

REPORT TO THE NORTH AREA PLANNING COMMITTEE

Date of Meeting	26 August 2015
Application Number	14/12070/FUL
Site Address	The Park, High Street, Sutton Benger, Wiltshire, SN15 4RQ
Proposal	Residential Development Comprising 13 Dwellings, with Associated Gardens, Parking, Drainage & Landscaping.
Applicant	Redrow Homes (South West) Ltd
Town/Parish Council	Sutton Benger
Division	Kington – Cllr Howard Greenman
Grid Ref	394353 178724
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The Application was called in for Committee determination by Cllr Howard Greenman to consider the scale of the proposed development, impact on existing resources and compliance with the Wiltshire Core Strategy.

The application was considered at the NAPC meeting 15 July 2015 and was deferred for submission of further information. This second report seeks to provide the requested information, the first report to Committee is contained at Appendix 2.

1. Purpose of Report

To recommend that authority be delegated to the Area Development Manager to grant planning permission subject to the completion of Section 106 agreement and conditions

2. Report Summary

Committee members at the meeting 15/7/15 requested provision of information in respect of the availability of B1 Employment Land and buildings in the vicinity of the application site. Information has been provided by the applicant and by officers to confirm that there is available land and buildings with permission for B1 use in the vicinity of the site.

The Committee resolution was:-

To DEFER to receive further information in respect of the currently available employment space in the locality and details in respect of the marketing of the site undertaken to date with particular reference to small employment units providing flexible workspace for new small businesses. To receive from the applicant clarification of how the site was marketed and whether or not the exercise included provision for such flexible workspace and what response was received in that respect. Members clarified that no time limit as to a further report to Committee was identified; members confirmed that additional marketing was not being required.

3. Consultations

Economic Development – Reviewed available records and did not identify available B1 land and buildings within the vicinity of the application site.

Applicant – Confirmed that the marketing of the site had included B1 employment units and that this had included all formats of unit and use of the land. Further that the marketing of the site had included all forms of employment land. The applicant has provided additional information in response to the NAPC resolution and this is set out below and copied in full at Appendix 1.

4. Planning Considerations

Availability of Employment Land

In response to the resolution of NAPC officers have consulted with the applicant and with the Council's Economic Development Team. In addition officers have reviewed the Council's application records to identify small scale B1 employment unit permissions in the locality of the site and undertaken a site survey of the immediate locality.

As noted above the Council's Economic Development Team reviewed their internal records as contained in the Evolutive Property Database. The database was searched to identify B1 employment units of up to 10,000 sq ft within a 3 – 5 mile radius of the site. The search found no available sites or space currently available.

Officers have reviewed planning records and searched for B1 Employment proposals solely on Farms within the vicinity of the site granted permission. This search identified 25 permissions issued solely relating to proposals for B1 units on Farms issued since 1990 in the locality of the site. Whilst not all of these permissions will have been implemented a significant proportion have been providing available space for small businesses in the vicinity of the site. It is also considered that a proportion of the permissions not implemented will have been caused by limited demand for provision of the space at the time. The most recent consent issued was in 2013.

From visiting application sites in the locality and driving through the area Officers are also aware that within the village itself at Gate Farm situated on the High Street there is available B1 office space. Estate Agents marketing boards offering this space have been evident at the site during the last 6 months. This is specifically the type of small scale flexible B1 space that could accommodate new businesses and expanding business operations moving for example from an initial start up at home to a first business premises. The list of permissions granted identifies facilities at Manor Farm, Draycott Cerne in close proximity to the application site. Adjacent Christian Malford there are B1 business units permitted at Thorn End Farm. There are similarly available spaces in the wider area including Dauntsey and Brinkworth. In addition there are known available spaces in employment units within industrial estates at Royal Wotton Bassett and Chippenham such as Langley Park and Bumpers Farm in a range of formats within the B1 use class. It should also be noted that the Town and Country Planning Order has been amended in 2015 and now provides for the conversion of vacant agricultural buildings to B1 use without the need for planning permission subject to various caveats and exemptions. In addition members will be aware of recent proposals in the locality to convert vacant and redundant community facilities and public houses to residential use follow periods of marketing for alternative community and employment uses which have demonstrated no proceedable interest. Recent examples include the Suffolk Arms at Brinkworth and the former Gospel Hall at Neston.

The applicant has made further submissions in response to the resolution of the NAPC 15/7/15. These submissions include a letter from Nathaniel Lichfield and Partners (Agent) and further report of the Marketing undertaken by Kavanaghs Commercial Agents. Both submissions are reproduced in full at Appendix 1 for ease of reference. It has been confirmed by Kavanaghs the agents who undertook the marketing of the site for the applicant that their original marketing included all forms of employment use and format of development. The marketing particulars did not exclude any form of employment development on part or the whole of the site. No significant interest was submitted from starter/new start companies and Kavanaghs as commercial agents identify that such businesses tend to seek established properties to rent of which there are available, more locationally attractive facilities, in the locality.

In addition to this the applicant has provided further information from their agents as to known availability of the employment land in this locality which has been drawn from the Council's own Investec website. This confirms the availability of large scale employment space in the wider Wiltshire area. Kavanagh's submission also sets out their experience and opinion that there is available space for starter companies in the B1 use class in the locality in locations that will be more preferable to growing businesses i.e. that the site set back off the high street of Sutton Benger is not the most attractive location for this type of business. Furthermore that small scale business units would need to be built as a speculative development and then leased to businesses on short term rents as such small scale start ups or growing business are not in a position to build such units themselves. Such a speculative investment is considered to be unrealistic in the current economic market environment and conditions. Kavanaghs also comment on the list of approved applications for B1 units on Farms in the locality that officers have collated and consider that the majority of these have been implemented. As an active local estate agent with experience in the employment and commercial sector officers consider that the Kavanaghs assessment and submission can be given some weight.

In addition the applicant team refers to assessments undertaken on behalf of the Council in the preparation of the Core Strategy; and the content of the Sutton Benger Parish Plan 2009. Both documents identify available employment space in the locality. The Roger Tym Report on behalf of the Council supporting the core strategy identifies an excess of 14.3 ha of land when all allocations in the plan are implemented in this community area. The Parish Plan identifies a number of employment locations that may be considered appropriate for expansion of commercial activities including Westbrook Farm. Whilst land around Gate farm in Sutton Benger has been proposed for housing via the Strategic Housing Land Availability Assessment Call for Sites process. In addition the applicant references the statements of the Parish Plan that the former Faccenda chicken factory site "bussed" workers in to the unit rather than drawing employees from the village itself. As such the previous employment use of the site provided limited self containment within the village.

Both of the applicant's submissions comment further in respect of the valuation of the land attached to their marketing and consider this to be realistic. Further that the offer received was significantly below "market" value and there were no relevant circumstances justifying an acceptance of such an offer. No additional independent valuation information has been sourced or submitted and officers remain concerned that the valuation was too high given material considerations and the applicant's own assessment of market demand and site circumstances.

It is considered that the available evidence does demonstrate that there is currently available employment space and units in the vicinity of the application site. Further that the type of space is flexible accommodation that could accommodate a range of business operations including small scale newly started business or developing business enterprises. Furthermore, that there are proposals bringing forward additional employment land in the future in this locality. On this basis it is not considered that the loss of the employment land at the application site to residential use would result in a shortage of such space or significantly restrict or minimize the scope for such businesses to operate or develop such that permission for residential development should be refused and could be successfully defended on that basis given current material circumstances.

10. Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*". Paras 2 & 11 of the NPPF reiterate and confirm this requirement. This is the starting point for determination from a policy point of view. The Wiltshire Core Strategy forms the local component of the current development plan.

The site is a broadly sustainable location for development in terms of transport matters and access to services and facilities. The site is previously developed land. The development will deliver a range of benefits including environmental improvements, affordable housing provision, economic growth through construction and additional spending of the residents. It is considered that there is available B1 employment land and buildings within the vicinity of the site and the loss of the application site as employment land would not be so significantly harmful to the prospects of accommodating and supporting business growth and greater self containment within the large villages of this locality such that permission ought to be refused.

Given the identified benefits of development proposed and the relevant material considerations as set out in the report to NAPC meeting 15/7/15 contained at Appendix 2 and the limited conflict with the development plan and NPPF that is identified it is considered that on balance and in relation to this specific site and proposal there are sufficient reasons to justify a departure from the development plan.

RECOMMENDATION

That Authority be delegated to the Area Development Manager to grant planning permission subject to the completion of Section 106 agreement to address on site affordable housing provision and the conditions set out in the report to NAPC on 15 July 2015.

Appendices:

Appendix 1 Applicant submissions in response to Committee Request for information including letter from Nathaniel Lichfield and Partners and Further Report of Kavanaghs Appendix 2 Report to NAPC meeting 15/7/15

Background Documents Used in the Preparation of this Report:

Application Documents

Further Submissions of the

Applicant National Planning Policy

Framework Planning Practice

Guidance

Wiltshire Core Strategy

North Wiltshire Local Plan Saved Policies

Appeal Decision Ref APP/Y3940/W/14/2222641 N/13/05188/OUT - Land at Bath Road, Corsham NAPC 15/7/15 Report and Minutes

APPENDIX 1 Nathaniel Lichfield & Partners Letter and Kavanaghs Report

APPENDIX 2 Committee Report NAPC 15/7/15 14/12070/FUL

Mr Lee Burman
Area Team Leader (North)
Economic Development and Planning
Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

One Temple Quay
Temple Back East
Bristol BS1 6DZ

0117 403 1980
bristol@nlppanning.com

nlppanning.com

Date 7 August 2015
Our ref 31261/GW/JMi/9487740v2
Your ref

Dear Mr Burman

The Park, High Street, Sutton Benger - Application 14/1270/FUL

We write to provide the additional information requested by Members in their deferral of the above planning application at Planning Committee on the 15 July 2015. Both in the Members deliberations and the reasons for deferral, we summarise the key issues of concern and requests for additional information as follows:

- 1 Information on the current availability of employment space in the locality;
- 2 Details of the marketing undertaken with regards to small flexible workspace for small businesses;
- 3 The issue of what constitutes a reasonable market value; and
- 4 The need for a shop and/or other facilities in the village.

At the outset and as highlighted by officers at the previous committee meeting, it is important to note that there is no policy basis for safeguarding the site for employment. There is also no longer a basis for requesting a marketing exercise to be undertaken, nor to support the committee's request for further scrutiny of the marketing process.

However, notwithstanding the above, Redrow wishes to work collaboratively with the Council to provide additional comfort so has sought to respond to the issues raised. Thus, additional clarification on each of the above points is provided within this letter as well as within the appended letter prepared by Kavanaghs, which supplements the Marketing Report provided as part of the original planning submission.

Existing Availability

The committee members requested further information in respect of currently available employment space in the locality.

In terms of the site's context with regards to its overall importance to employment need, the Employment Land Review undertaken by Roger Tym & Partners (RT&P) to inform the Core Strategy identified a surplus of employment land in the Chippenham Community Area of approximately 14.3 ha over the calculated requirement, if all sites were delivered over the plan period. However, the application site was not considered in this calculation and is not mentioned within the RT&P report at all. We consider that this highlights the fact that it is not required to meet employment need in the local area.

We also note reference in the Parish Plan (2009) that the majority of workers at the Faccenda factory were 'bussed in' from other areas. Thus whilst the site was an important employer in the past, it was not actually employing people in great numbers from the village. We consider this is an important factor when considering need at the local level, particularly given the number of vacant units within less than 10 minutes drive time of the village.

Other than the units mentioned at the committee meeting which are located on the outskirts of the village and are known to have been marketed unsuccessfully for a considerable period, it is acknowledged that there are few existing employment units within the village in the immediate vicinity of the site. There are, however, numerous employment opportunities in the wider area which are located within a short drive time of the application site.

The committee specifically queried the supply of starter units. The accompanying report by Kavanaghs highlights that those seeking starter units are generally looking to rent rather than buy units. However, as became evident during the 18 months of marketing the site, the location is not suitable for developers to justify the risk of speculative development. Thus the delivery of starter units/small business units is not considered to be feasible on this site.

It is noted that there has been some speculative development in Sutton Benger with the development of light industrial units at Gate Farm, Draycott Park Farm and Westbrook Farm. However, it is understood that each of these were conversions of existing buildings rather than new build units which can be provided at a much reduced less cost and risk. Should demand for this type of unit increase, there is potential for other farms in the vicinity to diversify and provide a similar type of provision. Specifically, it is noted that the 2009 Parish Plan recognises potential for further expansion of light industrial activity at Westbrook Farm and expansion of equestrian activities at Rowland Farm. It is also noted that there is considerable land around Gate Farm which was put forward under the SHLAA Call for Sites.

The Parish Council is to begin the process of drafting its Neighbourhood Plan and this will provide opportunity to identify sites with potential for employment, such as the farms mentioned above. It is also noted that a number of sites in the village were put forward for uses such as housing as part of the evidence gathering for the Local Development Plan. This indicates that there is not a shortage of sites within/adjoining the village which might be suitable for employment development in the future and in more appropriate locations should demand increase. It is also noted that a strategic employment site is being marketed at Whitelands Farm 'Chippenham Gateway' by Alder King which is only circa 5 minutes drive from the village and is leasehold or freehold for space ranging from 100 sq.ft. to 1,000,000 sq.ft.

Widening the search area slightly, Kavanagh's report provides a list of available sites/units in the locality which identifies circa 85ha of available employment land. The website 'Invest Wiltshire' also identifies circa 150 units/sites of varying size and type available in the Chippenham community area (which includes Sutton Benger).

In terms of starter units/space for smaller businesses specifically, Kington Park is located approximately a 7 minute drive from the village which to quote their website is "ideally suited to the public, start-ups and established businesses or organisations". There are a significant number of offices, workshops and storage facilities currently vacant and on the market for limited cost on this established site. Furthermore, the Royal Wootton Bassett Innovation Centre is less than 20 minutes drive from the village which offers office space at reasonable rates for business 'incubation space'.

Marketing Exercise & Expressions of Interest

The accompanying report by Kavanagh's provides additional information regarding the marketing undertaken which as stressed can no longer be required via the policies of the adopted Core Strategy.

As demonstrated, the site was marketed for a period of 18 months over which time 15 expressions of interest were shown. Of these enquiries, 6 did not amount to any further interest other than the initial contact, 4 considered the site to be the wrong location, 2 were care providers who acknowledged need for planning permission and did not pursue the interest, 1 was a neighbour considering it for use as garden and 1 was a café operator hoping to let a unit if a speculative development was undertaken. Only 1 contact put in an offer, this is discussed below.

None of those who made an expression of interest put an offer in for a reduced site area or indeed put this forward as a proposition to Redrow's agent. This option was available to interested parties and not restricted in the site particulars. With the exception of the café operator, there was no other interest from those requiring a small unit/starter unit.

Redrow has gone above and beyond the adopted Core Strategy policy requirements for seeking a suitable developer/occupier of the site. No suitable developer came forward over an 18 month period and no requests for the site to be divided into smaller parcels were made. As such, it is not considered that there is any evidence that marketing the site in smaller parcels would have generated interest particularly given Kavanagh's evidence that this type of development is not occurring outside of the large conurbations.

Site Value & Comparables

Whilst not a reason for deferral, we consider that it is important to clarify the position on site value as this was debated at the meeting.

The site was marketed at £350,000 for 1.25 acres (equivalent to £280,000 per acre) for 18 months. During this time, one offer was received for £220,000 (equivalent to £178,000 per acre). This offer was therefore some 37% below the asking price. Despite further negotiation, this offer was not increased and discussions ceased.

The Council highlighted a comparable site which sold for £67,000 less than Redrow were marketing the application site for – it is thus assumed that this 'comparable' site sold for circa

£283,000. However, the offer made and referred to by the Council still fell some 22% below even this lower sale (not asking) price.

It is thus considered that the insinuation that Redrow should have accepted an offer amounting to almost 40% below market value (and shown to be realistic when benchmarked against recent transactions) to be unreasonable.

Other Local Facilities

Again, whilst not a reason for deferral, there was discussion regarding the potential for a shop at the application site at the committee meeting.

It is understood that there was previously a shop at Sutton Benger but this unfortunately closed due to viability. Also the Post Office closed but has now reopened within the Bell House Hotel, as part of a dual facility providing a coffee shop and Delicatessen.

Whilst the applicant is sympathetic to the community's desire for a new shop in the village, it is apparent that there is not currently the necessary demand. Indeed, no operators came forward with a view to providing a shop when the site was marketed over an 18 month period and the previous closure implies that such a business would not be viable at the present time.

Conclusions

As highlighted in our previous representations, there is no policy basis for safeguarding the site for employment use and requiring a marketing exercise to be undertaken, nor to support the committee's request for further scrutiny of the marketing process. Nonetheless, this additional work has been undertaken by the applicant in good faith to provide the additional clarification requested by the planning committee and to avoid any future abortive work via appeal.

It is hoped that this additional information answers the queries raised by the planning committee and that the planning application can now be positively determined at planning committee on the 26 August 2015.

The proposals are consistent with the NPPF and will provide much needed additional housing within the settlement limits. The site is sustainable and occupiers would have access to varied employment opportunities within the local area. The proposed housing will provide a modest final phase to 'The Park at Sutton Benger' which has been a success and is an entirely appropriate scheme with no demonstrable harm to justify withholding planning permission.

Yours sincerely



Andy Cockett
Planning Director

Lee Burman
Area Team Leader (North)
Economic Development and Planning
Wiltshire Council
Monkton Park
Chippenham SN15 1ER

7th August 2015

Our Ref: HK/DM

Dear Mr Burman

Sutton Senger commercial land

You have asked us to comment on the reasoning behind the Northern Area Planning Committee's decision to defer a conclusion in respect of Redrow's planning application: ref 14/1270/ful.

It appears from the minutes that there are three areas to address: namely;

1. That the quoting price on marketing was justified. In this regard we attach appendix 1, a schedule of comparable evidence of sales of Land in Wiltshire. This throws up a range of £245,000/£350,000 per acre or £605,000/£864,850 per hectare.
As you will see from the sales of the larger sites of 64 acres and 11 acres (the latter, Wiltshire Council Land), the reduction for quantum is only about 12.5%.
Against this backdrop the asking price of £350,000 for 1.25 acre appears both justified and reasonable. Appendix 2 sets out the availability and prices of available land.
2. That the marketing undertaken did not preclude expressions of interest on smaller parcels of land.
We attach at Appendix 3 a list of expressions of interest which is sufficiently varied to provide evidence that the market was robust enough to attract interest ranging from developers to individuals.
The developers were of the opinion that the location of the site was not good enough to justify speculative development in terms of on-going demand or at the rents and prices required. There is no evidence available to the contrary either in the village or further afield.
3. To establish the availability of employment space in the locality with particular reference to smaller units suitable for start-up businesses.
Appendix 5 sets out the availability of units being marketed on the Wiltshire Council Invest In Wiltshire website. The committee were informed by the officers that existing employment space is available in the general local area which remains unsold or unlet. A list of land

Kavanagh's (Residential & Commercial Agents) Ltd Registered in England No.5316910



AL 000 000



NAEA

The Property

Ombudsman



(RICS)



available is attached at Appendix 4. This includes design and build opportunities for developing businesses.

Turning to the question of start-up businesses, we would say that the vast majority of these are seeking to rent rather than purchase. Those that can afford to buy will find much better value in the existing employment stock.

The provision of starter units therefore falls to investment developers. Faced with increasing build costs, high turnover in tenants (due to short leases), lack of established business track record and insufficient rental returns, speculative development is not taking place outside the large conurbations.

The planning department have provided a list of planning applications for change of use within the area which date from 1993. I believe most of them have been implemented over the last 20 years and they are I think all conversions rather than new buildings. Over that time demand and rentals have been higher reflecting different economic times.

It is very unusual for developers or even existing owners to build new units in rural locations not only because of costs but because rentals are lower and the market for converted farm buildings is different than for established commercial locations. This is still true and the demand that there now is would not be at rental levels which could justify new build.

We hope this report is suitable for your immediate purposes.

Regards

Henry King FRICS



Appendix 1

Schedule of land sale comparable evidence

Address	Size	Comments
Land at Thingley Junction	1 acre	£325,000 per acre January 2015
Land at Bowerhill, Melksham	11 acres	Sold to Herman Miller at circa £245,000 (2013)
Land at Solstice Park	64 acres	Believed to be sold to T.J. Morris for £250,000 per acre in May 2013
Land at West Wilts Trading Estate	1 acre	Purchased by Hills in 2014 at £350,000 per acre
Land at Warminster	1 acre	Purchased by Dunster House at £300,000 per acre
Land at Clarke Avenue, Caine	0.27 acres	Sold at a rate equivalent to £296,000 per acre

Appendix2

Schedule of quoting prices for commercial land

Site	Size	Quoting Prices
Chippenham Gateway J17 - M4, Chippenham, Wiltshire	70 acres (28.32 ha)	£375,000 per acre
Hawke Ridge Business Park Westbury, Wiltshire (hawke-ridge.com)	35 acres (14.16ha)	£350,000 - £400,000 per acre
Land at West Wilts Industrial Estate Westbury, Wiltshire	3.9 acres (1.5 ha)	£350,000 per acre
Land at Ashville Centre Melksham, Wiltshire	4 acres (1.6 ha)	£400,000 per acre
Celcon site West Wilts Trading Estate Westbury, Wiltshire	10.9 acres (4.41 ha)	£375,000 per acre
Land at Commerce Park Frome	1 acre plots	£350,000-£400,000 per acre
Land at Bowerhill Lancaster Road	1 -14 acres	£360,000 per acre

Appendix 3

Schedule of applicant interest up to July 2015

Applicant	Requirement	Notes
Mr Tailor (Fowlswick)	Land 1 – 3 acres	Wrong location
Patrick Wheatley	Commercial Buildings and Land	Showed no further interest
Bill Ibberson (Younger Homes)	Land	Site not prominent enough
Sally Dawson (Consolidated Property Group)	Land	Location not prominent enough
Maureen Bennett (Montpellier Projects)	Land for care homes	Need planning consent
Gerry Gillingham (GDG Associates)	Commercial land	Showed no further interest
Shaun Fox	Commercial land and building	Showed no further interest
Julian Wain	Commercial land and building	Site too near the end
Nick Higgins (Castle Oak)	Care home developers	Need planning consent
Associated Care Solutions	Land	Made an offer of £220,000 – see report
Royston Davies (Davies Construction)	Land	Showed no further interest
Mark Ellis	Land	Owns house adjoining site, may be interested in buying the land with neighbours
Gareth Francis	Shop	Hoping units built on site will be to let. Wants to open a café on site
Adrian Hillier (Hatts Coaches)	Land	Showed no further interest
James Vanas	Looking to buy land to build for their own occupation	Showed no further interest

Schedule of land availability in the area

Site	Size	Comments
Chippenham Gateway J17 - M4, Chippenham, Wiltshire	70 acres (28.32 ha)	In close proximity to the M4. Expressions of interest being sought from large scale operators to enable site to be brought forward for development consideration.
South Trowbridge Business Park West Ashton Road, Trowbridge, Wiltshire	34.3 acres (13.88)	Outlining planning consent granted for employment uses (B1, B2, B8) extending to 357,362 sq ft (33,199 sq m)
Hawke Ridge Business Park Westbury, Wiltshire (hawke- ridge.com)	35 acres (14.16 ha)	Strategic employment site identified in Wiltshire's Core Strategy
Land at West Wilts Industrial Estate Westbury, Wiltshire	3.9 acres (1.5 ha)	Serviced employment land on established trading estate with outline planning consent
Warminster Business Park Warminster, Wiltshire	2.39 acres (0.96 ha)	Detailed planning consent for B1, B2 and B8 uses
Land at Ashville Centre Melksham, Wiltshire	4 acres (1.6 ha)	Outline planning consent for B1, B2 and B8 uses
Rudloe Campus Bath Road, Corsham, Wiltshire	18 acres (7.28 ha)	Brownfield opportunity consisting of single storey former RAF buildings with potential for change of use.
Celcon site Wilts Trading Estate, Westbury, Wiltshire	10.9 acres (4.41 ha)	Brownfield opportunity consisting of concrete hard standing with approximately 5,296 sq ft (494 sq m) workshop space and 2,846 sq ft (264 sq m) offices. Freehold sale option complicated by third party land ownership
Solstice Park Amesbury, Wiltshire	Circa 12 acres (4.85 ha)	Outline consent secured. Available in serviced plots
Deceuninck Caine	13.74 acres	On market since 2009

Appendix 5

25 Applications Received - 01/01/1987 to 05/03/2015

N/01/00470/FUL		Date Valid:	26/02/2001
Site Location:	Gate Farm , High Street, Sutton Benger, Chippenham, Wiltshire, SN15 4RE	Decision:	Approve with Conditions
Proposal:	CONVERSION & EXTENSION OF BUILDING TO FORM B1 OFFICES	Decision Date:	23/01/2002
<hr/>			
N/01/01812/FUL		Date Valid:	06/08/2001
Site Location:	Former Agricultural Building, Gate Farm , High Street, Sutton Benger, Chippenham, Wiltshire,	Decision:	Refuse
Proposal:	CHANGE OF USE OF AGRICULTURAL BUILDING TO CLASS B1(LIGHT INDUSTRIAL) AND B8 (STORAGE & DISTRIBUTION) USES	Decision Date:	17/10/2001
<hr/>			
N/01/02072/LBC		Date Valid:	17/09/2001
Site Location:	Gate Farm , High Street, Sutton Benger, Chippenham, Wiltshire, SN15 4RE	Decision:	Approve with Conditions
Proposal:	CONVERSION OF STABLES AND EXTENSION TO FORM OFFICES (CLASS B1) - DEMOLITION OF ATTACHED BUILDINGS	Decision Date:	23/01/2002
<hr/>			
N/02/01263/COU		Date Valid:	05/06/2002
Site Location:	Draycott Park Farm , Draycot Cerne, Chippenham, Wiltshire, SN15 5LQ	Decision:	Approve with Conditions
Proposal:	CHANGE OF USE OF REDUNDANT FARM BUILDINGS TO CLASS B1 AND B8	Decision Date:	24/10/2002
<hr/>			
N/02/02589/COU		Date Valid:	12/11/2002
Site Location:	Buildings At, Friday Street Farm , Friday Street, Christian Malford, Chippenham, Wiltshire,	Decision:	Refuse
Proposal:	CHANGE OF USE OF TWO FARM BUILDINGS TO B1 LIGHT INDUSTRY	Decision Date:	07/01/2003
<hr/>			

Site Location: Lake Farm , 19 Draycot Cerne, Chippenham, Wiltshire, SN15 4SQ
Proposal: CHANGE OF USE OF AGRICULTURAL BUILDINGS TO CLASS B1 (LIGHT INDUSTRIAL) AND B8 (STORAGE)

Decision: Refuse
Decision Date: 26/11/2003

N/03/03312/COU

Site Location: Land Opposite, Friday Street Farm , Friday Street, Christian Malford, Chippenham, Wiltshire, SN15
Proposal: 4BU
CHANGE OF USE AND REFURBISHMENT OF BARN TO B1(BUSINESS)/B8(STORAGE & DISTRIBUTION) USE AND REPLACE STABLES WITH NEW B1/B8 BUILDING

Date Valid: 29/12/2003
Decision: Approve with Conditions
Decision Date: 13/02/2004

N/04/00475/COU

Site Location: Lake Farm , 19 Draycot Cerne, Chippenham, Wiltshire, SN15 4SQ
Proposal: CHANGE OF USE OF AGRICULTURAL BUILDINGS TO B1 (LIGHT INDUSTRIAL) AND B8 (STORAGE) - REVISION OF 03.02622.COU

Date Valid: 18/02/2004
Decision: Approve with Conditions
Decision Date: 05/04/2004

N/04/00906/S73A

Site Location: Red Barn, Thorn End Farm , Thorn End, Christian Malford, Chippenham, Wiltshire, SN15 4BX
Proposal: USE OF CONVERTED BARN FOR B1 USE - VARIATION OF CONDITION 2 ON 96.2363.F

Date Valid: 13/04/2004
Decision: Approve with Conditions
Decision Date: 19/10/2004

N/04/02622/COU

Site Location: Land & Buildings At, Broadfield Farm , Great Somerford, Chippenham, Wiltshire, SN15 5EL
Proposal: Continued Use of Land and Buildings for Class B1, B2 and B8 Uses and for the Dismantling of Motor Vehicles

Date Valid: 02/10/2004
Decision: Approve with Conditions
Decision Date: 14/06/2007

N/05/01827/FUL

Site Location: Grangewood Farm , Idoover Lane , Dauntsey, Chippenham, Wiltshire,
Proposal: Use of Farm Building For B1 Use

Date Valid: 15/07/2005
Decision: Approve with Conditions
Decision Date: 04/10/2005

N/06/02073/COU

Site Location: Barns At , Thickthorn Farm , Preston, Nr Lyneham, Chippenham, Wiltshire, SN15 4DY
Proposal: Change Of Use Of Existing Barns To B1 Office/Workshop Use

Date Valid: 03/08/2006
Decision: Approve with Conditions
Decision Date: 25/09/2006

N/06/02235/COU

Site Location: Buildings 1 & 2, Draycott Park Farm , Draycot Cerne, Chippenham, Wiltshire, SN15 5LQ
Proposal: Change of Use from B1 & B8 (Business & Storage/Distribution) to A1 (Retail) with Storage

Date Valid: 22/08/2006
Decision: Withdrawn
Decision Date: 12/10/2006

Site Location: Farm Buildings at Bittlesea Farm, Bradenstoke, Wiltshire, SN15 4EW
Proposal: Change of Use of Barn From Agricultural Use to B1 (Office) Use

Decision: Approve with Conditions
Decision Date: 10/08/2007

N/07/01857/FUL
Site Location: Idover Demesne Farm, Dauntsey, Chippenham, Wiltshire, SN15 4JJ
Proposal: Change of Use of Barn 2 From Agriculture to B1 Business

Date Valid: 31/08/2007
Decision: Approve with Conditions
Decision Date: 26/11/2007

N/07/02438/FUL
Site Location: Land & Buildings at Great Smithcot Farm, Dauntsey, Chippenham, Wiltshire, SN15 4JL
Proposal: Change of Use of Former Piggery Buildings to B1 and B8 Use.

Date Valid: 18/09/2007
Decision: Approve with Conditions
Decision Date: 13/11/2007

N/08/00008/COU
Site Location: Preston West Farm, Preston, Lyneham, Wiltshire, SN15 4DX
Proposal: Change of Use of Building From Farm Shop to Class B1 Office

Date Valid: 03/01/2008
Decision: Approve with Conditions
Decision Date: 28/02/2008

N/12/03344/FUL
Site Location: Employment Units 1 & 2, Middle Farm Close, Dauntsey, SN15 4GY
Proposal: Change Of Use From Offices (use Class B1) to 8 Flats (use Class C3).

Date Valid: 29/09/2012
Decision: Refuse
Decision Date: 14/08/2014

N/93/01693/EQU
Site Location: Broadfield Farm Great Somerford Great Somerford GREAT SOMERFORD
Proposal: CHANGE OF USE OF 3 No. FARM BUILDINGS TO B1 (BUSINESS), B2 (GENERAL INDUSTRIAL)
OR B8 (STORAGE & DISTRIBUTION) USE AS LIGHT INDUSTRIAL

Date Valid: ~~09/08/2003~~
Decision: Approve
Decision Date: 26/08/1993

N/97/01081/FUL
Site Location: Manor Farm (Outbuildings at) Draycot Cerne Draycot Cerne SUTTON BENGER
Proposal: CHANGE OF USE AND CONVERSION OF AGRICULTURAL BUILDING TO OFFICE/RESEARCH
WITHIN CLASS B1 USE AS OFFICE/RESEARCH

Date Valid: 22/05/1997
Decision: Permission
Decision Date: 22/08/1997

N/97/01082/LBC
Site Location: Manor Farm (Outbuildings at) Draycot Cerne Draycot Cerne SUTTON BENGER
Proposal: CHANGE OF USE AND CONVERSION OF AGRICULTURAL BUILDING TO OFFICE/RESEARCH
WITHIN CLASS B1 USE AS OFFICE/RESEARCH

Date Valid: 22/05/1997
Decision: Permission
Decision Date: 22/08/1997

N/98/00029/FUL

Site Location: Broadfield Farm Seagry Road Great Somerford GREAT SOMERFORD

Proposal: CHANGE OF USE OF BUILDINGS TO B1/B2 AND B8 USE OF BUILDING TO B1/B2 &
B8

Date Valid: 05/01/1998

Decision: Permission

Decision Date: 16/02/1998

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	15 July 2015
Application Number	14/12070/FUL
Site Address	The Park, High Street, Sutton Benger, Wiltshire SN15 4RQ
Proposal	Residential Development Comprising 13 Dwellings, with Associated Gardens, Parking, Drainage & Landscaping.
Applicant	Redrow Homes (South West) Ltd
Town/Parish Council	Sutton Benger
Division	Kington – Cllr Howard Greenman
Grid Ref	394353 178724
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The Application was called in for Committee determination by Cllr Howard Greenman to consider the scale of the proposed development, impact on existing resources and compliance with the Wiltshire Core Strategy.

1. Purpose of Report

To recommend that authority be delegated to the Area Development Manager to grant planning permission subject to the completion of Section 106 agreement and conditions

2. Report Summary

Sutton Benger Parish Council objects to the proposals. 11 Letters of Objection have been received from neighbouring residents, 1 letter of support and 4 letters making general comments.

The main issues for consideration are:-

Principle of Development Including Loss of Employment Land
Impact on the character and appearance of the locality and Conservation Area/Heritage Assets
Design Character and Site layout
Drainage
Affordable Housing Provision
Section 106
Highways & Parking

3. Site Description

The site is the remaining part of the former Chicken Factory located at the centre of the village off of the High Street. The larger part of the site has been redeveloped for residential purposes and this is almost complete. The site lies adjacent to existing residential properties fronting the High Street and is accessed from the same. To the east lies existing residential development and the new residential development now taking place at the former Hazlewood Farm. To the north is a stream leading to the River Avon beyond which lies open agricultural land. There are mature trees along this stream and a right of way runs through the land to the north. To the west are some existing properties and open land, a large bund with planting was erected along this western site boundary to screen the former factory from neighbouring properties. To the south west is situated the locally listed building of 20

High Street and this falls within the Conservation Area of the Village, which adjoins the application site.

4. Planning History

N/11/02286/OUT Residential Development of up to 63 Dwellings, 1,700 SQM of employment Floorspace, Public Open Space, Vehicular Access and Other Related Development. Approved.

N/12/04072/REM Residential Development of 63 Dwellings, Infrastructure, Public Open Space and Landscaping. Approved.

N/13/01511/S73 Variation of Condition 3 of 11/02286/OUT to facilitate the submission of phased Reserved Matters applications. Awaiting S106 Deed of Variation completion

5. The Proposal

This Application for Full Planning Permission seeks consent for residential development comprising 13 dwellings, with associated gardens, Parking, Drainage and Landscaping on land formerly known as the Chicken Factory site within Sutton Benger. The application relates to land with consent for Employment/Commercial use and which was formerly part of an allocation for mixed use re-development of the site. The residential element of that allocation has already been implemented by the applicant.

The application proposals have been revised several times in response to the consultation responses received in respect of the application submission proposals. Alterations were made to the form and layout of the proposed affordable housing element of the scheme. Alterations have also been made to the design character of the residential dwellings proposed. Additional information submissions have also been made.

The site area of the application is 0.5 hectares and the development proposal is an urban development scheme, as such the proposal falls within Schedule 2 of the Environmental Impact Assessment Regulations 2011 as an Environmental Impacts Assessment development. In this instance it is not considered that the development proposed is especially complex or significant in scale. In addition the site is not subject to any National, European or International environmental designations or constraints and is not considered especially sensitive cumulatively or individually in relation to environmental considerations such as Ecology, Drainage, Heritage Assets etc. The site is also a previously developed site allocated for development within an adopted Development Plan (NWLP 2011). It is therefore the Council's formal assessment under Screening Opinion requirements defined in the regulations that an Environmental Impact Assessment is not required in relation to this development proposal.

6. Planning Policy

National Planning Policy Framework (NPPF) – Paras 14, 17, 19, 20, 21, 22, 34, 35, 39, 49, 50, 56, 57, 60, 61, 63, 96, 100, 103, 109, 118, 128, 129, 131, 132, 134 135

Planning Practice Guidance

Wiltshire Core Strategy (WCS) Adopted January 2015 CP1 CP2 CP3 CP10 CP34 CP35 CP41 CP43 CP50 CP51 CP52 CP57 CP58 CP60 CP61 CP67

North Wiltshire Local Plan (NWLP) Saved Policies H4

7. Consultations

Highways – Objections raised in respect of the access to units 92 – 95 as inadequate and requiring revision. Inadequate detail to confirm Wiltshire Council Parking standards are met. Following the submission of revised plans no objection is raised subject to use of conditions.

Spatial Plans - The site is located within the settlement boundary of Sutton Benger, designated as a large village in the Wiltshire Core Strategy Core Policy 10. It forms part of a larger site (former

Chicken Factory Site) allocated in the WCS and previously allocated in the North Wiltshire Local Plan 2011.

According to CP1 and CP2, there is a presumption in favour of sustainable development within the limits of development for large villages – the original mixed use scheme supported this principle. A change of use from employment to housing will provide more housing in the village; however it will remove any prospect of new local employment opportunities in the village which were identified to be delivered as part of the redevelopment of the site in accordance with policy H4 of the NWLP. 13 homes is greater than the “about 10 homes” indicated as an appropriate scale of growth at large villages in the WCS but this needs to be seen in the context of the history of the site.

There is a lack of available suitable employment land in Wiltshire. Locations near to the M4 are likely to be attractive and if readily available employment land is not available there is the risk that employers could look elsewhere. Concerns have been raised by other officers about the marketing report submitted as part of the application. It is considered that it remains the case that there is a reasonable prospect of the site being delivered for employment use as required by NPPF Paragraph 22.

Economic Development - The land in question has been marketed £700,000 per hectare which is above the values suggested by the Council’s own Local Plan Viability Study (£400,000 per ha). Whilst there cannot be an absolute prediction that the demand for employment land will increase in this area alongside housing and population growth, retention of employment sites will support this growth and offer local employment opportunities.

Land is a key component in determining the economic capacity of an area and remains a factor in business location decisions. Officers therefore suggest the land continues to be retained for future possible employment use.

Estates Department – The marketing report demonstrates that a reasonable and appropriate methodology has been adopted in respect of the marketing of the site. However the valuation placed on the employment /commercial land is not thoroughly and appropriately evidence by comparable data/sites. The example given is not considered to be an accurate comparable for the purposes of valuation. Propose the applicant agrees with the Council to seek independent valuation of the land.

The applicant was offered this opportunity and declined to proceed.

As such there is insufficient evidence to demonstrate that an appropriate valuation was attached to the land in question as part of the applicant’s monitoring. The comparable information (1 site only) that the Council has been able to source indicates a significantly lower valuation for the land should have been applied (£62,000 lower). This may have attracted a greater level of interest in the site.

Ecology – No objection

Trees – No objection subject to conditions

Landscape – Concerns raised as to the social housing part of the scheme, it is slightly detached and cramped in compared to the rest of the scheme. The garden areas of plots 94&95 are very small. It is suggested that the tree belt running along the western perimeter of the site needs to be protected by a TPO asap given that it will be placed into rear garden private ownership, due to increased and ongoing risk of piecemeal removal to enlarge useable garden areas. The Arboricultural report refers to this tree belt as Tree group 2, the survey schedule indicates that some of these trees are windblown and leaning on each other, therefore it is likely that a scheme of tree work is necessary to bring this large group into a safe and positive management regime, before they are subdivided and enclosed in rear gardens.

Following the submission of revised plans and additional information no objection raised subject to conditions.

Rights of Way – No objections

Public Protection – No objection subject to conditions.

Waste - concern as to where the waste collection point will be for the properties 92-95. The Council will not collect from private drives, only from the kerbside of the nearest public highway, there appears to be no access for residents to place their waste and recycling containers to the kerbside if the waste storage is to the rear of their properties.

Urban Design – Objection, this application which does not represent the high standard of design and amenity required by Wiltshire Core Strategy Core Policy 57 (i) (ii) (iv) (vi) (vii) & (ix) or meet recommendations of Building for Life 12. For the following reasons the proposed development would fail to adequately: enhance local character and distinctiveness; respond to existing townscape and landscape features; or relate to the layout and design quality of the adjoining phase 1 development. It would fail to create an adequate level of amenity in respect of the car parking and access for the terrace housing from which officers conclude that this is also an overdevelopment of the site.. Detailed comments set out in the body of this report.

Following submission of revised plans objections were maintained. At the time of writing the applicant has further revised proposals to address the outstanding objections. Draft submissions were and found to be acceptable. The Urban Design Officer's comments on the further revised submissions will be reported as a late item.

New Housing – Identifies a requirement for 40% affordable housing provision in accordance with adopted WCS policy CP43. Identifies a level of housing need in Sutton Benger and the Chippenham Community Area. Following the submission of revised plans the New Housing Team identify that the proposals better relate to requirements in the locality and raise no objection.

Archaeology – No Comment

Conservation – Concerns raised in respect of impact on the setting of the conservation area and the non designated Heritage Assets located adjacent the site entrance including the locally listed building 20 High Street. Revisions to layout requested. Following submission of revised plans no objections raised.

Education – Identifies education place requirements arising from the development but in the context of changes to the national guidance relating to section 106 requirements and the scale of development involved and the need arising considers that it is not appropriate in these circumstances to seek contributions in this instance.

Drainage – Support but identifies missing supporting information.

Green Energy Team – Object on the basis that the applicant has not submitted either a Sustainable Energy Strategy or any evidence of the minimum standard of Code for Sustainable Homes 4. This may be an oversight but they have successfully done both for their other schemes in Wiltshire.

Following the submission of additional information and revisions the Green Energy Team raise no objections.

Wessex Water – No objection

Environment Agency – No objections subject to conditions

Sutton Benger Parish Council – Objection relating to the loss of employment land and the lack of implementation of the mixed use redevelopment allocation of this site in previous local plans. Identifies conflict with WCS policies CP CP2 and CP10.

8. Publicity

15 letter of objection and comment and 1 letter of support have been received. The issues raised can be summarised as follows:-

- Consider that the site is suitable for employment and should come forward for this use.
- Too many houses proposed, recommend fewer, lower density
- Concern of traffic impact of further construction
- Further housing will increase risk of flooding.
- This is a village and further residential development is over development
- Inadequate infrastructure in the village
- Inadequate site access and additional traffic signage is required
- Harm to trees bordering the site boundary
- Inadequate marketing of the employment land

9. Planning Considerations

Principle of Development Including Loss of Employment Land

The site is located within the defined settlement boundary of the large village of Sutton Benger. Under Core Policies of the WCS CP1 CP2 and CP10 this is a location where additional development is acceptable in principle subject to a range of criteria and other policies of the Development Plan. CP1 and CP2 set out the development strategy of the WCS and whilst identifying the scope for large villages to accommodate additional development within the scale parameters defined in the policies the focus of the development strategy is to secure greater self containment and reduce out commuting by balancing housing development with employment development.

The site was previously allocated in the NWLP 2011 for a mix of housing and employment uses which remains in accordance with the development strategy now advanced through the WCS. Planning permissions were granted in accordance with that policy allocation as referenced in the Planning History section above. The permitted residential element of those permissions has now largely been implemented and a good quality of development has been achieved. The application site is the remaining element of that scheme and has permission for employment use. The objectives of the NWLP and WCS are to see the permitted employment come forward and a departure from this approach i.e. from the Development Plan should only be permitted if material considerations indicate this is appropriate and necessary.

In this context and in accord with the policies of the NWLP which were still relevant at the time the applicant undertook a marketing exercise for a period of over 18 months in order to seek employment users for the land in question. The marketing of the property was undertaken in an appropriate manner in terms of methodology and approach. However there is concern as to the valuation that was placed on the land and used as a basis for marketing. This is particularly relevant in terms of the results of the marketing exercise. The report identifies that a significant offer for the land was made by an employer but this was dismissed by the applicants on the basis that it was below "market" value. Both the applicant and the Council have sought to identify comparable site information to assess the valuation of the land and no common ground or agreement has been reached between the parties in this respect. This is partly as a consequence of there being very limited comparable sites to consider. Council Officers proposed to address this by seeking independent valuation of the land at the applicant's expense. The applicant declined to commission this independent valuation and subsequently disputed the need for marketing of permitted employment sites in locations such as this i.e. Large Villages. WCS policy CP35 only requires the marketing of such sites in locations such as Local Service Centres, Market Towns, Strategic Centres etc but not in large villages. The Council intends to examine and address this matter through the Review of the Wiltshire Core Strategy now in process but that has yet to be completed and as it stands there is no specific policy requirement to market such sites in Large Villages. Regardless of this policies CP1 and CP2 still identify a clear approach of balancing employment and housing development in these large villages. This accords with para 55 of the NPPF.

In addition the Council's own assessment information prepared to inform the WCS identifies demand for employment land within the North Hub area reflecting the proximity to the M4 and links to the sub region provided by the A350. This is reflected in the Strategic Plan of the Swindon and Wiltshire Local Enterprise Partnership. It should however be noted that the WCS does not now include a specific policy requirement to market employment land in large villages prior to consideration for alternate use such as residential.

On this basis Officers' direction of travel in respect of the determination of this application was for refusal on the basis of conflict with the development strategy of the WCS as set in policies CP1 & CP2 and para 55 of the NPPF. However there has been a recent significant change in material circumstances in terms of Appeal Decision Ref APP/Y3940/W/14/2222641 N/13/05188/OUT - Land at Bath Road, Corsham. This decision was allowed granting permission for residential development outside the defined settlement framework boundary of Corsham. In so doing the relevant Inspector concluded on the evidence before him that the Council could not demonstrate a deliverable and adequate 5 year supply of land for housing and as such the relevant policies of the WCS could not be relied upon under the terms of the NPPF. This would include CP1 and CP2 as these deal with the scale and distribution of land for housing in Wiltshire. It should be noted that the relevant inspector identified that the shortfall in the supply of land for housing related to the North and West Housing Market Area only and was a small shortfall. Officers do not agree with the Inspector's conclusions and it is considered that the Council will be able to identify a 5 year supply of land for housing in the next Housing Land Supply Assessment. However that assessment will not be available until August of this year at the earliest and the appeal decision remains as a material consideration in the interim.

In this context the Council must give consideration to all relevant material considerations and weigh in the balance the benefits of the development proposed against any harm. The site is within the defined limits of the settlement and is a broadly sustainable location for residential development in terms of accessibility to services and infrastructure. The site constitutes previously developed land and the adjoining land has been the subject of permission for residential redevelopment which has been implemented. This development has secured environmental improvements to the immediate locality by redeveloping a large scale food processing factory including addressing land contamination and delivering improved surface water drainage in this immediate locality. The development secured is an improvement in visual impact terms over that of the previous factory in a location that sits adjacent the Conservation Area of the village. In addition further residential development will deliver additional affordable housing for the village and as is set out in Government Policy and Ministerial Statements residential development in itself is an important part of the economy delivering employment growth through construction, supply side benefits such as materials provision and enhanced local tax base and expenditure by the additional population. It should also be noted that the scale of development proposed is relatively small and is consistent with the "about 10 dwellings" guidance in the WCS (para 4.15) seen as appropriate in large villages.

In addition it should also be noted that Officers' concerns with the marketing of the site are limited to the valuation placed on the land. In this context there is very limited comparable information available to fully assess and establish an accurate valuation. Furthermore the policy background to this marketing of employment land has now changed with the WCS not requiring sites within large villages to be marketed prior to consideration of alternate uses such as residential. As such the policy conflict and objection in this instance is not especially strong.

Taking into account the competing material considerations and changed policy circumstances relevant to this specific site and development proposal it is considered that on balance the harm and conflict with the development strategy of the WCS is outweighed by the benefits of development and the site circumstances, in particular that the site is previously developed land within a defined settlement.

Impact on the character and appearance of the locality and Conservation Area/Heritage Assets / Design Character and Site layout

As noted above this site has been the subject of an allocation in a previous adopted Local Plan and has secured the re-development of a large scale modern industrial complex at the heart of this village. The development completed to date has followed detailed design guidance and input from the Council's Urban Design team and has secured a high quality of development both in terms of the residential context of the village and the location adjacent to the Conservation Area. Officers consider that the development to date has resulted in a significant enhancement to the character and appearance of the locality and an enhancement to the setting of the Conservation Area of the village. Similarly it is considered that the development undertaken to date including the removal of the large scale complex of industrial structures on the site has resulted in a significant enhancement to the setting character and appearance of the Locally Listed Building of 20 High Street.

However the initial scheme proposals submitted with this second phase of the development raised a number of concerns with Officers. The layout of the properties did not reflect that agreed and approved for the phase one development with large scale units predominating in the market housing and detailing as to side elevations, fenestration, boundary treatments, scale and positioning of garage buildings all raising concerns. In addition the form, character, layout, scale and design of the proposed Affordable Housing units were considered to clearly appear as different from the proposed market housing within the application site and the phase 1 development. The properties were laid out and positioned in a single terrace block close to the rear of the Locally Listed Dwelling and with boundary and access treatments that resulted in a poor quality layout and wholly distinctive element of the scheme that did not respect and preserve the setting and character of that undesignated heritage asset or the Conservation Area. Concerns were also raised by Highways and Affordable Housing Officers as to the access layout and vehicle movement implications and the form and character of the Affordable Housing in the context of local needs.

These concerns were identified to the applicant and revisions were submitted for consideration. These proposals were the subject of further consultation with interested parties. Additional comments were made with respect to some of the revised proposals and in response to that further revised submissions have been made. With respect to design character, landscaping and conservation/heritage asset matters officers consider that the revised proposals address previously identified concerns and objections appropriately and will result in an acceptable form, character and layout of development. Affordable Housing and Highways Matters are addressed further below.

Affordable Housing Provision

As noted previously with respect to the initial proposals Officers identified a series of concerns as to form, character and mix. Revised proposals have now been submitted for consideration that respond to these matters. In design terms officers consider that the proposals are acceptable and no longer result in a wholly distinct character that separates these from the wider residential development. The proposed mix of housing incorporated predominantly 2 bedroom properties. Officers from the New Housing Team identify that recent housing needs analysis identifies a requirement for larger scale housing ideally 3 bed or even 4 bed properties. The applicant has consequently submitted scheme revisions to increase the 3 bed element of the Affordable Housing proposals and Officers have confirmed that the amendments address their concerns and now raise no objection.

Highways & Parking

With respect to the original submissions officers identified that the access for units 92-95 would need to be re-aligned in order that it was not located in the corner of the access road where vehicles would need to approach by driving along the footway. Also that it had not been demonstrated that the car parking proposed was compliant with the Wiltshire Car Parking strategy. Units 92-95 only provide one car parking space, whilst two bedroom units require two car parking spaces. It would also be preferable if all the car parking could be outlined to avoid any future issues with marketing of properties. Units 86-91, 96-97, there is obviously two spaces in front of the garages, when only one space is outlined. Officers considered that for the sake of clarity the submission drawings should be amended.

Following the submission of scheme revisions Officers identified that the revised proposals did not address these concerns fully in particular that it appears that the access to properties 93-95, 97 will still utilise vehicle tracking over the footway. Whilst a car parking schedule has been provided, car parking for 93-95 has not been demonstrated on the drawing in accordance with council standards or the schedule provided. The Council standards are a minimum for residential. Car parking provision has also not been completely demonstrated for all units, this would avoid any confusion.

These concerns were relayed to the applicant and further revisions and additional information has been submitted. Highways Officers have reviewed the further submissions and now raise no objection subject to conditions.

Drainage

Officers identify that the proposals implemented to date have incorporated new provision for surface water and foul drainage that improve provision over Greenfield run off rates and address some of the drainage concerns identified by local residents in this locality. The current proposals can be accommodated within the capacity of the new provision but officers identify that the applicant will need to provide confirmation of connection to these facilities. In that context standard conditions are proposed.

Section 106

The development is of a scale that requires consideration of on-site service and infrastructure provision requirements. In this context affordable housing provision is required and proposed and Section 106 agreement is required to address this matter. The applicant has confirmed agreement to meet this requirement. Landscape officers have also recommended that the management of the area of trees and bunding to the site boundary be addressed through a S106 agreement.

The development proposed is also CIL liable development and this will be addressed as a separate requirement.

10. Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act states that *“determination must be made in accordance with the plan unless material considerations indicate otherwise”*. Paras 2 & 11 of the NPPF reiterate and confirm this requirement. This is the starting point for determination from a policy point of view. The Wiltshire Core Strategy forms the local component of the current development plan.

As noted above it is considered that the site history including previous development plan allocation and Outline Permission granted identify a requirement for delivery of employment uses of this site. It is considered that the WCS policies CP1 CP2 CP10 and Para 55 of the NPPF reflect and support this requirement. The applicant has provided evidence of having marketed the site and has followed the appropriate procedure in doing so. Officers dispute that the site has been marketed at an appropriate value reflecting the site history and circumstances. The marketing of the site identified a significant offer for employment related use. The applicant dismissed this offer on the basis that it would be below market value. It is however acknowledged that there is limited available information supporting an accurate valuation of the land in question for the proposed employment use and therefore Officer objections are not fully evidenced at this point in time. In addition it is also acknowledged that the policy requirement for marketing of the site has changed and is not carried forward in the Wiltshire Core Strategy in terms of large villages.

Paras 14, 17, 48 & 49 of the NPPF set out the requirement for local authorities to support proposals for sustainable development and boost the supply of land for housing.

The site is a broadly sustainable location for development in terms of transport matters and access to services and facilities. The site is previously developed land. The development will deliver a range of benefits including environmental improvements, affordable housing provision, economic growth through construction and additional spending of the residents.

The Council is aware of the recent appeal decision at Bath Road, Corsham and the Inspector's conclusions in that case. This is a material consideration in the determination of this application.

Given all the relevant material considerations as set out above and the limited conflict with the development plan and NPPF that is identified it is considered that on balance and in relation to this specific site and proposal there are sufficient reasons to justify a departure from the development plan.

RECOMMENDATION

That Authority be delegated to the Area Development Manager to grant planning permission subject to the completion of Section 106 agreement to address on site affordable housing provision and the conditions set out below

WA1 FULL PLANNING PERMISSION -COMMENCEMENT 3 YEARS

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.

WB1 SUBSEQUENT APPROVAL OF MATERIALS FOR WALLS & ROOFS

No development 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: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

WB17 DETAILS OF MEANS OF ENCLOSURE

No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

WC2 LANDSCAPING TO BE CARRIED OUT & MAINTAINED

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

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

WE15 USE OF GARAGE

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

WC6 PROTECTION OF RETAINED TREES

No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837:

2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

WC7 SUBMISSION OF DETAILS OF EARTHWORKS

No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be [occupied/first brought into use] until such time as the earthworks have been carried out in accordance with the details approved under this condition.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development.

(WD12) No part of the development hereby permitted shall be first brought into use until the car parking spaces have been completed in accordance with the details shown on the approved plans (Site Layout RHSW.5325.92.PL.001 Revision D) and parking schedule B (RHSW.5325.02.PL001 D). The areas shall be maintained for those purposes at all times thereafter.

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

The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. In line with plans (Site Layout RHSW.5325.92.PL.001 Revision D).

REASON: To ensure that the development is served by an adequate means of access.

No development shall commence on site until full details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls / walls, service routes, surface water outfall, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture, including timetable for provision of such works, have been submitted and approved by the Local Planning Authority. No development shall be first occupied until the above have been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

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

WE3 NO ADDITIONS/EXTENSIONS OR EXTERNAL ALTERATIONS

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.

WE4 NO WINDOWS, DOORS OR OPENINGS

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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the elevation(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

WE5 NO WINDOWS / DORMERS / ROOFLIGHTS

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 window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the (INSERT) roofslope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

Step (i) Site Characterisation:

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

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

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

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

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

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

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

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

Step (vi) Long Term Monitoring and Maintenance:

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

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

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

WG3 DISPOSAL OF SEWERAGE-SUBMITTED & IMPLEMENTED

No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

WG4 DISPOSAL OF SEWERAGE -IMPLEMENTED

The development hereby permitted shall not be occupied until the approved [sewage disposal] [drainage] works proposed have been completed in accordance with the submitted and approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

WM1 AGREE GROUND FLOOR SLAB LEVELS

No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity.

WM4 CONSTRUCTION METHOD STATEMENT

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

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

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

WM13 APPROVED PLANS

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

PL001 PLANNING LAYOUT REV D DATED 29/06/15
LP001 LOCATION PLAN DATED 19/12/14
EP001 BOUNDARY MATERIAL PLAN REV B DATED 29/06/15
MP001 DWELLING MATERIAL PLAN REV B DATED 29/06/15
SH001 STOREY HEIGHTS PLAN REV B DATED 29/06/15
SS001 STREET SCENES REV B DATED 29/06/15
SB.LS.09 PROPOSED PLANTING PLAN PLOTS 85-97 REV B DATED 30/06/15
DESIGN AND ACCESS STATEMENT DATED 19/12/14
PARKING SCHEDULE REV B DATED 29/06/2015
HOUSE TYPE BOOKLET REV B DATED 29/06/2015
BR01 REVB
BR02 REV A
SO01 REV A
PO01 REV A
WI01 REV A
2B4P_01 REV A
2B4P_3B5P_01 REV A
SG01 REV C
DG01 REV C All dated 29/06/15
482 FRA Addendum
C14161 Transport Statement
EIA Ecological Impact Assessment
1089 Site Survey All Dated 19/12/14
The Park Ph3 Energy Statement_2 Dated 29/06/15
TG2 Arboricultural Management Dated 30/06/15
11085 Archaeology Assessment
J/4200/4252-1 Tree Protection Plan All Dated 19/12/14
X209309 FRA REV A
X-210029 Transport Statement
X211199 Waste Audit
X-210030 Land Contamination Assessment All Dated 11/5/15

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

INFORMATIVE

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

INFORMATIVE

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic

importance, available access and the ground conditions appertaining to the sewer in question.

INFORMATIVE

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE

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

INFORMATIVE

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.

NOTE TO LPA

By ensuring that any scheme submitted meets the standards given above you do not need to consult the Environment Agency on discharging the above condition.

INFORMATIVE

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Background Documents Used in the Preparation of this Report:

Application Documents

National Planning Policy Framework

Planning Practice Guidance

Wiltshire Core Strategy

North Wiltshire Local Plan Saved Policies

Appeal Decision Ref APP/Y3940/W/14/2222641 N/13/05188/OUT - Land at Bath Road, Corsham