

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	LANGLEY BURRELL
Electoral Division	LANGLEY BURRELL WITHOUT
Grid Ref	393297 173929
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 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. The supply 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 the Eastern Link Road, 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 secure the provision of the ELR to the eastern-most part of the site to allow connection to this road if required at a later date by others.

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, but the situation will be least worst if and when an ELR is delivered and available. 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 up 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 deliver to the Eastern Link Road 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.

Conditions

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. Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described and identified in the Design and Access Statement and approved Parameter Plans. A statement shall be submitted with each reserved matters application which demonstrates that the application proposals comply with the Design and Access Statement or, where relevant, explaining why they do not.

REASON: So as to provide certainty and clarify the expectations for the form of development to take place on the site.

Limits of Permission

5. The residential element of the development hereby granted planning permission shall not exceed 700 dwellings.

REASON: To define the limits of the planning permission and to set the maximum number of dwellings to be constructed on the application site.

6. The total gross retail floorspace available for use by customers (excluding toilets and other ancillary facilities) of all premises falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) shall not exceed 200 sqm.

REASON: To define the limits of development and to ensure retail development on the site does not adversely impact upon the town centre.

Phasing

7. As part of the first reserved matters application a phasing plan for the whole site shall be submitted to the local planning authority for approval in writing. The phasing plan shall include details of the intended number of market and affordable dwellings for each phase of development together with general locations and phasing of key infrastructure, including surface water drainage, green infrastructure, community facilities, Local Centre, commercial uses and access for pedestrians, cyclists, buses and vehicles. Development shall take place in complete accordance with the phasing plan so agreed.

REASON: So as to ensure a balanced development for the benefit of future residents and Chippenham town as a whole.

Ecology

8. No later than the submission of a reserved matters application, an Ecological Mitigation and Enhancement Framework shall be submitted to and 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.

9. 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.

10. No development within any individually approved phase of the development shall commence on site until A Landscape and Ecological Management Plan (LEMP) for that phase of development has been 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.

11. No development within any individually approved phase of the development shall commence on site, until details of a wildlife sensitive lighting scheme for roads and footpaths within that phase of development, 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.

Landscape

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 within any individually approved phase of the development shall commence on site development, including any works of site clearance shall begin unless and until a scheme for the ongoing management and maintenance of that landscaped area, 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. No development within any individually approved phase of the development shall commence on site, including any works of site clearance or ground preparation, until 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. No development within any individually approved phase of the development shall commence on site, including any works of site clearance or ground preparation, until an Arboricultural Method Statement specifying the measures to be put in place during the construction period of that phase of development, 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.

Contamination

16. No development within any individually approved phase of the development shall commence on site until (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), 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 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:

- 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 (referred to in PPS23 as a validation report) must be produced. 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: 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.

Archaeology

17. No development within any individually approved phase of the development shall commence on site until until a written programme of archaeological investigation, which should include details of on-site work as well as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority. The approved programme of archaeological work shall be carried out in complete accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

Drainage

18. No development within any individually approved phase of the development shall commence on site until 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 or unit shall be first occupied within that phase of development 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 within any individually approved phase of the 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. That phase of 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. 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.

Highways

21. 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.

22. No development within any individually approved phase of the development shall commence on site until (including any works of demolition), until a Construction Method Statement for that phase of development, 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.
- j) 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

k) A specific section of the plan shall address the construction traffic arrangements in relation to the construction of the proposed GWR mainline railway bridge 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.

23. No development within any individually approved phase of the 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 for that phase of development, 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.

Each Phase 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 for that phase of development 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.

24. No development within any individually approved phase of the 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 nonresidential 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.

25. No development within any individually approved phase of the 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.

26. Car parking provision for all phases of development 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.