

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	04 December 2013		
Application Number	13/01776/OUT & 13/01856/CAC		
Site Address	Langley Park, Chippenham, SN15 1GE		
Proposal	Redevelopment of the site consisting of the construction of up to 114 dwellings, food store, up to 102 room hotel, Two retail units, new industrial units, highways works, transport improvements, public open space,		
Applicant	Central Chippenham Partnership		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Monkton	Unitary Member	Cllr Caswill
Grid Ref	392315 174021		
Type of application	Full Application		
Case Officer	Mark Staincliffe	01249 706682	mark.staincliffe@wiltshire.gov.uk

Reason for the application being considered by Committee

To consider the impact of the development on the conservation area, surrounding properties and its impact on Chippenham Town Centre

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to a section 106 agreement and conditions; and to grant conservation area consent for the demolition of buildings within the site.

Chippenham Town Council have supported the application. 6 letters of support and 16 letters of objection were received from local residents as were numerous questions relating to the application. Written responses have also been received from consultees and other interested parties.

2. Report summary

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

- The principle of development
- Impact on the character and appearance of the Conservation Area and surrounding street scene
- Impact on the privacy and amenity of existing neighbours;
- whether there are any sequentially preferable sites for a food store, and the other retail uses proposed;
- whether the proposed food store and other retail uses proposed would have a harmful impact on Chippenham and other local Town Centres;
- whether the accessibility of the site by non-car modes of transport would be acceptable;
- layout of the development
- Impact on highways and highway safety
- Other material considerations

3. Site Description

The site lies within the urban area of Chippenham, to the north of the Railway line and Chippenham Station. Part of the site is allocated in the Local Plan under Policy H2 for 250 dwellings as part of a mixed use scheme. The remaining part of the site is known as Hathaway Retail Park and is designated under policy R2 of the local plan as a 'Town Centre Secondary Frontage Area'.

4. Planning History

Langley Park

2006- Applications N/06/00650/OUT & N/06/00649/OUT

Outline planning application submitted for the partial demolition and redevelopment of a 14.59ha part of the estate for mixed use redevelopment comprising employment, residential and retail, together with associated amenity space, car parking, access, servicing, and other ancillary uses and development. The planning application was refused

2007- Applications N/07/00791/OUT & N/07/00802/FUL

Revised outline application and a full planning application for the retail store were submitted. The outline planning application sought consent for the partial demolition and redevelopment of a 7.7ha part of the Estate for mixed use redevelopment comprising residential (Use Class C3) and retail (Use Class A1) together with associated amenity space, car parking, access, servicing and other ancillary uses and development. The full planning applications sought consent for the provision of a food retail store (52 000sqft net sales area) with associated car parking and enabling development. The planning application was refused.

An appeal against the Council's decision was lodged and dismissed by the planning inspectorate. The inspector's reasons for dismissing the appeal are discussed later in this report. The applicants subsequently lodged a High Court Challenge against the Inspector's decision, this challenge failed and the decision to refuse planning permission was upheld

2009- Application N/09/00317/OUT

An outline planning application was submitted in February 2009 for 'demolition and redevelopment of the site to provide a mixed use scheme comprising residential, retail, hotel, public open space, together with car parking, servicing, access and other ancillary uses and development. The planning application was withdrawn by the applicant prior to its determination.

Hathaway Retail Park

Planning permission granted (for the erection of a non-food retail unit with mezzanine and associated works adjacent to the existing retail units. The approved development comprises a non-food retail unit of 1,875 sq m (a ground floor area of approximately 986 sq m, a mezzanine of 889 sq m and a sales area of 1,689 sq m). The permission is restricted by planning condition to non-food goods.

Two planning applications relating to external alterations to existing units were submitted to and approved by the Council. The works are as follows:

1. Elevational Alterations to Units 1A, 1B, 2A, 2B, 3A, 3B, 4, 5A, 5B & 6-7 to Provide Replacement Entrance Features and Alterations to Car Park. Approved 17 September 2010 (N/10/03083/FUL & N/10/04067/OUT)
2. Alterations to Units 1, 1A, 2, 2A, 3A, 3B & 4 to provide new entrance features and alterations to car park. Approved 20 June 2007 (N/07/01059/OUT)

5. Proposal

Outline planning permission is sought for the demolition of existing buildings within the site and redevelopment through the construction of the following:

- No more than 115 dwellings
- No more than 102 bed hotel (totalling 3530 sqm)
- Leisure building (totalling 2787 sqm)
- Non food retail floor space (2322 sqm net)
- Garden centre (929 sqm net)
- Food retail unit (3530 sqm net sales area)
- Employment floor space 3901sqm

The non food retail units will be attached to the existing Hathaway Retail Park units.

The industrial element consists of extensions to existing buildings and the provision of new industrial units. The application has been submitted in outline form with all matters reserved except access.

New highway infrastructure will be provided to improve traffic movement into and through the site and within the wider highway network. A new vehicular and cycle link through the site is proposed, this will link Foundry Lane to Pew Hill. This new link road through the site will be positioned to serve all development plots along its route; this includes the demolition of an existing retail unit at Hathaway Retail Park to provide access to Old Road. To the north, the link road will join Pew Hill via a new roundabout junction (the location of the existing main entrance to Langley Park); with a spur creating a new secure access into the industrial area. To the North East of the site improvements will be made to the Malmesbury Road/Langley Road roundabout. A new roundabout on Langley Road will address an on-going issue relating to visibility and improvements to the 'little George Roundabout will see it managed by a new traffic little controlled junction.

Within the industrial area an improved circulation estate road will be provided to serve the existing occupiers and new employment units. A secondary secure access to the industrial area will also be provided from the internal mini-roundabout, which also provides access to the leisure and food store plots of the development.

The proposal also includes a new vehicular and pedestrian access into the Northern Train Station Car Park.

6. Planning Policy

National Planning Policy

Under section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions on applications for planning permission must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise. However, annex 1 of the NPPF states that from the day of publication, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework

At the heart of the NPPF is a presumption in favour of sustainable development. The overarching principles of sustainable development require developers and local planning authorities to:

- Support the transition to a low carbon future;
- Encourage the effective use of land by reusing previously developed land;

- Encourage multiple benefits from land Conserve heritage assets;
- Make the fullest possible use of public transport, walking and cycling and;
- Improve health, social and cultural wellbeing for all.

The NPPF requires the application of a sequential test to retail applications which are not in an existing centre and over 2,500 sqm. *Planning for Town Centres*, the practice guidance on need, impact and the sequential approach supported the now cancelled *Planning Policy Statement 4*. PPS4 It is not policy; however, its companion document still remains extant, even though it was framed in the context of earlier policy in PPS4. The content of this document is a material consideration and provides guidance on the application of the sequential approach; however, the Courts have established that the guidance contained within this document should not to be interpreted “in a rigid, mechanistic fashion”.

The NPPF also requires positive planning to achieve high quality and inclusive design for all developments, including individual buildings, public and private spaces and wider area development schemes. Furthermore, when proposing development that may impact upon a heritage asset and conservation area, the significance of any heritage assets affected should be assessed.

North Wiltshire Local Plan 2011

Saved policies from the North Wiltshire Local Plan 2011 (NWLP) represent the adopted development plan. Due weight can be given to relevant policies in the North Wiltshire Local Plan 2011 (NWLP) according to their degree of consistency with the NPPF. Relevant policies for the determination of this application include:

C3 Development Control Core Policy
 H2 Housing Allocations
 CF2 Leisure Facilities and Open Space
 R3 Retail Allocations
 R4 Proposals Outside Town Centres
 CF2 Community Facilities

The site lies inside the framework boundary and is therefore considered to be part of the town and not the countryside beyond. The plan defines the primary and secondary shopping retail frontage of Chippenham town centre. Policy R4 only allows retail proposals on the edge or outside the defined town centre shopping areas when certain criteria are met. These criteria are that:

- There is a need for the development.
- It can be demonstrated the sequential approach has been followed.
- Proposals do not individually or cumulatively undermine the vitality of the existing centre.
- The proposal is accessible by a range of walking, cycling and public transport.

Criterion (i) of the policy is no longer specifically contained within national policy. However criteria ii-iv are reflected in the requirement to provide sequential and impact assessments.

In determining retail proposals Policy R4 of the adopted North Wiltshire Local Plan are still relevant. It states that retail proposals outside of defined town centre shopping areas will only be permitted where: the sequential test has been followed and there are no other sequentially preferable sites; and the proposal does not undermine the vitality and viability of the existing centre; and the proposal is accessible by a range of means.

Emerging Wiltshire Core Strategy

The emerging development plan is contained within the Wiltshire Core Strategy Submission Document including Proposed Changes (July 2012) and Schedule of Proposed Modifications (August 2013). The Examination in Public has taken place and the Council is currently awaiting the Inspector’s Report, which is due shortly. Following the examination hearing sessions the council

published a Schedule of Proposed Modifications (August 2013) containing 'main' and 'minor' changes. The consultation ended on 9 October 2013.

The spatial strategy (specifically core policies 1, 2 and 3) sets the foundations for how sustainable development is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. The spatial strategy is the local expression of the principle of sustainable development as required by paragraph 15 of the NPPF. Relevant policies in this instance include:

- CP1 Settlement Strategy
- CP2 Development Strategy
- CP3 Infrastructure Requirements
- CP9 Chippenham Central Area Of Opportunity
- CP35 Existing Employment Sites
- CP38 Retail and Leisure
- CP40 Hotels, Bed and Breakfast, Guest Houses
- CP41 Sustainable Construction and Low Carbon Energy
- CP43 Providing Affordable Homes
- CP45 Meeting Wiltshire's Housing Needs
- CP50 Biodiversity and Geodiversity
- CP51 Landscape
- CP52 Design
- CP60 Transport

A consultant team led by AECOM prepared a Strategic Framework for the town in 2012. Following on from that a draft masterplan has been prepared for which consultation commenced on 28th October 2013. If adopted, the masterplan will be a material consideration in the determination of planning applications located within the Chippenham Central Area of Opportunity as set out in Policy CP9.

The site lies inside the defined development framework of Chippenham and is a previously developed site (brownfield site) but only a very small proportion of the site benefits from any retail allocation. The WCS includes a strategy for each community area, including Chippenham. The strategy identifies issues and considerations, as well as housing and employment requirements. With regard to retail, paragraph 5.48, *inter alia*, states:

"Chippenham's offer as a service centre will be enhanced, particularly the town centre for retail, leisure and the evening economy in order to reduce the outflow of shopping and leisure trips, securing expansion to Chippenham's town centre and improved retail offer through redevelopment of the Bath Road Car Park/ Bridge Centre is a priority along with redevelopment of other smaller town centre brownfield sites. Further out of centre retail development in Chippenham would weaken the town centre and future provision should be focused in the central regeneration opportunity area. Any proposals for edge of town centre retail development should clearly demonstrate that the development would not have a detrimental impact on the town centre."

Core Policy 9 of the WCS sets out the vision for Chippenham; this is based on delivering significant job growth, which will help to improve the self-containment of the town by providing more jobs for local people. To ensure employment is accessible to the local population a sustainable distribution and choice of employment sites will be provided at the town.

Regeneration of the central area of Chippenham is seen as a priority within the WCS and a number of the NWLP sites are saved by the strategy as they provide for excellent regeneration opportunities; one such site is Langley Park.

WCS sets out the Chippenham Central Areas of Opportunity. The redevelopment of Langley Park is seen as a priority and the WCS seeks to;

“deliver a mixed use site solution for a key redevelopment opportunity area to support the retention of significant business uses on part of the site.”

The WCS states that retail proposals will be supported in the central opportunity area providing it is clearly demonstrated how the proposals will strengthen the retail offer of the town and not lead to fragmentation or a weakening of the existing offer. The site is located within such an area.

Core Policy 36 (Economic regeneration support the regeneration of brownfield sites in the Principal Settlements where the proposed uses help to deliver the overall strategy for that settlement providing the uses do not compete with the existing town centre.

Core Policy 38 (‘Retail and leisure’) of the draft Core Strategy goes on to set out that:

“All proposals for retail or leisure uses on sites which are not within a Primary or Secondary Retail Frontage, including extension of existing units, must be accompanied by an impact assessment which meets the requirement of national guidance and established best practice, and demonstrates that the proposal will not harm the vitality or viability of any nearby centres. All such proposals must also comply with the sequential approach, as set out in national guidance, to ensure that development is on the most central site available.”

Core Policy 40 (Hotels, bed and breakfasts, guesthouses & conference facilities) supports proposals for new hotels within Local Service Centres where the proposals are of an appropriate scale and character within the context of the immediate surroundings and the settlement as a whole.

In all cases it must be demonstrated that proposals will:

1. not have a detrimental impact on the vitality of Primary Shopping Frontages or the viability of existing hotels, bed and breakfasts, guesthouses or conference facilities; and
2. avoid unacceptable traffic generation.

7. Consultations

Drainage Comment:

This site will be difficult to drain. The clay strata will make drainage solutions involving infiltration somewhat challenging. The site is surrounded by existing houses, roads and a railway line all of which tend to sterilise the existing drainage capacity and make the installation of further drainage problematic.

Education comment:

The below is based upon 114 units as that is the figure detailed in the accommodation schedule. No details of mix have been supplied, therefore it is assumed that 40% affordable housing will be applied and made no allowance for there being any one bed size units included of either type of housing.

Assuming 40% affordable housing gives us an affordable figure of 46 units. Applying our standard policy 30% discount to them reduces their number by 14 to 32. Taken with the 68 open market units, this gives us a qualifying properties figure of 100 units to assess. They generate a need for 31 primary and 22 secondary places at the designated area schools which are Monkton Park Primary and at secondary level, the three secondaries (Abbeyfield, Hardenhuish and Sheldon).

The current capital cost multiplier applicable for primary education is £12713 per place, giving us a total contribution for primary infrastructure of £241,547.

Based on the current cost multiplier of £19155 per place, this is a figure of £421,410, to be secured for secondary level.

Affordable Housing:

This application triggers an affordable housing requirement. The requirement for this development is 30% of the dwellings to be affordable at nil subsidy subject to local needs and site characteristics.

The affordable housing should be provided on site in clusters of no more than 15 dwellings, to contribute towards mixed and inclusive communities. The mix should reflect the housing need, with 80% rented and 20% new build homebuy. The mix should be:

Rent

20% 1 bed
50% 2 bed
25% 3 bed
5% 4 bed

New Build HomeBuy

65% 2 bed
25% 3 bed
5% 4 bed
5% 5 bed

In addition, 5% low cost housing to be provided on sites at a price less than or equal to the average price of a flat or terraced house in North Wiltshire.

Archaeologist:

We have no comments to raise in relation to the proposed development

Network Rail:

No objection in principle. However there are issues that the developer should be aware of.

DRAINAGE

The flow rates to the 675mm culvert to the SE of the site crossing Network Rail's land should not be increased as a result of this development.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure.

SECTION 106 CONTRIBUTIONS

This proposal will likely result in an increased rail patronage at Chippenham Railway Station; Network Rail would welcome the commitment of the Council of pooling planning obligations from this proposed development to mitigate the potential impact upon the railway (in accordance with Circular 05/05).

Such a S.106 obligation could be for infrastructure enhancements and could include station upgrading work, improved waiting facilities, improved accessibility (e.g. cycle routes /storage), disabled access or improved layout.

ARMCO SAFETY BARRIER

The Department of Transport recommends the provision of a safety barrier adjacent to the railway, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of the development. The safety barrier should be designed to cater for specific loadings dependent on the road traffic anticipated and in a position to stop vehicles driving into or rolling

onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged.

LANDSCAPING

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary.

Chippenham Town Council:

The Council welcomes the application. The development will add vitality to the town.

English Heritage:

This is an exciting proposal for regeneration in the heart of this historic town. The site is located in close proximity to many designated and undesignated heritage assets, we would wish to ensure that their settings have been fully assessed and any potential harm mitigated. The design of the scheme should be of an appropriate quality in line with paragraph 64 of the NPPF.

Leisure Services:

Assuming a 50/50% split of 2 beds and 3 beds the POS requirement would be 6546m², of which 516m² should be play provision. It may be possible to satisfy some of the requirement offsite, but a development of this size should be providing useable Open Space on site.

For this development, working on 2.3 people per dwelling the Calculator recommends the following contribution based on 115 dwellings:

Halls	£50,355
Indoor Bowls	£5,224
Artificial Turf Pitches	£5,855
Total	£61,434

Urban Design:

The successful redevelopment of the Langley Park area would be of great benefit to the town. I recognise and support the need for that redevelopment. I also support the concept of mixed use for the site and welcome the proposed mix of housing, employment and leisure.

I do however have concerns about the proposals as they stand. Some of these could hopefully be addressed by imposition of conditions on any planning approval but others appear to require more substantial revision.

My concerns are as follows"

- the impact of the additional traffic on the Little George roundabout and the roads off it
- the likelihood that the combination of a supermarket and the proposed road layout will draw consumer attention away from the town centre into Langley Park
- the lack of pedestrian connectivity to the centre of the town and the lack of a footbridge over the railway is disappointing.
- the negative impact which a supermarket on the Langley Park site will have on the town centre and on the proposed redevelopment of the Bath Road site.
- The loss of the white house is unfortunate. Increase in slab-like buildings beside the railway line should be avoided as this is an opportunity to improve an important entrance into the town
- no specific commitments to provide the leisure and hotel facility
- I have read and support the concerns expressed by local residents about the possibility of three-storey houses being located close to their two-storey properties. I recognise that this will primarily be an issue for a reserved matters application.

Public Open Space and play area- As a play area or public open space are not proposed on site a contribution of £308,590 is required.

Highways: No objection subject to conditions, financial contributions and the provision of s278 and s247 agreements.

Access Principles:

The through route to serve the site, comprising a new roundabout junction on Langley Road with a second principal access from Foundry Lane is acceptable. The provision of the internal road will enable site traffic to distribute effectively to the wider network. It is recommended that the trigger for the delivery of this road is established through a phasing plan to be agreed.

Pedestrian and cycle access to the site are compromised by the existence of the railway, which acts as a barrier to some. The site itself can be improved by way of additional links at points where the site has existing points of access, Tugela Road and Hawthorn Road. The TA says *the existing pedestrian and cycle links to the town centre have been identified as a key area for improvement*, and a new bridge over the railway is the only identified solution, which the development is unable to deliver.

Proposed Langley Road junction:

Proposed junction on roundabout on Langley Road will address an on-going issue relating to visibility at the existing junction into the employment area. The roundabout would be required to be constructed under the provisions of a s278 agreement. It is recommended that the trigger for the delivery of this junction is established through a phasing plan to be agreed.

The internal access arrangements for the secure employment site do not adequately provide for lorry traffic entering the dedicated security waiting area or for their return if denied entry. Details will require modifications to the proposals; this can be addressed by condition.

Realignment of Foundry Lane:

The proposal to realign Foundry Lane will require the stopping up of the existing highway and provision of replacement and improvements under the provisions of s247 TCPA 1990. The proposed realignment does not appear to significantly adversely affect any of the existing frontage users who are not associated with the development proposals

Effect on Tugela Road:

Works are proposed in Tugela Road to facilitate the provision of the new road, and to provide a replacement turning area. These works should involve no construction traffic use of Tugela Road, with all access taken from the development side.

There are concerns expressed in local correspondence about the use of local residential roads for station parking etc. This issue might become more pronounced if users of the new development regard it as an optional parking area. It is considered that these areas be included for consideration in overall traffic regulation for the area.

Upgrading of the Little George junction

The proposed improvements to the Little George junction will have serious implications in respect of local traffic. A diversion route will need to be established as an advisory alternative route during the works. Works will be undertaken by way of a s278 agreement. It is recommended that the trigger for the delivery of this junction is established through a phasing plan to be agreed.

The application suggests that there are options for improving the junction in respect of the number of lanes provided at Malmesbury Road and Langley Road approaches to the junction. It appears that two lanes on the Malmesbury Road approach will be difficult to achieve, and the suggested through-put of traffic reduced as a result.

The developer will be required to undertake further analysis to establish the geometrical layout for the junction as and when the Core Strategy proposals are more firmly established, as identified in the TA (6.3.12 *The potential to reduce the scale of this junction will need to be tested in context to the wider network changes and traffic flows associated with the Core Strategy proposals.*)

Access to the station north-side car park

The proposals indicate that an alternative access will be provided from Foundry Lane to the upside railway station car park; Network Rail appear to be considering this as the only access to a multi-storey car park, as an option for station improvements, illustrated in their emerging station Masterplan Proposals. Given the nature of the existing access and its approach roads, the proposed new access point is fully supported. Consideration should be given to the potential to close the existing car park access to Union Road/Old Road, and to the application of a one-way restriction on Union Road, which would facilitate the provision of improved access for pedestrians and cyclists, as proposed in the TA

Proposed Footbridge over railway

The application acknowledges proposals for a footbridge crossing of the railway. This is in line with the former planning brief for the area.

Paragraph 6.5.1 of the TA states:

6.5.1 The benefits of the proposed development for travel by non-car means include:

- *Working with Network Rail and First Great Western improved (or new) cycle/footbridge could in part be provided as part of, and integrated into, the development scheme which would, when completed, improve access to the town centre;*
- *Improved access to public transport, including access to the railway station and bus stops at the front of the station;*

However, the footbridge does not actually form part of the planning application. Network rail are not a party to the application. The delivery of a new bridge over the railway can only, therefore, be considered as an aspiration, but measures can be established through a planning obligation with the developer to ensure that an appropriate outline design for a bridge is established and a landing stage on the development site secured. The south side landing for a new bridge would be in the gift of Network Rail to allow. However, Network rail are an extraordinarily difficult organisation with whom to establish commitments of this type, and any provision of a bridge is likely to be a medium term scheme at best. A planning obligation to secure a reasonable endeavours approach on the part of the Langley Park developer to its delivery is required, not just a contribution towards its uncertain delivery. No provision was made for a landing stage in association with the planning application for the recently completed station car park off Cocklebury Road.

It is considered reasonable that a planning obligation seeking a contribution of £900k (based on WSP estimate of £750k for previous Asda proposal, factored by RPI Jan 2008 to Oct 2013 – 251.9/209.8) for a bridge, together with a reasonable endeavours clause to promote and facilitate its completion with third party funding, when available, together with a fall-away clause after, say ten-fifteen years of first trading at the food store.

Construction Traffic

Planning permission should be subject to the submission and approval of a construction traffic management plan. This plan should identify how construction traffic will be managed so as to minimise the effects on the amenity of local residents, and to avoid the use of inappropriate routes on the outskirts of the town. Timing of construction traffic will have to be managed to avoid impacts during network peak periods. Construction traffic leaving the site will likewise be controlled, and facilities effected to ensure that dirt from the site does not fall onto the highway from the wheels of construction traffic.

Chippenham Transport Strategy – Contribution towards identified schemes.

The Chippenham Transport Strategy (CTS) has identified a number of measures required to offset the impacts of proposed development in Chippenham during the plan period to 2026. The council will require a contribution towards the unfunded elements of the identified schemes, on a 'per dwelling' basis for all major residential development proposed in Chippenham. It is considered that this scheme, although not identified as a Strategic Site in the Core Strategy, should, nevertheless, contribute towards the CTS schemes. This can be covered in a planning obligation. The developers agent has contended that the development should not be required to contribute towards the strategic schemes in Chippenham, in essence because, firstly, the site is a brownfield

site, and many of the trips associated with the development are not new to the broader transport network, and some existing trips will be lost, and, secondly, because the development will improve the Little George junction, which is an uncoded scheme in the Chippenham Transport Strategy, is nevertheless assumed in the strategy to be provided by others.. However, contributions for the CTS schemes are only being charged for new dwellings, not for employment sites, so no discounts should be made for trips lost through employment development changes. Furthermore, the alterations to the Little George junction are an immediate access requirement for the development, and have been regarded as such since a food store was first proposed on the Langley Park site. The contribution sought is therefore based on the number of new dwellings proposed (115), at a rate of £4264 per dwelling.

Phasing Plan:

A development site phasing plan will be required to define completion stages for, inter alia, the construction of the Langley Road junction, the improvement of the Little George junction, the realignment of Foundry Lane, the completion of the site link road between Foundry Lane and Langley Road, the completion of a new station car park access road

It is important that the individual new land uses are not opened for trading or occupation unless and until they are provided with an appropriate access.

Spatial Planning

Support- The comments from the Council's Spatial Planning Team are incorporated into this report.

8. Publicity

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

6 households have supported the application and 13 households have objected to the application. Other responses were received by the Council seeking clarification on certain points and making requests to the developer.

Summary of key relevant points raised;

Support (6):

- Overall it is a positive step forward
- Will provide much needed employment
- Will improve the appearance of the area
- Flow of traffic should improve.

Object (13):

- Highways safety issues
- Proposed highway layout is poor
- Traffic lights at Langley Road/Malmesbury Road junction are problematic
- The additional traffic will result in lengthy delays at peak times
- Noise from traffic particularly to the rear of Clift Avenue noise disturbance
- Privacy issues from proposed new dwellings to the rear of Tugela Road
- Privacy issues for the properties in Hawthorn Road
- Concerned at the two residential units at the boundary line of Clift avenue
- Unclear what will happen to the trees on the boundaries of the site
- Concern about night time deliveries
- The trees along the rear border of the current car park at Foundry Lane should be retained as they are a valuable wildlife habitat.
- Concerned with the volume of construction traffic going up and down the road and the resulting noise and vibrations
- Little George roundabout is not adequate for more traffic
- The loss of the Whitehouse should not be accepted

Questions/Requests:

- Turning head in Tugela Road must be retained
- Development must be sympathetic to character of the area
- The plans do not show the existing access from Westinghouse onto Pew Hill Park
- The new roundabout at Westinghouse should have a pedestrian crossing facility
- There is no pedestrian access opposite Birch Road at the opening to Langley Park.
- Has there been any consideration given to double yellow lines in front of the homes at the top of Pew Hill?
- Will the frontage of 94 Langley Road be reduced by the construction of the roundabout?

Chippenham Civic Society:

The Civic Society supports the concept of integrating Hathaway Retail Park with Langley Park. We also welcome the provision of a hotel and leisure facility as well as access over the railway line.

Because of the prominence of the site we expect the design of the site to be high quality. There is some concern over the views of the site from the railway station. The size of the food store is also a matter of concern.

The site is of enormous importance to the history of Chippenham- a railway engineering site of national historical importance. We would expect this to be commemorated in a tangible way through a high class railway related public work of art.

Signet Planning

Object to the retail element of the proposal. The Bath Road site is an edge of centre site and is sequentially preferable retail location to Langley Park. We wish to make the following comments:

- Pre application discussions relating to the Bath Road site are ongoing with Council Officers. The site is clearly suitable for retail development which will include food retail and other comparison goods.
- The Council, as land owner, has made the land available for development. The fact that a developer is in the process of bringing forward a scheme is a reasonable indication that the scheme is viable. The Bath Road site is therefore sequentially preferable.
- Sequential test should be carried out in accordance with the technical guidance to PPS4.
- The technical guidance clearly states that an applicant should not reject sites based on self imposed requirements or preferences or without demonstrating a serious attempt to overcome any identified constraints.
- The assumption that Bath Road will be used by a low cost retailer is not likely in reality. This assumption in the applicant's retail impact assessment has knock-on effects in terms of how Turleys considers the issue of floorspace capacity for convenience goods and impact on the town centre.

PCL Planning (leasehold owners of the Emery Gate):

The starting point for the consideration of the current application should properly be the Appeals Decisions dated 23 May 2008. The applicant has failed to overcome the inspector's findings.

The site still lies about 900m from the 'primary shopping area' in Chippenham town centre, and this is an 'out-of-centre' location in retail policy terms. Having regard to the sites distance from the primary shopping area, and its separation by the railway and river, the site is not, and will not function as, an edge-of-centre site.

The desirability of retaining all comparison turnover likely to be generated by the scheme floorspace within Chippenham, rather than directing it to the regional town centres, is insufficient justification to allow provision in an out-of-centre location.

The applicants' evidence suggests that the town centre Tesco store continues to underperform the company average. It is likely that the town centre Tesco store will trade at above company

average level. It is therefore likely that the Tesco store will take up more of the capacity than the Retail Statement currently considers to be the case.

The justification for the current application proposals is premised substantially on the overtrading of existing out-of-centre stores. There is no change in the position established by the previous Inspector. To argue that overtrading in out-of-centre stores justifies another out-of-centre store flies in the face of government and local policy to focus retail development within town centres.

The current application will offer no significant qualitative advantages, and the applicants have still failed to demonstrate any firm evidence that overtrading at existing stores is creating an unacceptable shopping experience.

The Bridge Centre / Bath Road Car Park site is suitable for some convenience retailing. There is a 'very real risk' that retail investment at Bath Road / Bridge Centre would be severely prejudiced if the proposed store were to go ahead.

The site remains separated from the core of the town by the railway and the river, across which there are just two main crossings. These obstacles, together with the distance, will continue to prevent easy linkage with the main retail core.

The area will remain an appendage to the main shopping core and its trading as a competing destination is likely to be accentuated.

The proposed development would have a considerable negative impact and draw a significant amount of trade from town centre shops, particularly in view of the higher level of comparison floor space comprised in the current proposals. Indeed, the vacancy rate has risen from 6.4% in 2008/9 to 10.2% in 2012. *The health of Calne and Corsham town centres has also deteriorated and their fragility has increased, justifying a precautionary approach*

Chippenham Vision

The Chippenham Vision Board supports the development of this site in principle but has significant concerns about the application submitted, in particular:

- Its connections with and accessibility to the town centre and impact on wider access to the town centre;
- No formal commitment to delivering link across the railway line and town centre access is inadequate.
- The proposal currently creates two town centres
- Appear to be no pedestrian or cycle priority routes through the site. It is completely dominated by car parking and car movements.
- The mix of uses proposed, including their impact on the town centre, their viability and possibilities for delivery.
- The parking allocation for the food store and leisure uses on this site could undermine the attractiveness of the town centre by drawing traffic to this site
- The proposed food store is clearly not a 38,000 sq ft store as the proposal includes circa 10,000 sq foot of additional retail.
- There is a significant lack of green space on the site.
- The proposed leisure uses and redevelopment of the workspace units on the Langley Park site is to be welcomed
- There is no indicated end user of the proposed leisure block.
- Bath Rd car park site offers the premium opportunity for an additional supermarket.
- Concerns about the design and layout of the site
- We consider this application to be premature in relation to the development of the core strategy and the emerging masterplan for the town.

9. Planning Considerations

Planning Inspector's Decision

The most recent planning appeal for the redevelopment of the site was dismissed at appeal and the applicant's subsequent challenge to this decision failed. The Planning Inspector's decision is a material consideration in the determination of this application. The inspector concluded the following:

- Retail Impact- The scheme would conflict with Policy R4 of the Local Plan and would not meet local and national policy objectives to direct major new retail development to town centres, having regard to the need for the development, the availability of suitable viable alternative sites and other criteria, including accessibility.
- Layout and Design- In broad terms, the retail store would dominate the site, such that the housing layout would inevitably appear squeezed onto the smaller part of the site. This in itself is likely to create other problems of residential amenity and inadequate open space. The limited space and disjointed parcelling of the housing land result in a cramped illustrative residential layout.
- The layout generally provides inadequate room for proper landscaping. The car park would be unrelieved by any significant green space. The 'urban armature' proposed by the appellants would have totally inadequate space for the tree planting illustrated.
- Housing- The mix of units provides mostly small units and few family sized dwellings. Even so, the constricted housing site and the highway and parking arrangements proposed raise doubts that all the dwellings could be satisfactorily accommodated on the site. The dwellings were close to existing workshops. The potential problems with noise as were a further issue.
- Open Space- There is no good reason why a large scheme such as this should not provide for its own needs, in accordance with Policy CF3 of the Local Plan and its supporting text in paragraph 12.5. I am far from satisfied that the housing land would accommodate the number of houses proposed to satisfactory design standards with the requisite amount of open space. Similar comments apply to the residual area within the Policy H2 allocation but not included within the combined application site.
- Outlook- The residential scheme would suffer several potential problems, which the constricted site has too little space to address without changing the mix and design. The main concern is that normal safeguards with regard to overlooking and oppressive outlook might not be achieved if the density proposed is not reduced or the configuration of the housing land changed.

Impact on the character and appearance of the Conservation Area

The conservation area covers a considerable area within central Chippenham, including the Town Centre and part of the application site. During the consideration of the previous planning application concerns were raised in relation to the removal of a former Westinghouse office building known locally as 'The White House'. The building is representative of a 1920s and 1930s Art Deco Architecture.

The Inspector, in his decision at paragraphs 34-39, considered the removal of this building and concluded that the removal of the structure was acceptable in principle. Although this decision was assessed against PPG15 and not the NPPF it is considered that the policy context is similar. Having considered the previous inspector's decision and policies contained within the NPPF, NWLP & WCS it would now be difficult to conclude other than that the historic form and values have been seriously eroded by unsympathetic alterations. In these circumstances the Council would have great difficulty in concluding that the property makes a positive contribution to the conservation area, its contribution is neutral effect its retention is not necessary.

The application still proposes to demolish this structure and other unsightly buildings within, and adjacent to the conservation area. The removal and replacement of these unsightly utilitarian buildings is considered to contribute positively to the character of the conservation area. Whilst the application is in outline form, the access arrangements and indicative layout now demonstrate that an acceptable layout for residential development and commercial development can be achieved. The indicative layout for residential development shows a layout that broadly reflects the grain of the housing in the adjoining conservation area.

Having assessed the proposed development, local and national planning policies and the Inspector's appeal decision it is considered that the proposed development will have a positive impact on the character of and appearance of the conservation area and long distance views into it.

Impact on the privacy and amenity of existing neighbours

Some concerns have been raised by local residents in relation to the proposed layout. Particular concern has been raised in relation to the layout and the proposed maximum height of the residential development backing onto Tugela Road and Hawthorn Road. The indicative layout and building height parameter plan demonstrate that adequate privacy will be maintained to these properties and the outlook for many properties will be improved. It is considered that the outlook will be improved because the existing, large industrial buildings backing onto Tugela Road and Clift Avenue will be removed. It is considered that the removal of these buildings and replacement with residential development will greatly improve the residential outlook of the properties affected. Furthermore, the submitted master plan demonstrates that the proposed residential properties will have gardens with a depth of 10m or more thereby providing adequate separation and improved outlook compared to the existing situation on site.

A small block of flats is proposed on a car park currently serving Hathaway Retail park. This block will have a maximum ridge height of 11m. The illustrative plans show that the land can be developed whilst still providing separation of approximately 20m from the rear elevation of the nearest residential property. The separation between the proposed block and the existing residential properties is considered to be acceptable. The illustrative plans demonstrate that residential development in this location can be achieved without a significant detrimental impact on the residential amenities of existing properties in the locality.

Concerns have also been raised in relation to the proximity of the proposed Hotel to existing residential properties, these concerns relate to privacy and overbearing impact. The proposed hotel will have a maximum height of 11m and will be located in excess of 40m from the rear elevation of the nearest residential property. Taking into consideration the above information the proposal is considered to have an acceptable impact on the residential amenities of existing properties in the locality and the proposed residential development opposite the proposed hotel.

The indicative layout plan also shows a block of residential units, up to 11m in height, approximately 5m from the rear boundary of properties towards the South Eastern end of Tugela Road. Taking into consideration the large industrial units that are currently in situ it is considered that the proposed relationship is acceptable and will result in an improvement to the residential amenities of these properties.

Highways

Subject to conditions and a legal agreement requiring the highways improvements, no objections are raised to the proposed development (please see comments above). The improvements to the existing junctions at Langley Road and Little George are complex but not insurmountable. The highways comments would appear to indicate that a new pedestrian link will be provided as part of this scheme. This is incorrect; this issue is addressed in detail below.

Public Open Space

The amount and quality of public open space within the site is limited and falls short of the requirements set out in the local plan. Assuming there would be a 50% split of 2 bed and 3 bed dwellings within the site, the public open space requirement would be 6546m², of which 516m²

should be play provision. It is possible to satisfy this requirement off site as a financial contribution in line with policy CF3 of the Local Plan. This would fall into two separate categories:

- i) Provision of open space elsewhere which is appropriately located in relation to the development;
- ii) Contributions towards the upgrading of existing nearby open spaces.

The applicant has agreed to provide contributions in accordance with the requirements set out above and these are set out in the heads of terms below.

Accessibility

The planning inspector appointed to determine the previous planning appeal did not consider the store to be in a 'highly accessible' location. The inspector was of the view that the strength of potential links to the town centre was much over-stated. The inspector concluded that a distance of well over 1km from the store entrance would prevent easy linkage with the main retail core of the town.

To overcome these concerns the applicants have provided direct access to two existing pedestrian footbridges over the railway, these two bridges provide direct access to Chippenham Railway Station and access over the railway line allowing easy access to the Town Centre. Furthermore, the new road through the site will provide access to the new housing, industrial buildings, supermarket and Hathaway Retail Park. The new access will also provide direct vehicular and pedestrian access to Chippenham Train Station's Northern Car Park.

The proposed development will provide new footways and cycleways within the site, one of which will see the removal of an existing, retail unit to provide access onto Old Road. These new linkages will connect to existing established routes to the Town Centre. This will be further improved with the provision of a bus route within the site and three new bus stops.

Within the highways comments there is a misconception that a new pedestrian bridge linking the application site to the railway station will be provided. This is incorrect; the development will secure a future landing point on the northern side of the railway for a new foot/cycle link across the railway line, if external funding to deliver the bridge is secured. However, the bridge will not be provided by the applicants. A financial contribution is proposed to provide a DDA compliant lift to the existing public foot & cycle bridge across the railway thus improving access to the town centre.

On balance these proposed improvements to existing town centre links are considered to enhance the links between the town centre and this site and increase the likelihood of linked trips and spin-off associated with the transference of spending and thereby having a positive impact on the retail economy of the town centre.

Urban Design

Concerns have been raised with regard to the size, scale and indicative design of the proposed food store. Due to the nature of the application no elevation plans have been submitted. However, indicative plans formed part of the design and access statement. The plans indicate that there would be a constant flat roof over the main part of the food store retail block at a maximum height of 14 metres. This was considered to represent a significant increase in height over a large area in proximity to the railway line and railway station compared to the existing and former industrial buildings in this area.

The concerns expressed by officers have resulted in the indicative plans contained within the Design and access statement being removed and replaced with examples of supermarkets of a higher quality and design. It is considered that the alterations to the supporting documentation have overcome this concern and on balance the layout of the proposed development is acceptable.

Hotel and Leisure

The proposal includes 2787sq m (net) leisure for an unknown end user. However, it is suggested in the planning statement that the space could accommodate a range of operators including small scale cinema, bowling alley or soft play facility. The proposal also includes a hotel (3530 sq m) with up to 102 beds. The planning statement says this will complement both the employment and retail uses on the site and respond to an identified shortfall in hotel accommodation in the town centre, which is currently only served by the Angel Hotel.

The site is located within the framework boundary of Chippenham and both the hotel and leisure provision is in accordance with Policy TM1 and Policy CF2 of the NWLP. In relation to the Core Strategy, the hotel is located within a principal settlement. CP40 permits new hotels in principal settlements. In terms of the proposed leisure provision CP38 says that all proposals not within a town centre in excess of 200sq m gross floor space including extension of existing units, must be accompanied by an impact assessment and demonstrate that the proposal will not harm the vitality or viability of any nearby centres. All such proposals must also comply with the sequential approach, as set out in national guidance.

However, in this case, Langley Park is within the defined Chippenham Central Area of Opportunity as defined by CP9, within which mixed use schemes are promoted which support the vitality of the town centre. Paragraph 5.48 of the plan supports proposals which will enhance Chippenham's offer as a service centre, particularly the town centre for retail, leisure and the evening economy in order to reduce the outflow of shopping and leisure trips. Therefore it is considered that the proposal for leisure provision is acceptable and is in accordance with the Core Strategy. Indeed, the Council has received letters of support from local residents in relation to the proposed leisure uses.

Employment

Langley Park is currently an existing employment site, part of which remains active. The proposal includes 5,600 sq m industrial units and the applicants have indicated that this will create new jobs and will secure the retention of jobs currently on site. Employment activities on the site are welcomed and are in accordance with the NWLP, within which a statement accompanies the Policy BD1 employment allocations:

'The District Council would also support further employment opportunities as part of mixed use development schemes at Foundry Lane....It is envisaged that the redevelopment in each case will be predominantly based upon residential uses, employment activities will make a positive and sustainable contribution to the local area....'

Langley Park is a brownfield site, part of which is in current or has previously been in employment use. The Core Strategy supports regeneration opportunities and aims to maximise the re-use of previously developed (brownfield) land. Core Policy 36 Economic Regeneration says:

'the provision of economic development on previously developed land is supported where the proposed uses help to deliver the overall strategy for that settlement, as identified in Core Policy 1 (Settlement Strategy).... and/or enhance the vitality and viability of the town centre by introducing a range of active uses that complement the existing town centre.'

The strategy for Chippenham is based on delivering significant job growth, which will help to improve the self-containment of the town by providing more jobs for local people. The proposal seeks outline permission for the extension existing business but also the provision of smaller business units necessary to allow small and expanding businesses to locate within the area.

As one of the few identified brownfield sites in Chippenham, the importance of continuing employment use on the site is reflected in CP9 which specifically allocates the site to *'deliver a mixed use site solution for a key redevelopment opportunity area to support the retention of significant business uses on part of the site.'* The protection, intensification and regeneration of established employment sites is a key outcome for the Council when seeking to deliver a thriving economy.

From a Core Strategy perspective, continued employment development on Langley Park is welcomed. The proposal provides the opportunity for the buildings on site to be regenerated and improved and will contribute to achieving what the Core Strategy envisages Chippenham will be like in the future.

The new business uses within the site are no closer to existing residential units than the existing buildings on site. It is therefore considered that the indicative layout of the new business uses will have no significant adverse impact on the amenity of residential properties than the existing uses currently on site in terms of noise disturbance, loss of sunlight, daylight or privacy.

Retail Units

As well as the supermarket, the application seeks permission for the construction of two additional retail units at Hathaway Retail Park. One retail unit will be up to 25,000 sqft (non food retail) and the other unit will provide up to 10,000 sqft (garden centre). As set out in the planning history-permission has recently been granted for a non-food retail unit at Hathaway retail park (20,180 sqft). This planning application was accompanied by a PPS4 compliant retail impact assessment that concluded that North Wiltshire suffers considerable loss of expenditure to Swindon and Bath and the new development could help to meet the quantitative need for new comparison goods retail floorspace.

A retail impact assessment was submitted with this planning application and concludes that these two additional units are acceptable and will have no significant detrimental impact on the two centre. In summary, the indicative siting and layout of these units is considered to be acceptable.

Retail Impact

Paragraph 24 of the NPPF and policy R4 of the local plan require a sequential test to be applied to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to date Local Plan. When considering edge of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The NPPF states, at paragraph 27, that where an application fails to satisfy the sequential test, it should be refused.

Contributions and Viability

Paragraphs 173-177 of the NPPF relate to viability. The NPPF states that plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

The applicants have submitted an assessment of viability, the report states that the proposed scheme is currently unviable based upon existing planning policy and associated proposed S106 requirements. The viability report has been provided on a confidential basis to the Council and this is not available for inspection by the general public or interested third parties. To ensure that the report is accurate and the reduced contributions are justified, the Council appointed DTZ to undertake an independent review of the viability assessment. The findings of the report and the agreed heads of terms will be presented as a late item.

10. Conclusion

The proposed redevelopment of the site is in accordance with both local and national planning policies. It is considered that the proposed mixed use scheme will result in the development of an important brownfield site in Chippenham, which will enhance the town and its role as a principal settlement in Wiltshire. There are significant benefits from the proposal in that it supports a Core Strategy objective for delivering a thriving economy in that it regenerates an existing employment area to retain established businesses and extends the service centre role and night time economy of Chippenham by introducing new leisure uses.

The delivery of housing in a central urban location and the expansion of Chippenham's town centre by delivering elements of identified retail need are positive for the area. There are small parts of the scheme which could be improved, however, on balance the proposed redevelopment is acceptable and overcomes the concerns raised by the previous planning Inspector's decision.

11. Recommendation

The application is recommended for approval subject to the following planning conditions and the completion of a s106 agreement with heads of to be agreed prior to the meeting and presented as a late item:

- 1) Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 2) The development hereby permitted must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority for each plot before any part of the development of that plot is commenced and shall be implemented as approved:
 - (a) Layout,
 - (b) Scale,
 - (c) Appearance
 - (d) Access
 - (e) Landscaping
- 4) The development hereby permitted shall not be carried out except in broad accordance with the details shown on the submitted plans and documents, as detailed below:

Parameter Plan: Landscape – SK28-23 C
Parameter Plan: Movement – SK28-22- D
Parameter Plan Building Height – SK28 -21- D
Parameter Plan Land Use – SK28-20 –D
Master Plan- SK28-3 REV F
Highway Plans- IMA 12 066 015 Rev F
IMA 12 066 028
IMA 12 066 029

Technical Documents-

Planning Statement
Design & Access Statement
Transport Assessment
Environment Statement
Drainage Statement

- 5) No development shall commence on any plot of the development until full details of the colour, finish and texture of all new materials to be used on all external surfaces, for all buildings within that phase, together with samples of the facing materials and roof treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
- 6) No development shall take place on any phase of the development until details of the construction of all walls, fences and other means of enclosure for that phase of development has been submitted to and approved in writing by the local planning authority.

The approved scheme shall be implemented and complete prior to the first occupation of the unit.

- 7) The landscaping scheme for each plot of development, as required by condition 3 shall include:
- a) indications of all existing trees and hedgerows on the phase of development;
 - b) details of any trees to be retained, together with measures for their protection in the course of development;
 - c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - d) finished levels and contours;
 - e) means of enclosure;
 - f) car park layouts;
 - g) other vehicle and pedestrian access and circulation areas;
 - h) hard surfacing materials;
 - i) minor artefacts and structures (e.g. furniture, bin and cycle stores and other storage units, signs, lighting etc);
 - j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
 - k) details for the intended treatment of all boundaries of the phase of development

The above details shall be provided prior to the first occupation of any part of the plot to which the above details relate.

- 8) Any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted;
- 9) The development shall comply with the following requirements:
- i. the hotel shall not exceed 3530 sq ms.
 - ii. the buildings to be used for B1 & B2 use shall not exceed 3901 sq ms.
 - iii. the buildings to be used for D2 use shall not exceed 2787 sq ms.
 - iv. The building to be used for food retail purposes shall not exceed 3530 sq ms net sales area
 - v. The buildings used for A1 shall not exceed 3,251 sqm net floorspace
 - vi. Max number of residential units shall not exceed 115 units.
- 10) Prior to the first occupation of any building within the site, details and locations of the proposed signage for the footpaths and cycleways within the site directing people to the Town Centre and Railway Station shall be provided to and approved in writing by the Council. These signs shall be installed in accordance with the approved details and within 6 months of the first occupation of any building on site.
- 11) Prior to the removal of the building on Hathaway Retail Park shown for demolition on plan SK28-3 REV F full details of the colour, finish and texture of all new materials to be used on all external surfaces, together with samples of the facing materials and roof treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
- 12) The retail store shall not be occupied until the building on Hathaway retail park shown for demolition has been demolished, all resulting materials and waste removed from the site and the new access provided.
- 13) Prior to the occupation of the food retail unit the new access into the existing northern surface level railway car park shown on Parameters Plan- Movement (SK28-22D) shall

have been provided. The access shall thereafter be retained and made available for use by the general public.

- 14) No retained tree as shown on the Tree Survey plan within the Supplementary Arboricultural Report received by the Local Planning Authority on 2 August 2011 shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS5837:2005 (Recommendations for Tree Work) and should be carried out before the commencement of any works.
- 15) No development shall commence unless and until a combined ecological and landscaping management scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme must include all aspects of environmental enhancements and landscaping and details of species to be planted, timing of works, programme of implementation and future management with monitoring if deemed necessary by the Local Planning Authority. The agreed scheme shall be implemented in the first planting season following the first occupation of the development and shall be thereafter retained.
- 16) No development shall take place until a scheme of highways improvement in accordance with Drawing Numbers IMA 12 066 015 Rev F, IMA 12 066 028 & IMA 12 066 029 including the approval of necessary departures from standard, has been fully implemented and is constructed and open to traffic.
- 17) No building in each plot shall be first occupied until access, loading areas, car and cycle parking serving it have been provided in accordance with the approved plans for that plot and shall be thereafter retained.
- 18) The development hereby permitted in each plot shall not be first occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented.
- 19) No development shall take place on any plot of the development, until a Construction Method Statement for that plot has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel cleaning facilities;
 - vi. measures to control the emission of dust and dirt during construction;
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii. measures to control noise during construction;
 - ix. a signage strategy for construction traffic.
- 20) No building hereby permitted shall be occupied until foul and surface water drainage works have been implemented for that building in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 21) No external construction works or related deliveries shall take place outside 0700 to 1800 hours on Mondays to Fridays or 0700 to 1300 hours on Saturdays not at any time on Sundays or Bank and National Holidays except in an emergency.
- 22) Development shall not commence on any plot approved under condition 3 of this permission until that plot has been subject to a detailed scheme for investigation and recording of contamination of the land and risks to the development, its future uses and surrounding environment. A detailed written report on the findings including proposals and a programme for the remediation of any contaminated areas and protective measures to be incorporated into the buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for the disposal of surface water during remediation. The remediation works shall be carried out and a validation report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved proposals and programme. If during the course of the development further evidence of any type relating to other contamination is revealed, work at the location will cease until such contamination is investigated and remediation measures, approved in writing by the Local Planning Authority have been implemented.
- 23) Prior to the first occupation of any building on site, other than site clearance and demolition, full details of all site access arrangements shall have been completed in accordance with details, which shall have been submitted to, and approved in writing by the Local Planning Authority beforehand.
- 24) No artificial lighting shall be installed unless full and precise details of the lighting scheme have been submitted to and approved in writing by the Local Planning Authority. This shall include:
 - i. A statement setting out why a lighting scheme is required, and the frequency and length of use in terms of hours of illumination throughout the year.
 - ii. A site survey showing the area to be lit relative to the surrounding area, the existing landscape features and proposed landscaping features to mitigate the impacts of the proposed lighting.
 - iii. Details of the make and catalogue number of any luminaires/floodlights.
 - iv. Size, type and number of lamps fitted within any luminaire or floodlight.
 - v. The mounting height of the luminaires/floodlights specified.
 - vi. The location and orientation of the luminaires/floodlights.
 - vii. A technical report prepared by either a qualified lighting engineer or the lighting company setting out the type of lights, performance, height and spacing of lighting columns. The light levels to be achieved over the intended area, at the site boundary and for 25 metres outside it.
 - viii. The lighting shall be constructed and installed in full accordance with the approved details and shall thereafter be maintained in full accordance with the approved details.
- 25) No development of the food retail unit shall take place until full details of all proposed fixed plant installed on the building and/or site (and including all mitigation measures screening) has been submitted to and agreed in writing by the Local Planning Authority. Such details shall include confirmation that the plant will not exceed -5dB below the lowest background noise level and that noise rating not exceed 37dB when measured at the nearest

residential properties. Development shall be carried out in complete accordance with such details so agreed and shall remain in that condition thereafter.

- 26) Prior to the first use or occupation of the food retail unit development hereby permitted details of the method of managing public access to the whole site outside the hours of opening of the superstore, shall be submitted to and approved in writing, by the local planning authority. The approved management plan shall be implemented prior to the first use of the development hereby permitted and permanently maintained thereafter.
- 27) No development shall commence on the food retail until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use until the approved scheme has been brought into operation. The approved scheme shall be maintained in operation in accordance with the approved details.
- 28) No development shall take place on the food retail unit until details of secure covered cycle parking for both customers and staff (together with associated changing and shower facilities for staff) have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.
- 29) Prior to the first occupation of the food retail unit the highway works, bus stop facilities and on-site pedestrian and cycle routes, including the link to the northern surface level railway station car park, shall be complete and in accordance with those general details shown on plan number SK28-3 REV F and full details of such highways works, which shall have first be submitted to and approved in writing by the local planning authority.
- 30) The food retail store shall not be opened for trade until the site access road and its associated footways, have been provided in accordance with the approved plan number IMA 12 066 015 Rev F.
- 31) The food retail store shall not be opened for trade until the car park circulatory aisles, the car parking spaces, the disabled spaces and the parent and child spaces have been provided, surfaced and marked out in accordance with the a parking plan that shall be submitted to and approved in writing by the Local Planning Authority. These vehicle parking spaces shall thereafter be retained at all times for their designated users.
- 32) The food retail store shall not be opened for trade until the store service road and its associated service yard have been provided in accordance with details to be submitted to and approved in writing with the Local Planning Authority.
- 33) Unless otherwise agreed in writing, at no time shall the service yard of the food retail unit be used for outside storage or any other purpose other the parking and manoeuvring of delivery lorries.
- 34) Unless otherwise agreed in the form of a separate planning permission in that regard, at no time shall the food retail unit hereby permitted be subdivided into a larger number of units.
- 35) The gross internal floor space of the food retail store hereby permitted shall not exceed 8800 square metres. The net retail sales area (defined by the National Retail Planning Forum, and reproduced in Appendix A of the PPS4 Practice Guide 2009) to be used for the sale of convenience goods at the food retail store shall not exceed 3530 square metres. There shall be no sale of comparison goods.
- 36) The unit hereby approved shall be used for food retail purposes only and for no other purpose of the schedule of the Town and Country Planning (Use Classes) Order 1987, or

in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order (without modification).

- 37) The non food retail development forming plot 'Non Food Retail' as identified on plan number SK28-20 REV D shall not be subdivided so as to result in any retail units less than 929sqm
- 38) The non food retail development forming plot 'Non Food Retail' as identified on plan number SK28-20 REV D shall not be used other than for the sale of DIY/hardware items; garden products and plants; furniture; carpets and other floor coverings; electrical and gas goods; pets and pet products; camping equipment and goods that are ancillary and related to the main goods sold, provided that the ancillary goods comprise no more than 10% of the net sales floorspace of the individual unit and for no other purpose (including any other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order without modification), unless the local planning authority gives written consent to any variation.
- 39) The introduction of mezzanine floors shall not be permitted without the prior written approval of the local planning authority.
- 40) The non food retail development forming plot 'Non Food Retail', as identified on plan number SK28-20 REV D to which this planning permission relates, shall not be implemented if any part of the development for which planning permission was granted pursuant to planning application reference no *N/10/04067/OUT* is begun.
- 41) The residential development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, car parking 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.
- 42) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows or dormer windows, other than those expressly authorised by the reserved matters application, shall be constructed within the roofs of the dwellings hereby approved.
- 43) Prior to the occupation of any dwellings on the site, access for pedestrian and cycle users between the site and Tugela Road and Hawthorn Road shall be provided in accordance with details which shall first have been submitted to and approved by the local planning authority. The details for Hawthorn Road shall include for the provision of a vehicle turning facility at the end of the existing road, and shall show measures to restrict movement of motorised vehicles to or from the development site. The works shall be undertaken in accordance with the approved details.
- 44) The detailed design of the permitted food store shall make provision to accommodate a landing platform for a bridge for non motorised users crossing between the site and the south side of the railway. The design shall identify the route which potential future users of the bridge may use as a right of way between the prospectively maintainable highway and the bridge.



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