

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

Date of Meeting	27/01/2016
Application Number	15/05255/FUL
Site Address	109 & Foxlea Gloucester Road Malmesbury Wiltshire SN16 0BT
Proposal	Demolition & Redevelopment to form 26 Sheltered Apartments for the Elderly including Communal Facilities, Access, Car Parking & Landscaping.
Applicant	Churchill Retirement Living
Town/Parish Council	MALMESBURY
Electoral Division	MALMESBURY – COUNCILLOR SIMON KILLANE
Grid Ref	393098 187716
Type of application	Full Planning
Case Officer	Sam Croft

Reason for the application being considered by Committee

Application called in by Councillor Simon Killane for the following reasons:

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Environmental/highway impact
- Car parking

1. Purpose of Report

To consider the above applications and to recommend that authority is delegated to the Area Development Manager to grant planning permission subject to conditions and the signing of Section 106 agreement.

2. Report Summary

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

- Principle of Development
- Design and Site Layout
- Impact on the locality/amenity
- Highways
- Landscape and Arboriculture
- Impact on the Conservation Area
- Affordable Housing
- Drainage
- Ecology
- Waste

Malmesbury Town Council and Malmesbury and St Paul Without Resident's Association object to the application. 16 letters of objection were received from the public in respect to the development.

3. Site Description

The application area comprises a roughly triangular plot of land 0.23ha in area. The natural topography of the site drops slightly toward the river (approximately from 72.3m AOD to

71.5m AOD). It is located at the foot of the hill of Gloucester Road. The application area comprises of two separate single story bungalows that are set within gardens. Part of the site is open and part bounded by low stone walls along Gloucester Road. The site contains a number of existing trees. Vehicular and pedestrian access to the site is currently taken from Gloucester Road. The site is located in the defined settlement framework boundary and Conservation Area of Malmesbury.

4. Planning History

N/11/00935/FUL	Demolition of Existing Bungalow and Erection of Residential Development Consisting of Five 2 Bedroom Flats, Two 2 Bedroom Dwellings and One 1 Bedroom Dwelling.	Allowed at Appeal
----------------	---	-------------------

5. The Proposal

The proposed development will provide 26 units of private sheltered accommodation and will utilise one of the existing accesses to the site. The proposed development would be a 2 ½ and 3 storey building and in addition to the sheltered retirement apartments would provide the following facilities:

- A lodge manager (warden) is to provide assistance and security for the owners of the apartments. The manager is on call during normal working hours, however, at times when the manager is out of the facility there is an emergency alarm system fitted in each of the apartments and communal areas for use by the residents in an emergency.
- A video entry system which is linked to the owners' televisions in their apartments. This system allows complete security and instant recognition of the person who is calling at the main entrance door.
- A communal lift is provided for use by all residents and visitors. The lift is fitted with an emergency call system and seat. The lift is wide enough to accommodate a wheelchair if necessary.
- A communal landscaped garden area is provided which will be maintained by the Management Company.
- A guest suite is provided for use by relatives of owners who wish to stay overnight. The room is fitted with twin beds and has a shower room and tea/coffee making facilities.
- A communal toilet is provided adjacent to the manager's office for use by relatives and visitors.
- A communal bin store is provided for use by residents. This ensures that refuse does not build up in communal areas and the refuse collector can access and dispose of rubbish easily and quickly.
- A communal car parking area is provided for use by those residents who have cars;
- An area for housing and recharging battery buggies.

The initial design was of a more traditional style; however, following input from the Conservation Officer the applicant submitted a more contemporary design which helped to reduce the scale and massing of the building.

6. Planning Policy

National Planning Policy Framework 2012 (NPPF)

Paragraph 7, 14 and 17

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 8 - Promoting Healthy Communities

Section 12 – Conserving and Enhancing the Historic Environment

Wiltshire Core Strategy (Adopted January 2015)

CP1 - Settlement Strategy

CP2 - Delivery Strategy

CP3 - Infrastructure requirements

CP13 - Spatial Strategy for the Malmesbury Community Area

CP43 - Providing Affordable Homes

CP45 - Meeting Wiltshire's Housing Needs

CP46 - Meeting the Needs of Wiltshire's Vulnerable and Older people

CP51 - Landscape

CP52 - Green Infrastructure

CP57 - Ensuring High Quality Design and Place Shaping

CP58 - Ensuring the conservation of the historic environment

CP60 - Sustainable Transport

CP61 - Transport and Development

CP62 - Development Impacts on the Transport Network

Malmesbury Neighbourhood Plan (Adopted February 2015)

Policy 4

Policy 8

Policy 9

Policy 13

7. Summary of consultation responses

Malmesbury Town Council - Object as there is no Drainage Strategy agreed or Statement of Affordable Housing attached and inadequate parking provision. Development proposal does accord with neighbourhood Plan.

Following the re-consultation on the amended design the Town Council made a further objection on the basis that the design is too modern and not in keeping with the area. They also stated that the proposed parking/turning layout and service arrangements are sub-standard. The proposal does not include a suitable number of parking spaces for the number of anticipated residents. The parking layout is likely to be at/over capacity for long periods and thus there will be insufficient provision for HGVs and other larger vehicles to turn around. The proposed layout is likely to result in vehicles being unable to enter and leave the highway in forward gear. This is likely to lead to excessive manoeuvres and sub-standard driving positions likely to compromise highway safety at the roundabout at the entrance to the site.

Malmesbury and St Paul Without Residents Association - Do not believe the provision of on-site parking is adequate. Information received from the Manager of Townsend Court in Burton Hill - a similar facility - reports that their 15 spaces for 28 apartments operate at or over capacity for many periods of the day (see attachment). Further we have doubts that if the parking provision is operating at or near capacity there will be sufficient room for residents, delivery/utility/tradesmen vehicles to turn around onsite thereby requiring them to reverse out onto the Gloucester Road roundabout.

There are concerns being expressed by local residents that the surface water drainage from this development has not been adequately addressed. Flooding in the area has occurred, although apparently not adequately documented. Thus we need absolute assurance that the scheme being proposed will be fit for purpose. A robust Drainage Strategy needs to be completed, made public and agreed.

We also note that no statements are made in the application about planning obligations / affordable housing. Hence we are unable to understand if there is adequate affordable housing provision as required by the Core Strategy and the Malmesbury Neighbourhood Plan.

Finally we are concerned about the size, massing and height of the proposal. Whilst it may be appropriate for an edge of town development, we believe it to be visibly incongruous on this site.

Following the submission of the revised plans showing the contemporary design the residents association commented they acknowledged the Agent's attempt to provide a more modern design but felt the result was very bland and unattractive and lacking in distinctiveness. Overall the new design was thought inferior to the original which although overly heavy and overbearing did at least try and replicate some of the architectural features found in adjacent buildings.

Wessex Water - The site will be served by separate systems of drainage.

The site is within Flood Risk Zones 2 & 3, flood risk matters will require the approval of the EA and the LLFA. It is noted that one of the flood risk measures involves the raising of ground levels. Any increase in cover level over the existing public combined sewer (or other public sewers yet to be recorded) which cross the site will require agreement with Wessex Water.

Unfortunately the sewer record submitted with the FRA does not accurately show the status of the overflow discharging to the River Avon, the records show this overflow as abandoned. The in use sewer overflow discharges further upstream; the apparatus associated with this overflow are located close to site entrance and may not achieve appropriate easements within the current site layout. The applicant should contact our development engineer Ian Griffin for further discussion on appropriate easement and access arrangements.

The applicant has indicated that Surface Water discharge will be disposed of in accordance with NPPF Guidelines. If discharge to the combined sewer is deemed the most appropriate solution flow rates are to be submitted for approval. We would expect a flow close to greenfield run off rates and lower than any existing positive connections. The combined sewer has available current capacity for the predicted foul flows only from the development; surface water flows subject to agreement.

The applicant has indicated easements from the public combined sewer which crosses the site. The sewer should be accurately located on site and marked upon deposited drawings. The sewer is 300mm in diameter and attracts an easement of 3 metres either side of the centre line. Any redundant sewers should be sealed at the point of connection to the public sewer once it has been proven that there are no upstream connections which require a maintained service.

There is an existing public water main in Gloucester Road available for connection; connection subject to application. Buildings above two storeys will require on site boosted storage.

Tree Officer - The Tree Report is sufficient for protection during construction works. However, the officer would like the applicant to note that there are some discrepancies between the Tree Protection Plan, the Landscape Strategy Plan and Site Plan. There is a variation in the quantity and location of new planting. Despite this they were happy with the details shown on the Tree Protection Plan as it shows all new planting with all retained trees with tree protection being shown. The planting along the river bank seem adequate for

screening of the development but they would request a Planting Specification for this scheme. It was agreed that this could be satisfied by condition.

Affordable Housing - The application sits within the framework boundary of Malmesbury and proposes the development of 26 Sheltered Apartments, including the demolition of the existing units of 109 and Foxlea Gloucester Road. Deducting these two units of previous residential accommodation leaves a net gain of 24 units, to which our calculation will be based. A 40% onsite affordable housing contribution will be required in line with Core Policy 43 of the Council's Core Strategy.

Core Policy 43 sets out when affordable housing will be required and indicates the proposition which will be sought from open market housing development ie: an affordable housing provision of 40% (net) will be provided on sites of 5 or more dwellings where there is demonstrable need in the Malmesbury Community Area.

The applicant confirmed that they would not be looking to provide affordable housing within the site but alternatively would be seeking to provide an off-site contribution of circa £271,000 which is to be secured via a s106 agreement. The application was considered by the Council property team who confirmed that this would not impact upon the viability of the development and supported the offer made by the applicant. Subject to the signing of the s106 the New Housing Officer raises no objection to the application

Ecology – This matter is addressed in detail in the body of the report below but in summary the Council's Ecologist reviewed the proposal and supports the application subject to conditions.

Environment Agency - The Environment Agency (EA) raised no objection to the proposed development subject to a number conditions and informatives being included in any planning permission granted.

Sequential Test

The EA notes that a Sequential Test Report has been submitted with this application and that the proposed development should only be approved if the test has been passed.

Flood Risk

The Flood Risk Assessment (July 2015) states the intention to set finished floor levels no lower than 72.06 metres AOD. However, the EA states that this offers precious little freeboard allowance (the margin of safety between the predicted flood level and finished floor level) at the upstream extent of the site where the predicted design event flood level is around 72.0 metres AOD. In the EA's response they explain that if the intention (in the Flood Risk Assessment) is to use river node 1407 (which is at the downstream extent of the site) then finished floor levels should be set a minimum of 600mm (freeboard allowance) above the predicted design event flood level at river node 1407. This equates to a minimum finished floor level of 72.23 metres AOD (71.63 metres AOD 600mm). Setting the finished floor levels no lower than 72.23 metres AOD affords a much better and safer freeboard allowance across the full river frontage of the site. The EA raised no objection to the application subject to conditions and informatives.

Water Efficiency and Climate Change

The incorporation of water efficiency measures into this scheme will 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 EA offered no objection subject to conditions and informatives.

Drainage - The Council's Drainage team initially raised an objection to the application; however, despite concerns about a development in this location the Council Drainage Officer confirmed that the applicant have provided sufficient information to allow remove this objection subject to relevant conditions.

Public Open Space - The amount of Open Space the applicant is providing on-site meets the requirements. Given this a further off-site contribution for Public Open Space has not been requested.

Sustainable Development - No objection subject to condition.

Highways – Highways matters are addressed in the body of the report but in summary the Highways Officer initially raised objection to the proposal on the following grounds:

- The proposed development does not make adequate provision for the loading, unloading and turning of service vehicles within the site and would, therefore, encourage such vehicles to park on, or reverse on/off the highway, with consequent additional hazard to all users of the road.
- It has not been demonstrated that adequate provision can be made on the site for the parking of vehicles in a satisfactory manner.
- The site cannot accommodate adequate turning facilities to enable a vehicle to enter and leave the highway in forward gear, which is essential to highway safety.

In response to these concerns the applicant submitted revised plans and additional information which Highways officers have considered and assessed.

On this basis the Highways Officer conclude that adequate servicing can be provided. In respect of the level of parking proposed, having reviewed the additional information supplied in respect of each of the surveyed sites and also the detailed analysis of the parking surveys at those sites, the Highways Officer concluded that the proposed parking provision would be adequate.

In view of this the previous objection is withdrawn.

Environmental Health - Unless any mechanical ventilation is proposed, the predominant concerns will be noise, dust and smoke during the construction/demolition phase. This is best dealt with by way of conditions to ensure building only takes place at reasonable hours and that there is no burning on site during this phase. The EHO raised no objection subject to conditions and informatives.

Contaminated land

The Ground Investigation desk study submitted as part of the documents alludes to the need for some intrusive investigation in respect of made ground that will be at the site therefore using the precautionary principle the EHO would suggest a condition requiring that an assessment of the history and current condition of the site be carried out to determine the likelihood of the existence of contamination arising from previous uses. The EHO raised no objection subject to conditions and informatives.

Artificial Light

Lighting is covered in the Design and Access Statement and is to be low energy lighting. Although the site is within a town it is also in a Conservation Area and accordingly it is

recommended that lighting should meet E2 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012.

Waste

The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. A s106 contribution of £2,076 is required for the provision of this essential infrastructure to make the application acceptable in policy terms

Vehicle access

Following the submission of the revised plans showing the extended layby the waste officer confirmed that they support the application on the condition that parking restrictions are put in place, as this is the only access available for the refuse collection trucks.

Collection points

Vehicular access is required to the communal drive and the bin store doors are to be no further than 10m from the kerbside.

Storage points

There is an allocated bin store for the residents waste and recycling. This will need to be large enough to hold the specified number of bins. The number and type of communal containers required for 26 flats are listed in Table 3 in section 5.6 of the attached guidance document.

Routes between storage and collection points

A dropped kerb will be required at the point where the bin store entrance meets the collection point.

8. Publicity

16 letters of representation were received objecting to the application, on the basis that:-

- Design not sympathetic to surrounding development
- Lack of parking
- Overuse of Green Infrastructure
- Drainage and flooding concerns
- Surface water
- Issues with access
- Concerns about low cost housing
- Access to the town unsuitable for mobility scooters
- Impact on shared entranceway
- Sustainability
- Over development of the site
- Impact on highway and traffic
- Impact on the surrounding houses and businesses
- Construction phase concerns
- Privacy concerns

9. Planning Considerations

Principle of Development

Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006). A number of the NWLP policies continue to be

saved to sit alongside the policies of the Core Strategy. Malmesbury Neighbourhood Plan was adopted in February 2015 and is also a key consideration in the determination of the application. These policies will be subject to further review as part of the Core Strategy Partial Review process.

Core Policy 1 of the WCS sets out the Settlement Strategy and identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. The policy classifies Malmesbury as a market town. Market Towns are defined as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities. In addition, Core Policy 46 of the WCS sets out the Councils Strategy in respect to meeting the needs of Wiltshire's vulnerable and older people. The policy sets out that the provision, in suitable locations, of new housing to meet the specific needs of vulnerable and older people will be required and wherever practicable, accommodation should seek to deliver and promote independent living.

The proposal is considered to comply with the relevant policies of the WCS in respect to residential development within the defined settlement boundaries and the provision of housing for vulnerable and older people. Accordingly, the principle of the development is supported.

It should also be noted that in July 2012, planning permission (N/11/00935/FUL) and conservation area consent were allowed at appeal for the demolition of the bungalow at 109 Gloucester Road and erection of residential development consisting of 5 no. 2 bedroom flats, 2 no. bedroom dwellings and 1 no. 1 bedroom dwelling (Appeal reference: APP/Y3940/A/12/2169416). The application is no longer extant but is a material consideration of limited weight in the determination of this application.

Strategy for Malmesbury

The NPPF is clear that the local planning authority should plan positively for housing and employment development and promote sustainable development. Core Policy 13 of the WCS sets out the spatial strategy for the Malmesbury Community Area. A large proportion of the housing numbers allocated for this area are to be located Malmesbury with the remaining houses being allocated to the rest of the community area. Such opportunities for housing should be identified through a Core Policy 1. As set out above the proposed development is considered to comply with Core Policy 1 and therefore would be considered acceptable in respect to the spatial strategy for the Malmesbury Community Area set out in Core Policy 13.

Malmesbury Neighbourhood Plan

Policy 4 of the Malmesbury Neighbourhood Plan (MNP) sets out that planning applications for new housing must be tested against the current evidence of local demand and supply from sources including Wiltshire Council population forecasts, the Social Housing Register, the Strategic Housing Market Assessment and the most recent Neighbourhood Survey. The David Couttie Associates report 'The Need for Private Retirement Housing in Wiltshire' which supported the application provides analysis of the existing sheltered housing provision in the local area and concludes that there is a significant under provision of private tenure housing of this type. It should be noted that the WCS identifies that Wiltshire has an ageing population, more so than the national average, and this needs to be taken into account when planning for new housing. Core Policy 46 of the WCS seeks to address the issue of an ageing population, which is particularly important in Wiltshire, by ensuring that there is adequate provision of accommodation. As set out above it is considered that development complies with this policy.

The proposal accords with Policy 8 of the MNP which requires that all new accommodation for older people must be well connected with the town. The site is approximately 650 metres from the Market Cross and there is a short, direct route for pedestrians and mobility scooters to town and good access to public transport.

Policy 9 of the MNP requires that all new housing for older people must be Sustainable. The application has been considered by the Council's sustainability officer who raised no objection to the application subject to a condition requiring that the dwellings shall achieve Level 4 of the Code for Sustainable Homes.

Policy 13 of the Neighbourhood Plan Design Guide as set out in Volume II of this Plan should be taken into consideration in all developments to ensure a high quality of design that respects the specific character of Malmesbury Town and the surrounding area.

Impact on Conservation Area

The site is located within the Malmesbury Conservation Area. It is noted that the Conservation Area Appraisal identifies that the site currently detracts from the character of the area. The Conservation Officer was consulted on the application and in principle supported; however, the Conservation Officer raised a number of concerns in respect to the design. These were as follows:

- The height of the building on the right hand side of the front (West) elevation;
- The size and design of the dormers;
- The size and design of the windows, balconies and doors;
- The design of the 'coffee room' on the east elevation;
- The levels of amenity of some of the top floor apartment.

In order to address the first concern, it was requested that the applicant seek to reduce the ridge height by 800mm, with the subsequent reduction in adjoining ridge heights. However, it was considered that this was likely to make the second floor rooms unusable if a pitched roof is used. Therefore it was suggested that contemporary architecture be considered as this would help to address the concerns raised and provide better internal space, natural light and an overall more interesting development in what is quite a prominent location.

The applicant submitted amended plans which were re-consulted on. It is considered that contemporary approach is much more suitable for this site and would result in a much higher quality development both in terms of aesthetics and occupants amenity levels. This scheme is supported by the Conservation Officer.

It is noted that concerns about the design have been raised by local residents and the Town Council and Resident Association. Overall it is considered that it would be difficult to achieve the required number of units on the site in more traditional scheme without the resulting building compromising the character of the area in terms of its scale and massing and/or resulting in poor amenity levels for future occupiers of the scheme. Officers consider that the revised scheme proposal are acceptable and do not result in harm to the character and appearance of the area or Conservation Area such that permission ought to be approved.

Design and Layout

Core Policy 57 of the WCS requires that development respect the local character and distinctiveness of the area with regard to the design, scale, density, massing, materials, siting and layout of the proposal.

The proposed building replaces the existing bungalows on the site. In terms of scale and massing it is considered that the efficient use of land has been achieved without compromising the character of the immediate surroundings. The design of the building and the materials proposed are considered to complement the surrounding building whilst maintaining its own separate identity.

The design and layout of the building proposed is the result pre-application discussion with the Council and further scheme revisions following consultation in respect of this application. The development is considered to make efficient use of land while also seeking to be compatible with adjacent uses. It is therefore considered that the proposal complies with Core Policy 57 of WCS.

Impact on the locality/amenity

Core Policy 57 also seeks to avoid creating developments with unacceptable low levels of privacy and amenity and avoid the unacceptable loss of privacy and amenity to adjacent dwellings. The contemporary design has reduced the height and the bulk of the building in comparison to the more traditional design originally proposed.

The building would be set down from the road as per the existing site levels, further reducing its massing impact. It is also proposed that there will be a buffer zone between the development and the neighbouring watercourse which would be appropriately landscaped, further reducing the impact on the surrounding area. The scheme is set back from the road and the nearest dwellings on the opposite side of Gloucester Road are upwards of 15 metres distant at the nearest point. It is noted that some concerns have been raised about the impact of the development on the amenity of neighbouring properties; however, given that which is set out above it is not considered that the development would result in loss of privacy and amenity to adjacent dwellings nor would it result in unacceptable low levels of privacy and amenity for the future occupiers such that permission ought to be refused on this basis. It is therefore considered that the proposal complies with Core Policy 57 of WCS.

Highways

The Council's Highways Officer has no objection to redevelopment of this site, subject to the provision of a suitable access; however, concerns were raised in respect to turning within the site and whether the parking provision was considered to be sufficient for this type of development.

In response to these concerns the applicant submitted revised plans showing a revised scheme which sought to extend the existing lay-by along the site frontage to provide a loading/servicing bay for refuse vehicles and any other larger vehicles that may visit the site on rare occasions. This allows for the retention of the parking bays and provides a waiting area for vehicles visiting the site. In addition to the applicant provided details of the surveys that were undertaken in 2014 and also previous surveys completed in 2012. The surveys recorded all movements to / from various similar developments and also recorded any obvious on-street parking activity. The 2014 survey work demonstrated that when compared to previous surveys (2012), demand for parking has actually decreased. The applicant set out that the parking evidence has been tested at appeal, and provided the latest decision letters.

The applicant set out that the proposed development, which is right on the edge of Malmesbury town centre, is considered to be better related to comprehensive range of shops, services, amenities and public transport services than many of the surveyed sites. As such, car ownership is expected to be lower, and it is considered that the parking provision promoted for this site will adequately serve the needs of residents.

The average age of someone moving into a CRL scheme is 79. More often than not they have recently been widowed and have taken the decision to give up the burden of maintaining their house, garden and car. Furthermore, from figures taken from all completed CRL schemes throughout the country 74% of units (irrespective of whether they are 1 or 2 bed units) are occupied by a single person and 26% are occupied by couples. On this basis, it anticipated that the proposed scheme would be occupied by approximately 33 residents.

On this basis the Highways Officer conclude that adequate servicing can be provided by means of extending the layby at the front of the property. This extension will fall with the area of prohibited waiting so should not be obstructed by casual parking. As this involves work on the highway it will need to be covered by a S278 Agreement.

Overall, whilst the Highways Officer is not totally happy with the on-site parking provision but they are also mindful that a high proportion of the surrounding highway network is subject to the provision of double yellow lines. It is therefore unlikely that any overspill parking that may occur will cause severe problems on the adjoining highway.

It is noted that Concerns have been raised by local residents in respect to parking and access; however, on the basis of that which is set out above the Council's Highways team consider that the scheme provides adequate parking and access. Furthermore, it is noted that some concerns were raised in respect to access to 107 Gloucester Road. The applicant has confirmed that they will maintain access to the rear of this property.

Landscape and Arboriculture

The Tree Report is sufficient for protection during construction works. However, the office would like the applicant to note that there are some discrepancies between the Tree Protection Plan, the Landscape Strategy Plan and Site Plan. There is a variation in the quantity and location of new planting. Despite this they were happy with the details shown on the Tree Protection Plan as it shows all new planting with all retained trees with tree protection being shown. The planting along the river bank seem adequate for screening of the development but they would request a Planting Specification for this scheme. It was agreed that this could be satisfied by condition.

Drainage

The EA's Flood Map for Planning indicates that the site is entirely within Flood Zone 2 within which lies a small area of Flood Zone 3 situated towards the east of the site. The main source of flood risk is fluvial flooding from the adjacent Tetbury Avon.

The building footprint of the proposed development is greater than that of the existing development so compensatory flood plain storage will be required to ensure that the development does not cause an increase in flood risk elsewhere. The development will result in a net increase in impermeable surfacing and therefore will need to incorporate a surface water management system, inclusive appropriate SuDS devices, so surface water is discharged in a controlled manner.

A Sequential Test has been undertaken by the applicant, which demonstrates that there are no reasonably available sites in areas with a lower probability of flooding that would be appropriate to that type of development or land use proposed.

It is noted that flooding and drainage are a key concern and has been raised as an issue in the majority of consultation responses. The development has been considered by all the relevant statutory bodies relating to flood risk and drainage and subject to the mitigation

measures set out in the submitted FRA and the Drainage Strategy no objection has been raised subject to appropriate conditions.

Affordable Housing

The application sits within the framework boundary of Malmesbury and proposes the development of 26 Sheltered Apartments, including the demolition of the existing units of 109 and Foxlea Gloucester Road. Deducting these two units of previous residential accommodation leaves a net gain of 24 units, to which our calculation will be based. A 40% onsite affordable housing contribution will be required in line with Core Policy 43 of the Council's Core Strategy.

Core Policy 43 sets out when affordable housing will be required and indicates the proposition which will be sought from open market housing development ie: an affordable housing provision of 40% (net) will be provided on sites of 5 or more dwellings where there is demonstrable need in the Malmesbury Community Area.

The affordable housing would need to be provided at nil subsidy, built to at least the minimum sizes and design quality standards of the Homes and Communities Agency and meet Wiltshire Council's policy of achieving Sustainable Homes Code Level 4. The completed units would be transferred to a Registered Provider, approved by the Council, at nil subsidy and secured via a s106 agreement.

The applicant confirmed that they would not be looking to provide affordable housing within the site but alternatively would be seeking to provide an off-site contribution of circa £271,000 which is to be secured via a s106 agreement. The application was considered by the Council property team who confirmed that this would not impact upon the viability of the development and supported the offer made by the applicant.

It is noted that concerns have been raised by local residents in respect to the provision of affordable housing; however, the proposed contribution is considered to be appropriate by the Council New Housing and Property team.

Ecology

The Council's Ecologist reviewed the proposal and identified the following matters for consideration:

River Avon County Wildlife Site

The River Avon CWS runs adjacent to the site and is a material consideration under CP50 of the WCS. Potential impacts include damage to marginal habitats and pollution during demolition/construction; however, these impacts could be avoided/minimised through sensitive construction methods.

Water voles

The River Avon supports water vole populations which are legally protected, along with their burrows and a material consideration under Circular 06/2005. Potential damage to such burrows could occur through removal of existing trees/buildings from the river banks and compaction in working areas during the construction phase. It will therefore be necessary to establish the presence and location of any such burrows prior to commencement of development and ensure that these are either protected or that water voles are temporarily displaced from the area during the construction phase. In the long-term, the removal of trees and buildings and sowing of wildflowers on the banks of the river should benefit local water vole populations.

Reptiles

The site has potential to support reptile species, particularly in the rear garden of 109 Gloucester Road. Potential impacts include killing or injury of animals present as the site is cleared and loss of habitat. It will therefore be necessary to establish the presence/absence of reptiles prior to commencement of development and ensure that these are either protected or temporarily moved to a safe area of the site during the construction phase. In the long-term, the removal of trees and buildings and sowing of wildflowers on the banks of the river should benefit local reptile populations. Further to these comments a reptile survey of the site was undertaken and submitted in support of the application. The report confirms that the site supports small population of slow worms. It sets out mitigation measures involving the translocation of animals to the river bank prior to commencement of development, fencing to exclude the animals from the construction areas, vegetation removal and a destructive search. In the long-term, the river banks and landscaping should provide suitable habitat to support this population.

Breeding birds

Small areas of breeding bird habitat were noted during the ecological survey and would be lost to the development. Birds and their active nests are legally protected, however direct impacts could be avoided through timing of works or pre-commencement checks for active nests.

Bats

The ecology report highlights that the river is likely to be an important commuting route for bats through the town, which could be adversely affected by lighting along the river. Given the orientation of the buildings and lack of public accessibility e.g. footpaths, roads etc along the river bank it is unlikely that this corridor would be illuminated by external lighting, therefore no significant impacts upon commuting bats are anticipated.

On the basis of that which is set out above the Council's Ecologist supports the application subject to appropriate conditions.

10. S106 contributions

The applicant has agreed to enter into a section 106 agreement covering offsite affordable housing contributions and waste and recycling contributions. The application was considered by the Council property team who confirmed that this would not impact upon the viability of the development and supported the offer made by the applicant.

11. Conclusion (The Planning Balance)

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. Overall it is considered that the development complies with Core Policy 1, 13, 43 and 46 of the Wiltshire Core Strategy as well as the relevant policies in the Malmesbury Neighbourhood plan. Furthermore, the proposed development is not considered to result in a detrimental impact to the Conservation Area. The development would appear to be appropriate given the proposed use of the building and would not result in the loss of amenity to neighbouring developments. It is therefore considered that the proposal complies with Core Policy 51 and 57 of WCS. It is noted that concerns have been raised in respect to Highways and Drainage/Flooding; however, the relevant consultees have reviewed the application and have raised no objection subject to appropriate conditions.

On balance it is considered that the development will result in limited harm to interests of acknowledge importance and will secure significant benefits in accord with adopted

Development Plan identified requirements in respect of specialist accommodation for Wiltshire's ageing population.

RECOMMENDATION

Authority is delegated to the Area Development Manager to grant planning permission subject to the signing of Section 106 agreement and the following conditions and informatives:

- 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 No part of the development hereby permitted shall be occupied until the access, layby, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs 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: 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 visual amenity and the character and appearance of the area.

- 4 No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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: 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 visual amenity and the character and appearance of the area.

- 5 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- 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; and

- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;
- j) proposals for the demolition of existing buildings on site;

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: 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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 6 No part of the development shall be occupied until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area and neighbouring amenities.

- 7 No development shall commence on site (including demolition, ground works, 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)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialists ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The CEMP is also required to demonstrate how the following will be prevented:

- Pollution and physical damage of the River Avon and its banks
- Impacts upon protected species including birds, reptiles and water vole

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

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority 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.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 8 Prior to commencement of development including site clearance, a reptile translocation exercise shall be carried out in accordance with the measures set out in the submitted Phase 2 Reptile Survey report (ECOSA, dated 27th August) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 9 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- indications of all existing trees and hedgerows on the land;
- details of any to be retained, together with measures for their protection in the course of development;
- all species, planting sizes and planting densities to be included in a Planting Specification, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

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

- 10 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.

11 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.

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.

12 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of the amenities of the area.

13 No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interests of the amenities of the area.

14 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

15 Finished floor levels shall be set no lower than 72.23 metres above Ordnance Datum.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

16 The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (Mott MacDonald, Rev A, dated 29 May 2015) and the provision of compensatory flood storage at the site (paragraph 5.5.1).

REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

17 No part of the development shall be occupied until a Flood Warning and Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

18 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

19 No development shall take place until a scheme for the provision and management of a five metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.

REASON: To protect and enhance the river environment. This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion

of biodiversity.

- 20 No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

- 21 The development shall not 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

- 22 No 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, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

- 23 The 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

- 24 No development shall commence on site until a scheme for the provision of flood compensation volume to cater for loss of flood volume from river and ground water levels which the proposed under and above ground development works would cause, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

- 25 The 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

- 26 The dwellings hereby approved shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate for it has been issued and submitted to, and approved in writing by, the local planning authority certifying that Code Level 4 has been achieved.

REASON: To ensure that the objectives of sustainable development set out Policy CP41 of the Wiltshire Core Strategy are achieved.

- 27 No development shall commence on site until details of recycling facilities (including location and range of facilities) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved recycling facilities have been completed and made available for use in accordance with the approved details and they shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

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

Supporting Stakeholder Engagement Statement by Planning Issues Ltd
Design and Access Statement by Planning Issues Ltd
Affordable Housing Statement by Planning Issues Ltd
Arboricultural Impact Appraisal and Method Statement by Barrell Tree Care
Heritage Statement by Ecus Environmental Consultants
Archaeological Desk-based Assessment by CgMs Consulting
Transport Statement by Mott MacDonald
Sequential Test by Planning Issues Ltd
Landscaping Strategy and Image sheets by UBU
Housing Needs Assessment by David Couttie Associates
Phase 1 Habitat Survey by ECOSA
Desk Study Appraisal by Crossfield Consulting
Received on 29/05/2015

Phase 2 Reptile Survey by ECOSA
Received on 27/08/2015

Flood Risk Assessment by Mott MacDonald
Received on 06/07/2015

Ground Floor Plan - 10075MB PL003 Rev B
First Floor Plan - 10075MB PL004 Rev C
Second Floor Plan - 10075MB PL005 Rev B
Roof Plan - 10075MB PL006 Rev B
Front Elevation - 10075MB PL007 Rev D
North Elevation - 10075MB PL008 Rev D
South Elevation - 10075MB PL009 Rev D
Received on 27/08/2015

Site Plan - 10075MB PL002 Rev B
Received on 12/01/2016

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

- 29 **INFORMATIVE TO APPLICANT:**
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the XXXX.
- 30 **INFORMATIVE TO APPLICANT:**
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 31 **INFORMATIVE TO APPLICANT:**
The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions

appertaining to the sewer in question.

32 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

33 INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

34 INFORMATIVE TO APPLICANT:

The application involves the creation of a new dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352.

35 INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

36 INFORMATIVE TO APPLICANT:

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any proposed works (permanent or temporary) or structures in, under, over or within 8 metres of the top of the bank of the Tetbury Avon, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of our controls.

37 INFORMATIVE TO APPLICANT:

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 considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total usage level of 110 litres per person per day.

38 INFORMATIVE TO APPLICANT:

Safeguards should be 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 disposal of dirty water
- 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>

39

INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.