Rawlings Farm Cottage and its setting and a suggestion that it is a heritage asset. There would be an impact on its setting but the building would not meet the requirement identified in the NPPF in order to be considered a non-designated heritage asset.

Moving onto the conservation areas in the locality, it is not possible to identify any harm to the conservation areas or their setting the proposal would therefore conserve the setting of the conservation areas. The development is therefore not in conflict with the NPPF or Core Policy 58.

Less than substantial harm to the setting of listed buildings has been identified, the proposal is therefore in conflict with both Core Policy 58 of the Core Strategy and the NPPF unless the benefits of the scheme clearly outweigh the harm. Significant weight must therefore be given to the harm in the planning balance and determining if planning permission should be granted.

9.16 Prematurity

PPG advice on the issue of prematurity is as follows:

“Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.” (PPG 21b/14)

Given that the emerging Site Allocations DPD makes two strategic allocations of which the application site is one, ie CH2, and further given the fact of objection to CH2, then it is clear that granting consent on the application may pre-empt the Site Allocations Inspector’s consideration of the merits of the site. It “may pre-empt” because even if Members resolved to approve the application, it is not certain that the necessary legal agreements would be signed to enable a permission to issue in advance of receipt of the EiP Inspector’s Report.

There is, however, no rule of law that a development control decision cannot pre-empt a decision by an Inspector charged with a Local Plan examination. The application is not in conflict with the Site Allocations DPD but rather it is consistent with it. Moreover, as is made clear in the “Planning Balance” section below, the proposals bring forward a series of planning benefits which make the proposal acceptable in its own terms and justify approval of this application now.

9.17 Other Matters

Third parties have raised other matters and these are addressed in turn below:

Crime impacts - The police crime prevention officer was consulted and did not wish to comment on the application. Any reserved matters application would have to consider crime prevention and would look to adopt and implement 'secure by design principles'. This is a matter that would be addressed at reserved matters stage.

Light Pollution- Detailed matters such as lighting, layout and light pollution will be determined at reserved matters stage. Though there will inevitably be some form of light pollution the council is satisfied that an acceptable scheme with appropriate supporting statements can be provided at reserved matters stage.

M4 Junction 17 - Capacity of this motorway junction has been raised by local residents. This issue was raised by Highways England and they have concluded that subject to an appropriately worded condition there is no objection to the proposed development.

Imbalance of Jobs - Concerns have been raised about the potential imbalance between the delivery of new housing on the one hand, and the employment, infrastructure and local facilities to service the increased population on the other. As acknowledged above, the proposed development will provide 4.5 ha of employment land, a local centre & a primary school. Furthermore, the proposal will provide a package of s106 contributions and highway infrastructure improvements including but not limited to new access at Darcey Close, access at Parsonage Way and the possibility to deliver a river crossing if needed in the future. This and other proposed heads of terms for the s106 agreement are covered in more detail below.

The strategy for Chippenham is based on delivering significant job growth:

'As there is currently a shortfall of suitable land for employment growth in the town, a priority of the strategy is to ensure appropriate economic development takes place to prevent existing and prospective employers moving elsewhere. A failure to respond to this issue could lead to a loss of local employment ...' (WCS para 5.45)

Policies CP9 & CP10 identify the need to deliver significant job growth, which will help to improve the self-containment of Chippenham by providing more jobs for local people. The policy background acknowledges that the delivery of this employment land will be in the form of mixed use urban extensions, incorporating housing, that are well integrated with the town. The policy also acknowledges new employment provision in Chippenham is a priority and will help to redress the existing levels of net out-commuting. If the imbalance is wrong the potential imbalance is a risk to the self-containment, and thus the sustainability of Chippenham as a settlement.

Core Policy 10 identifies a need for 26.5 ha of land for employment development on land adjoining the built up area of Chippenham. Once existing employment commitments are taken into consideration at North Chippenham (applications N/12/00560/OUT) and Hunters Moon (N/13/01747/FUL) 21.5 ha of land for employment remains to be identified. The proposal provides 4.5 ha of employment generating uses which equates to 21% of the residual requirement specified in the Core Strategy.

For the purposes of the Core Strategy employment land requirement, the employment land residual calculation does not include 'Showell Farm Employment Site' within this figure. An application has been received for this site and has a site area of 18.6 ha. Should this application be granted planning permission by the Council it would equate to 85% of the

residual employment land requirement for Chippenham. It is considered that extant permissions and applications currently under consideration could fulfil the council's requirement for employment land at Chippenham set out in the core strategy and introduce employment generating uses to increase job opportunities for local residents. It is therefore considered that the proposed development accords with CP10 & CP34 of the CS

The planned total number of residential units has not been met in Chippenham and neither has level of employment land. Taking into consideration current extant permissions and the proposal currently under consideration it is considered that there is not a disproportionate increase in housing that could undermine the Council's desire for self containment.

Deliverability of Development - Concerns have been raised by local residents and Wavin with regards to the deliverability of the bridge over the railway line, with Wavin raising particular concerns over land ownership. Wavin and Local residents have therefore concluded that the deliverability of the scheme as a whole is not possible.

Paragraph 177 of the NPPF states that it is important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. The DPD and the submitted Transport Statement requires the development to provide the 'Cocklebury Link Road', which must be open for use before the completion of the 200th dwelling. For the development to provide any further housing the bridge and its link to Parsonage way must be complete and available to pedestrian and vehicular traffic.

The applicants have confirmed that the bridge is deliverable and have submitted a large volume of supporting information to clarify their position. This includes documentary evidence demonstrating land ownership for the land required for the construction of the bridge, costs, methodology for construction and an indicative timescale for phasing of the bridge construction.

The applicants have also submitted a separate full planning application for the bridge including a detailed design and documentary evidence outlining that advanced discussions have taken place with Network Rail with regards to the construction of the bridge. The purpose of submitting this full planning application is to allow early implementation and construction of the bridge, should permission be granted.

For the avoidance of doubt the applicants have served notice under 'Certificate B' on various third parties whom claim they have an interest in the land. Legal advice on this matter has been sought by officers and this advice confirms that the development is deliverable and the issue relating to land ownership is not a barrier to the delivery of the proposed development. Indeed, the legal advice provided confirms that the disputed land is highway verge.

The applicants have also confirmed to the Council both as part of this application and the DPD examination that the scheme is viable with all of the infrastructure required, CIL and s106 contributions. Concern has been raised by members of the public that the cost of the railway bridge would make the scheme unviable and undeliverable. The applicant has provided costings and detailed designs of the bridge. These have been independently verified on behalf of the Council and it has been concluded that the projected costings are accurate. Having considered the above information I am satisfied that the development is deliverable.

9.18 Proposed Heads of Terms

- 40% affordable housing
- Financial contribution to be secured in relation to the provision of improved passenger transport facilities to serve the site, generally in accordance with the provisions of the submitted Bus Strategy, and to include guaranteed financial support until one year following the final dwelling occupation.
- A financial contribution towards off-site measures to improve pedestrian and cycle routes to serve the site, as identified in the NMU audits, and to improve routes adjacent the site.
- The delivery of an internal distributor road towards the eastern boundary of the site on line and level to allow its continuation to serve land on the east side of the River Avon, and the dedication of sufficient land and access to allow the unfettered continuation of the road across the river by bridge, at a later date, by others
- Contribution towards traffic regulation orders to control and manage traffic on the site and within the vicinity of the site
- Provision of waste and recycling containers for each residential unit
- Provision of POS including country park and play space
- Air Quality monitoring contribution £3692.00p
- £2,971,325 (to be index linked) for primary education and a 2ha site for a new primary school. Site location and suitability to be approved by the Council.
- Early Years provision £648,432

10. Conclusion and Planning Balance

It can be seen from the analysis in the body of the report that a number of Development Plan policies are offended by the proposal and that the proposal, not least because it is beyond settlement limits and in an area classed as countryside, is not Development Plan compliant. However, as also noted, various key policies are deemed out-of-date by reason of Paragraph 49 of the NPPF so that Paragraph 14 of the NPPF is engaged so that permission should be granted 'unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed' against the NPPF as a whole.

The benefits of the scheme are clear. It would bring forward much needed market and affordable housing and it would further bring forward employment provision. These matters are consistent with Chippenham being a focus for development. The fact that Chippenham is not delivering development as envisaged by the Core Strategy emphasises these benefits to which significant weight should attach. Significant weight should also attach to the economic benefits immediately associated with the proposal in terms of job creation and/or maintenance and spend in the local economy. Similarly, the provision of the 'Cocklebury Link Road' and the ability to contribute to the delivery of an Eastern Link Road if required in the future offer both public and private transport benefits that weigh in favour of the proposal.

Set against these benefits there is some harm to landscape and visual impact, although the area has no special landscape designation. However, it has to be acknowledged that there

has to be significant development on the edge of Chippenham and there will inevitably be some harm to landscape and visual amenity if development needs are to be met. In this case the harm is not so great as to justify refusal. Similarly, the loss of BMV agricultural land must weigh against the proposal, but given the need to address development needs and given the fact that much of the land around Chippenham is classed as BMV (Grade 1-3 as set out on Natural England Maps) this cannot carry significant weight.

In respect of heritage, harm is acknowledged that falls into the category of less than substantial. Significant weight has to attach to that harm, but it does not outweigh the significant benefits that arise from providing much needed housing and employment in Chippenham. Similarly, the likelihood of pre-empting the Allocations Plan's Inspector's consideration of this site is acknowledged but, as noted, the proposal is consistent with the draft Allocations DPD and the benefits of granting consent are compelling. On balance, the public interest is best met by resolving to approve the application.

RECOMMENDATION

It is recommended that authority be delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement covering the areas outlined above in the Heads of Terms, within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Air Quality Management and is therefore contrary to Policies CP3 CP43 & CP55 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

- 1 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 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 2 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.

- 3 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.

- 4 No later than the submission of a reserved matters application, an Ecological Mitigation and Enhancement Framework shall be submitted to an approved by the Local Planning Authority. The approved Framework shall:

- Include up to date ecological survey information on habitats and protected species including bats, badger, reptiles and invertebrates;
- Identify features of nature conservation value to be protected during the construction phase and retained within the detailed layout;
- Establish minimum parameters, general location and acceptable land uses / landscaping of ecological buffers to be incorporated into the detailed layout;
- Clearly show dark corridors to be retained within the scheme including general locations, minimum widths, and maximum light levels to be achieved through the detailed layout and lighting plans;
- Identify minimum areas, locations types of habitat to be created and enhanced as part of the soft landscaping scheme and long-term management of the site; and
- Establish the minimum number, distribution and type of bat / bird boxes to be incorporated into the buildings on the site.

The approved Framework should demonstrate that the development will achieve an overall net gain for biodiversity. All reserved matters applications shall be in accordance with the approved Framework.

REASON: To satisfactorily mitigate the ecological impact of the development.

- 5 Applications for approval of reserved matters application shall be accompanied by detailed lighting plans (where necessary) to demonstrate how dark corridors identified in the approved Ecological Mitigation and Enhancement Framework shall be achieved within the proposed detailed layout. The lighting plans shall include details of luminaires, heights and positions of fittings, and modelled lux plots to show the effects

of light spill on the dark corridors.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved lighting plans, and these shall be maintained thereafter in accordance with the plans. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON: To satisfactorily mitigate the ecological impact of the development

6 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following details:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) detailed measures for the protection of semi-natural habitats and priority / protected species (as identified in the approved Ecological Mitigation and Enhancement Framework); and
- i) hours of construction, including deliveries.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To mitigate the impact of the construction work on the amenities of nearby residents and those using nearby public rights of way.

7 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following detailed information:

- a) Description and evaluation of features to be managed;

- b) Landscape and ecological trends and constraints that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) A schedule of ongoing monitoring, reporting, and remedial measures;
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also demonstrably have regard to the principles and approach set out in the approved Ecological Mitigation Framework, and demonstrate a net gain in the overall biodiversity of the site in the long-term.

The LEMP shall also include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. Details of monitoring and any remedial action taken shall be reported to the Local Planning Authority as set out in the approved monitoring schedule, or on request.

Upon commencement of development the LEMP shall be implemented in full in accordance with the approved details.

REASON: To satisfactorily mitigate the landscape and ecological impact of the development.

8 No more than 700 dwellings shall be constructed on the site.

REASON: For the avoidance of doubt and as the mitigation impacts of the proposal have been assessed against this number of dwellings.

9 The reserved matters to be submitted pursuant to condition 1 above shall accord with the principles, objectives and parameters set out in the Design and Access Statement dated November 2014, submitted with the planning application.

REASON: For the avoidance of doubt and to secure a satisfactory development.

10 Prior to commencement of development, details of a wildlife sensitive lighting scheme for roads and footpaths within the site, and any lighting for the areas of public open space, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved details.

- REASON: To satisfactorily mitigate the ecological impact of the development.
- 11 No dwelling shall be occupied until arrangements to facilitate broadband and/or high speed internet connection to that dwelling has been implemented in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.
- REASON: To ensure digital connectivity.
- 12 The landscaping details to be submitted pursuant to condition 1 above shall include, but are not confined to, the following:
- i) a written specification clearly describing the species, plant sizes, proposed numbers/densities and giving details of cultivation and other operations associated with plant and grass establishment;
 - ii) finished levels and contours;
 - iii) the position, design and materials of all means of enclosure;
 - iv) vehicle and pedestrian circulation areas;
 - v) all hard and soft surfacing materials;
 - vi) minor artefacts and structures (eg play equipment, street furniture, refuse storage areas, signage etc).
- REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.
- 13 No development, including any works of site clearance shall begin unless and until a scheme for the ongoing management and maintenance of all landscaped areas, other than private domestic gardens and open space covered by the planning obligation, including long term design objectives, management responsibilities and maintenance schedules has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with approved details.
- REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.
- 14 Prior to the commencement of development, including any works of site clearance or ground preparation, a plan showing all trees and hedges to be retained shall be

submitted to and approved in writing by the local planning authority. No tree or hedgerow identified as being retained in the approved details shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with BS3998:2010 Tree Work – Recommendations, or other arboricultural techniques where such have been demonstrated to be in the interest of good arboricultural practice. If any retained tree or hedgerow is removed, uprooted or destroyed or dies, another tree or hedge shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 15 Prior to the commencement of development, including any works of site clearance or ground preparation, an Arboricultural Method Statement specifying the measures to be put in place during the construction period, for the protection of those trees and hedgerows to be retained, shall be submitted to and approved in writing by the local planning authority. The Method Statement shall be prepared in accordance with the principles set out in BS5837:2012 – Trees in relation to design, demolition and construction: Recommendations. Development shall be carried out in accordance with approved Method Statement.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 16 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

- 17 Prior to any reserved matters approval a site masterplan shall be submitted to, and agreed in writing by, the Local Planning Authority. The masterplan shall be in accordance with the Flood Risk Assessment (PFA Consulting, December 2015, Ref: K113, dated 17.12.2015) to include details to demonstrate that all built development (all houses as shown on the illustrative masterplan) is positioned on land above a level of 48.5 metres AOD, and all development including drainage infrastructure is positioned on land outside the 1 in 1000 year modelled flood extent. The development shall be implemented in accordance with the approved masterplan.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

- 18 No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 19 No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use or occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 20 No development shall commence until a site phasing plan has been submitted to and approved by the local planning authority. The phasing plan shall include, inter alia, the timing of the delivery of (a) a junction improvement at Station Hill and New Road, (b) a new road link into the site through an alteration and extension of Darcy Close, including a junction alteration on Cocklebury Road, (c) the delivery of a new road over railway bridge to connect the site to Parsonage Way, and to include a completed link road between Cocklebury Road and Parsonage Way via the site, (d) the completion of an internal distributor road to allow for future extension, via a bridge to the east of the river and (e) off-site junction improvements at Birch Grove and The Little George junction (if not already undertaken by others), (f) provision of footpath and cycletrack links between the site and existing local pedestrian/cycle routes. For the avoidance of doubt, the phasing plan shall include provision for the road connection by bridge over the GWR mainline to Parsonage Way shall be completed, and connected to Cocklebury Road, and available for use prior to the occupation of more than 200 dwellings on the site. Development shall be carried out in accordance with the approved plan.

REASON: To ensure that adequate transport infrastructure is provided at appropriate stages of the development and to mitigate severe impacts on traffic conditions in the town centre.

- 21 Prior to the commencement of the development a construction traffic management plan shall be submitted to and approved by the local planning authority, and the development shall be undertaken in accordance with the approved plan. The construction traffic management plan shall include inter alia, details as to routing arrangements for lorries delivering to the site during the identified phases of the development and how they will be signed to the site, details of wheel cleaning facilities, details of parking and manoeuvring space within the site for lorries and construction workers vehicles, and measures to prevent site construction traffic parking on nearby residential streets. A specific section of the plan shall address the construction traffic arrangements in relation to the construction of the proposed GWR mainline railway bridge. Development shall be carried out in accordance with the approved plan.

REASON: In the interests of highway safety and the amenity of local residents.

22 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The carriageway width of the connecting road through the site between Parsonage Way and the east side of the site shall be not less than 7.3 m; the link to Cocklebury Road from this road shall not be less than 6.2m carriageway width. Phases of the development shall not be first brought into use or occupied for trading until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the details approved and in accordance with the provisions of the approved site phasing plan.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner, and to allow for adequate width for large goods vehicles and buses.

23 No development shall commence on site until a scheme of safe pedestrian and cycle routes, and details of secure covered cycle parking and changing and shower facilities in respect of the non-residential use classes has been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to any part of the development being first occupied and maintained thereafter.

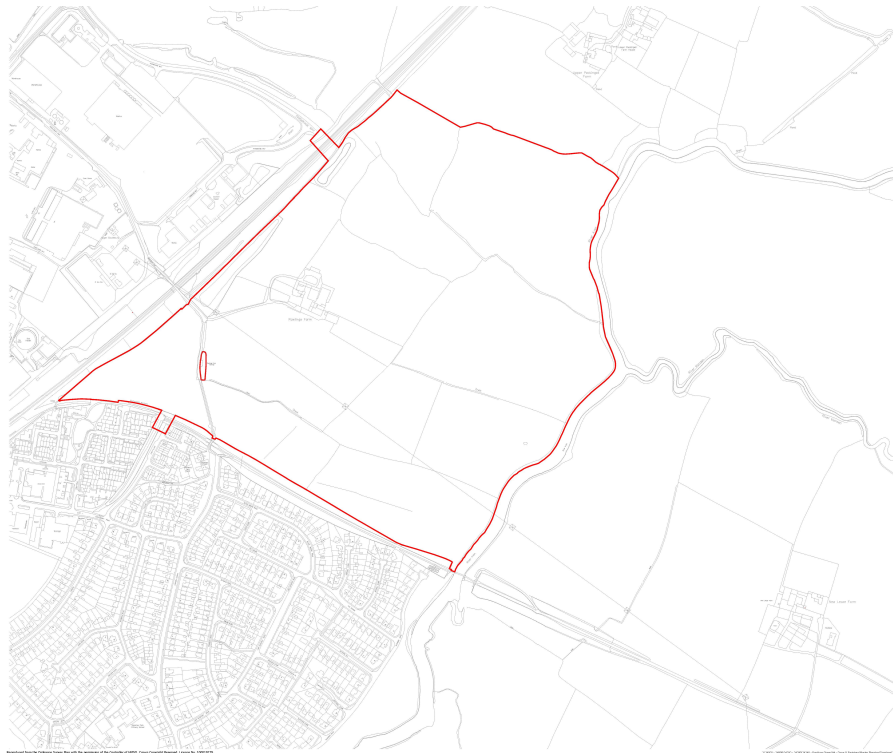
REASON: In pursuit of sustainable transport objectives.

24 No development shall commence on site until Travel Plans for the various land uses (residential, employment and education) permitted have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

25 Car parking provision for the site shall be in accordance with the required standards set out in the Wiltshire LTP3 Car Parking Strategy. Garages to be counted towards car parking provision shall have minimum internal dimensions of 3m x 6m.

REASON In order to ensure an adequacy of site parking provision and to avoid inappropriate levels of on-street parking.



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 Updated 05/2018

Application Site Boundary

Project
 Rawlings Green, Chippenham

Red Line Plan
 on OS Base

Scale	1:1000	Sheet No.	001
Drawn by	...	Checked by	...
Project No.	...	Date	...
Client	...	Author	...

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