

REPORT TO THE NORTH AREA PLANNING COMMITTEE

Report No.

Date of Meeting	11 September 2013		
Application Number	N/13/01018/FUL		
Site Address	Land Adjacent Focus DIY/A350 West Cepen Way, Methuen Park, Chippenham, Wiltshire		
Proposal	Erection of B1 Office and A3/A5 Restaurant/Cafe/Drive-Through and Associated Access/Exit, Parking and Landscaping		
Applicant	Cougar (Chippenham) Ltd		
Town/Parish Council	Corsham/Chippenham		
Electoral Division	Corsham Town/Chippenham Cepen Park & Derriads	Unitary Member	Councillor Hutton
Grid Ref	389797 172000		
Type of application	Full		
Case Officer	Lee Burman	01249 706668	lee.burman@wiltshire.gov.uk

Reason for the application being considered by Committee

To consider the visual impact on the character and appearance of the locality in the context of neighbouring development and the scale of the development proposed.

1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED

2. Report summary

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

- Principle of Development
- Scale and Character and Impact on the Character and Appearance of the Locality
- Highways Impact
- Ecological Impact
- Drainage

The application has generated 12 representations in total including 3 objections from consultees - Chippenham and Corsham Town Councils; and 0 letters of objection from the public.

3. Site Description

The site is located within the defined framework settlement boundary for Chippenham and lies on the fringes of the settlement adjacent to the A350 and its junction with the A4. The site is currently open but lies directly adjoining the established commercial employment area to the west of the Town. Development of the Focus DIY store site adjacent is currently underway on adjoining land and major employment and retail facilities including Sainsburys, Herman Miller etc are situated in the vicinity. The northern section of the site adjoining the road junction features existing mature vegetation; with a small stream (Pudding Brook) running through the land forming the northern boundary of the site. The western boundary is largely open in character. The site features two

trees subject to Tree Preservation Orders and is a site of archaeological potential and known ecological value.

4. Relevant Planning History		
03/01183/OUT	Erection of a B1 Office and Associated Parking and Access Road	Refused
03/01842/OUT	Erection of a B1 Office and Associated Parking and Access Road	Permitted
06/00872/FUL	Erection of a Hotel	Refused
06/01611/FUL	Proposed Hotel (C1)	Refused Appeal Dismissed

5. Proposal

The proposal is for the erection of a B1 Office building with an A3/A5 Cafe at ground floor level; and a free standing A3/A5 Drive-Through Restaurant and Hot food takeaway adjacent with Associated Access/Exit, Parking and Landscaping.

The applicant has submitted two sets of revised plans. Firstly, plans were submitted in relation to minor amendments to the site layout; secondly in relation to the design of the office building and drive-thru restaurant.

6. Planning Policy

North Wiltshire Local Plan: policies C3 BD3 R4 NE9 NE10 NE11 NE14

Central Government Planning Policy: National Planning Policy Framework

7. Consultations

Spatial Plans

The principle of employment use is acceptable from a planning policy perspective. The proposed A3/A5 uses are located outside of the town centre and it is considered that these facilities in this location would not enhance the town centre in order to reduce the outflow of shopping and leisure trips, which is one of the specific issues identified in the Core Strategy as needing to be addressed at Chippenham. However, it is accepted that the coffee shop will be for the benefit of the office workers at the site and immediate locality. It is also accepted that the site's location is ideal for a drive-through business, subject to detailed site matters e.g. Layout and Design. As such no objection was raised on Policy grounds.

Urban design

Initial objections were raised in respect of the design character of the proposed office building and the drive through and the relationship between the two elements. In particular the lack of any clear reference to the character of the locality; the visual prominence and impact of the office building; and the impact of the drive through undermining the character and appearance of the office building.

Revised Plans submitted 5/8/13. The Urban Design Officer confirmed that the design alterations addressed previously identified concerns.

Landscape

No formal objection but identifies concerns regarding the visual impact of the proposals on the adjacent historic park at Corsham Court and adjacent open countryside due to the height and use of materials (including colour). Officers sought additional visual impact assessment information and/or design alterations to reduce the height and alter materials and finishes to the buildings.

Officers supported the submitted landscaping scheme as appropriate and sought conditions for its implementation. Officers also queried the location of bin/waste store.

Trees

The Council's Trees Officer raises no objection to the scheme proposals subject to conditions for the submission of an Arboricultural method statement. Specific reference and concerns were raised in respect of the exit road construction and its impact on the Root Protection Area of the Oak Tree to the northern end of the site that is the subject of a TPO.

Archaeology

In initial comments the Council's Archaeologist sought the submission of an Archaeological Assessment. This was submitted on the 18/7/13 and the Council's Archaeologist confirmed that the report addressed matters adequately and there was no requirement for further works or any conditions.

Ecology

Officers raised no formal objections to the proposals subject to a Section 106 agreement, conditions and informatives as follows:-

- Condition implementation of the landscape scheme for the site
- Condition a landscape and ecological management plan for the site to be approved by the Council
- Condition tree protection measures
- Condition a reptile translocation method statement and secure a reasonable contribution for management of the receptor site through any S106 agreement for the site
- Include an informative regarding site clearance to avoid affecting active bird nests

Highways

Following extensive pre-application discussions no objections were raised subject to the use of appropriate conditions. Including requiring a construction method statement to be submitted and agreed; Access and Entry Signage controls; Provision of parking areas prior to occupation; Provision of Cycle parking prior to occupation. Officers highlight that a separate legal agreement (S38 Agreement) will be required in respect of works to the Highway and Highway Land.

Environmental Health

Raised no objections in principle subject to the imposition of a range of conditions in respect of noise, odour control and litter and waste.

Environment Agency

Raised no in principle objection but objected on matters of detail regarding the submitted Flood Risk Assessment and the site layout in respect of access to the adjacent Watercourse (Pudding Brook). The applicant's engineers considered and responded to the objections raised and proposed alterations in direct liaison with the Environment Agency.

The Environment Agency has subsequently written to confirm that its objections to the scheme proposals are withdrawn.

Drainage

The Council's Drainage Engineers reviewed the submitted details including Flood Risk Assessment and compensation measures and raised no objections or queries in this regard. Further subsequent review confirmed that no further conditions were required.

Chippenham Town Council

The Town Council recommended refusal due to the overbearing size, position, design, scale and impact of the building which is on a primary route into Chippenham and the design is not in keeping with the area.

Corsham Town Council

The Town Council recommended refusal on the grounds that the vehicular access is unsuitable and would exacerbate existing traffic problems; that the Office building is of an inappropriate style. A development more in keeping with the locality was sought.

8. Publicity

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

0 letters of objection or any representations were received from members of the public.

9. Planning Considerations

Principle of Development

The site is located within the defined framework boundary of Chippenham and lies directly adjacent to existing employment and commercial development. The site has been the subject of previous consent for B1 Office development. Policy BD3 of the Adopted NWLP 2011 supports employment related development, including B1 Offices, on unallocated sites within the defined framework boundary of Chippenham, subject to the development being of an appropriate scale to the location, and the proposals being accessible by a range of modes of Transport. These matters are discussed further below but it is considered that both criteria are satisfied.

The Spatial Plans team identify that the proposed employment use is acceptable in this location in policy terms. With respect to the A3 and A5 uses, whilst by definition retail uses and therefore normally directed to a retail centre/town centre locations, officers accept that the A3/A5 Coffee Shop outlet will predominantly serve the office use and adjacent employment uses thereby not significantly diverting trade from the Town Centre. Whilst the proposed A3/A5 Drive Through restaurant/Hot food takeaway is considered appropriate to this location and it is accepted that this type of facility is not easily or readily accommodated in town centre locations. Furthermore it is considered that a drive through restaurant by definition supports vehicular based trade and this would have implications for accessibility and the retail environment within the town centre which is partially pedestrianised. Policy R6 of the adopted NWLP 2011 allows development outside the existing town centre within Chippenham where there is a need for the development; where it is demonstrated that there are no suitable sites in the town centre for the proposed development; where proposals do not undermine the vitality and viability of the town centre; and where proposals are accessible by a range of modes of transport. The applicant has supported their application with information demonstrating that there are no more preferable sites in the town centre and it is accepted that the proposals would not divert trade from the town centre to the extent that harm to its vitality and viability would be caused. The proposed retail units, particularly the drive-through underpin the scheme as a whole in financial terms and in this context it is considered that there is a need for the development.

For these reasons it is also considered that there is no direct conflict with the emerging policies of the Wiltshire Core Strategy. In addition it should be noted that these policies are not yet adopted. The WCS has been through the Public Examination but the Inspector's report and findings are awaited and as such there are outstanding objections to relevant policies. Consequently the weight that can be attached to them is reduced.

It is critical to note that the scheme proposals are for an employment use that will deliver jobs to Chippenham, both in terms of construction and the future uses of the B1 Office and the A3/A5 Restaurant/Coffee Shop. It is estimated by the applicant that approximately 230 jobs will be created by the development. The importance of such a significant employment development and indeed developer investment in the current economic climate must not be under-estimated. There is a deep and prolonged worldwide recession on-going and the delivery of major employment related investment and development must be supported as a matter of principle. Development proposals of this kind should only be refused planning permission and opposed where there is clear, unequivocal and very serious harm to interests of acknowledged importance. To be

absolutely clear this must entail very definite and significant harm to the most important features and aspects of our environment and community. The applicant has undertaken initial marketing of the site via chartered surveyors based on the submitted proposals and has received two expressions of interest for occupancy of the B1 Office as a whole headquarters office location. This is without the benefit of full planning permission having been granted. Furthermore the same agents have recently marketed other properties in Chippenham and express firm confidence that there is unmet demand for this specific type of property and location. Furthermore interest has been expressed in occupancy of the ground floor A3/A5 Coffeshop outlet. The A3/A5 drive through restaurant is of specific interest to Kentucky Fried Chicken. This level of interest in the current economic climate should not be under-estimated and is a reflection of the location and the form of the proposals directly addressing the limited and specific demand that is available. The competition for such occupants is intense with many such facilities and prime locations available in places such as Bristol and Swindon along the M4 corridor. As such it is important to recognise the opportunity that the development proposals represent.

It is also important to note that the NPPF is very supportive of Employment related development. The Economic role of development is a key aspect of the definition of sustainable development included at para 7 of the NPPF. The presumption in favour of Sustainable Development is the golden thread that runs throughout the NPPF and Government policy toward planning. The NPPF specifies that the economic role of Sustainable Development entails contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation. The proposed development clearly meets this requirement. This requirement reinforces the fact that such sustainable economic development should only be refused where these very clear and important benefits are wholly outweighed by very clearly defined, significant and substantial harm to interests of acknowledged importance.

Scale and Character and impact on the Character and Appearance of the Locality

The site is a prominent location at one of the principle access points to Chippenham. It is situated on the junction of the A350 around the west of the town and the A4 from Bath ultimately leading to London. The site context is also defined by the open countryside to the west, the historic parkland of The Corsham Court Estate to the South West and the backdrop of the town itself and the wider landscape on rising ground beyond the town. The site includes some distinctive elements forming part of its character. The area of mature vegetation including the Pudding Brook to the northern end adjacent the road junction A350/A4 is a distinctive part of the current site. The site also features two significant mature trees that are the subject of Tree Preservation Orders, one of which lies adjacent the A350 to the southern end of the site. Existing major employment development is situated on rising land immediately to the south and this forms a key site characteristic. To the north of the junction of the A4/A350 is the Drive through McDonalds Restaurant also situated adjacent to the A350.

The site has been the subject of previous proposals to erect a hotel which were refused by North Wiltshire District Council. The decision was the subject of an appeal which was dismissed. The Inspector in his decision letter identified that the site is a key gateway to Chippenham. The Inspector also identifies that the site is characterised by modern large scale commercial development and not the historic character of town. Further that the site and immediate locality has no strong unifying character which he considered supported development of a variety of building styles and forms. Given the local character and the backdrop of large scale buildings the Inspector found that a development of the height proposed (6 floors) would be acceptable. This was particularly the case given that the Council had previously approved an Office Building at the site and this clearly envisaged, in his view, a landmark building. The Inspector noted that on other sites adjacent the A350 along the boundary of the town landscaping proposals had sought to minimise visual impacts of development but these had been relatively minimal in themselves and of varying success. He further noted that there was relatively limited scope for significant landscaping and planting between the road and the development plots along the A350. This appeal decision and the previous decision to grant consent for an office building at the site are material planning considerations weighing in favour of the current proposals.

As noted above both the Council's Urban Design and Landscape Officers raise concerns regarding the design character of the proposals. This is in the particular context of the characteristics referred to previously. The landscape officer in particular raises concerns regarding the relationship with the historic landscape of The Corsham Court Estate. Both officers raise their concerns in relation to the height of the office building and the proposed use of materials and finishes, in particular the colours proposed (Red and Green) which increases the prominence of the building in the site context. The Council's Urban Design Officer also identifies that the design character of the proposed drive through restaurant given its prominent location as inappropriate and that it detracts from and undermines the design character approach formed by the office building. The adopted policies of the NWLP require the development to be of a scale appropriate to the site.

As a consequence Officers sought design alterations to reduce the visual prominence of the site. The use of materials and in particular the colour finishes was identified as of particular concern in the office building. The standardised design approach and use of corporate branding for the drive through restaurant was also of concern given the positioning of the building adjacent the A350 to the fore of the office building. The matters were raised with the applicant and officers sought alterations to the office building to include more direct referencing to the predominant design characteristic of the locality – use of stone. A bespoke design approach to the drive through restaurant, that both referenced the stone characteristic of the locality, whilst also bearing a relationship to the distinctive form of the office building, was also sought. The applicant has submitted revised plans which directly respond to these matters. It is considered that the alteration to the use of material and the character of the proposed finish with a rainscreen panel to match Chippenham stone will achieve these aims. This material has been used in other locations in the south west successfully, including within Bath. The design provides a reference to the predominant design character of the locality whilst also reducing visual prominence.

In this context it is not considered that the height of the building needs to be reduced. It should be noted that the height of the building contributes to the provision of substantive employment floorspace. No consultee has formally objected to the proposals solely on the basis of height and visual prominence. The building is set within the site on lower ground than the surrounding locality. There are buildings to the south situated on higher ground that are not significantly different in height to the proposed building such that consent ought to be refused on this basis alone. In this context it is essential to note the previous matters raised under "Principle of Development" that the harm caused should be very significant and clearly defined if consent is to be refused given the benefits that will arise. It is also essential to bear in mind the interest that has already been expressed in the development by potential occupiers. This indicates that the proposals address a latent demand in a time of significant recession. Of further relevance in this context is the previous consent for B1 Office development which was referenced as a material consideration in the Inspector's appeal decision in relation to the hotel proposals whereby he found justification for a building of 6 storeys in height. It is therefore not considered that this particular matter provides a sound basis for refusal in itself given the other balancing material considerations, not least of all the significant employment benefits arising from the development. Consequently it is not considered that a decision to refuse on this basis would be supported by an Inspector at appeal given the strong support in the NPPF for this type of development; the broader economic context; and the Government's growth agenda.

It is also important to note that the current proposals, in accordance with pre-application discussions, do not include substantive proposals for signage, adverts and related lighting. The prominence of the location and the significant landscaping proposals aimed at mitigating the impact of the site mean that free standing signage and related lighting would not be appropriate to this site and development and would cause clear harm. The Council accepts that the drive through restaurant is appropriate to this type of location but the proximity to the road and subsequent natural visual prominence and advertising this provides is considered wholly adequate. Further signage clutter is unnecessary and would significantly undermine the design approach adopted for the site.

The applicant has submitted a first stage BREEAM assessment demonstrating that the proposals are likely to achieve a rating of "very good". Conditions will be applied in regard to completion of stage 2 to achieve this rating.

Highways Impact

The applicant has undertaken extensive pre-application discussions with the Council including Highways Officers. The proposed access and egress from the A350 and to the A4 is a design solution and arrangement that has been agreed between the respective Highways Engineers and Transport Consultants following detailed analysis of the operation of the two junctions in the vicinity of the site. The applicant has submitted a Transport Assessment in support of the proposals which includes this analysis and this demonstrates that the development will not have an adverse impact on the operation of the roundabouts and Officers consider the Assessment to be robust. Officers identify that overall the proposed parking levels are below maximum standards, but consider that there is scope for shared use of parking and as such provision is adequate. In this context the design considerations at the site are also relevant and minimising the amount of parking will assist with reducing the visual impact of the proposals. The submitted Transport Assessment identifies that the site is accessible by a range of modes of transport.

The Council's Highways Engineer raises no in principle objection to the scheme proposals subject to the use of appropriate conditions as referenced above.

Ecological Impact

The application is supported by an Ecological Assessment and this identifies the presence of protected species of reptile including Grass Snakes and Slow Worms present on the site. The Council's Ecologist raises no objection to the scheme proposals subject to the translocation of these species to an identified receptor site. Funding is required for the future maintenance and management of the receptor site and this must be covered by a S106 agreement. The applicant has agreed to enter into a S106 agreement to facilitate this requirement. The wording of a document has been agreed and a copy signed by the applicant has been submitted to the Council. At the time of writing this document has not yet been formally signed and sealed by the Council but it is anticipated that this will be completed by the time of the Committee meeting (late observations will provide an update on this matter). A condition is required to address the physical translocation of the species by the applicant.

Officers identify that the proposals will result in the loss of existing semi-natural habitat including scrub, woodland and damp grassland. It is however identified that these habitats are not Biodiversity Action Plan protected and as such there is no conflict with adopted plan policies. The impact on Pudding Brook of the proposed vegetation removal and construction of the access road is assessed. Officers consider that this provides opportunities to retain and enhance ecological value as part of the submitted landscape scheme. As such no objection or conflict with adopted policy is identified in this regard subject to conditions relating to the implementation and management of the landscaping scheme and the submission and agreement of an Ecological Management Plan. Other appropriate conditions and an informative are required in relation to the protection of retained trees and site clearance avoiding affecting active bird nests.

Drainage

The comments and advice received from the Council's Drainage Engineers and the Environment Agency were initially not entirely in accord with one another. As noted above the Council's Engineers raised no concerns and objections and considered the submitted FRA and proposals appropriate and acceptable. The Environment Agency raised no formal objection in principle but did submit a holding objection based on concerns as to the accuracy of the submitted FRA and the site layout including access to Pudding Brook.

The applicant's Drainage Engineers have been in liaison with the Environment Agency since the objections and concerns were raised and directly copied to them. Subsequently additional and revised submissions in respect of the Flood Risk Assessment and revised site layout plans have

been submitted to the EA. The EA sent correspondence identifying agreement to the revised proposals and indicating agreement in respect of surface water drainage and flood risk to the applicant and the Council. Since then the Environment Agency has further written to the Council (28/8/13) to formally withdraw its objections to the scheme proposals subject to appropriate conditions and informative which are included below.

10. Conclusion

The site is in a prominent location and is subject to constraints. However, the applicant has worked with officers and statutory consultees to address these matters and concerns and objections have been satisfactorily addressed and overcome. There are no objections from any Local Residents. B1 Offices have previously been granted consent at the site. The Inspector considering proposals for a Hotel identified that a building of 6 storeys in height would be appropriate to this location. The proposals will deliver much needed employment to Chippenham and interest in the development from two companies seeking a headquarters facility has already been identified. On this basis it is considered that there is no substantive harm to any interest sufficient to outweigh the very significant benefits that will arise from development.

11. Recommendation

Planning Permission be GRANTED

Subject to the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY-C3

3. Development of the B1 Office and A3/A5 Retail Units hereby permitted shall not commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

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

POLICY-C3

4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

POLICY-C3

5. No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

POLICY-C3

6. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2012
- A schedule of tree works conforming to BS3998.
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access road, bridge and exit road;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

POLICY-C3

7. A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently and until the completion of all site works, site visits should be carried out on a weekly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

POLICY-C3

8. (a) No retained tree 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 prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree 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.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY-C3

9. No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

POLICY-C3

10. The A350 access shall be used for the purpose of "Entry Only" and the A4 access shall be used for "Exit Only". No development shall commence on site until details of signs restricting the use of the access as above, have been submitted to and approved in writing by the Local Planning Authority. Those signs shall be erected prior to the development hereby permitted being first brought into use and maintained at all times thereafter.

REASON: In the interests of highway safety.

POLICY C3

11. No part of the development hereby approved shall be first brought into use until the parking areas shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. Those areas shall be maintained and remain available for this use at all times thereafter.

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

POLICY C3

12. The development hereby permitted shall not be first brought into use until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

POLICY C3

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

- a) The means of access to the site during each stage of construction;
- b) the parking of vehicles of site operatives and visitors;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) wheel washing facilities;
- g) measures to control the emission of dust and dirt during construction;
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- i) measures for the protection of the natural environment.
- j) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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

POLICY-C3

14. All building services plant and machinery shall be so sited and designed in order to achieve a rating Level of -5dB below the lowest measured background noise level, determined at the nearest noise sensitive receptor. Measurements and assessment shall be carried out in accordance with BS4142:1997

REASON: In the interests of amenity.

POLICY C3

15. Any proposals for external lighting at the site shall be subject to a lighting scheme to be submitted to and approved in writing by the Local Planning Authority prior to the

commencement of development. The lighting scheme shall comply with Environmental zone E2: Low district brightness areas, rural, small village, or relatively dark urban locations. The scheme should comply with guidance issued by the Institution of Lighting Engineers.

REASON: In the interests of amenity.

POLICY C3

16. Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations on the premises. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All equipment shall be installed in accordance with the approved details and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

REASON: In the interests of amenity.

POLICY C3

17. Prior to the premises being brought into use, a scheme providing for the adequate storage of refuse shall be submitted to and approved by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details, prior to the commencement of use, and shall be maintained at all times.

REASON: In order to minimise nuisance and safeguard the amenities of the area in which the development is located.

POLICY C3

18. There shall be no raising of existing ground levels on the site.

REASON: In the interests of visual amenity.

POLICY-C3

19. The development hereby permitted shall achieve a BREEAM (Building Research Establishment Environment Assessment Method) rating of 'very good'. The development shall not be first brought into use/occupied until the post-construction stage assessment and subsequent BREEAM Certificate certifying that 'very good' status has been achieved has been issued and a copy of the same submitted to the Local Planning Authority.

REASON: In the interests of the conservation of energy resources.

POLICY-C3

20. The mitigation measures – Translocation of Grass Snakes and Slow Worms - detailed in the approved Ecological Assessment Michael Wood Associates Dated 05/4/2013 shall be carried out in full prior to the first bringing into use and/or in accordance with the approved timetable detailed in the Ecological Assessment.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

POLICY: National Planning Policy Framework paragraph 118.

21. No development shall commence on site until an ecological management plan, to include measures to enhance on site ecological features and site biodiversity, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance

with the approved details, before the development is first brought into use; or in accordance with the approved timetable detailed in the approved scheme.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

POLICY: National Planning Policy Framework paragraph 118.

22. The development hereby permitted shall not be commenced until such time as a scheme to mitigate flood risk has been submitted to, and approved in writing by, the local planning authority.

Such a scheme to detail:

1. Flood plain compensation calculations on a level for level basis.
2. Details of the bridge soffit level to be set no lower than around 59.1 metres AOD, to include indicative cross and long sections with levels.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

23. The development permitted by this planning permission shall only be carried out in accordance with the approved Site Plan Drawing SUB 2.0 Rev L dated 20.08.2013 by COUGAR and the following mitigation measures detailed within the FRA:

1. Provision of 3.6m field access gates to provide access for watercourse maintenance machinery
2. A minimum 5.0m buffer zone from the watercourse to facilitate safe access

24. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To allow safe access of watercourse maintenance machinery and prevent the increased risk of flooding.

25. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

26. The scheme shall also include:

1. Details of how the scheme shall be maintained and managed after completion.
2. Details of the culvert connected to the drainage ditch to the south of the A4 Bath Road.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

27. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

1006/6995/1B	Topographical Survey	1:500 @ (A1)
1006/6995/1B	Topographical Survey	1:200 @ (A1)
SUB 1.0	Location Plan	1:1250 @ (A1)
SUB 2.0	Site Plan	1:500 @ (A1) L
SUB 3.0	B1/A3/A5 Ground Floor Plan	1:100 @ (A1) E

SUB 4.0	B1 First Floor Plan	1:100 @ (A1) E
SUB 5.0	B1 Second Floor Plan	1:100 @ (A1) E
SUB 6.0	B1 Third Floor Plan	1:100 @ (A1) E
SUB 7.0	B1 Mezzanine Floor	1:100 @ (A1) E
SUB 8.0	B1/A3/A5 Roof Plan	1:100 @ (A1) E
SUB 9.0	A3-Drive-thru Plan	1:100 @ (A1) E
SUB 10.0	A3-Drive-thru Roof Plan	1:100 @ (A1) E
SUB 11.0	Existing Elevation	1:100 @ (A0) F
SUB 12.0	B1/A3/A5 West Elevation	1:100 @ (A1) F
SUB 13.0	B1/A3/A5 East Elevation	1:100 @ (A1) F
SUB 14.0	B1/A3/A5 North/South Elevation	1:100 @ (A1) F
SUB 15.0	A3 Drive-through Elevations + Sections	1:100 @ (A1) B
SUB 16.0	B1/A3/A5 Cross Section	1:100 @ (A0) E
SUB 17.0	B1/A3/A5 Long Section	1:100 @ (A0) E
SUB 18.0	Site Section 1	1:100 @ (A0) E
SUB 19.0	Site Section 2	1:100 @ (A0) E
SUB 20.0	Site Section 3	1:100 @ (A0) E
SUB 21.0	Visual Impact -1	
SUB 22.0	Visual Impact -2	
SUB 23.0	CGI – Site view from entrance - 3	
SUB 24.0	CGI – Site view from exit - 4	
SUB 25.0	3D studies A	
Design & Access Statement + Addendum		

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

POLICY-C3

INFORMATIVES:

1. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
2. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.
3. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.
4. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
5. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any [protected species](#), or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and

experienced [ecologist](#) and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's [website](#) for further information on protected species.

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

7. There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

8. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

9. Drainage to soakaway from car parking areas for >50 spaces should be passed through an oil interceptor before discharging to ground. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to groundwater.

10. Storage of domestic oil in above ground tanks >3500 litres must be undertaken on site in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Storage of domestic oil in above ground tanks <3500 litres must be undertaken in accordance with Approved Document J of the Building Regulations.

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

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PLANNING

Frame
INTERNATIONAL Ltd

MANOR FARM, TREDINGTON,
SHIPSTON ON STOUR,
WARWICKSHIRE CV38 4NJ
TEL : 01608 663317
www.frameinternational.co.uk

COUGAR
(Chippenham) Limited

PROJECT : MIXED USE DEVELOPMENT - CHORUM - CHIPPENHAM
DESCRIPTION : Proposed Location Plan

PROJECT CODE : CHOR
Drawn: E. V.
Author: Y. F.
Drawing No: SUB 1.0

Date: 27.03.2013
Scale : 1:1250 (A1)
Revision: