

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

Date of Meeting	21 March 2018
Application Number	17/05828/FUL
Site Address	Former Wiltshire College, Cocklebury Road, Chippenham, Wiltshire, SN15 3QD
Proposal	Demolition of Existing Buildings and the Erection of a 140 Unit Extra Care Facility (of which three are duplexes) (Use Class C2) Comprising of 21,602.6 sq m (gross external) of Floorspace Over Five Storeys (four storey building with a five storey recessed), Three Units for Uses within A1/A2/A3, 97 Car Parking Spaces Split Across the Basement (85 no. spaces) and Ground Floor Level (12 no. spaces) and Associated Access and Landscaping
Applicant	C Squared Property Developments (Chippenham) Ltd
Town/Parish Council	Chippenham
Electoral Division	Chippenham Monkton – Cllr Murry
Grid Ref	392341 173794
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Murry to consider the scale of development, relationship to adjoining properties, design, bulk, height of the development, highway impact and car parking provision.

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 delegate authority to the Head of Development Management to **GRANT** planning permission, subject to conditions and completion of a S106 legal agreement within three 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 originally defined timeframe to then delegate authority to the Head of Development Management 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 is therefore contrary to Policies CP3 and CP43 of the Wiltshire Core Strategy Adopted January 2015

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development.

- Impact on residential amenities of adjoining neighbours.
- Impact on character and appearance of the area.
- Loss of non-designated heritage asset
- Impact of the development on the character and appearance of the Conservation Area
- Highway Impact

Chippenham Town Council raised no objection to the proposed development and 53 letters of objection have been received & 1 letter of support have also been received.

3. Site Description

The application site has a total area of approximately 0.97 hectares on the site of the former Wiltshire College and comprises a large vacant building adjacent to the new campus development.

The site is bound by residential dwellings to the south with the new Chippenham College Campus to the east. Cocklebury Road bounds the site to the north, beyond which lies Chippenham Rail Station and the associated car park. Sadlers Mead borders the site to the west and south, beyond which lies the Olympiad Leisure Centre and car park.

4. Planning History

N/08/02130/FUL	Demolition Of Existing Buildings And Erection of a New College Building Of Circa 12,000sq m Gross Internal Floor Area With Landscaping And Associated Works
13/06704/FUL	Demolition of Existing College Campus Buildings and Erection of New College Building with Landscaping and Associated Works- GRANTED

5. The Proposal

Demolition of existing buildings and the erection of a 140 unit extra care facility (Use Class C2) comprising of 21,602.6 sq m (gross external) of floorspace over five storeys, three units for uses within A1/A2/A3, 97 car parking spaces split across the basement (85 no. spaces) and ground floor level (12 no. spaces) and associated access and landscaping.

6. Local Planning Policy

Wiltshire Core Strategy Jan 2015:
 Core Policy 1- Settlement Strategy
 Core Policy 2- Delivery Strategy
 Core Policy 3- Infrastructure Requirements
 Core Policy 9- Chippenham Central Areas of Opportunity
 Core Policy 10- Spatial Strategy: Chippenham Community Area
 Core Policy 38- Retail and Leisure
 Core Policy 41- Sustainable Construction and Low Carbon Energy
 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 55- Air Quality
 Core Policy 56- Contaminated Land
 Core Policy 57- Ensuring high quality design and place shaping
 Core Policy 58- Ensuring the Conservation of the Historic Environment
 Core Policy 62- Development impacts on the transport network
 Core Policy 67- Flood Risk

Appendix D
Appendix E
Appendix G

Saved Policies of the North Wiltshire Local Plan:
NE14- Trees and the control of new development
NE18- Noise and Pollution
T5- Safeguarding
CF2- Leisure facilities and open space

National Planning Policy Framework 2012:
Achieving sustainable development – Core Planning Principles (Paragraphs 7 & 14)
Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)
Chapter 2- Ensuring the vitality of town centres
Chapter 6- Delivering a wide choice of high quality homes (Paragraphs 47, 49, 50 & 55)
Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)
Chapter 8- Promoting healthy communities (Paragraph 75)
Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)
Chapter 12- Conserving and enhancing the historic environment (Paragraphs 126, 128, 129, 132, 133 and 139)

7. Summary of consultation responses

Chippenham Town Council- *No objection to this development but for the following issues to be considered:*

- *Heritage impact*
- *Safety of two access points*
- *Traffic Volumes*
- *Parking provision*

Drainage- No objection subject to the development being carried out in accordance with the approved plans and supporting information

Conservation- No objection to the removal of the modern college building but the application also includes the demolition of a late Victorian brick building built as a Technical college for the town around the turn of the last century, this is located within the Conservation Area.

Although the building was not considered unique enough to be listed, it is a heritage asset and contributes to the character of the conservation area in terms of its architectural form, as well as its historical and communal values.

The replacement building will be set forward of the current building line fronting Cocklebury Road, will be considerably taller and will cover a larger proportion of the site. The design of the new building does not in any way reflect the scale and proportions of the current non-designated heritage asset, in effect removing all reference to the college building that is currently there.

Whilst this former college building is not a designated heritage asset, it does lie within the conservation area and is cited in the Chippenham Conservation Area Statement (2004) and the Conservation Area Appraisal (2007) as a positive landmark although comments are made about a loss of architectural importance through loss of the railings that were on top of the boundary wall. It is also cited in the Chippenham Conservation Management Plan (2010) where reinstatement of the railings in front of the technical college building is again mentioned, and also form, massing and scale of new development.

The significance of the technical college is not just via its aesthetic value but also its communal, evidential and historical value. (BS:7913 and Historic England Setting of Heritage Assets Good Practice Advice Note:3)

Although the concept of an extra care facility on this site is supported, it is considered that it is possible to realise a suitable scheme that retains the existing non-designated heritage asset and respects the scale, mass and form of the area. The scheme as shown does not do this and is contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the BS7913, The Setting of Heritage Assets-Historic England Good Practice Advice Note:3 and core policies 57 & 58.

Archaeology- No objection

Housing- In accordance with the Council's adopted policies there is a requirement for 40% affordable housing.

Tree Officer- The important trees within and adjacent to the site have now been protected by tree preservation orders. Subject to the protection of these trees during the construction phase no objection is raised.

Public Protection- No objection subject to conditions relating to lighting and the need for a construction management plan.

Ecology- No objection

Highways- No objection subject to conditions and a financial contribution for 'Way Finding (Signage)'. Three wayfinding fingerposts will be required at a cost of £2k each, so a total contribution of £6k will be required. This cost is based on the outline costs in the Chippenham Wayfinding Sign Placement study.

8. Publicity

The application was advertised by neighbour letter, site notices and press advert. These generated 53 letters of objection and 1 letters of support. A summary of the representations is set out below:

- Insufficient car parking
- Proposal too high, should be no higher than the existing building
- Loss of historic building unacceptable
- Too many residential units
- Development will result in no benefits for Chippenham
- Poor design- too much modern architecture in this part of Chippenham
- Over development of the site
- Increase in traffic would harm the area
- Increase in vehicles would result in poor air quality
- Site access is not safe- access to main car park is on a bend
- Basement car park will harm the residential amenities of the adjoining properties due to headlights shining into first floor bedrooms.
- Further retirement apartments not required in Chippenham
- Overlooking of adjoining properties
- Overbearing impact on adjoining properties

Victorian Society- Object to the demolition of the school as it would result in the loss of a non-designated heritage asset and harm to Chippenham Conservation Area. The public

benefits arising from this application are limited in that they are generic and could be delivered on a different site.

Chippenham Civic Society- Object to the demolition of the original College building. The college building makes a positive contribution to the cultural heritage of Chippenham and should/can be retain within any redevelopment of the site.

9. Planning Considerations

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 Plan saved in the WCS, forms the relevant development plan for the Chippenham Community area and must be awarded full weight in considering this application.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight. The NPPF encourages the reuse of brownfield land. One of the twelve core planning principles is “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*”

Paragraph 111 also says:

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

This site is identified in WCS Core Policy 9 Chippenham Central Area of Opportunity. WCS Paragraph 5.54 sets out the key principles to be addressed in developing Chippenham Central Area. All proposals for development in this area should establish appropriate high quality public realm and pedestrian and cycle routes to create a lively visual and social environment focused on linking all parts of the town with its centre. The site forms part of one of the Character Areas identified in the Chippenham Central Area Masterplan (Civic and Academic). The application only forms a small proportion of the wider character area, but this site is considered important to the regeneration of this area as it will provide an opportunity to see the removal of a currently vacant building.

Drainage

The site is shown to be in Flood Zone 1 according to Environment Agency mapping with some risk from surface water flooding for a 1 in 30/100 events for part of the site. Concerns were originally raised with regards to the use of a basement. However, additional information has been submitted to overcome the concerns originally raised.

The application has been supported with a site Specific Flood Risk Assessment (FRA) providing details such as of the existing storm disposal systems, a calculated flow rate from existing site and climate change allowance.

The original FRA climate change allowance of 30% was subsequently amended to the updated April 2016 EA requirements of 40%. All the original calculations on flows and storm drainage have been corrected and the correct and the size of soakaways & attenuation storage arrangements have been revised to ensure compliance. Subject to full conformity

with the submitted foul and surface water drainage details no objection is raised. The development is considered to accord with CP57 and CP67 of the CS.

Trees and Landscaping

The application was accompanied by a tree survey and constraints plan, having visited the site and reviewed the submitted information it was confirmed that there are two prominent trees on site which are now protected under TPO 2017/00018/IND (Copper Beech and Hornbeam). There is no objection to the removal of other trees marked for removal within the site.

The Tree Officer does have concerns with regard to how the outbuilding, which is situated to the south-west of the Copper Beech tree, will be demolished and the materials removed from site. Details will need to be provided within a Arboricultural Method Statement to show how this will be achieved without having a negative impact on this tree. Subject to suitably worded conditions there would be no objection and officers are satisfied that the development will accord with saved policy NE14 of the NWLP and CP57 of the CS.

Design, Character and Appearance of the Area

The immediate area consists a mix of designs, uses and buildings from various periods, though all properties directly front the road with or without off-street parking provision. The NPPF indicates that good design is fundamental to using land efficiently. It notes that Councils should facilitate good design by identifying the distinctive features that define the character of a particular area and careful attention to design is particularly important where a site is being intensified.

The principal elevation to fronting Cocklebury Road will be stone faced and other prominent elevations will feature stone detailing, to take reference from and reflect the quality and character of the significant buildings in the locality such as the station buildings opposite.

The new building will be larger and more prominent than its predecessor, however, this is not a negative and the proposal is considered to be a better focal point for the locality. The high quality design provides good articulation in both the horizontal and vertical planes and the building design is essentially vertical in emphasis. The, being set back into the development does not dominate the composition and the materials proposed are both high quality and reflect and compliment the local vernacular.

The flat roofed angular form, pared down detailing and appearance of the proposed building is in a similar vein to the appearance of the neighbouring recent Wiltshire College building and Swindon and Wiltshire History Centre. However, the proposal reflects the better elements of the area and is considered to be far better quality than any recent permissions and majority of the buildings within the locality.

The proposal does contain some information as to the principles relating to the hard and soft landscaping of the site but no firm details relating to species, planting plans or exact hard landscaping materials. Though the principles are acceptable, due to the limited information relating to the proposed hard and soft landscaping scheme a condition will be required requiring these details.

The materials are considered to be important to the finalised design and there is an expectation that these will be of the highest quality to ensure that it has a positive relationship with the surrounding conservation area and nearby listed buildings. The plans and application form state that natural stone will be used on prominent elevations but there are no specific details relating to the type. Similarly, the brick and render shown on the submitted documentation appears to be acceptable but no samples or specifics have been provided. It is therefore necessary to require these details by way of condition. Ensuring that

proper plants are selected and located in their optimal growing location, outdoor living spaces are functional and aesthetically pleasing, and appropriate materials are used for buildings, driveways etc is essential to any high quality development. It is therefore deemed reasonable and necessary to condition these details to be submitted and approved by the Council prior to the commencement of development.

Taking into consideration the above it is considered that the proposed development is high quality and therefore conforms with both the NPPF and CP57 of the CS.

Highways

Numerous concerns have been expressed by local residents with regards to highway safety issues. These matters are covered in detail below

Visibility splays at Sadlers Mead access points – The speed surveys that have been carried out in the submitted documentation are noted. Taking into consideration the revised 'Tree constraints' Plan and the removal of T20, T21, T22 and T23 officers are satisfied that the visibility splay outlined in the visibility drawing will be achieved. In this instance due to the guidelines contained in Manual for Streets (2007) and the NPPF (2012) and paragraph 32 'severity', it is considered that the accesses in and out of the site are adequate and compliant with CP57, CP61 and CP62 of the CS.

Servicing / Refuse collection – The original submission did not provide clear or adequate information for the arrangement for refuse and waste collection. A Council kerbside collection arrangement is deemed not acceptable in Sadlers Mead. The applicant has confirmed that the refuse/ waste collection for the commercial and residential units will be managed on a commercial basis. This will be controlled through the s106 agreement and via a planning condition. Furthermore, a component of the proposal is servicing via Cocklebury Road. This is not included in the application site or land within the applicant's ownership, the applicant has now provided officers with confirmation of legal rights to use this land for the servicing of the building, should planning permission be granted. Officers are satisfied that the proposed development, subject to an appropriately worded condition and s106 agreement result in compliance with policy CP57 of the CS

Car Parking – The submitted TA acknowledges that the level of parking provided is less than the minimum requirements set out in the council's adopted standards. The justification provided in the TA, set against the Council car parking standards is noted. It is considered that the submitted justification suitably addresses the car parking standards. Considerations need to take into account the nature of the proposal, town centre location/ facilities and public transport provision in the vicinity. Furthermore, the site is located in close proximity to numerous car parks in the vicinity and the large volume of TROs on adjoining roads to ensure car parking is managed on the Public Highway. Taking in account paragraph 32 of the NPPF, CP64 of the CS and Wiltshire Local Transport Plan 2011 – 2026 Car Parking Strategy the level of parking is considered to be acceptable.

The applicants have placed significant emphasis on the sustainability credentials of the site. To aid this 'way finding (signage)' will be required. Highway officers have confirmed that three wayfinding fingerposts will be required at a cost of £2k each, so a total contribution of £6k will be required and will be collected through the s106 agreement.

A1, A2 & A3 Use

As well as C2 units and communal spaces being provided by the scheme, there will also be 3 commercial units and a restaurant/café. Though these units are intended and designed to be predominantly used by the occupants of the units they will be accessible to the wider public.

Extra care is a form of Class C2 accommodation, with care, that enables older people to live with a degree of independence within purpose built, self-contained accommodation. They can cook in their apartments or they can use the onsite restaurant/café. This will allow for residents to have independence with flexible care and support from care teams when required and which can be gradually increased or decreased according to individual need.

Of the three commercial units the largest will have a total internal floor area no greater than 75 square meters with the total internal floor area of the three units being less than 190 square meters. Core Policy 38 of the CS requires that all proposals for edge-of-centre or out-of-centre retail or leisure development in excess of 200 sqm gross floorspace, which are not within a town centre, are accompanied by an impact assessment. As the cumulative floor area is less than 200 sqm there is no need for the assessment to be undertaken.

Providing conditions are attached to any consent restricting the maximum floor area for any one use it is considered that the proposed uses are acceptable in this location and compliant with CP38 of the CS. Furthermore, the provision of an active frontage on this key elevation helps to integrate the development with the wider street scene and thereby according with the wider regeneration principles of this part of Chippenham.

Impact on Residential Amenity

Concerns and objections have been raised by local residents living in Sadlers Mead with regards to the development's impact on privacy, overbearing nature of the development and the harm caused to amenity by the access into the underground car park. These matters are considered in turn below:

Underground Car Park- The property opposite the underground car park entrance/exit (2 Sadlers Mead) is concerned that cars entering and exiting during the night will result in headlights and brake lights shining into habitable windows and thereby harming their residential amenities. Additional plans, including a section have been provided to demonstrate that the access into the car park is almost level. It is considered that the situation of headlights shining into this property from the entrance will be no different to disturbance currently experienced. In this regard the development is considered to accord with CP57 of the CS and the access isn't considered to result in harm to the residential amenity of existing properties.

Privacy & Overbearing impact- Concerns and objections have been submitted to the Council relating to the proximity and height of the wings backing onto properties in Sadlers Mead, the closest property being 1 Sadlers Mead. In consideration of the application it is important to consider any proposal on its merits but also the existing site circumstances.

There is currently a substantial building approximately 10m from the boundary of 1 Sadlers Mead, this is the base line for the consideration of the application. It is accepted that the development currently proposed will see a three storey block of residential units approximately 10m from the number 1's boundary, however, the proposed block is not dissimilar in scale or proximity to the building currently on site. The building will have the majority of habitable windows on the opposite elevation to Sadlers Mead, with only a single window serving the kitchen looking out towards the Sadlers Mead direction. Taking into consideration the existing site circumstances, the proposed layout of the closest units to Sadlers Mead and orientation of the proposed properties it is considered that the proposal will not result in any adverse impact on the residential amenity of properties within Sadlers Mead.

There is also another block that local residents have expressed concerns with. This block is further to the North and is 5 stores in height. The block is located in excess of 30m from the boundary of the nearest residential property. Taking into consideration the separation

distance and the orientation of the block (facing towards the East) it is considered that the proposed development will have no significant adverse impact on the residential amenity of the local residents and thereby conforms with CP57 of the CS.

Heritage

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.

The Council’s Conservation Officer and the applicant’s Heritage Assessment agree that the original Chippenham College building is an undesignated heritage asset, it makes a positive contribution to the townscape and that the loss of the building would result in less than substantial harm to the Conservation Area. The matter in dispute is the precise level of less than substantial harm and the significance of the asset. The submitted Heritage Statement grades the significance of the asset as low and the Conservation Officer has not reached a conclusion on this matter.

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, no matter what the level, it is in conflict with the policy. As the proposal fails to conserve or enhance the heritage asset (due to complete loss of it) the development is in conflict with CP58. This is a matter that weighs against the scheme in the planning balance. The issue of harm to the conservation area is covered later in the report.

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.

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 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.

A recent request to list the building was received by Historic England and they determined that the building was not worthy of Listed building status. Though an interesting building it is considered that the building is of local interest only and as such its significance as an asset is low. The complete loss of this building is unfortunate but it’s quality and contribution are not so great as to warrant retention when taking into consideration the significant benefits of the scheme set out below.

The public benefits of the scheme are significant. The proposal will allow the delivery of much needed market housing (C2) as well as a financial contribution for the provision of offsite affordable housing, the proposal will also provide a CIL payment. Landscape improvements in the locality including the removal of the existing, unsightly College building and its replacement with a high quality development constructed in largely natural materials more akin to the locality and improvements of the immediate public realm. The development will also provide jobs during the construction phase of the development as well as jobs once the apartments, A1, A2 & A3 units are complete. These are significant public benefits of the scheme to which it is considered that significant weight should be afforded to it, furthermore it is considered that they outweigh the less than substantial harm that would arise from the development, to which should be given considerable importance and weight. Given this conclusion of the 134 balance it is considered that in these terms the application is not in conflict with the NPPF and planning permission can be granted.

As set out earlier in the report, the original building is located within the conservation area and the remaining modern extensions to the building are not, however, they do contribute to its character and setting. The conservation officer is of the opinion that the development is harmful to the setting and character of the conservation area due to the loss of the original building.

The comments of the officer are noted however, it is considered that the impact on the conservation area is at worst neutral. It is accepted that the original building is a pleasant which positively contributes to the conservation area. However, it isn’t listed and the proposal also involves the removal of the modern extensions which have no architectural merit and have a negative impact on the setting of the conservation area. The application sees the construction of a high quality, appropriately designed replacement building with landscaping scheme which will be an enhancement to the character of the area and therefore have, at worst, a neutral impact; at best a positive impact on the significance of the designated asset. In the absence of harm, there is no need to weigh public benefits against the impact. The development is therefore not in conflict with the NPPF or Core Policy 58. However, even if it was agreed that harm to the conservation area has occurred it is considered that the benefits of the scheme, as set out above, would out weight any identified harm and would therefore not conflict with the NPPF in that respect.

Ecology

The application was accompanied by two ecology statements, the first dated February 2017 and the second dated June 2017.

During the Preliminary Ecological Assessment for Bats undertaken in February 2017 Building E was assessed as providing High suitability for roosting bats. During the internal inspection on 7 June no evidence of bats was recorded and no access opportunities into loft spaces were recorded. One common pipistrelle was recorded entering during a dawn survey undertaken in May 2017. Based on the results of the emergence and dawn re-entry surveys, as well as the limited opportunities recorded during the internal inspection, the building is considered to be used by low numbers of common pipistrelle and has been assessed as an occasional day roost.

A mitigation strategy is included within the June 2017 report and should planning permission be granted this will be controlled by way of condition. Subject to the imposition of an appropriately worded condition it is considered that the development accords with CP57 and CP50 of the CS.

Viability

The Affordable housing policy requirement for the site is 40% at nil subsidy. Based on the proposed 140 unit scheme 56 units on site units will be required. Due to the nature of the accommodation and difficulty in finding an affordable housing provider willing to take on the accommodation an offsite commuted sum is deemed to be appropriate. An offsite contribution would equate to: £2,279,380.

The Council instructed Cushman & Wakefield to provide viability advice relating to this site and requested that they review the statement submitted by the applicant. The assessment of the information has been thorough and has been checked by Mark Hunnybun, Strategic Projects and Development Manager, who has agreed with the conclusion of the final report.

After protracted negotiations a sum for an off-site affordable housing contribution has been agreed with the applicant. The sum of £370,000 has been agreed with the applicant and this payment is in addition to the money that must be paid as part of the development's CIL liability of £1.391m

10. S106 contributions & Viability

- Affordable Housing commuted sum- £370000
- 3x way finding (signage)- £6000
- Management company to maintain open space
- Management Company arrangements for commercial collection of waste

11. Conclusion (The Planning Balance)

It can be seen from the analysis above and that some Development Plan policies are offended by the proposal and that the proposal, not least because it results in harm to a designated and non-designated heritage asset, is not Development Plan compliant.

However, as also noted, 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 benefits of the scheme are clear. It would bring forward much needed market and affordable housing. 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 and new homes bonus.

Set against these benefits there is some harm to the conservation area. However, it has to be acknowledged that there is benefits to the character and appearance of the conservation area through the removal of the existing unsightly modern extensions and the high quality development being proposed. In this case the harm is not so great as to justify refusal as the harm caused by the proposal does not come close to outweighing the benefit, let alone “significantly and demonstrably”.

This scheme would have a positive impact on the way the settlement looks and functions, indeed the Core Strategy is seeking to redevelop this part of Chippenham. Those benefits would not come at the cost of extensive landscape harm, harm to heritage assets or ecology. They would not damage the objectives of the plan and would sustainable development on a brownfield site.

The proposed development therefore complies with the Framework. To the extent that it is necessary to find that it breaches certain development plan policies, it might be contrary to the development plan as a whole; under s.38(6), however, the benefits and compliance with the NPPF provide the material considerations that indicate that permission should be granted in any event.

On balance, the public interest is best met by resolving to approve the application.

RECOMMENDATION

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 delegate authority to the Head of Development Management to **GRANT** planning permission, subject to conditions and completion of a S106 legal agreement within three 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 originally defined timeframe to then delegate authority to the Head of Development Management 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 is therefore contrary to Policies CP3 and CP43 of the Wiltshire Core Strategy Adopted January 2015

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

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

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

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

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

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

4 No external natural stonework shall be constructed on site, until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

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

- * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- * finished levels and contours;
- * means of enclosure;
- * all hard and soft surfacing materials;
- * minor artefacts and structures (e.g. furniture, planters, and other storage units, signs, lighting etc);

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or [DELETE as appropriate] 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.

6 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.

- 7 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 (2012): "Trees in Relation to Design, Demolition and Construction -Recommendations". 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: 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 enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

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

REASON: In the interests of highway safety.

- 9 The A3 unit hereby approved shall be brought into use, until details showing ventilation and extraction equipment within the site (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority, and the approved ventilation/extraction equipment has been installed in accordance with the approved details. The approved ventilation and extraction equipment shall thereafter be maintained in a serviceable condition in accordance with the approved details.

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

10 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

11 The development hereby permitted shall be carried out in accordance with the following approved plans:

AA6717-2001 REV A

AA6717-2002 REV A

AA6717-2003 REV A

AA6717-2115 REV B

AA6717-2110 REV C

AA6717-2111 REV B

AA6717-2112 REV A

AA6717-2113 REV B

AA6717-2114 REV A

AA6717-2116 REV B

AA6717-2600 REV B

AA6717-2400 REV A

AA6717-2401 REV A

AA6717-2402 REV A

AA6717-2403 REV A

AA6717-2404 REV A

AA6717-2405 REV A

AA6717-2601 REV B

AA6717-2700

AA6717-2701 REV A

AA6717-2602

AA6717-2604

AA6717-1032 REV D

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

- 12 None of the individual units of residential accommodation at the development shall be used otherwise than as a private place of residence for a person or persons of whom at least one must be a 'qualified person' (defined below) at the date of his or her first occupation of the unit in question.

For the purposes of this schedule a 'qualified person' means a person who is or has attained the age of 65 years and thereby in need of personal care by reason of old age or by reason of disablement. (whether or not such person suffers from a registered disability under the terms of the Chronically Sick and Disabled Persons Act 1970). An occupier of one of the individual units of residential accommodation who is not a 'qualified person' but who shares or previously shared the accommodation with a 'qualified person' (e.g. a spouse or surviving spouse) must have attained the age of at least 55 years.'

REASON: The application has been considered on the basis of occupation by elderly persons in class C2 accommodation and the Local Planning Authority wishes to consider any future changes to occupation of the building.

- 13 The development hereby permitted shall only be used for the purposes specified in the application and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON: The application has been considered on the basis of occupation by elderly persons in class C2 accommodation and the Local Planning Authority wishes to consider any future changes to occupation of the building.

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

in relation to that contamination.

Step (i) Site Characterisation:

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

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to:
 - * human health,
 - * property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - * adjoining land,
 - * groundwater and surface waters,
 - * ecological systems,
 - * archaeological sites and ancient monuments;

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a

Step (iv) Reporting of Unexpected Contamination:

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

Step (v) Verification of remedial works:

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

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

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

Step (vi) Long Term Monitoring and Maintenance:

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

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

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

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

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the

approved construction method statement.

REASON: The 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 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.

- 17 There shall be no subdivision of, extension to or amalgamation of the A1, A2 and A3 units shown on the approved plans.

REASON: The proposed use and size of the units is considered acceptable but the Local Planning Authority wish to consider any future proposal as it may result in conflict with the Wiltshire Core Strategy.

- 19 (i) No deliveries shall be made to or collections made from the A1, A2 or A3 units hereby approved except between the hours of 06:00am and 22:00pm Monday to Saturday and 07:00am and 17:00pm on Sundays.

(ii) There shall be no use of reverse beepers on delivery or collection vehicles between 06:00am and 07:00am Monday to Saturday and between 07:00am and 09:00am on Sundays.

REASON: To limit the impact of the development on adjacent residential amenity and prevent undue disturbance

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the A1, A2 and A3 units shown on the approved plans site shall be used solely for purposes within these use Classes of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same classes, having regard to the circumstances of the case.

- 21 The A1 and A2 use hereby permitted shall not be open to the public except between the hours of 08:00am to 22:00pm on Monday to Saturday, 09:00am to 18:00pm on Sunday & Public Holidays.

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

- 22 There shall be no customers/members of the public within the A3 unit hereby approved except between the hours of 07:00am to 22:00pm on Monday to Saturday, 07:30am to 20:00pm on Sunday & Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 23 No development shall commence on site (including any works of demolition), until a Commercial Waste Management and Collection plan, which shall include the following:

a)Means of collection of commercial waste;

b)Means of collection of clinical waste;

c)Measn of collection of domestic waste;

d)Details of the operator

e)Procedures and plans setting out how all waste will be collected to ensure that collection vehicles are not parked on the public highway.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full. The collection of waste shall not be carried out otherwise than in accordance with the approved statement.

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 minimise detrimental effects to the highway network, the amenities of the area in general.