

## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>18 December 2024</b>
<b>Application Number</b>	<b>PL/2022/05783</b>
<b>Site Address</b>	<b>Land to West of Care Home (Former Divisional Police Headquarters), Wood Lane, Chippenham, SN15 3HS</b>
<b>Proposal</b>	<b>Development of 17 No. dwellinghouses (Use Class C3), including 7 no. affordable units, associated works, and demolition of the existing car park structure</b>
<b>Applicant</b>	<b>Woodsome Estates Limited</b>
<b>Town/Parish Council</b>	<b>Chippenham Town Council</b>
<b>Electoral Division</b>	<b>Chippenham Hardens &amp; Central ED</b>
<b>Grid Ref</b>	<b>392113 172940</b>
<b>Type of application</b>	<b>Full planning application</b>
<b>Case Officer</b>	<b>Olivia Tresise</b>

### Reason for the application being considered by Committee

Councillor Liz Alstrom considers that there are material differences between the original consented scheme for 8 dwellings and the current scheme of 17 dwellings. In addition, the proposed loss of so many trees, which would have an adverse effect on the landscape of the site in Chippenham, therefore the application has been called-in to the North Area Planning Committee for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Design - bulk, height, general appearance
- Environmental / highway impact
- Car parking (use)

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider recommendation that the application be approved.

### 2. Report Summary

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

- Principle of development
- Heritage Assets
- Design, Visual Amenity
- Residential Amenity
- Highway and parking provision
- Arboriculture and Landscape
- Ecology
- Flood Risk and Drainage
- Environmental Protection
- Climate Change and Water Efficiency

### **3. Site Description**

The application relates to a parcel of land to the west of Care Home (former Police Station) on Wood Lane in Chippenham. The site is within the settlement boundary of Chippenham. It slopes significantly from the northeast to the southwest. It is bounded by residential development to the north (Fuller Close) and the south (The Paddocks), with carpark to the west and Flowers Manor Care Home to the northeast. It is currently overgrown and disused, comprising of some hardstanding and a two-storey car park.

### **4. Planning History**

The site has been subject to a number of applications, the following applications are particularly relevant to the determination of this application:

18/07381/FUL	Demolition of Former Police Station and Westmead School and the Erection of a 66 no. Bed Care Home for the Elderly. Approved with conditions, 20 <sup>th</sup> September 2019
18/11019/FUL	Development of eight houses on the land to the rear of the former police station, Wood Lane, including the demolition of the existing car park structure. Approved with conditions 19 <sup>th</sup> December 2019. It is noted that a letter with photographs dated 3 <sup>rd</sup> January 2023 to confirm that the development permitted under this planning permission was commenced on 15 <sup>th</sup> December 2022. Condition 3, 10, 11, 12, and 21 are pre-commencement conditions.
PL/2022/07997	Discharge of Conditions 03: Archaeology & Condition 11: CEMP on 18/11019/FUL (Particulars of Development: Development of eight houses on the land to the rear of the former police station, Wood Lane, including the demolition of the existing car park structure). Condition 11 is discharged.
PL/2022/08934	Discharge of Condition 12 (Contamination Investigation and Remediation Measures) and Condition 21 (Arboricultural Method Statement) on 18/11019/FUL (Particulars of Development: Development of eight houses on the land to the rear of the former police station, Wood Lane, including the demolition of the existing

car park structure.) Condition 12(i) and 12(ii) are discharged, Condition 21 is discharged.

PL/2022/09324 Discharge of Condition 10 on 18/11019/FUL (Particulars of Development: Development of eight houses on the land to the rear of the former police station, Wood Lane, including the demolition of the existing car park structure.) Condition 10 is partially discharged.

N/09/02212/TCA Fell 12 no. Conifer trees. Approved 21<sup>st</sup> January 2010

N/87/02474/DP3 Deemed application Reg. 4 Construction of two storey extension to police headquarters and extension to existing car park area. Approved 27<sup>th</sup> November 1987

## 5. The Proposal

This application seeks planning permission for the development of 17 no. dwelling houses (Use Class C3), including 7 no. of them are affordable housing units, associated works, and the demolition of the existing car park structure on land to west of care home (Former Divisional Police Headquarters), Wood Lane, Chippenham.

Since the submission of the original proposal, an amended proposal and additional information were submitted to address concerns received. One of the main changes to the original proposal is to change from 17 no. affordable housing units to 17 no. dwelling houses with affordable housing units. The latest scheme has been subject to consultation. In addition to the drawings, the following documents were submitted with the proposal:

- Planning Statement
- Design and Access Statement
- Affordable Housing Statement
- Transport Statement
- Heritage Statement
- Drainage Statement
- Geotechnical Phase – Geotechnical and Contaminated Land Report
- Archaeological Evaluation
- Tree Survey, Arboricultural Impact Assessment, and Tree Constraints Plan
- Ecological Appraisal
- Biodiversity Net Gain Assessment
- Bat Emergence and Reptile Surveys dated December 2022
- Landscape and Visual Appraisal
- Construction Environmental Management Plan
- Site Waste Management Plan

## 6. Planning Policy

National Planning Policy Framework (December 2023)

Section 2 Achieving Sustainable Development

Section 4	Decision-making
Section 5	Delivering a sufficient supply of homes
Section 9	Promoting Sustainable Transport
Section 12	Achieving well designed places
Section 14	Meeting the challenge of climate change, flooding and coastal change
Section 15	Conserving and enhancing the natural environment

### Planning Policy Practice Guidance

#### Wiltshire Core Strategy (WCS) (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	Chippenham Community Area
Core Policy 50	Biodiversity and Geodiversity
Core Policy 51	Landscape
Core Policy 57	Ensuring High Quality Design and Place Shaping
Core Policy 58	Ensuring the Conservation of the Historic Environment
Core Policy 60	Sustainable Transport
Core Policy 61	Transport and New Development
Core Policy 62	Development Impacts on the Transport Network
Core Policy 68	Flood Risk

#### North Wiltshire Local Plan 2011

Saved Policy NE14 Trees, site features and the control of new development  
 Saved Policy NE18 Noise and pollution

Housing Land Supply Statement – Published June 2024 (Base date: April 2023)

Waste storage and collection: guidance for developers Supplementary Planning Document

Chippenham Conservation Area Statement Dec 2004  
 Chippenham Conservation Area Appraisal Nove 2007 (Revised)  
 Chippenham Conservation Area Management Plan Adopted 27 April 2010 as Supplementary Planning Guidance

## **7. Consultation Responses**

Environment Agency: No objection subject to conditions and informatives in relation to the contaminated land, water efficiency and climate change.

*Contaminated Land* - Based on the relatively low levels of contamination and the ground conditions reported in the Phase II Geotechnical and Contaminated Land Report (Integrale Limited, April 2014) submitted in support of the application we consider the proposed development poses a relatively low risk to controlled waters. Due to the nature of the site investigation, there does however remain the potential for previously unidentified contamination to exist that could be mobilised during development and cause pollution of the nearby secondary A aquifer and/or the River Avon. The Agency request the inclusion

of a condition in any permission granted to help manage the risks from previously unidentified contamination.

*Water Efficiency and Climate Change* - The incorporation of water efficiency measures into this scheme will:

- contribute to climate change resilience by minimising the impacts of drought (cumulatively)
- reduce abstraction pressure on water resources and riverine ecosystems
- benefit future residents by reducing water bills.

A condition is suggested to secure the above and such condition has been supported in principle by the Planning Inspectorate, to seek a scheme for water efficiency.

Chippenham Town Council:

*Latest proposal* - The Town Council considers that the amended plan to reduce the proposal from 100% affordable housing to the standard 40% affordable housing now tips the planning balance strongly in favour of a refusal given the adverse impacts the proposed development would have on trees, biodiversity, design, living conditions, and active travel, primarily as a result of the cramped and contrived site layout which does not make the most efficient or effective use of land, as detailed in the Town Council's comments of 21 June 2024.

*Earlier proposal* - There is no objection in principle to residential development on this brownfield site, given the previous consent for such in 2019. There have been changes to the NPPF in the interim period, as well as climate and ecological emergencies declared by the Town Council and others. There are also material differences between the consented scheme for 8 dwellings and the current scheme for 17 dwellings, which are summarised below:

*Affordable Housing* - The scheme proposes 100% affordable housing and this should be given substantial weight in the planning balance.

*Trees* - The belt of mainly Category B trees on the southern boundary of the site, abutting The Paddocks, could be retained. The proposed loss of these trees seems unnecessary, especially given that the previous scheme showed them to be retained. These trees currently provide screening of the application site and are in apparent good health. Given that this tree belt comprises around 11 category B trees and there are only 79 trees recorded on the site, the majority of which are category C and U, the unnecessary loss of these trees is reasonable grounds to object in itself. Additional trees could be retained by reducing the number of units and/or reconfiguring the site layout.

It is agreed that as individuals the trees in the woodland area are of limited quality (the majority are short-lived/over mature specimens such as goat willow or ash which is likely to succumb to ash dieback in the near future). However, the individual amenity of the trees is not the main concern here, rather the potential loss of habitat, or at the very least a carbon sink. Furthermore, the loss of this relatively large area of trees would certainly affect the landscape amenity of the area, regardless of individual quality.

*Landscape* - The loss of so many trees on the site, and the woodland in particular, would have an adverse impact on the landscape and visual impact

of the area, and the setting of Chippenham Conservation Area, particularly in views from the Paddocks and in long distance views across Westmead Playing Fields where the woodland provides a suitably landscaped edge to the countryside/river valley. The proposed planting of only 10 new trees (as shown on the landscape strategy plan) is not considered sufficient to mitigate for the loss. If it is not possible to replace existing trees with new trees on a 1:1 ratio on the site, a financial contribution should be made to offset the loss of existing trees by offsite tree planting in close proximity.

*Ecology* - Given the loss of the woodland, identified as being of ecological importance in the Ecological Survey, and the fact that no Biodiversity Assessment/Metric has been submitted, it cannot be demonstrated that there would be a biodiversity net gain as a result of the proposed development, which is required in order to comply with the NPPF and CP50 of the Wiltshire Core Strategy.

*Design & Living Conditions* - The design does not represent the high-quality design that is befitting of the site's location in Chippenham Conservation Area for the following reasons:

- The architecture of the proposed development appears confused. It is neither traditional, like the adjoining Flowers Yard development, nor of a high quality contemporary architectural style. It would have a utilitarian appearance, with UPVC windows, odd window sizes/placement, and a single material (reconstituted stone) being used throughout, with no detailing.
- The use of FOGs (flat over garages), and areas of leftover green space which would neither be private gardens nor publicly accessible amenity space, gives rise to concerns over the proposed site layout and potential overdevelopment. The Town Council is not convinced that the use of FOGs and two storey dwellings is the right approach for this site in order to achieve high density, and that three storey dwellings throughout may achieve a better site layout which then leaves room for retained trees/soft landscaping and greater private amenity space on the site.
- The large expanse of hardstanding for parking in combination with dead frontage at ground floor of the FOGs (garage doors/no ground floor windows) would make this section of the street scene appear distinctly bleak and harsh.
- Timber close boarded fencing to Plot 6, adjacent to the highway, would not present a suitable form of boundary treatment to the public realm.
- There would be no external amenity areas (gardens or balconies) for the occupiers of the FOGs
- There would be no integrated solar panels on the dwellings.

*Parking* - The provision of two parking spaces per household is considered to be unnecessary given the sustainable location of the proposed development within a few minutes' walk/cycle of the town centre. The concerns over the quantum and location of cycle parking, made by Chippenham Cycle Network Development Group, are shared.

In summary, the lack of 5yr housing land supply in Wiltshire means that the 'tilted balance' is engaged in accordance with Paragraph 11d of the NPPF, whereby relevant

policies for the supply of housing should not be considered 'up to date'. The test is then whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. It is considered that the adverse impacts on trees, biodiversity, design, living conditions, and active travel conflict with CP 50, 51, 52, 57, 58, 60, 61, and 64 of the Wiltshire Core Strategy, the National Design Guide and the NPPF, and would significantly and demonstrably outweigh the benefits of any affordable housing provision as it currently stands.

Archaeology Officer: No objection subject to condition seeking a written programme of archaeological investigation and the implementation of the subsequent approved programme.

The application area lies is located within an area archaeological significance in relation to the possible Saxon and Medieval development of Chippenham. The Archaeology Officer notes that the report on a 2014 archaeological trial trench evaluation, undertaken to support a different application, has been submitted as part of this application. However, the western, undeveloped part of the site was not subject to trial trenching. Therefore, an archaeological trial trench evaluation needs to be undertaken on the part of the site yet to be subject to trial trenching. The total length of trenching should be equal to approximately 4% of the area yet to be evaluated with a 1% contingency for further trenching should this be required. This trial trenching to be secured via a condition to be attached to any planning permission that may be issued.

Urban Design Officer:

Revised proposal: Point 4 (below) of the previous response appears to have been addressed. It is also noted that revisions were made to other, such as car parking, refuse storage / collection, and landscape, and these specifically matters for other specialist consultees [to comment].

Objection to the original proposal for the following reasons.

- 1) The proposed car parking arrangement would present a poor level of amenity for residents: Parking bays for houses 9, 10 and 11 are not placed across the front of their dwelling but across the front of adjoining dwellings 7, 8/9 and 10 respectively and whereas houses 7 and 8 have their parking spaces at a significant distance away under and in front of the Flats over garage. It would also be awkward for residents of houses 9, 10 and 11 to access from their front doors their car bays having to squeeze down side of / between and across the face of neighbour's cars in their bays and similarly for general access to these houses from the street would be poor without access width clear of these. The cycle storage siting for plots 7 to 10 would also require cycles to be taken down the steep slope of their rear garden and rear accessway.

The Case Officer feedback to applicant on the pre application submission in 2021 identified that 'a public footpath (CHIP23) runs to the west of the site. The scheme would benefit from a link from the site onto the footpath. A connection to the PROW (CHIP23) could be achieved to the southeastern corner of plot number 4 on the plan and this would establish pedestrian connectivity to the open space and the skate park and climbing centre'.

- 2) The proposed refuse storage arrangement would present a poor level of amenity for residents:
- Bin storage points for plots 5 to 17 are not shown or identified on the Landscape Strategy Plan, only the distanced communal collection points.
  - For flat over garage plot 5 and 6 (Dwelling Type A) and houses plots 12 to 17 (Dwelling Type D) this would appear to possibly be within the storage room shown within the rear of their garage. These would be cramped for the number of bins required as would access to reach and extract these down the side of a car (and cycles) and through the standard garage door width opening and this as an up and over door, would collectively be awkward and inconvenient. This would encourage and lead to bins being more easily left in the open on the front of the plot to the visual detriment of the street scene and potential obstruction to access.
  - For houses plots 7 to 10 it would appear the individual house refuse bins would possibly be accommodated within their rear garden alongside their rear gate but the Urban Design Officer notes from the Section drawings (Proposed Site Section AA) the considerable slope down the rear gardens in order to reach these and further significant gradient down the rear accessway to draw these to the communal bin store which would make this awkward. It would be extremely poor if these distanced bin stores (shown around 30 metres from furthest plot) were intended as the only bin storage for each house rather than just bin collection points only and residents had to carry their bagged waste frequently to these along the street and communal rear accessway and over a considerable distance from their house, and where the Wiltshire Council Waste Services SPD on domestic refuse for houses indicates wheeled bin storage required within each plot.
- 3) The Landscape Strategy Plan appears inadequate in the context and setting of the site: There appears to be a paucity of trees retained or proposed planting along the open space strip inside the southern boundary to help moderate the massing of the development as a backdrop to The Paddocks residential street and there is no planting shown to indicate the western boundary to help integrate the massing of built form on the slope viewed from the open space and recreation ground. It is not apparent what boundary treatment is to the site perimeter i.e., retained, enhanced or new. For robustness and lasting appearance, the timber fence shown to the side rear garden boundary of plot 11 facing the road would be inadequate and should also be a Rc stone masonry wall as for the wall shown to side rear garden boundary of plot 7.
- 4) The proposed use of RC stone for the facades of all dwellings reflecting the characteristic local stone, an intrinsic feature of the town, and for both front, side and rear facades also is appropriate particularly as rear elevations would also be clearly visible on the sloping site from the public realm. This should be a specified buff stone colour to reflect the local stone and not a 'grey' stone. The proposed reconstituted fibre cement grey slates to the roofs similarly appropriate and would reflect the quality of materials on the adjacent Flowers Yard development.



However expressed RC stone cills and heads to openings are absent on the proposed Elevations for each house Type. This would be visually poor and not match the quality of appearance set in the Conservation Area. This would not be inconsistent with the 'modern' appearance of the window proportions and fenestration. This would be visually odd where stone coursing is shown carrying directly across the head of each opening and RC stone cills and heads should be incorporated to rear and side elevations also as these would be seen in the public realm on the sloping site. Urban Design Officer notes that the Proposed Site Layout is a similar configuration to the Pre application layout of 2021 but with the number of dwellings reduced from 19 to 17 with houses in place of the flat block that was included. The Officers concerns that the pointes stated above would indicate that the proposed layout is still cramped and compromising amenity.

Highway Officer: Raised concerns to the original proposal but have no objection to the revised proposal subject to conditions. Comments to the revised proposal are as follows:

The proposal site has an existing permission for the development of housing, but this latest proposal is for an increase in the quantum of dwellings provided to 17. The Officer would not raise a highway objection on principle, however there are some issues that need addressing.

The amended plans show an improved surface water runoff scheme. The gullies and connectors indicated as highway storm gully would be acceptable and form part of an adoptable layout should the scheme be offered as such. Provided the rest of the runoff collection is covered under S104 agreement then the Officer would have no further objection to highway drainage matters.

The proposal provides a quantum of parking to meet minimum standards, however the arrangement of parking means that frontage parking to plots 9, 10 and 11 are not directly in front of the dwellings with plots 9 and 10 having no frontage parking but an inconvenient arrangement with rear parking on a down slope. This may lead to parking on the highway as occupiers of the dwellings as they move in will seek desired areas for parking for their own convenience. This may lead to displaced parking on the highway and a negative unintended consequence of an overcrowded development.

While the transport plan indicates that each unit will have a dedicated EV charge point, the parking arrangement will produce its own challenges to this aim. Plots 3 and 4 have parking allocated to the side where an arrangement for each to have a dedicated EV charging station may be difficult to provide.

Plots 1 and 2 have a contrived allocated parking arrangement shown, where parking is allocated some distance from the dwellings. This is likely to encourage parking on the highway to the front of the dwellings and lead to obstruction issues especially for service vehicles.

The Officer would therefore recommend that should the development be offered for adoption a TRO would be required to install parking restrictions to protect the turning head from being parked on.

If the proposal is offered for adoption under a S38 agreement, then it would be preferable for waste collection on street. With a turning head in the scheme then a

waste vehicle would be able to manoeuvre through the development turning within the turning head, provided this could be demonstrated to the satisfaction of Highways.

There is a potential and desire for pedestrian connectivity to be achieved with the ROW CHIP23 which would provide a useful pedestrian link to the public open space and to The Arc skate park and climbing facility, that has now been indicated within the indicative site plan.

A CEMP detailing access arrangements to the site and management of HGV movements through Flowers Yard is needed. A temporary traffic regulation order (TTRO) to provide for adequate access to Fuller Close and if necessary, along Flowers Yard to protect parked cars.

Highway Officer would not wish to raise a highway objection subject to the conditions suggested in this report being applied to any permission.

Drainage Engineer: Raised concerns to the original proposal but support to the revised proposal subject to conditions as additional information have been provided.

The latest proposal does not change how surface water to be managed on the development, and therefore the Drainage Team maintains that the current drainage response from 6<sup>th</sup> June 2023 still applicable.

The following supporting documents have been reviewed:

- Drainage pre-app response (ENQ/2021/04382)
- Design and Access Statement - Dated 10 June 2022
- Planning Statement - Dated 19 August 2022
- Drainage Statement - Dated 17 May 2022
- Drainage Layout - June 2022
- Construction Environmental Management Plan - June 2022
- Impermeable Area Plan - June 2022
- Geotechnical & Contamination Plan
- Bin Store Plans & Elevations
- Drainage Layout P3 – May 2023
- Applicant's Drainage Consultant Response to comments – May 2023
- Wessex Water Consultation Response

The drainage team have reviewed the additional justifications and evidence provided by the applicant. The proposed development site was previously granted planning permission under 18/11019/FUL, however from a surface-water management perspective this was both for a smaller development (in terms of proposed dwellings). The Wiltshire SFRA, and EA mapping indicates that this site is at low risk of fluvial, pluvial, and groundwater flooding, as explained by the applicant. The applicant has provided revised hydraulic calculations (based on EA 2022 Climate Change Guidance), which have demonstrated that there is a viable drainage strategy for the site, which mitigates against increased flood risk as a result of climate change and urban creep. It is agreed that the applicant should seek to provide additional rainwater planters and waterbutts should be provided as part of detailed design in order to increase the level of source control and resilience in the future. It should be noted that bioretention systems could be designed with a connection into a piped drainage system, and subject to complying with Wessex Water's guidance: [sudsguide.pdf](#)

(wessexwater.co.uk) could be adopted by Wessex Water. Conditions are suggested in this report to seek detailed drainage details.

Ecology Officer: Raised concerns to the original proposal due to the lack of information, but have no objection to the revised proposal subject to conditions as additional documents have been submitted.

The following supporting documents have been reviewed:

- Bat Emergence & Reptile Surveys, Ref: EDA790a2022, Dated December 2022 by Hea Ecology Biodiversity Net Gain Assessment, Ref.: HEA790b2022, Dated 26/12/2024 by Hea Ecology Biodiversity Metric version 4.0 Date: 11/02/2024, Version: V3 by Hea Ecology
- Biodiversity Net Gain (BNG): Site Condition forms. Reference: HEA790c2022 (update 2023 & 2024) by Hea Ecology
- Proposed Landscape Strategy Plan, No: 0031, Rev: D, Dated 29/02/2024

Ecological Impact Assessment (EclA) is required. A European Protected Species (EPS) bat Mitigation Licence will need to be obtained from Natural England for the lawful construction of the proposed development.

Since the previous Ecology consultation responses, additional documents have also been submitted to this application:

- Bat Emergence & Reptile Surveys, Ref: HEA790a2022, Date: December 2022 by Hea Ecology
- Drawing: Proposed Landscape Strategy Plan, WLCP-O3S-XX-XX-GA-A-0031-S4-P10, Rev: P10, Date: 25.08.2023 by RHaR

The Bat Emergence & Reptile Surveys report confirmed the site hosts:

- Breeding population of slow-worms (20-25 individuals)
- Common pipistrelle and soprano pipistrelle Day roosts (1-2 individuals) in Building B
- Lesser horseshoe day roost (1-2 individuals) in Buildings A and B
- At least nine species of foraging/commuting bats: common & soprano pipistrelles, Leisler's,
- noctule, lesser Horseshoe, long-eared and Myotis species Natterer's, Daubenton's and
- Whiskered/Brandt's. In addition, serotine were recently historically recorded in this area.

In addition, The Ecological Appraisal by Aspect Ecology confirmed the site hosts:

- Breeding birds of Local importance
- Terrestrial mammals
- Badger

Mobile species such as badger have been confirmed on site, and it is considered likely for the site hosts suitable habitat for badger setts. Therefore, the conditioned CEMP (if this application is approved) should include the suitable pre-construction surveys and other measures to ensure badgers and the other relevant protected species/habitats are suitably protected. The CEMP itself should be informed by details of walkover ecology surveys carried out no more than 12 months prior to submission of the plans.

Reptiles: A Reptile Mitigation Strategy will need to be secured by condition if this application is approved. Reasoning supported by evidence will be required on why the receptor site is suitable to receive the population of reptiles from the site and how it can be protected and enhanced to support these species. The translocation methodology will need to be detailed in the conditioned Construction Environment Management Plan (CEMP).

Furthermore, the detailed specification of the 5m x 5m x 2.8m bat mitigation roost structure should be conditioned if this application is approved Biodiversity Net Gain.

The recently submitted documents suitability address the information request. It should be noted that the above comments are reliant on the accuracy and completeness of the submitted reports (EclA and BNG metric calculation), and the Council do not take any responsibility for incorrect data or interpretation made by the authors.

Arboricultural Officer: No objection.

The Arboricultural Officer noted the content of the Tree Survey, Arboricultural Impact Assessment & Tree Constraint Plan prepared by WH Landscape dated June 2022. Eighty-one trees have been surveyed on or adjacent to the site. The species consist of Sycamore, Ash, Goat Willow, Alder and Lime. There are three 'A' category trees on site T78, T79 and T80 all Lime trees, these trees are shown as being retained.

Fourteen trees have been categorised as 'B'. A number of these trees have been highlighted for removal due to their close proximity to the existing car park which is to be demolished and a raised concrete drain which is located on the south-west corner of the car park. Removal of these structures will destabilize the ground and damage the rooting areas of these trees therefore making these trees unable to be retained. Removal of these trees will also leave the remaining trees open to wind blown due to their similar height structure and form. Six trees are categorised as 'C' which should not be considered a constraint on site.

Due to poor structural condition and limited life expectancy, 58 trees have been given a 'U' category and should be removed. These trees consist of Ash which are clearly in decline due to Ash Dieback, Goat Willow as they are in form structural form and Elm which have a limited life expectancy due to Dutch Elm Disease. T31 Ash which is located on adjacent land which should be considered for removal due to its condition. As this is an off-site tree, it is noted that the northern part of the RPA of this tree will have a slight encroachment due to proposed parking spaces.

Mitigated planting is proposed for the loss of trees on site, but due to the proposed restricted environment, it will not be possible to replant on a 1:1 basis. Therefore, consideration should be given to plant suitable trees that will be able to reach maturity without being under threat from being removed or damaged.

Landscape Officer

Latest proposal – A landscape holding objection is advised to be necessary until such time as the applicant demonstrates that the proposed tree planting locations within the development layout do not conflict with buried surface water drainage tanks and sewerage pipes / easements (with tree planting restrictions) and mature tree canopies will not conflict with any proposed highway lighting column locations.

Original proposal - There appears to be a clear conflict between the proposed surface water attenuation tanks and proposed tree planting locations on revised/additionally submitted plans. The Officer also notes that some tree planting locations appear to be proposed within existing sewage easements (which would normally preclude new tree planting). It appears that proposed street lighting column locations are not shown on any submitted drawings. This may present a further potential constraint to achieve the delivery of street trees in their currently proposed locations. Following the applicant's resolution of this conflict of their own design and layout making, Standard Model Wiltshire Planning Conditions WC1 & WC2 will be required to be attached to any Decision Notice granting Planning Consent requiring the submission of a detailed hard and soft landscaping scheme along with requirements for its successful establishment and maintenance. Any S.106 agreement should clearly incorporate management responsibility and arrangements for landscaping areas in perpetuity etc.

#### Public Protection Team –

Latest proposal – No objection subject to conditions relating to construction noise and vibration, and contaminated land.

*Construction noise and vibration* - The construction management plan submitted by Woodsome Estates dated June 2022 shall be implemented and adhered to throughout the whole construction period.

*Contaminated Land* - The Integrale Limited Phase 2 report dated 2014 submitted as part of this planning application says that " It will be necessary to complete further checks testing once full access is available". As such, it is required a condition, suggested at the end of this report, to ensure the extent of any further contamination has been identified and a remediation strategy has been confirmed.

Police Liaison Officer – Comments are provided to the original scheme.

There are several alleyways created between plots giving access to the rear of the properties. Ungated alleyways are well known to increase crime in the immediate area and should be avoided. The alleyways between 2 and 3, and 13 and 14, and at the rear of 5 and 6, 16 and 17 must have a lockable gate at the top of the alleyway at the building line, to remove hiding places for offenders and provide safety and security for the occupiers and their property. Parking, when not on plot, should be visible to the associated home and allow occupants some ability to monitor their vehicles. To do this, they need to be in the immediate vicinity of the home. The parking for plots 1 and 2 is too far from the associated home and should be rethought. It is difficult to understand the rationale for the parking plots 7 – 11. There is the ability to have the parking for plots 7 and 8 to be outside the front of their own home, leaving the garage parking for plots 9, 10 and 11 to be linked to their garden giving access without the need for an alleyway, making the users safer and more secure. I would suggest that the access gate to plot 12 should be at the rear of the house where the building finishes to prevent the occupier having to walk the length of the garden to gain access.

Education Team

Latest proposal – No changes to the number or mix of proposed housing units. However, in the intervening time period, the Council have updated the school forecast and the case previously made for a developer S106 contribution towards expanding secondary school places is no longer valid. Latest figures indicate that there will be sufficient places available in the area at both levels to accommodate the demand arising from the development. As a result, the previous case for a funding contribution towards 3 new secondary school places is hereby withdrawn. Additionally, no case was made for early years contribution.

Original proposal – Assessment of 17 units – all are affordable housing (AH) and above one bed size. Exclusion/Discounts applied: Standard 3-% AH discount applied to all 17 units = a reduction by 5 units.

Number of properties qualifying for assessment is 12.

School places needed by DVLPT: PRIMARY = 4; SECONDARY = 3

Early Year	No requirement is needed as the provision in the area is sufficient to accommodate the demand generated by the proposal
Primary School Contribution Requirements	No requirement is needed as the town schools can accommodate the pupil product of this development within the existing capacities and forecast, without the need of expansion.
Secondary School Contribution Requirements	3 places x £22,940 = £68,820

### Housing Enabling Team

Latest proposal – It is noted the latest proposal is to deliver the site as mixed residential scheme of 17 units and therefore the following Affordable Housing policies will need to be applied:

Core Policy 43 of the Wiltshire Core Strategy, as currently amended by the National Planning Policy Framework, sets out a requirement for 40% on-site affordable housing provision: on all sites of 10 or more dwellings; or on sites of between 5 - 9 dwellings if the development site is 0.5ha or greater, within the 40% Affordable Housing Zone. The Affordable Housing should be secured, at nil subsidy, in a S106 Agreement. There would now be a policy requirement to provide 7 affordable units within the proposed scheme of 17 dwellings. We note that 7 affordable units are shown on the revised plan to the following mix:

Affordable Rented (4 units):

- 2 x 2 bed 4 person houses (Plots 12 and 13)
- 2 x 3 bed 5 person houses (Plots 3 and 4)

Shared Ownership (2 units):

- 2 x 2 bed 4 person houses (Plots 14 and 15)

First Homes (1 unit):  
1 x 2 bed 4 person house (Plot 16)

The Housing Enabling Officer can confirm that the above mix is in line with current demonstrable need and that the units will be built to, at least, 85% of the Nationally Described Space Standard (NDSS) relevant to the dwelling type and minimum person criteria and are, therefore, the identified plots are acceptable.

Earlier proposal - It is noted that there is a current planning permission linked to this site (0.428 ha) for 8 large residential units - which because of the site area and number of units regarding that particular planning application – did not include an Affordable Housing contribution (the policy triggers did not apply).

This full planning application proposes a 100% Affordable Housing scheme for 17 units. There has been no direct contact from the Applicant/Agent with the Housing Enabling Team regarding the option of a 100% Affordable Housing grant funded scheme. The Enabling Officers are aware, however, that some Registered Providers had been contacted directly by the Applicant/Agent earlier this year - but it was understood those discussions are not progressing based on the current layout being proposed. The Council's approved Registered Providers do normally seek the Housing Enabling Team's views – especially about proposed 100% Affordable Housing grant funded schemes to ensure the grant funding input would be supported and that the proposals meet the policy criteria as well as current delivery approaches and procedures.

*Policy Requirements* -A 100% Affordable Housing scheme would still need to meet the Council's Affordable Housing adopted policies, procedures, current approaches, as well as the grant funding criteria which the Register Providers will need to meet. Core Policy 45: The Wiltshire Core Strategy states that housing size and type will be expected to reflect that of the demonstrable need for the community within which a site is located. The mix now suggested is 2 and 3 beds only – for this community area and if a grant funded scheme - we would expect a wider range of bed sizes.

In order for a 100% Affordable Housing scheme of 17 units the mix, based on current demonstrable need and current approaches, the required mix would be: 60% Affordable Rented (could be Social Rent if grant funded) and 40% Shared Ownership to the following bed size/person criteria mix:

Affordable Rent (60%) = 10 units

4 x 1 bed 2 person flats/in house-style/maisonettes\*  
3 x 2 bed 4 person houses  
2 x 3 bed 5 person houses  
1x 4 bed 6 person house

Shared Ownership (40%) = 7 units

4 x 2 bed 4 person houses  
3 x 3 bed 5 person houses

Core Policy 46 also requires the proposal to demonstrate need for at least 10% of the affordable homes (2 units would be sought based on current need and scheme proposals) to be built to meet the adapted needs of older people or those with disabilities (built to meet Building Regulations M4(2) Category 2: Accessible and

adaptable dwellings standards). These units should be provided as \* 2 x Ground Floor rented 1 bed maisonettes built to the required standards and provided with a level access shower in order to be wheelchair accessible.

*Minimum Size and Design Standards* - All affordable homes would need to be built to, at least, meet minimum size standards of the Homes & Communities Agency's published guidance relevant to the dwelling type (or any subsequent design guidance which may supersede it), as well as to meet required minimum person eligibility criteria. To ensure that the Affordable Housing units are eligible for inclusion in Homes England's Affordable Housing programme, Officers would advise that all affordable homes are built to meet at least 85% of the Nationally Described Space Standard (NDSS) relevant to the dwelling type and minimum person criteria.

*Parking Requirements* - Flats over garages/commercial or retail units/courtyard entrances are considered unsuitable for affordable units. The affordable homes do not require garages (Officers do not accept integral garages/carports etc., for the affordable homes) but they do require sufficient parking bays as per current policy guidance:

- 1 x parking bay for each 1 bed affordable home;
- 2 x parking bays to be provided for each 2 or 3 bed affordable home,
- 3 parking bays for each 4 bed affordable home.

Parking bays should be provided in curtilage (i.e.: to the side or immediately in front of their relevant plot) and shared parking courts should be avoided for the affordable houses.

*Transfer to Registered Provider* - If supported as a 100% AH scheme, the completed affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a with subsidy basis. As this planning application is not being put forward by an approved Registered Provider (i.e.: they would not be party to the Agreement until they had purchased the site from the Applicant) restrictions would need to be made in the SI06 Agreement to ensure the scheme could only be delivered on this basis. The Local Authority would have nomination rights to the affordable dwellings and these would also be secured via the SI06 Agreement.

In summary, there is current demonstrable need for Affordable Housing in this Community Area but the proposed original scheme is not in line with current policy approaches and procedures – especially now a 100% Affordable Housing scheme is being proposed which would only be for rented or shared ownership tenures. The proposed house types (FOGs and 3 storey houses with integral garages) would not be accepted in our Affordable Housing mixes and the suggested parking layout for these homes would need to be amended to in curtilage parking bays.

### Public Open Space

Using the dwelling mix provided it is calculated the requirement for the 17 dwellings to be 900m<sup>2</sup> of open space and 78m<sup>2</sup> of play. Regarding the bramble scrub, the officer advised that as this is classed as biodiversity, it cannot be considered as open space. Open space is defined as a place where that can be used to people can walk or



children play ball. Hence why the bramble scrub cannot be included as natural open space.

In this instance, as the proposal would not be able to provide the required 900 square metres of public open space, there is a shortfall of the provision of public open space. The shortfall to be met as an **offsite contribution of £14,994.10** and Monkton Park is identified as a possible area for this off-site contribution or other facilities in the vicinity of the development.

In addition, with regard to **play equipment** there does not appear to be anything included on the plans, therefore **an offsite contribution of £11,232** would be sought to cover this too.

The development also generates a requirement for 588m<sup>2</sup> of **sports pitches** which equates to an **off-site contribution of £5,880.00** and I have contacted the Council's Leisure Strategy Infrastructure Officer to provide details of the target site for this contribution.

Summary table:

<b>Required contribution</b>	<b>Amount</b>
Off-site public open space	£14,994.10
Play equipment	£11,232.00
Sport pitches	£5,880.00
<b>Total</b>	<b>£32,106.10</b>

Any on-site Equipped Play would need to be provided as per the Wiltshire Council Play Specification. All on-site POS and Equipped Play needs to be secured and managed in perpetuity. Wiltshire Council will not adopt the on-site POS or Equipped Play.

Waste Management - Support subject to conditions

*Provision of containers for waste and recycling:* The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. The following s106 contribution is required for the provision of this essential infrastructure to make the application acceptable in terms of the policies listed below:

<b>Property type category</b>	<b>Contribution per house/per category</b>	<b>Quantity</b>	<b>Total</b>
Individual house	£101	4	£404.00
Bin store for block of 1-5 flats per flat	£101	7	£707.00
Bin store for block of 6-10 flats	£815	1	£815.00
Bin store for block of 15-18 flats			£ 0
		<b>Total</b>	<b>£ 1,926.00</b>

*Vehicle access* - Vehicle tracking is required to demonstrate that refuse collection vehicles (RCVs) can move through the development and turn at the ends of roads, especially taking account of cars parked in allocated spaces and at the roadside. Adequate turning room should be provided to take account of the restrictions on carry distances for residents set out in Part H of Building Regulations (25m), the limitations on carry distances for waste collection crews, where the vehicle should be able to stop within 10m of a collection point (see section 4.4 of the attached guidance) and due to the requirement to minimise reversing to meet the requirements of BS 5906:2005. Tracking on plans at reserved matters stage should demonstrate the sufficiency of vehicle access.

Concern if parking is exceeded outside the visitor parking bay the collection vehicle may not be able to manoeuvre causing obstruction of the road. This in turn could affect future waste collections. The addition of no parking or double yellow lines could mitigate this.

The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption. The required arrangements are set out in section 5.8 of the Waste storage and collection: guidance for developers Supplementary Planning Document

*Collection points* - Each dwelling should have a collection point that is on level hardstanding off any roadway or footway at the curtilage of the property, as further described in section 5.2 of the waste SPD. Plans should identify these areas for each dwelling and demonstrate that they do not impact on space available on driveways and that soft landscaping won't prevent or encumber the collection crew when emptying bins.

*Storage points* - In accordance with the guidance in section 5.4 of the Waste SPD, plans at reserved matters stage should demonstrate that each property has suitable storage space that takes account of the guidance. Showing containers to scale in situ will help to demonstrate compliance.

*Routes between storage and collection points* - As noted in the 'Vehicle access' section above, residents should not have to carry their waste containers more than 25m from the storage point to the collection point. Plans should demonstrate that this is achievable for each dwelling, preferably with a supplementary table listing the carry distances per dwelling, for ease of reference. Section 5.3 of the waste SPD provides further details on matters to consider when designating these routes.

*The collection service for flats* – If final designs include communal bin stores for flats, the detailed guidance in section 5.6 of the attachment should be followed. Particular attention should be paid to the location and accessibility of bin stores, as the RCV should be able to park within 10 metres of the store without obstructions and with dropped kerbs in place to enable the bins to be safely manoeuvred to the rear of the RCV. We have experienced problems where poor location, insufficient storage space or doorways of inadequate width mean that services can't be delivered, which impacts on the quality of life of residents as waste accumulates. Final designs should demonstrate how these problems are mitigated.

Concern about the entrance to the Bin Store with regards the ability for the collection crew to successfully retrieve the Bins from the store. The reposition of the parking bays could allow the ease of the access and egress from the bin store.

As set out above the conditions need to be addressed the following items:

- Turning head possible parking
- Bin Store access

Wessex Water: Advice is provided.

*Existing Services* - There is a 525mm diameter public foul sewer crossing the site, north to south at the Western side. In accordance with Wessex Water Policy, there must be no buildings within a minimum of 4m either side of the public foul sewer and no tree planting within a minimum of 6m. This includes no surface water attenuation features and associated earthworks in the easement strip, changes in ground levels resulting in additional loading or excavation can lead to instability in the pipe. The public foul sewer must not run through enclosed private rear gardens, it must be within an 8m (4m either side) open access easement strip or roads. Wessex Water require unrestricted access to maintain and repair our apparatus.

The applicant has indicated the location of the existing public foul sewer on the Proposed Site Plan drawing reference 0030 Rev P11 dated 10/06/22 and submitted in support of the applicant which includes the required easement: however, they are advised to undertake their own site survey to confirm the accuracy of assumed foul sewer location and ensure that the required easements are maintained. Further to this, the applicant will need to agree protection arrangements for the existing 300mm public foul sewer which crosses the site (easement details as given above). Any damage to our apparatus by third parties will result in a compensation claim. All apparatus must be accurately located on site and marked on deposited drawings.

*Foul Drainage* - Wessex Water will accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis, Developers fund the cost of connecting to the nearest 'size for size' sewer and Wessex Water will manage the sewer network to accommodate foul flows from granted development. We fund this through our infrastructure charging arrangements. Capacity is available to accommodate the proposed foul drainage from the 17 dwellings. The point of connection to the 525mm diameter existing public foul sewer that crosses through the site is acceptable in principle, however, the point of connection to the public network is by application and agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards. The developer should contact the local development team of Wessex Water to agree proposals for the Section 104 adoption and submit details for technical review prior to construction.

*Surface Water Drainage* - The applicant has proposed to capture, store and attenuate surface water drainage from the proposed development on site via on site pipe and tank system with a discharge proposed to the existing public surface water sewer network located on The Paddocks at a controlled discharge rate of 1.5 l/s. Capacity is available to accommodate the proposed 1.5 l/s, it should be noted that this is the maximum discharge rate. Wessex Water will accept for all storm events up to an including the 1 in 100 year event plus climate change. As stated above, the point of connection to the public network is by application and agreement with Wessex Water

and subject to satisfactory engineering proposals constructed to current adoptable standards.

Water Infrastructure Wessex Water will provide a point of connection for new water mains to be laid into the development site, either through a Section 41 agreement or a self-lay arrangement. The most appropriate point of connection for the proposed development is from the 90mm diameter public supply main located on Fuller Close to the North of site. Developers may connect to our water network on a size for size basis at their cost and Wessex Water will undertake any network reinforcement that may be required to accommodate granted development, this is funded through our infrastructure charging arrangements. Upon grant of planning Wessex Water will undertake a modelling exercise to determine the impact on our network and manage any necessary improvements.

The applicant should note that on site private storage and pump systems will be required for buildings greater than 2 storeys high. No guarantee can be given on a specific pressure or to maintaining that pressure. Normally it will be no less than 10m head of water. (1 bar pressure at 9 litres a minute) on the property boundary

#### North Wiltshire Swifts:

North Wiltshire Swifts has reviewed this planning application as it is believed that all new developments should provide habitat opportunities for those species such as swifts who prefer, or can adapt to, the built environment.

#### Chippenham Cycle Network Development Group:

##### *A. Off-site Cycle Access should be improved:*

We agree with the Highways Development Control officer's request that a public path to link to the Arc Climbing Centre and Riverside Cycleway should be provided. However, this must be built as both a cycling and a walking link. Providing solely a pedestrian path is likely to result in people cycling on it in any case, which will result in a poor experience for all users.

Solution: Provide LTN 1/20-compliant cycling and walking links from the development to Westmead Lane, either south of plot 4, or north of plot 1, if workable. This needs to include surfacing of the offsite path to link to those around the climbing centre, to provide a route that is usable in all weathers.

##### *B. Poorly located residential Cycle Parking:*

The Proposed Landscape Strategy Plan shows the location of the proposed cycle parking. For some units, this is in garages, while for the others, it is in 'secure covered' parking in the gardens. The Transport Statement rightly notes that the site's town-centre location means a wide variety of amenities are within easy cycling distance. It is therefore essential that residents are able to do this, which requires sufficient and easily accessible cycle parking in each dwelling.

*Cycle parking in rear gardens is not acceptable:*

Many of the dwellings have cycle parking in the rear garden. This means cycles are likely to be difficult to get out, as residents will need to manoeuvre them along tight alleyways with sharp turns in them. Some types of cycle may not fit down these alleyways or round the sharp corners at all (e.g. a trike or a cycle with a trailer). As a result, this type of cycle parking is very unlikely to be used, or will result in the cycles in the storage rarely being used, because people will see it as 'too much hassle to get the cycles out'.

*In practice, garages cannot be used for both cycle and car parking:*

We note that the garages are intended to count towards the site's car parking provision. We assume these will be standard-size garages, or around 6m long by 3m wide. We also note from the Landscape Plan that such a garage is intended to provide parking spaces for two bicycles.

A typical SUV, such as the popular Nissan Qashqai, measures 1.835m wide, without mirrors. These will add another ~0.2m to both sides. Additional width is required on either side: at the very minimum, 0.4m on one side only to get in and out of the driver's door, plus 0.1m on the other, assuming the car is parked extremely close to the wall on the passenger side. This means the absolute minimum space required to park an SUV in these garages and get in and out of it is:

- 0.1m passenger-side buffer
- 0.2m passenger-side mirror
- 1.835m vehicle
- 0.4m driver's-side access width
- Total = 2.535m.

This leaves 0.465m (46.5cm), for cycle storage alongside the car.

Most cycles have handlebars that are at least 0.4m wide, which will leave virtually negligible space between the cycle and car, making access to both the car and the cycle extremely difficult. It will also be impossible to retrieve a cycle stored to the rear of the garage without first removing either the car or the cycle stored in front of it.

Cargo cycles, or trikes, which are becoming increasingly popular, are significantly wider – the popular Babboe Carve-e, for example, is 0.85m wide. The Cycle Design Vehicle, specified in LTN 1/20, is 1.2m wide and 2.8m long. There is therefore not sufficient space to reasonably store cycles alongside a commonly owned car in these proposed garages, and still be able to access both comfortably.

*Insufficient cycle parking spaces in three-bedroom dwellings:*

In addition to the above issue with the garages not being suitable for cycle parking, the 'secure cycle store' in the gardens shows two cycles. For three-bedroom properties, this falls short of both Wiltshire's current residential cycle parking standard, and LTN 1/20 table 11-1.

Solution:

Provide cycle parking for each dwelling that:

- Is easy to access from the public highway (no sharp turns, no raised kerbs, no narrow access points);

- Meets the minimum number of spaces set out on page 66 of the Wiltshire Cycling Strategy or table 11-1 in LTN 1/20;
- Is large enough to accommodate the cycle design vehicle, specified in LTN 1/20 section 5.4.1, which will mean non-standard cycles, such as trikes and cargo cycles can use it.

### Rights of Way

The proposed path between this development and the Westmead Public Open Space, would query the line of the proposed path as it exits the development, it looks from the plan that the path is going to go on to land owned by number 45 the paddocks? Officer suggests this path will need to be shown exiting the site on the Western boundary rather than the southern boundary. Given the urban nature of the site this link path will need to form part of the Section 38 adoption. Has the developer received permission from the owner of the Public open space to make this connection?

### Conservation

The case officer has discussed the application with the Conservation Officer who raised no objection.

## **8. Publicity**

3 letters of objection were received, and the residents raise the following concerns:

- I have seen slow worms on multiple occasions in the corner next to my garden over the last 2 years.
- Provision has been made for bats but this development is a loss of habitat for other endangered species such as hedgehogs and owls
- Are there any plans to use the dead end at the end of Fuller Close to access this new development, whilst it is both under construction and also when it is complete? I have a potential objection to this if this is the case as on road parking on Fuller Close and all of Flowers Yard in general is bad enough as it is since most of us have more than one vehicle and only one allocated parking space. Many people working/visiting the town centre use this area as it is free to park here which makes it a nightmare for the residents a lot of the time - the last thing we need is construction traffic (vans etc.) using this road as an access point to the site or the residents of these new houses also using it to park their vehicles. The dead end at the bottom of Fuller Close was already fenced off for 'construction traffic' a while ago which makes me think it will be used once again should this planning application be approved.

## **9. Planning Considerations**

### Principle of development

9.1 The site is positioned within the settlement boundary of Chippenham which is identified as a Principal Settlement by Core Policy 1 of the Wiltshire Core Strategy. Core Policy 1 states that principal settlements are the primary focus for development and that they will provide significant levels of homes. Core Policy 2 sets out a presumption in favour of sustainable development within the principle settlements such as Chippenham. As the site is located within the settlement boundary of Chippenham, the principle of the proposal is acceptable subject to compliance with the other policies contained within the development plan.

## Heritage Assets

- 9.2 The site is located within the Chippenham Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66) as well as giving special attention to preserving or enhancing the character or appearance of the conservation area (s.72).
- 9.3 The NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 205-208 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that developments should protect, conserve and where possible enhance the historic environment.
- 9.4 The Conservation Area Appraisal (2007) – Character Area 16: Flowers Yard identified that this area of Chippenham has an industrial past, and that the industrial uses occurring in the area have declined over time. It explains that the area has a run-down feel, and an isolated, cut-off atmosphere. In April 2010, a Chippenham Conservation Area Management Plan was adopted as supplementary planning guidance. Since the publication of these documents, the area has changed quite considerably given residential development in Flowers Yard and Fullers Close have been since completed and a care home was also built to replace the former police station. As already indicated in the previously approved scheme (in 2018), the value of this section of the conservation area is considered to arise primarily from its historic (illustrative) and evidential value. By virtue of its designation, the conservation area is significant in heritage terms, however it is clear that there are significant opportunities for enhancement in this area.
- 9.5 Whilst the current proposal would introduce a higher density residential scheme compared to the previously approved proposal (8 no. detached dwellings), the current proposal would still enhance the character and appearance of the conservation area as it would bring a derelict and unused brownfield site back into use. The site is surrounded by 3 / 4 storey dwellings to the north and a group of bungalows to the south, and a 3-storey care home building to the northeast. Given its urban context, a residential development like this would not result in any material harm to the character or appearance of the conservation area and it would not be read in the context of any listed building. It is therefore considered that the proposal would comply with CP57 and CP58 and the provisions of the NPPF.
- 9.6 With regard to the archaeological interest, the application site lies is located within an area of archaeological significance in relation to the possible Saxon and Medieval development of Chippenham. It is noted that the report on 2014

archaeological trial trench evaluation, undertaken to support a different application has been submitted as part of this proposal. However, the western undeveloped part of the site has not been subject to trial trenching. Therefore, an archaeological trial trench evaluation to be undertaken on the part to the site yet to be subject to trial trenching. The total length of trenching should be equal to approximately 4% of the area yet to be evaluated with 1% contingency for further trenching should this be required. Subject to a condition securing this trial trenching there is no objection in this regard.

### Design, Visual Amenity

- 9.7 Core Policy 57 of the adopted Wiltshire Core Strategy seeks a high standard of design in all new developments. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. The proposal is to demolish the existing car parking structure and its replacement with 17 dwellings comprising a mix of three storey dwellings, two-storey dwellings and flats over garages. Concerns over the design, materials of the proposed development are noted.
- 9.8 Firstly, no objection is raised to the demolition of the existing car park structure as it has no historic or architectural merit to this building.
- 9.9 Both the original and revised proposal have been consulted with the Council's Urban Design Officer. With regard to the original proposal a number of issues were raised, in terms of the car parking arrangement, pedestrian connectivity to the adjacent facilities, refuse storage arrangements, and trees planting.
- 9.10 As already mentioned in the previously approved schemes, the built form surrounding the site is diverse in terms of scale, design and materials used. To the west is a mixed of three / four storey residential properties in Fuller Close while, there is a group of bungalows with some elevated dwellings to the east, The Paddock. To the north is a three-storey care home while there is a public open space to the south.





View from Fuller Close looking into the site



View from Flowers Yard looking into the site



View of The Paddock looking into the site



Care Home on Wood Lane

- 9.11 In terms of density of the proposal, the site area is approximately 0.45 hectares for the proposed 17 dwellings, i.e. approximately 37.8 dwellings per hectares. While the proposal would not be a low-density development as to the previous approved scheme, the proposed density would not be out of keeping with the urban character of this particular location given the proximity of the adjacent properties.
- 9.12 In terms of the layout, some amendments have been made, including a potential footpath link is shown to the side of plot 4, car parking spaces for some

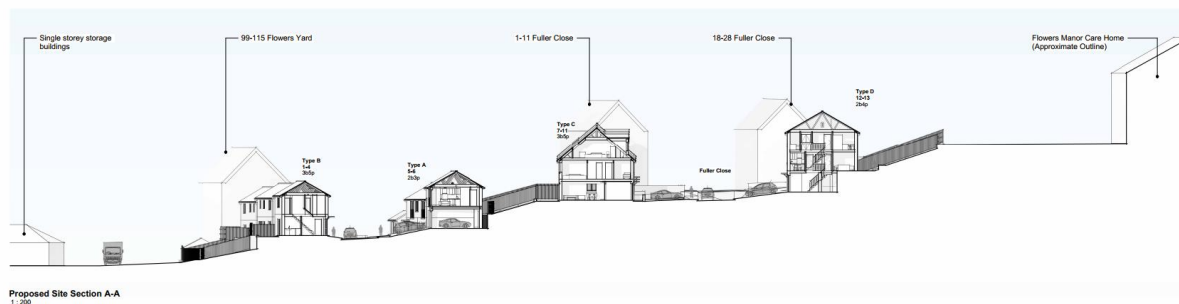
units, e.g. plot 2, plot 7 and 8, are allocated closer to its plot, additional planting are proposed along the western boundary and the northern boundary of the site. (Tree planting are shown within each plot, the area adjacent to the proposed bat mitigation roost, and the proposed open space area). In terms of materials, Officers consider that the proposed use of reconstituted stones for the facades of all dwellings are acceptable, but this should be a specified buff stone colour to reflect the local stone and not a 'grey' stone. The use of proposed reconstituted fibre cement grey slates to the roofs is also appropriate and would reflect the quality of the materials on the adjacent Flowers Yard development. A planning condition is suggested to seek details of these materials. In terms of detailed design, expressed reconstituted stone cills and heads to openings have been added to the proposed elevations of the proposed dwellings.

- 9.13 In this instance, whilst the proposed layout may present high-density development, it is considered, on balance, that the proposal, in terms of its design and scale, would not be out of keeping with the urban character of this area, and therefore your case officer has no objection to the proposal subject to conditions.

### Residential Amenity

- 9.14 Core Policy 57(vii) of the adopted Core Strategy seeks to ensure that appropriate levels of amenity are achieved within the development itself, having regard to the compatibility of adjoining buildings and uses, the impacts on the amenities of existing and future occupiers.

- 9.15 In terms of privacy, there are four rows of dwellings within the application site and most of these dwellings would have reasonable separation distance. The shortest distance would be between plot 6 (flat above garage) and plot 11. Whilst such distance would not normally be encouraged, however, in this instance, there is no habitable or primary window on the rear (east) elevation on plot 6 and the topography of the plot would also allow the plot 11 having a reasonable outlook.



- 9.16 Plot 1 would sit approximately 4.2 metres away from the side elevation of Flowers Yard. In this instance, the relationship between these plots and neighbouring properties are acceptable.

9.17 As described above, the application site is surrounded by group of residential properties. However, given the landscape buffer along the northern and southern boundary, the degree of inter-visibility between the new dwellings and the existing residential properties would be limited. Plot 1-4 and Plot 12-17 also have a reasonable sized private garden at the rear abutting the landscape garden and public open space respectively.

#### Amenity during the construction

9.18 During construction period, it is likely that there would be some disturbance in terms of vibration and pollution, a planning condition is therefore imposed to ensure the construction management plan to be implemented and adhered to throughout the whole construction period.

9.19 In summary, subject to conditions, the residential amenity of neighbouring properties would be safeguarded.

#### Highway and parking provision

9.20 Core Policy 61 of the adopted Core Strategy requires new development to be located and designed to reduce the need to travel particularly by private and to encourage the use of sustainable transport alternatives. In addition, the proposal is capable of being served by safe access to the highway network.

9.21 The proposal site has an existing permission for the residential development of eight units, and this latest proposal is for an increase in the quantum of dwellings provided to 17 units. Concerns regarding highway and parking matters received during the public consultation period are noted.

#### *Site location*

9.22 In terms of the location of the site, the proposed residential development is situated within the proximity of town centre (approximately 6 mins walk distance from High Street, 3 mins walking distance from Uller close to the public open space to the southwest of the site), as such, it is a sustainable location in terms of travel perspective. The Highway Officer also identified that there is a potential and desire for pedestrian connectivity to be achieved with the ROW CHIP23 which would provide a useful pedestrian link to the public open space and to The Arc skate park and climbing facility. The applicant has considered a pedestrian link adjacent plot 1, however, due to the topography of the site and the area is reserved for bat roosting, this option has been discarded. Instead, a potential pedestrian link is proposed from the site to the nearby public open space to the side of plot 4. The Highway Officer has reviewed this proposed link and no objection. The Officer advised that this link should be adopted under S38 agreement and details of the connection will be considered under S38 Agreement.

#### *Parking provision*

9.23 The proposal provides an adequate level of parking to meet minimum standards, and some amendments were made to the parking arrangement so that majority of the plots would now have parking spaces to the front to the side, while plots 9 and 10 would have parking space at the rear on a down slope. This may lead to displaced parking on the highway and a negative unintended consequence of an overcrowded development. Plots 1 and 2 have a contrived allocated parking arrangement shown, where parking is allocated some distance from the dwellings. This has the potential to encourage parking on the highway to the front of the dwellings and lead to obstruction issues especially for service vehicles. The applicant has explored options to reconfigure the parking arrangement for these plots, however, due to the 4-metres easement of the sewer, it would be difficult to accommodate the proposed parking closer to these plots. In this instance, the Highway Officer recommend that should the development be offered for adoption, a TRO would be required to install parking restrictions to protect the turning head from being parked on.

#### *EV charging point*

9.24 While the transport plan indicates that each unit will have a dedicated EV charging point, the parking arrangement will produce its own challenges to this aim. Plots 3 and 4 have parking allocated to the side where an arrangement for each to have a dedicated EV charging station may be difficult to provide. Nevertheless, an EV charging point will need to be provided under Building Regulations.

#### *Waste collection*

9.25 If the proposal is offered for adoption under a S38 agreement, then it would be preferable for waste collection on street. With a turning head in the scheme then a waste vehicle would be able to manoeuvre through the development turning within the turning head, provided this could be demonstrated to the satisfaction of Highways.

#### *Surface water runoff*

9.26 The amended plans showing an improved surface water runoff scheme. The gullies and connectors indicated as highway storm gully would be acceptable and form part of an adoptable layout should the scheme be offered as such. As the rest of the runoff collection would be covered under S104 agreement, there is no further objection to highway drainage matters.

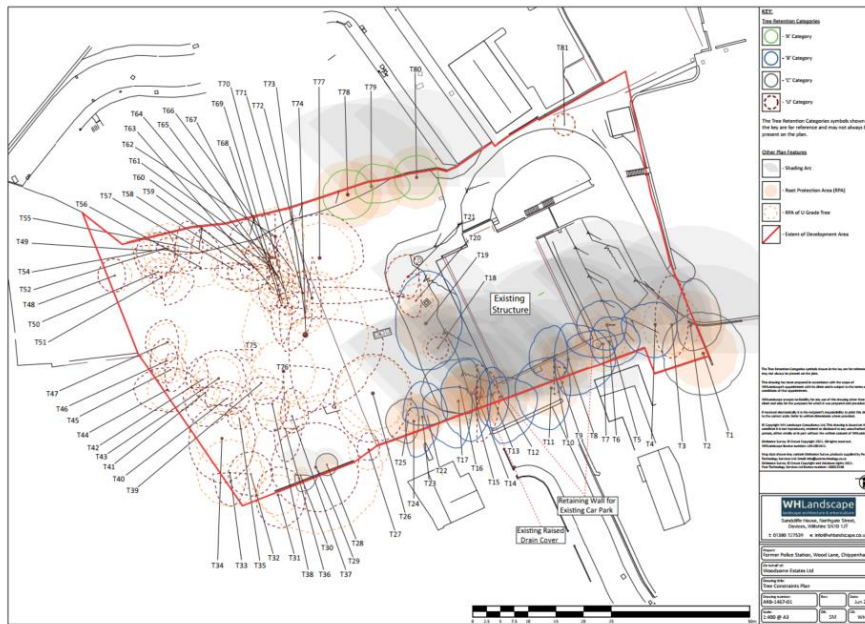
9.27 A construction environmental management plan detailing access arrangements to the site and management of HGV movements through Flowers Yard is also needed. A temporary traffic regulation order (TTRO) to provide for adequate access to Fuller Close and if necessary, along Flowers Yard to protect parked cars.

9.28 In summary, whilst the Highway Officer identified some issues of the scheme, no substantiate reasons are raised to warrant a refusal on highway safety

ground. As such, subject to conditions, there is no highway objection to the proposal.

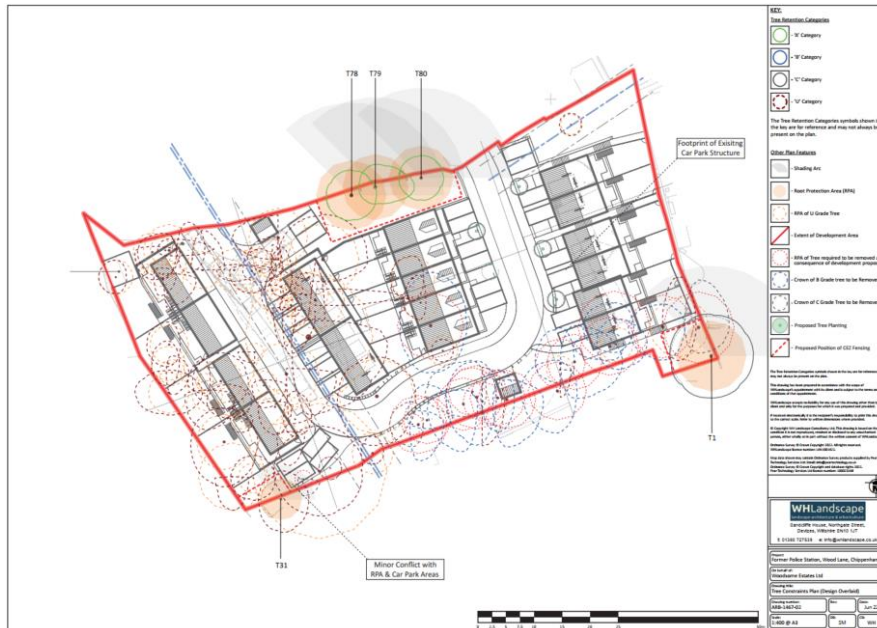
### Arboricultural and Landscape

9.29 Core Policy 51 of the adopted Core Strategy seeks to protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. To support this application, a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan were submitted, and they set out the categories of these trees and a range of protection measures for the retained trees. Concerns relating to the loss of existing trees and impacts upon the landscape character are also noted.



Tree survey shows the trees categories





All 'A category trees' are retained.



Tree planting in the proposed landscape strategy

- 9.30 The Arboricultural Officer has reviewed the submitted details and noted the reasons of removal of some trees on site. 81 trees have been surveyed on or adjacent to the site. The species consist of Sycamore, Ash, Goat Willow, Alder and Lime.
- 9.31 There are three 'A' category trees on site T78, T79 and T80 all Lime trees, these trees are shown as being retained.
- 9.32 Fourteen trees have been categorised as 'B'. A number of these trees have been highlighted for removal due to their close proximity to the existing car park which is to be demolished and a raised concrete drain which is located on the south-west corner of the car park. Removal of these structures will destabilize the ground and damage the rooting areas of these trees therefore making these trees unable to be retained. Removal of these trees will also leave the

remaining trees open to wind blown due to their similar height structure and form.

- 9.33 Six trees are categorised as 'C' which should not be considered a constraint on site. Due to poor structural condition and limited life expectancy, 58 trees have been given a 'U' category and should be removed. These trees consist of Ash which are clearly in decline due to Ash Dieback, Goat Willow as they are in form structural form and Elm which have a limited life expectancy due to Dutch Elm Disease. T31 Ash which is located on adjacent land which should be considered for removal due to its condition. As this is an off-site tree, it is noted that the northern part of the RPA of this tree will have a slight encroachment due to proposed parking spaces.
- 9.34 In terms of tree planting, the Landscape Officer has also reviewed the proposal and raised concerns about the potential conflict with layout may conflict with buried surface water drainage tanks and sewerage pipes / easement, and mature tree canopy conflict with any proposed highway lighting column locations, as such, some trees may not be able to be planted within the area. Having said that, officers noted that due to the proposed restricted environment, it would not be possible to replant on a 1:1 basis. Therefore, consideration should be given to plant suitable trees that will be able to reach maturity without being under threat from being removed or damaged. In this instance, given landscape buffer areas are proposed, good quality trees can be planted within these areas to strengthen the landscape character of the site. As such, in this instance, there is no objection to the proposal subject to a condition seeking a detailed landscaping with tree planting scheme to ensure that suitable trees that will be able to reach maturity to be planted within the site.

## Ecology

- 9.35 Core Policy 50 of the adopted Core Strategy requires development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale and encourages development to seek opportunities to enhance biodiversity. Concerns regarding the loss of natural habitats are noted.
- 9.36 During the course of the application the applicant provided additional ecology information and reports, including Bat Emergence & Reptile Survey, Landscape Strategy Plan, updated Ecological Appraisal including Badger in order to address the concerns raised. The Council's Ecologist has reviewed the submitted details and was satisfied with the findings and recommendations of these reports and raised no further objection to the proposal. Subject to conditions to secure / seek the following details:
- the implementation of the Landscape Strategy Plan,
  - no external lighting (unless details have been approved),
  - bat roost detailed design
  - reptile mitigation strategy
  - construction environment management plan (CEMP)
  - landscape and ecology management plan (LEMP)

and informatives relating to Badger, Birds and the nesting seasons and bats, there is no ecology objection to the proposal, and the proposal is therefore considered to comply with Core Policy 50 of the adopted Core Strategy.

### Flood Risk, Drainage and Water Efficiency

- 9.37 Core Policy 67 of the adopted Core Strategy requires all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground unless or environmental conditions make these measures unsuitable. Drainage Statement is so submitted with this application. Environment Agency and the Council's Drainage Engineer have been consulted with this application.
- 9.38 The proposed development site was previously granted planning permission under 18/11019/FUL however from a surface-water management perspective this was both for a small development (in terms of proposed dwellings). It is noted that the Wiltshire SFRA, and EP mapping indicates that this site is at low risk of fluvial, pluvial and ground water flooding as explained by the applicant. In addition, the applicant has also provided revised hydraulic calculations (based on EA 2022 Climate Change Guidance), which have demonstrated that there is a viable drainage strategy for the site, which mitigates against increased flood risk as a result of climate change and urban creep. Furthermore, it has been agreed that the applicant should seek to provide additional rainwater planters and water butts should be provided as part of detailed design in order to increase the level of source control and resilience in the future. It should be noted that bioretention systems could be designed with a connection into a piped drainage system, and subject to complying with Wessex Water's guidance [sudsguide.pdf](#) ([wessexwater.co.uk](http://wessexwater.co.uk)) could be adopted by Wessex Water.
- 9.39 Furthermore, Environment Agency also suggested a condition to be imposed in order to incorporate of water efficiency measures into this scheme will:
- contribute to climate change resilience by minimising the impacts of drought (cumulatively)
  - reduce abstraction pressure on water resources and riverine ecosystems
  - benefit future residents by reducing water bills.
- 9.40 In this instance, there is no objection in these regards subject to conditions suggested in the recommendation session.

### Environmental Protection

- 9.41 Core Policy 56 of the adopted Core Strategy requires development proposals which are likely to be on or adjacent to land which may have been subject to contamination will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality, the built environment and amenity. Policy 57 (vii) seek to ensure appropriate levels of amenity are achievable within the development itself, including vibration and pollution. In this case both Environment Agency and the Council's Public Protection Team have reviewed and commented on the proposal.



- 9.42 Based on the relatively low levels of contamination and the ground conditions reported in the Phase II Geotechnical and Contaminated Land Report (Integrale Limited, April 2014) submitted in support of the application Environment Agency consider the proposed development poses a relatively low risk to controlled waters, while the Council's Public Protection Officer also noted that the report indicated that it will be necessary to complete further checks testing once full access is available. In this instance, a pre-commencement condition is required to identify the extent of any further contamination and to confirm a remediation strategy. Subject to condition, there is no objection in this regard.

### Planning Balance

- 9.43 Section 38(6) of the 2004 Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.44 Due to its location being within the settlement boundary of Chippenham which is identified as a Principal Settlement by Core Policy 1 of the adopted Core Strategy, as such, the location of the proposed residential development is acceptable in principle. However, a standard planning balance is still required considering whether there are any material considerations in this case.

### Public Benefits

- 9.45 The NPPG identified that public benefits can be anything that deliver economic, social or environmental progress and be of a nature or scale to benefit the public at large.
- 9.46 It is noted that the Council currently cannot demonstrate the required housing land supply. This proposal provides an opportunity for Council to improve the current HLS position. The proposed scheme would make a material contribution to supply of a total of 17 no dwellings and 7 of them will be affordable housing units.
- 9.47 In addition, it is the opinion of the Planning Officer, when considering the merits of the application site, that the site is in a sustainable location. The site sits to the close proximity to the Chippenham town centre, public open space, community facilities, e.g. leisure centres, and there are primary and secondary schools nearby. Also, part of the scheme is to redevelop the existing previously developed land.
- 9.48 In terms of the planning obligations sought, 7 no. affordable housing units and on-site public open space would be secured, and financial contribution would be secured towards off-site POS provision, play equipment and sport pitches, and waste management to mitigate the impacts upon the area.
- 9.49 Furthermore, there would also be some economic benefits through the direct creation of construction (temporary) works. The development would also enable greater economic spending in the area through additional population growth close to nearby retails, services and facilities. The development would also generate a financial contribution through CIL receipts which again, whilst

forming mitigation for the development could potentially result in benefits to the wider community through increased investing on infrastructure.

9.50 When considered together these benefits are considered to hold significant weight in favour of the proposal.

9.51 Overall, having considered carefully the weight attached to public benefits, it is the officers judgement that in this particular case, it is considered that the public benefits of the additional market and affordable housing in a sustainable location, the economic benefits result from the proposed development and the planning obligations agreed particularly in relation to public open space would outweigh the harms that have been identified.

## **10. CONCLUSION**

10.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

10.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## **RECOMMENDATION**

That: (1) planning permission be granted subject to conditions set out below and the applicant firstly voluntarily entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- a) On site Public Open Space and Off-site financial contribution towards Public Open Space, Sport Facilities and Play Equipment
- b) Affordable Housing of a total of 7 no. units to be provided on site at nil public subsidy.
- c) Waste management contribution
- d) Monitoring fee - 1% of the total financial contribution contained within the agreement

Planning conditions:

### **1 Time Limit for Implementation**

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. **Approved plans**

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

- Landscape Strategy Plan, No: 0031, Rev: D, Date: 29/02/2024 received by the Council on 5 March 2024
- Indicative Affordable Tenure Plan, No. 9003 rev P03, and
- Proposed Site Plan, No. 0030 rev: P01, received by the Council on 14 October 2024
- House Type A1 (FoG) Plans & Elevations, rev A
- House Type A2 (FoG) Plans & Elevations, rev A
- House Type B – Plans and Elevations, rev A
- House Type C Plans & Elevations, rev A
- House Type D Plans & Elevations, rev A, received by the Council on 11 January 2024

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

## 3. **Archaeological investigations (pre-commencement condition)**

No development shall commence within the area indicated by this application PL/2022/05783 until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

The work is to be carried out following the standards and guidelines for archaeological field evaluation as set out by the Chartered Institute for Archaeologists (CIfA). For the avoidance of doubt, the archaeological field evaluation forms the first stage of possible further archaeological mitigation. Further archaeological investigation may be required either prior to or during construction or both. This will be dependent on the results of the archaeological evaluation undertaken prior to construction. Analysis and reporting

commensurate with the significance of the archaeological results of further mitigation may also be required.

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

#### 4. **Drainage details (pre-commencement condition)**

Prior to the commencement of the development hereby approved, detailed drainage design shall be submitted to and approved in writing by the Local Planning Authority. The detailed drainage design shall include the following items:

##### Surface Water Hierarchy

i. Infiltration testing in accordance with BRE Digest 365 in order to demonstrate that disposal of surface water via infiltration will not be feasible, and therefore that the proposed drainage strategy complies with the surface water disposal hierarchy

##### Detailed Drainage Calculations

ii. The following detailed drainage calculations shall be provided:

a. Calculations and drawings for the drainage system design showing conveyance routes are designed to convey without flooding the critical 1 in 30 year + climate change rainfall event.

b. Calculations and drawings for the drainage system design showing attenuation features are designed to attenuate without flooding the critical 1 in 100 year rainfall event + climate change.

Calculations should include an allowance for increased surface water runoff, as a result of urban creep, in accordance with LASOO guidance.

Hydraulic Models should set the MADD factor / additional storage volume factor to 0m<sup>3</sup> / ha in order to prevent an overestimation of storage capacity in the proposed drainage network.

As a result of the discharge to the surface water sewer, the applicant shall also confirm the above hydraulic parameters are met when considering a surcharged outfall

##### Source Controls

iii. The applicant shall seek to provide additional source control features through the detailed drainage design in order to help improve the climate resilience of the proposed development.

##### Overland Exceedance Flows

iv. Drawings which demonstrate how overland exceedance flows, in excess of the 1 in 100yr + cc rainfall event will be safely managed on site and will not increase flood risk to people or property.

## Attenuation Drawings

- v. Cross and long-sections of proposed attenuation features

## Water Quality

- vi. Calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the receiving watercourse. It is suggested this assessment is undertaken using the Simple Index Method detailed within the CIRIA SuDS Manual.

## Ownership and Maintenance

- vii. Details of how the proposed and existing drainage features on the site will be maintained and managed after completion with confirmation from the relevant authority that they will adopt any systems that are being offered for adoption.

## 5. Landscaping scheme

Notwithstanding the submitted Landscape Strategy Plan, within three months follow the demolition of the existing car parking structure or the commencement of development thereby approved, whichever sooner, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- landscape management plan for a period of ten years, 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.

- specific number of trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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 ten 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.

## **6. Implementation of Landscape Strategy Plan**

The development will be carried out in strict accordance with the Proposed Landscape Strategy Plan, No: 0031, Rev: D, Date: 29/02/2024. The installation of the biodiversity mitigation and enhancement measures will be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

## **7. Lighting**

No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will avoid impacting biodiversity mitigation enhancement features.

The plans shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: In the interests of conserving biodiversity.

**8. Bat roost detailed design (pre-commencement condition)**

Prior to the commencement of development hereby approved, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, the detailed design of the proposed 5m x5m x2.8m bat mitigation roost structure as shown in drawing Proposed Landscape Strategy Plan, No: 0031, Rev: D, Date: 29/02/2024 shall be submitted to the local planning authority for approval in writing.

Development shall be carried out in strict accordance with the approved design. The installation of the bat mitigation roost shall be completed prior to the first occupation and shall be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development.

REASON: To ensure the proposed bat roost compensation strategy is appropriately designed.

**9. Reptile Mitigation Strategy (pre-commencement condition)**

Prior to the commencement of development hereby approved, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Reptile Management Strategy shall be submitted to the local planning authority for approval in writing.

The plan shall include the details of how the site and the reptile receptor site will be managed prior to / during and post-construction of the proposed development. The methodology of the reptile translocation shall be included in the strategy along with how the site to be protected during the operational phase of the development and confirmation of who is responsible for each task.

REASON: In the interests of protected species and conserving biodiversity

**10. Construction Environment Management Plan (CEMP) (pre-commencement condition)**

Prior to the commencement of development hereby approved, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds, bats, badgers and reptiles.

- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for, bats and reptiles; this should comprise the preconstruction/construction related elements of strategies only.
- d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

**11 Landscape and Ecology Management Plan (LEMP) (pre-commencement condition)**

Prior to the commencement of the construction of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall encompass the on-site mitigation areas and shall include:

- a) Long term objectives and targets in accordance with:
  - i. Biodiversity Net Gain Assessment, Ref: HEA790b2022, Date: 29/12/2024 by hea Ecology
  - ii. Biodiversity Metric version 4.0, Date: 11/02/2024, Version: V3 by hea Ecology
- b) Monitoring, management and maintenance responsibilities and schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme as identified in: Proposed Landscape Strategy Plan, No: 0031, Rev: D, Date: 29/02/2024
- c) The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s).
- d) A procedure for review and necessary adaptive management in order to attain targets.



- e) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

## 12. **Contamination (pre-commencement condition)**

No development shall commence on site until an investigation of the history and current condition of all areas of the site, including those areas previously identified in the Integrale Limited Phase 2 report as being inaccessible, to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present in previously inaccessible areas as referenced in the Integrale Limited phase 2 report or if evidence of contamination is found, a more detailed site investigation and risk assessment must be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy. "

Reason: Core policy 56, To reduce the risks associated with land contamination

## 13 **Water Efficiency (pre-commencement condition)**

Prior to the commencement of the development hereby approved, until a scheme for water efficiency shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

For the avoidance of doubt, the development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

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

**14 Construction Management Statement – Site Operation (pre-commencement condition)**

Notwithstanding the submitted construction management plan, no development shall commence on site (including any works of demolition), until a detailed Construction Management Statement, together with a site plan, 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. details of Banksman employment to manage deliveries;
- e. wheel washing facilities;
- f. measures to control the emission of dust and dirt during construction;
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h. measures for the protection of the natural environment.
- i. hours of construction, including deliveries;
- j. measures to control construction noise and vibration

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement and the submitted Construction Management Plan 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.

**15 Highway work details (pre-commencement condition)**

Notwithstanding the submitted drawings drawing No. 0032 rev P01 (Proposed Turning Head), no development shall commence on site until details of the estate roads including turning heads and access to bin store, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads including turning heads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking for each plots with demarcation and visitors car park spaces, and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details. Development shall be maintained as such thereafter.

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

**16 Temporary Traffic Regulation Order (pre-commencement condition)**

Prior to the demolition of any existing structures within the site, a Temporary Traffic Regulation Order to amend the waiting restrictions on Fuller Close shall have been prepared and implemented to allow for access during the construction phase.

Reason: In the interests of achieving access development from the public highway.

**17 Access, Footways and Crossings**

No part of the development hereby permitted shall be occupied until the access, footways and crossing points 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.

18 **Parking provision**

Prior to first occupation of the development hereby permitted, the vehicle parking and turning areas shall have been provided with the individual parking spaces being demarcated, and the areas shall thereafter be maintained and kept available for the parking and turning of vehicles.

REASON: In the interests of safe and convenient use of the development.

19 **Cycle parking provision**

Prior to first occupation of the development hereby permitted, the cycle parking spaces shall have been provided, and shall thereafter be maintained and kept available for the parking of cycles.

REASON: In the interests of safe and convenient use of the development

20 **No Burning of fire**

There shall be no burning of fires on site at any time.

REASON: To protect the local amenity from any adverse effects of dust, smoke and odour.

21 **Building materials sample**

Notwithstanding the submitted details, no development above slab level shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

22 **Removal of debris and demolition materials**

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.

**23 Permitted Development Right Removed – extensions and addition**

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), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

**24 Permitted Development Right Removed – means of enclosure**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

**25 Permitted Development Right Removed – garages, sheds, outbuildings**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.