

## REPORT FOR NORTHERN PLANNING COMMITTEE

<b>Date of Meeting</b>	29 <sup>th</sup> January 2020
<b>Application Numbers</b>	19/03435/FUL
<b>Site Address</b>	Land adj 81 - 83 The Pippin and rear of 8 - 13 High Street, Calne, Wiltshire SN11 8JQ
<b>Proposal</b>	39 Apartments for older people, Guest Apartment, Communal Facilities, Access, Car Parking, Landscaping and 4 Retail Units
<b>Applicant</b>	C/O Agent, Planning Issues Ltd
<b>Town Council</b>	Calne Town Council
<b>Electoral Division</b>	Calne Central
<b>Grid Ref</b>	
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Paul Galpin

### Reason for the application being considered by Committee

The application has been referred to the Northern Planning Committee because the local member has called the application to committee so that the issues of scale, visual impact upon surrounding area, relationship to adjoining properties, design bulk, height, general appearance, environmental / highways impact in the context of the Calne Neighbourhood Plan (2018) may be considered.

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that planning permission should be **APPROVED**.

### 2. Report Summary

The key issues in considering the applications are as follows:

- Principle of development
- Design and appearance of the development;
- Town centre vibrancy;
- Impact of the development on Listed Buildings and the Calne Conservation Area
- Impact on residential amenity;
- Highways/parking;
- Ecology;
- Planning contributions/ Infrastructure
- Archaeology;

Calne Town Council raised objections to the proposed development. 73 letters of objection have been received, 1 letter of support. A petition with 200 signatures has also been received.

### 3. Site Description

The application relates to land and buildings at The Pippin, Calne, with the site currently comprising some 0.30ha of relatively under-utilised land (used for car parking, and retail unit (A1 Use Class). The site is arranged in a regular proportion and sloping gently southward, with a change in levels of 2.5m. The site could be described as untidy and need of redevelopment.

On the northern boundary lies a linear array of existing single-storey buildings (including retail), which are separated from the neighbouring Grade II listed Zion Baptist Chapel, by a service lane with parking leading to the rear of the nearby Iceland supermarket. The southern boundary is demarcated by a regular line of mature trees, with further specimens on the western side. Directly opposite to the east lies the Sainsbury's supermarket and associated car park, whilst further parking extends to the South.

The site lies within the Calne Conservation Area and the immediate architectural and landscape context is extremely mixed. The site maintains strong visual linkages with the historic townscape including listed and historic buildings along the High Street and Strand, the prominent Grade I-listed St Mary's Church and the adjacent Zion Baptist Chapel. The site is also constrained by the presence of a 1.5m-wide mains sewer, requiring a 6m easement over, a section adjacent to its southern boundary along with protected trees in the conservation area.

### 4. Planning History

The following planning history relevant to the application site:

- N/99/02539/FUL - FOOD STORE AND ANCILLARY RETAIL UNIT – Withdrawn
- N/91/00667/LBC - CONSTRUCTION OF NEW REAR BOUNDARY RETAINING WALL AND REPAIRS TO EXISTING BOUNDARY WALLS WHERE ABUTTING NEW WALL – Approved
- N/02/02525/FUL - DEMOLITION OF EXISTING GARAGE AND ERECTION OF ONE SHOP UNIT FOR A1, A2 AND A3 USE, WITH RESIDENTIAL ABOVE – Refused
- N/03/01150/FUL - DEMOLITION OF EXISTING GARAGE AND ERECTION OF ONE A2 UNIT (FINANCIAL AND PROFESSIONAL SERVICES) ON GROUND FLOOR WITH RESIDENTIAL ABOVE – Refused
- N/03/01148/CAC - DEMOLITION OF EXISTING GARAGE AND ERECTION OF ONE A2 UNIT (FINANCIAL AND PROFESSIONAL SERVICES) ON GROUND FLOOR WITH RESIDENTIAL ABOVE – Refused
- 15/12651/FUL - PROPOSED ERECTION OF A BUILDING COMPRISING 32 RETIREMENT APARTMENTS WITH ASSOCIATED COMMUNAL FACILITIES, PARKING, ACCESS & LANDSCAPED GROUNDS. REAR ACCESS PATH & 3 CAR PARKING SPACES FOR BANK PREMISES ON HIGH STREET – Refused
- 18/09556/FUL - 39 APARTMENTS FOR OLDER PEOPLE, GUEST APARTMENT, COMMUNAL FACILITIES, ACCESS, CAR PARKING, LANDSCAPING AND 4 RETAIL UNITS – LAND TO REAR OF 8-13 HIGH STREET CALNE

The application 18/09556/FUL is a key recent application and it is substantively similar. This revised application is a re-submission by the same applicant on behalf of Churchill and should be regarded as a material consideration when considering this application. This application was refused and is at planning appeal and the hearing is scheduled for 12<sup>th</sup> February 2020. This application was refused and in summary the refusal grounds are outlined below:

- (1) Scale, bulk, mass, positioning, detailing and lack of public realm improvements. Use of materials. Harm to setting of Grade II listed Zion chapel and conservation area.
- (2) Does not demonstrate adequate servicing to commercial units, refuse collections can be achieved and lack of shared use facilities.

- (3) Fails to provide/ secure adequate provision for necessary on-site and off-site infrastructure (affordable housing, air quality, housing and footpath connections).
- (4) Fails to provide sufficient ecological baseline information for comprehensive assessment.

Prior to the 2018 refusal above, an application for 32 retirement apartments was submitted by a different applicant (McCarthy and Stone) under reference 15/12651/FUL. That application was refused planning permission by planning committee on the following grounds:

- (1) Loss of retail and imbalance of residential and retail use
- (2) The scale, bulk, mass, positioning and use of materials that harm designated heritage asset and conservation area
- (3) Lack of off street car parking and
- (4) Insufficient provision of infrastructure and services

## **5. The Proposal**

The scheme comprises the erection of a single building to provide 39 no. self-contained retirement apartments, designed to meet needs of independent retired people and four retail units. This development will consist of 27 x 1 bedroom and 12 x 2 bedroom apartments. The proposal includes guest apartment, communal facilities, access, car parking, landscaping. The apartments are proposed to be of standardised format and configured over three/ four floors and this includes partial lower ground floor, in the south elevation. With regard to the four proposed retail units (281sq.m), Unit 1 and 2 face Phelps Parade. Unit 2 is a corner plot and also faces the Pippin along with units 2 and 4. Outside the retail units facing The Pippin a level surface is being provided to provide pedestrian access the retail units and apartments (steps at south end) . This will be a feature within the public realm with retaining wall, walls and balustrade and material surfacing is conditioned to enhance the setting.

External car parking (17 spaces) is proposed to the southern side of the building for residents, staff, allocation for mobility impaired users and staff of the adjacent Lloyds Bank, which retains a right of pedestrian access. The main pedestrian entrance to the residential element is situated towards the middle of the south elevation of the building. Alternative pedestrian access is located via the east of the building (Pippin). Vehicular access to the car park is to be obtained from The Pippin to the southeast.

In design terms, the building is of substantial form. In the elevations facing the Pippin and Phelps Parade the proposal is visually 3 storeys. Due to level differences in the southern elevation a lower ground floor is included that enable the property to be partial four storey. The building includes a range of materials and design features to its external elevations, such as mansard accommodation in the roof of the building. The proposal includes a variation of facings, plinths, window surrounds, balconies, string course/ coping, and fenestration.

The detailing and palette of materials has been strictly conditioned to enable a high-quality finish that reflects the buildings in the vicinity, conservation area and public realm. Not an exhaustive list of materials but this includes natural stone brick (south elevation), higher quality clay bricks (north-west), ashlar shopfronts, use of 'off white render', windows have been conditioned to ensure that they are not UPVC or GRP. Along with high quality boundary treatments to include 1.8m high brick walls in replacement of the 1.8m close boarded fencing.

The surrounding area to the residential units is to be landscaped on all sides, comprising both communal and private amenity areas to be enclosed by a mixture of low and higher stone walls, railings, hedges and gates. The hard surfacing and level surface outside the retail units is conditioned to ensure high quality materials in relation to streetscene and adjacent Public Realm.

## Main differences between current application and 18/09556/FUL

The main difference between current application and 18/09556/FUL. The 19/03435/FUL revised application contains the following:

- Reduced height of building and introduction mansard accommodation in the top storey, with a flat roof. This reduces the height of building. Effectively the roof has been lowered by approximately 2.9m in the north-east corner of the building and 2.4m more generally across the whole building (with the exception of the south-west corner). This helps reduce perceived height and bulk of the building.
- The height of the building in proximity of the Zion Chapel has been significantly reduced. This includes the top storey being stepped back slightly, further reducing overbearing.
- With the mansard accommodation, the design of the building is now altered to a more contemporary design. This is reflective of the nearby M & Co development.
- The pedestrian access to the retail units in the Pippin is now all on one level, with a public realm feature. This includes a retaining wall, with a wall feature and balustrade, with steps leading to the lower level. The details in this area are conditioned.
- The retail shopfronts have been reduced in size to suit the setting.
- The proposal now includes conditions to strictly control materials to ensure high quality. The brick used will be natural stone along with a high-quality clay brick. This includes window sills and lintels. Shop fronts/ facades - Unit 2 – east and north elevation, Unit 3 and Unit 1 – to be bath (local) stone/ ashlar work plinth for these shop fronts. Conditions imposed to ensure windows are not UPVC. There are other items conditioned to ensure materials reflect setting.
- Details have been recived to address Ecology, Highways (servicing and refuse), urban design and affordable housing.

## **6. Local Planning Policy**

### National Planning Policy Framework 2019 (NPPF):

Section 5 – Delivering a sufficient supply of homes

Section 6 – Building a strong, competitive economy

Section 8 – Promoting healthy communities and safe communities

Section 12 – Achieving well designed places

Section 15 – Conserving and enhancing the natural Environment

Section 16 – Conserving and enhancing the historic environment

Paragraphs - 8, 11, 38 and 47

### Wiltshire Core Strategy 2015:

WCP 1 - Settlement strategy

WCP 2 - Delivery strategy,

WCP 3 - Infrastructure requirements

WCP 8 - Spatial strategy Calne Community Area,

WCP 36 - Economic regeneration

WCP 38 - Retail and Leisure

WCP 39 - Tourism

WCP 41 - Sustainable construction and low-carbon energy,

WCP 43 - Providing affordable homes,

WCP 46 - Meeting needs of vulnerable and older people

WCP 57 - Ensuring high quality design and place shaping,

WCP 58 - Ensuring the conservation of the historic environment,

WCP 60 - Sustainable transport

WCP 61 - Transport and Development

WCP 64 - Demand management

Saved Policies of the North Wiltshire Local Plan, including:

NE18- Noise and Pollution

T5- Safeguarding

R2 – Town centre secondary frontage areas

Regard should also be paid to Policy WCS6 of the Wiltshire & Swindon Waste Core Strategy and other relevant Waste DPDs.

Calne Community Neighbourhood Plan (2018) and Calne Masterplan (2014).

Section 72(1) of the Town and Country Planning (Listed buildings and conservation areas) Act 1990.

## **7. Summary Consultation response**

Calne Town Council – The Head of Business of the Town Council provided a strong objection to the proposal with three refusal reasons. The letter received provided further background details in relation to the refusal reasons. The letter is appended, in full, to this statement with the refusal reasons in **APPENDIX A**. Additional correspondence was received confirming the objections. The main concerns are summarised and set out below:

- The spatial layout, and private sheltered accommodation with retail failure to integrate with existing town, north and south boundary
- Does not enhance public realm, connectivity or support active community
- No benefits outweigh opportunity to regenerate the town centre
- Height and mass dominate town centre
- Obstruct existing north-south views
- The proposal ubiquitous design fails to reinforce local distinctiveness
- The mass clearly detrimental to character rather than enhancing
- Does not demonstrate adequate provision for servicing needs and staff parking of commercial units and inadequate frontage footway.

Highways – After submission of a transport addendum, addressing servicing, refuse, pedestrian movement, public transport. The highway officer raises no objection subject conditions.

Urban Design – Raises an objection to various design matters, including use of materials, accessibility, public realm, and refuse collection issues. Concern has been raised about the quality of the appearance of the building, raising that it is not a high quality in either a traditional or contemporary design in later comments. The material and detail issues have now been resolved via strict condition. The concerns raised have informed the matters considered in the “planning considerations” section below.

Spatial Planning - The Spatial Planning Officer concludes, that the proposals are in conflict with the Calne Neighbourhood Plan and Calne Town Centre Masterplan, which have been developed through a considerable amount of community engagement and consultation, and this proposal would make the Masterplan proposals unachievable. The proposals are for a different use than that outlined in the Masterplan and development of this site for retirement properties would therefore not contribute to meeting the objectives of the Masterplan, as required by Policy WS2.2 of the neighbourhood plan but would instead have a detrimental effect. Issues with regard to waste audit.

Conservation – The Conservation Officer has no objection to this revised scheme, after previously raising concerns in relation to visual relation of proposed building to the Zion Chapel and conservation area have been resolved. The need for high quality materials to respond to local materials have now been conditioned.

Environmental Health / Public Protection - The environmental health officers have raised no objection, subject to conditions to cover air quality assessment and noise assessment.

Archaeology - The County Archaeologist outlined that an archaeological evaluation undertaken in relation to a previous application on this site has revealed surviving features from the Medieval and Post-medieval period. Further work is required to excavate and record these features prior to any development starting on site. A condition is required on any grant of consent to secure a programme for archaeological mitigation (excavation) ahead of any ground works commencing on site.

Drainage / Wessex Water – The Council Drainage Engineer confirms that site is in Flood Zone 1 and not within any areas of surface water flood risk. As both foul and storm discharges are to be made to the public sewer systems confirmation should be sought from them over any issues or works needed and acceptability of flow rates. Wessex Water have confirmed storm and foul sewers in proximity and have not raised capacity issues at this stage but further approval of final arrangement is required and this is therefore conditioned.

Affordable Housing – The Council Housing Development Officer advises that the proposals should be regarded as straightforward residential units and therefore 30% of units should be provided as affordable housing in accordance with CP 43. Should viability be taken into consideration, it has been confirmed that a financial contribution (commuted sum) in respect of the provision of local affordable housing off site would be acceptable in lieu of on-site provision. A commuted sum would be calculated at the time the planning permission is granted and would be Index Linked (to the UK House Price Index). An indicative commuted sum figure would be £409,693.81 (June 2019). The applicant submitted a viability assessment in order to demonstrate that, in their view, the required provision/contribution of Affordable Housing in line with policy can be achieved on this scheme. That assessment has been considered by the Council's Estates Team (NOTE: The applicant and Council have agreed an acceptable sum to cover the affordable housing contribution (£375,000)).

Ecology - The Council Ecologist has outlined that the application provides sufficient ecological baseline information in order to inform a comprehensive assessment of the potential for effects upon ecological (bats/ nesting birds) receptors and ecology matters are conditioned.

Public Protection - The Environmental Health Officer confirmed that an Air Quality Assessment or Screening Assessment and Noise Impact Assessment needs to be submitted and is conditioned. Also conditioned is provision of 2 electric car charging points with infrastructure for more vehicles if demand requires.

Landscape – The Landscape officer offers no landscape objection, subject to appropriate tree protection measures being implemented for adjacent 3rd party trees overhanging the site (as agreed by council tree officer) and comments relating to the design and form of development at this site should be informed by this Council's Conservation Officer and Urban Design officer.

Waste – No objection subject to contribution of £3,549

Tree Officer – No objection subject to conditions to cover submitted report and maintenance of protected trees in conservation area.

Wiltshire Police – Various detailed concerns raised, and these are discussed and addressed below.

Rights of Way – No objection

## **8. Publicity**

The application was advertised by press notice, site notice and neighbour notification. The application received 74 comments from members of the public raising issues. 73 of the letters were raising issues / objecting to the proposal. There was 1 comment received supporting the proposal. Key issues are discussed in the planning assessment. Outlined below is a broad tabulated summary of the comments received:

- Mixed use development required (community, leisure, night) / reduce need to travel to other towns – 26
- Conflict with Town Masterplan - 22
- Conflict with Neighbourhood Plan - 18
- Contrary to Wiltshire core strategy /NPPF - 2
- Housing requirements have been met / no need for elderly accommodation -13
- Does not complement/ could detract development of town centre (vibrancy) or wider community – 17
- Lack of car parking – 19
- Proposal - Acknowledge need for elderly housing /will only serve elderly / segregated, insular development - 11
- Traffic issues in Pippin/ town centre/ air quality / highway safety /lack of infrastructure - 11
- Attractive development/ in wrong location – 13
- Could be easily sited elsewhere, wrong/ inappropriate location/ attractive development - 19
- More retail required / loss of valued site – 11
- Resubmission of previous and not acceptable – 7
- Poor Design / failure to integrate into the landscape and surrounding area/ poor aesthetics / poor public realm - 7
- Noisy location for elderly / Bike Meet Festivals - 6
- Proposal not suitable for site – 5
- No need for retail units - 5
- Large building/ Housing dense/ overdeveloped/ not in keeping/ impact on Zion chapel 4
- No NHS considerations / surgery space / infrastructure improvements required - 4
- No community/ leisure use / flexible use – 3
- Proposal will restrict geographic development of town centre / integration / layout / poor pedestrian/ cycle connectivity -1
- Will result in bank closure – 3
- Disabled access issues to bank - 1
- Baptist Church proposal /community use (other)/ preferable - 2
- Does not provide night time economy / entertainment / culture 1
- Town council rejected and not for Wiltshire council to impose - 1
- Small amendment provides no community benefit/ needs - 1

#### Support

- Retirement proposal ideal to rejuvenate site with the nearby facilities -1

A petition with 200 signatures objecting to the scheme has been received.

Representations submitted on behalf of local organisations also include Calne: Our Place (within the Town Council representations) and CPRE.

## 9. Planning considerations

Section 70(2) of the Town and Country Planning Act 1990, section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of NPPF (2018) require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

#### Principle of development

Each of the component uses proposed are considered against relevant national and local policy below.

### Housing

With regard to housing the proposal is to redevelop a parcel of previously-developed brownfield land located centrally to Calne town centre, located inside the defined limits of development. Although the applicant restricts occupancy to over- 60s (achieved via planning condition), no significant element of care is provided at their facilities and therefore the scheme should be considered as any other open market development for C3 residential use. As such, it is not considered that Core Policy 46 (Meeting the needs of Wiltshire's vulnerable and older people) is wholly relevant. It is important to note that this is why affordable housing contribution is applicable.

The issue of need for both additional housing and the type of accommodation (flats for older people) was raised in public representations and the by Town Council. The proposal is in accordance with the settlement and delivery strategies for new residential development set out at CP 1 (Calne being identified as a market town) and CP2 (within development boundaries) of the Wiltshire Core Strategy and will contribute to the provision of new housing in a highly sustainable urban location at a scale commensurate with its role as a market town. Therefore, due to the location (within settlement boundary) and proposal satisfying principle, housing need, supply and type of accommodation is not a significant issue. It is important to note that Wiltshire has a significant ageing population.

The Town council raised objections that the proposal is a sub-optimal use for this town centre location, suggesting that there is no need for the accommodation and that the regeneration does not strengthen the town centre. Nevertheless, in such town centre locations, the principle of mixed-use development such as that proposed would be generally regarded as acceptable in principal. Indeed, whilst the proposal may be regarded by some to be a sub-optimal proposal, the tests set out in both local and national planning policy is, rather, whether the proposed development is acceptable or not. With regard to the Calne Masterplan it is clear the principal of residential use on this site is acceptable.

### Retail

With regard to retail the development will result in the loss of a local hardware store (181sq.m), which currently occupies a small portion of the site directly opposite Phelps Parade and falls within the secondary retail frontage designation saved under Policy R2 of the North Wiltshire Local Plan. The proposed retail does not undermine the viability of the town centre (i), and the proposed retail is consistent with the scale and function of the town centre (ii) and the proposal does not eliminate access to upper floors. The site is located outside the town centre primary frontage area (R1).

It is important to note that in contrast to the earlier refused 2015 application, this revised proposal now includes the introduction of 281sq.m of new retail space, with a net additional space of 100sq.m, thereby somewhat compensating for the loss of existing retail activity on the site and providing modern facilities. As outlined the proposal is centrally located and therefore satisfies sequential approach, as set out in national guidance. The Calne Neighbourhood Plan and Masterplan requires retail in this area. The proposal is therefore considered to be broadly compliant of CP 38 Retail and Leisure and CP 8 Calne Spatial Strategy.

With regard to Core Policy 8 – the Spatial Strategy for Calne Community Area – requires that proposals take account of the stated objectives set out at the preceding paragraph 5.41, which establish the specific issues, challenges and aspirations for the area. These include broadly expanding and diversifying the range of services in the town and infrastructure – in compliance with the Calne Neighbourhood Plan (2018) and Masterplan (2014). Due to the mix of housing and retail, on balance the proposal is considered compliant with CP8 and will make a contribution to the stated objectives.

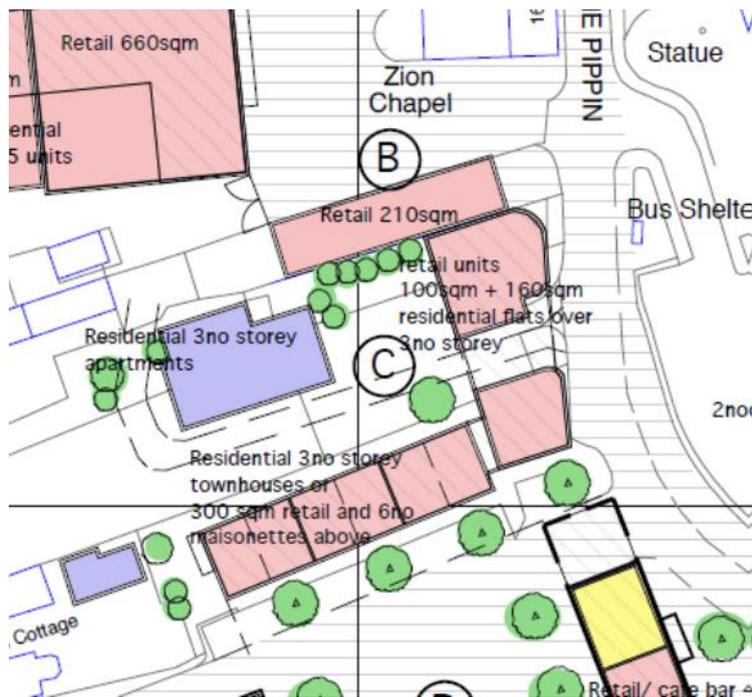
### Calne Neighbourhood Plan (2018) / Masterplan (2014)

The Calne Neighbourhood Plan and accompanying Masterplan forms part of the adopted Local Plan for decision making purposes. The Masterplan acknowledges the redevelopment

of Calne Town centre is required (p13). The Masterplan benefits from considerable local support following extensive public consultation and final adoption in February 2018.

Policy WS2.2 (Calne Town Centre Masterplan) outlines that proposals must consider and address their relationship to the vision set out in the Calne Town Centre Masterplan. The Masterplan provides a “measured plan” amongst a number of various aspirational options for the town centre. The site is designated in the Masterplan and it forms part of an extended retail area and public realm (market square) for the town centre, potentially incorporating some residential development as flats above ground floor retail units (see Figure 1).

**Figure 1 - Calne Masterplan – “Measured Plan” of the site**



The Town Council consultation response states that the application is in conflict with the Calne NP Policy WS2.2 on the grounds that the proposal does not meet the criteria listed in Paragraph 125 of Neighbourhood Plan. As set out in this report it is considered that principal, housing need, supply, how the proposal (and design issues) relates to the town centre and the Masterplan is broadly compliant.

With regard to the “Measured Plan” contained in the Masterplan, it is important to note that the site is suggested as being suitable for a mix of housing, retail and commercial use (Figure 1). It is therefore considered that in general terms that proposal is considered compliant with the Masterplan, as the proposal provides a level of retail in the Pippin and Phelps Parade, whilst providing residential units. The extent of retail provided is not the specifically matching but is considered a reasonable and balanced approach to the Masterplan. The “Measured Plan” for the application site states:

*B. Trotman Store*

*Retail unit on the ground floor 210 sqm, Commercial office space above 210 sqm*

*C. Rear of Lloyds*

*Retail units on the ground floor 160sqm, 100sqm, 110sqm x 4 Piazza*

*Residential 21no flats, 7no townhouses*

The Masterplan provision in the Measured Plan for the site equates to:

- 28 residential units - 21 flats / 7 town houses (located to the west of site).
- Retail 580sq.m
- Commercial use 210sq.m

Whilst broadly the NP states 28 residential units and 580 sq.m of retail, 210sq.m commercial use for the site. The application proposal includes 39 apartments with four retail units totally 281 sq.m. It is important to note that, in this respect, the Neighbourhood Plan can be regarded as a vision, but not a prescriptive setting out how the site can and only should be developed. For instance, the masterplan provides for no site permeability, allowing for little in the way of direct pedestrian links through the site, when considering the retail frontage with Phelps Parade outlined.

To the south of the site, the Measured Plan includes a Piazza on the existing Sainsbury's car park. It is not considered that the deliverability of a Piazza would be compromised. The Masterplan itself contains 4 different options – so clearly flexibility is built into the Masterplan vision. The proposal would provide a pedestrian link with the retail units leading to the site via Phelps Parade and the Pippin. A footway connection with the footway that crosses the site associated with Bank would also be a possibility of pedestrian permeability into the site in the future.

Critically, there are key physical site constraints which in large part has driven the way in which the proposal has been configured:

1. The site is subject to a change in level of up to 2.5 metres from the North West to South East corner meaning that the relationships between separate buildings around the outside of the site would prove very difficult to manage.
2. The site accommodates a Wessex 1.5m mains sewer with a 6 metre easement which runs parallel to the Southern boundary. This further negates the possibility of building on this part of the site – ie retail units for the Piazza and hence why this provides the allocated car parking for the proposal.
3. There are protected trees adjacent to the site (close proximity of suggested retail units).

In this way, the constraints of the site (level changes, sewer easement and adjacent trees) must also inform the assessment of the proposal. It is important to note that the proposal has been developed in detail to taking into account site constraints. These details would have been unlikely to inform the Neighbourhood Plan when developing its vision. Therefore, the proposal when developed in detail and assessed in combination with the site constraints are considered in reasonable broad compliance of the vision of the Neighbourhood Plan. The Masterplan also provides little demonstration as to how parking requirements, level differences, easement and trees would be satisfied and addressed.

The town council response refers to a preferred alternative use of the site by the Baptist church. Of course, it is the duty of the Local Planning Authority to objectively consider the acceptability of the application submitted, not in the context of a preferred or idealised, alternative version of development. It is important to note that this is not the proposal being assessed as part of this planning application.

#### Design and appearance of the development

As a comprehensive redevelopment scheme including the removal of low-quality fabric from the site the proposal will significantly alter the appearance of the site, surrounding area and streetscene. The proposal is a substantial building with significant visual impact. The site is approximately 0.3 hectares. The ground floor footprint of the building is 1,169 sq.m, therefore the building occupies approximately 39% of the site. This is considered to be a reasonable land take and relatable to the size of the site. The external appearance of the proposed building has been the subject of dialogue with the applicant during pre-application, previous application discussions. It is considered that on balance all the requirements have reasonably been met (subject to conditions).

The proposed design can be broken down into separate elements which, it is considered, reflect the relative prominence of different sections of the residential and retail elements. The main entrance to the retail elements will be local stone/ ashlar plinth, which should be the subject of suitably worded planning conditions, and the main residential element will be set

back. Subsidiary sections of the building are treated in off white render to improve articulation and avoid stark expanses of red clay brick (to be conditioned). In the south elevation, this is natural stone brick. The accommodation on the top storey is to be contained within 'mansard' sections with windows in the roof, with a material of single ply roof membrane.

### Building height and size

Representations have been received relating to the impact of the proposal in the urban environment due to the height and mass, restricting views and the proposal being detrimental to character and appearance. The Town council raised an objection on this basis. The landscape officer raised no objection subject to the advice of the Council's Arboriculturalist, Conservation Officer and Urban Design Officer. It is evident that the protected trees from the neighbouring site offer a level of mitigation to the visual impact of the proposal in the urban landscape, particularly when the site is viewed from the south. The scale of the proposal is considered to correspond reasonably with the townscape, when also considering the Masterplan Plan (see below) and its relationship with neighbouring property that varies from 2-3 storeys, some including basements. With regard to building height, it is important to note that the Masterplan states the following (pages 13 and 22):

*"The new vision seeks to re-invent the town centre through (p13):*

*(6) It provides a strategy for improved vibrancy by increasing the density to 3-4 storeys using commercial and residential accommodation over retail and community use"*

*(10) Reviewing parking arrangements, which currently dominate the town centre, to provide a more diverse offer, while providing to meet the needs of town"*

*"The scale and mass of the existing centre is mainly two to three storeys, the new development at the eastern edge of Phelps Parade is four storey and sits comfortably within the scale of The Pippin road width and current urban grain. It is recommended that when Phelps Parade is redeveloped at the High Street end, it could accommodate a three storey building with the remainder scaling in height to match the new development to the east. The scale of The Pippin could accommodate four storeys with the possibility of a fifth if it is integrated within a roof ridge line and can be moderated by the change in ground levels which drop towards the River Marden." Page 22.*

Whilst the proposal is a 3 to 4 storey property, it is the level differences across the site that enable built form to sit comfortably within the site. It is therefore considered in broad design terms, the proposal providing 3-4 storey is compliant with the masterplan and the setting itself. It is important to note that facing Phelps Parade and The Pippin the proposal is 3 storey. It is only in the southern elevation and due to the level differences that a partial lower ground floor has been proposed, in compliance with Masterplan. In this regard, it should also be noted that the Masterplan suggests 3 storey residential development in the west of the site, similar to the proposal.

### The North-east corner

With regard to the previous scheme, particularly in the north-east corner of the site, the height, bulk and mass of the proposal, was considered overbearing and not in keeping with the setting, with impact on the Zion Chapel and conservation area/ public realm (figures 2/4). This was partly as result of a high gabled roof. This has now been amended, in comparison to the previous scheme the roof of the scheme has been significantly lowered and altered to mansard accommodation incorporating a flat roof (figures 3/ 5), replacing the high gabled and differing roof pitch heights and angles (with the exception of the tile roof in the south-west 3 storey element).

Effectively the roof has been lowered by approximately 2.9m in the north-east corner of the building and 2.4m more generally across the whole building (with the exception of the south-west corner). This significantly reduces the size of the building, particularly visually in Phelps Parade and its relationship with Zion Chapel, conservation area and public realm.

The 18/09556/FUL scheme at the corner with the Pippin and adjacent to the Zion Chapel, the ridge height is approximately 11.9m and eaves 8.2m. The proposed scheme now removes the imposing corner, with Mansard accommodation in the top storey. The height to the roof is approximately 9.21m, with set back of, 2.4m above the retail element/ first floor from the Pippin. This significantly reduces the mass and overbearing feel and provides better relationship with neighbouring properties. It is considered that by this sympathetic design the visual impact as a result of the height and mass is reduced in order to relate to the setting of the conservation area and public realm in a more suitable manner to ensure compliance with WCP 57/ WCP58 and BE2 of the Neighbourhood Plan. It is considered that the design of the proposal reflects the design of the relatively new retail and residential scheme approved north of the Zion Chapel under N/07/03228/FUL (M & Co).

**Figure 2 - 18/09556/FUL – North-east elevation**



**Figure 3 - 19/03435/FUL – North-east elevation**



**Figure 4 - 18/09556/FUL – North-west elevation**



**Figure 5 -19/03435/FUL – North-west elevation**



### Design and materials

Details of key architectural features have been provided as an indicator of the final finish of the building. The Council's Urban Designer has raised concerns about the quality of the appearance of the building not being either high quality traditional or contemporary design in later comments. The Urban Design Officer and Conservation Officer have raised concerns with regard to the materials and finishes. The developer has agreed to imposition of conditions that will ensure use of a palette of materials that will ensure use of high-quality materials to reflect the conservation area and adjacent public realm. This includes (for full breakdown see conditions 25, 26 and 27) to ensure windows and doors are not UPVC or GRP, brick natural stone and brick clay bricks (including boundary treatments), shop fronts for Unit 2 – east and north elevation, Unit 3 and Unit 1 – to be bath (local) natural stone/ ashlar work plinth for these shop fronts - no render. Paving and wall around the ground floor of retail units – specification to match in similar quality to Sainsburys public realm. Balconies – Full specification to be approved (metal not glass). Roof materials and cladding also to be approved.

Full architectural details (scale plans and elevations) of items are also conditioned, this includes windows, external doors, shopfronts, balconies, rainwater goods and boundary treatments (not an exhaustive list). Outstanding issues with retail refuse bin storage, cycle storage are also conditioned.

### Improvements to Public Realm

The 2018 application was, in part, refused planning permission due to the lack of associated improvements to the public realm, particularly in the area between the north of the proposal and the Zion Chapel. With regard to this application as raised by the Urban Designer, no provision for Public Realm improvements does not comply with the Neighbourhood Plan/ Masterplan.

At paragraph 188 to the Calne Neighbourhood Plan, it is confirmed that contributions for infrastructure will be sought on the back of proposal for new development; with paragraphs 26, 120 and 125 referencing those contributions, in part, being put towards the improvement of the "public realm". The NP includes no formula or methodology as to how those contributions will be sought and it is therefore concluded that they would be sought under the terms of the Community Infrastructure Levy Regulations 2010 and policy and guidance covering the reasonable use of planning obligations under s106 of The Act.

Further, Policy WS2.1 of the NP states "*Development proposals within Calne Town Centre must consider, assess and address their impact on the streets, pavements, parking areas and other public spaces*". Policy WS2.2 states "*Development proposals within or immediately adjacent to the defined Calne Town Centre must consider and address their relationship to the vision set out in the Calne Town Centre Masterplan (April 2014)*".

It is important to consider that this application stands or falls on its own merit. With regard to the impact of the proposal on the wider streetscene and locality. The proposal does come forward with a revision to provide pedestrian access and public realm feature related to the access to the retail units in the Pippin (or north-east elevation). With all retail units accessible

on one level, including retaining wall and walls/ balustrade. This will be conditioned to ensure high quality materials and ensure that it relates to the Sainsburys public realm provision and enhances the setting. It is considered that this will relate to and enhance the streetscene and locality.

It is considered that the scheme in the proximity of Phelps Parade and the Zion Chapel (north-west elevation), with its reduced height, scale and the materials (to be conditioned), it is more sympathetic to the setting, public realm and the streetscene than the previous scheme. It is considered the 3 storeys (and mansard in top storey) is considered acceptable, with the residential element set back and enhances the setting. Considering existing site context, it is considered the proposal will enhance the setting and public realm. However there is still requirement in the Masterplan and Neighbourhood Plan for the proposal to enhance the public realm features.

Notwithstanding the above conclusions, the applicant has offered to make a financial contribution of £15,000 towards public realm improvements. Such a contribution would allow the general improvement of the public realm so as to improve the integration of the proposed development in this important locality, thereby rendering the development fully compliant with policies WCP3, WCP8, WC57 and WCP 58 and Neighbourhood Plan.

That contribution would be secured via S106 of The Act . It is anticipated that the contribution would be made available to the Town Council, in conjunction with Wiltshire Council, who is the owner of land immediately surrounding the site.

#### Heritage

In respect of the impact of the development on Listed Buildings, the Calne Conservation Area and Archaeology, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

Consideration is given to the impact of the development on the Calne Conservation Area and legibility of the historic layout of the town. With regard to paragraph 190 of the NPPF (2019), the significance of the heritage asset of the Zion Chapel and Conservation area have been assessed by the heritage statement produced by the applicant, the conclusions of which are largely agreed with. There are a total of 95 other designated heritage assets identified within the 250m study area around the site including one Grade I Listed Building, six Grade II\* Listed Buildings and 88 Grade II Listed Buildings.

The principle concern is the visual relationship between the proposed building and the Grade II-listed Zion Chapel (and enclosed yard to west) which is the nearest and most sensitive designated heritage asset. It is situated a short distance away to the north of the site. Whilst it is considered that the proposed site in its current form makes a neutral contribution towards the heritage significance of the Zion Chapel.

The Council's Conservation Officer has considered the revised application proposals and welcomes the improvements to the elevations fronting the Pippin and the Zion chapel. The revised form of the building achieves a less dominant relationship with the Chapel. (See figures 2-5) The revised scheme is considered to have addressed the previous concerns to ensure that the building reasonably relate, corresponds and remove harm to the Zion Chapel and conservation area and public realm. The scale of the proposal is considered to correspond with the townscape and enables the height of the building in the north-east corner to relate to the skyline without dominating. The scheme represents a reasonable change to the setting of the Zion Chapel, a modest size building. Therefore the scheme is considered to compliment to the heritage significance of the chapel.

A key objective in respect of the design needs is to protect and reinforce the visual connection between the Grade II-listed Zion Chapel and distant Grade I-listed St Mary's Church. This

visual is also improved partly due to the reduced height of the building and the change in the design to the roof and introduction of mansard accommodation.

Units 8-21 High Street to the west of the site are also all Grade II-listed, although their rear elevations facing the site have generally all undergone significant alteration from their original form. These buildings are set a further distance in comparison to the Zion Chapel. But the reduction in size of the overall building enables this not to dominate the skyline.

The outstanding issues were materials – this has now been conditioned to ensure use of high quality materials to respond to the local materials such as natural stone bricks, high quality clay bricks, ensure stone work plinths/ facades of retail units (1-3) are stone-work, windows are not UPVC and window lintel and sills are natural stone, replacing close boarded fencing amongst other standard conditions (Not exhaustive see condition xx). Overall, it is considered that the proposal now satisfies the requirements of WCP58 and BE2 of the Neighbourhood Plan.

### Archaeology

The County Archaeologist outlined that an archaeological evaluation was undertaken in relation to a previous application, that revealed surviving features from the Medieval and Post-medieval period, possibly Saxon or earlier. Further work is required to excavate and record these features prior to any development starting on site. A condition is required on any grant of consent to secure a programme for archaeological mitigation, recording and protection ahead of any ground works commencing on site. The relative lack of later disturbance within the site compared with their part of the town centre make it an area of high potential for preservation of remains relating to the medieval and earlier history of Calne. This is a matter that could be adequately controlled through the imposition of particularly worded planning condition, so as to ensure compliance with WCP 57 and WCP58 and the NPPF.

### Impact on residential amenity

The scheme has been designed to ensure that it would not result in demonstrable harm to the living conditions of adjoining residents. This has been achieved by setting the building away from key boundaries to provide reasonable separation distances, and ensuring windows that overlook are reasonably located.

Residents associated with the High Street have raised concerns in relation to the size of the development and impact on residential amenity. In the south-west corner it is not considered that the impact on residential amenity is significant. The building line distance is approximately 21m, whilst to the nearest rear garden space it is approximately 7.5m. Whilst the building is not directly in line and is at angle to this rear garden, so not directly overlooking. Whilst the property is 3 storey at this point, it is considered that the change in levels across the site need to be taken into account. In this area there is also a sub-station proposed, which is considered a reasonable location within the scope of the scheme and any externality resulting from this location can be suitably mitigated. It is also noted that there may be land ownership and encroachment issues but these are civil matters with no role of the Local Planning Authority to become involved as part of the planning application process. The applicant signed certificate B and submitted that relevant landowners have been notified.

In the north-west corner it should be noted that there are no windows proposed for the immediate adjacent west, and north elevations. Whilst the south-west elevation immediately this is 1.5 storeys and with no direct overlooking over the property within close proximity (3 storey), kitchen windows in the secondary north elevation look over car parking. Only balconies are included on the south-east elevation, this is overlooking both the site and neighbouring site car parking.

Although situated close to the centre of the town, it is not considered that the proposals will have a significant adverse impacts on future occupants of the proposal, who in any case will be able to make a decision as to whether they are content with the proposed arrangements in full awareness of surrounding land uses, including temporary community events. It is not considered that the units will suffer from a lack of privacy from public viewpoints, for example

the private right of way in relation to the bank is set behind the car parking, and the accommodation is set back from the service road. It is considered that this arrangement is acceptable in protecting all parties from unacceptable inter-visibility detrimental to residential amenity.

### Highways and Parking

Vehicle access is to be obtained directly from The Pippin, effectively relocating the existing entrance to the car park that currently occupies the central portion of the site. The Highway Officer notes that the access arrangements are acceptable in principle, enabling adequate visibility along the Pippin when leaving the site; the use of hard landscaping to either side should ensure that this arrangement is fixed and this can be secured in perpetuity by condition.

The car parking provides 17 spaces to south of the site, with 3 additional spaces allocated to Lloyds. Existing traffic concerns in central Calne and vicinity have been raised in representations received in respect of the application however, the impact of the development in this regard must be considered in context. As accepted elsewhere for comparable facilities, the proposal offers a reduced level of parking provision after demonstrating justification for discounting below the usual adopted countywide standards. As on-street and public car parking in the immediate vicinity of the site is strictly controlled, it is not considered that any occasional overflow, for example due to visitors, would result in a significant increase in on-street parking to the detriment of local residents or general amenity. The use of this site for the provision of new housing specifically for older people, as demonstrated by surveys of similar accommodation outlines lower car occupancy levels. Given the ease of access to local shops and services in the immediate vicinity, there is material benefit of low impact on traffic in vicinity. Lower car parking provision will be compliant with the Calne Masterplan (2014). For these variety of reasons, the proposed car parking is considered reasonable, subject to a condition limiting occupation to the over-55s only.

The separate pathway access to Lloyds is also a fringe benefit in that the proposals will marginally improve both ease and safety of inclusive access to the bank. Whilst control over pedestrian access and parking fall to the landowner/site operator and the bank – and cannot, indeed should not, be controlled by planning condition – in practice this is likely to provide a further buffer between neighbouring properties and unauthorised intruders.

Mindful that it is an expectation that the site will come forward for some form of development, it is difficult to anticipate any other use generating fewer vehicle movements in the town centre. Accordingly, whilst it is accepted that the development will have an effect on the number of car journeys, this will be very limited as suggested by the transport statement, and significantly less than those generated by most other town centre uses.

With regard to servicing of the units, suitable arrangements have now been demonstrated to the satisfaction of the Council Highway Officer (as part of a Transport addendum). The Pippin footway widening provision will enable pedestrians / wheelchairs to pass, full details have not been provided at this stage but are conditioned and will require a legal agreement under S278 of the Highway Act. A key point is that the service road to the north is not part of the adopted highway, and not included within the application site. The likely service vehicle types/sizes and the frequency of deliveries, together with the regime for refuse collections have now been demonstrated. The Transport Statement provides means of refuse collections for the apartments, which would be from The Pippin, with storage being located within the site. The intended means of collection will be controlled via planning condition.

It has been raised by the town council that the width footway to the front of the retail units are limited. With regard to the retail units facing Phelps Parade/ service lane, the doors have been adjusted to open inwards. This footway is approximately 1.8m – 1.3m (with a pinch point). It is important to note that service lane is relatively lightly trafficked. No highway issue was raised on this basis and is therefore considered acceptable.

With regard to pedestrian access, there has been an audit provided of the routes from the site access to the surrounding facilities, and the means of crossing the service road to the north

etc., where street furniture may restrict access for mobility aids. The audit has been accepted by the highway engineer and therefore no financial contributions towards improvements to existing pedestrian routes to required pedestrian links to Church Street, High Street and Curzon Street, including access to the bus stops.

### Waste

The waste officer recommends a condition that does not allow commencement of development until details concerning how waste collections will function on the development are submitted to and agreed by the council to ensure compliance WCS6 and CP 3. It is clear that the refuse collections for the residential units would be intended through the Council collection service, with the site Manager ensuring bins are moved to the collection point on collection days, in accordance with drawing 10100CNPA13 – Parking and Refuse area (Transport Addendum) with collections taking place for The Pippin. A contribution of £3,549 is required as part of S106.

### Affordable Housing

As the scheme comprises a major new housing development within a market town, the application attracts planning contributions in line with CP 3 and 43 of the adopted Core Strategy. In Calne, this would equate to on-site provision of 30% affordable housing, with mix and tenancy reflecting local demand. With regard to affordable housing the applicant has proposed a financial contribution in lieu of on-site provision. The Council's Housing Officer agrees with the principle of such provision in light of the nature of the accommodation proposed.

Following a protracted viability assessment process involving the Council's Estates Team, a sum of £375,000 has been agreed with the applicant. As noted under the Housing Officer's comments above, whilst this sum represents a sub-policy compliant amount, the Council's Officers regard the contribution as reasonable and are comfortable in recommending that the agreed amount should not prohibit the grant of planning permission when assessed against Policy CP3 of the Wiltshire Core Strategy.

### Air quality, Noise and Contamination

With regard to noise impact, the Public Protection officer has confirmed that with regard to the retail units, the council would expect any fixed plant to be capable of meeting a Rating Level of -5dB (BS4142:2014) below the measured background noise level during their proposed operating hours, at both existing and proposed residential receptors. A Noise Impact Assessment in accordance with BS4142:2014 should be submitted to demonstrate adherence to the above criterion. The applicant has not provided at this stage but it is considered that this requirement can be adequately controlled through the imposition of planning conditions.

It is considered important to consider whether the development has a bearing on the capacity to deliver other aspects of the Masterplan set out within the Calne Neighbourhood Plan as a result of amenity considerations. Residential receptors being the most sensitive to noise associated with, for instance, occasional community events envisaged for this area. This is particularly relevant to the units orientated toward the southern side of the site, currently the secondary Sainsbury's car park. It is important to consider this matter in relation to whether the proposals prejudice the delivery of that element of the Masterplan pertaining to the site alone, or whether in fact the scheme has wider implications. On balance, given the intervening presence of the parking area and boundary treatment to the south of the building, it is considered that introducing residential units here would not jeopardise the full utilisation of the adjacent car park site. A key point is that site is allocated for 28 residential units within the Masterplan and the neighbouring site / car park also allocates residential use in the Masterplan. As such, in context with the existing surrounding land uses, it is not considered that the development introduces new receptors that would prejudice the delivery of the Masterplan to an extent any wider than the site itself.

The Environmental Health Officer confirmed that an Air Quality Assessment or Screening Assessment is required and is conditioned. As a town centre site, the proposal falls within the Calne Air Quality Management Area (AQMA) requiring that an assessment is undertaken in

respect of the development's impact on local air quality. Whilst no assessment has been carried out by the applicant, in this particular instance, in the context of development which is not as car dependent as conventional residential development, it is considered that impact on air quality does not weigh significantly in the planning balance. It is important to consider that this proposal includes a relatively small number of car parking spaces to the scale of the development of 17 spaces. It is therefore reasonable to conclude that the proposal will not produce significant amounts of car emissions to warrant a significant mitigation strategy. It is considered reasonable that the applicant has agreed to a planning condition which would compel the delivery of two car charging points to encourage the use of electric vehicles, with further infrastructure (cabling) to be installed if there is demand (4-6 vehicles). It is therefore considered that as a measure to help improve air quality the proposal is considered compliant with WCP8.

Whilst there are no known former uses of the site likely to have given rise to significant contamination of the land, as the development concerns land within a previously industrial area and involves significant earthworks a precautionary approach. It is considered that the Council's standard sequential condition in respect of investigation, reporting and, if necessary, remediation of contamination is sufficient to address any issue that may arise.

#### Ecology

The council Ecologist has outlined that sufficient ecological baseline information/ details have been submitted to the LPA in order to inform a comprehensive assessment of the potential for effects upon ecological (bats/ nesting birds) receptors as is the duty of the LPA's ecologist and as required by the NPPF and WCP50 of the Wiltshire Core Strategy. There are number of ecology conditions imposed to cover ecology issues this includes lighting strategy details for bats, boundary treatments, LEMP and EMES.

#### Trees

The council Arboriculturalist Officer raised no objection subject to conditions to cover submitted report and maintenance of protection of the trees in conservation area. This includes two category 'C' trees to be removed and three category 'B' trees and two category 'C' trees to be retained.

#### Drainage

The Council's Drainage Engineer confirms that site is in Flood Zone 1 and not within any areas of surface water flood risk. As both foul and storm discharges are to be made to the public sewer systems confirmation should be sought from them over any issues or works needed and acceptability of flow rates. Wessex Water have confirmed storm and foul sewers in proximity and have not raised capacity issues at this stage but further approval of final arrangement are required. This can reasonably be controlled through the use of a suitably worded planning condition.

#### Police

The Police liaison Officer raised issues, in relation to security and lighting. The building is controlled through CCTV with visitors not being allowed in unless known to the residents or checked with house manager. In respect to boundary treatments the latest site plan 10100CN-PA101 B gives an indication of proposed boundary treatments, but these will now be conditioned to be a mix of brick walls, with a mix of heights, to lower metal railings. The walls will need to take into account ecology requirements to ensure provision for hedgehogs, lighting for bats and urban design and conservation comments.

### **10. Conclusion**

The proposal is considered to comply with the settlement and delivery strategies for new residential development set out at CP 1, 2, and CP 3 of the Wiltshire Core Strategy. Although the applicant restricts occupancy to over 60 years of age, no significant element of care is provided at their facilities and therefore the scheme should, in essence, be considered as any other open market development for C3 residential use. On the basis the proposal is located

within the settlement strategy, issues associated with need and the type of accommodation are not material planning issues.

With regard to WCP 8 Calne Spatial Strategy, broadly, the proposals with the mix of housing and retail would contribute significantly toward the objectives, with the introduction of 281sq.m of new modernised retail space (100sq.m net additional space). The proposal is centrally located and therefore satisfies sequential approach. The proposal is therefore considered to be compliant of WCP 38 Retail and Leisure and WCP 36 Economic Regeneration. With regard to the Calne Neighbourhood Plan and its associated Masterplan “measured plan”, it is important to note that the site is suggested as being suitable for a mix of housing, retail and commercial use. The Masterplan provision for the site equates to 28 residential units, Retail 580sq.m and Commercial use 210sq.m. In comparison, the application proposal by Churchill for the site includes 39 apartments and 281sq.m of retail. It is therefore considered that broadly the proposal is considered compliant with the Masterplan, as the proposal provides a level of retail in the Pippin and Phelps Parade, whilst providing residential units. Consideration of the site constraints (level differences, sewer easement and protected trees) are also important considerations of how the site has been developed or could be developed with regard to vision set out in Neighbourhood Plan.

With regard to the conservation issues and visual appearance of the proposal, as a result of this re-submitted application, the roof has been lowered and now includes windows in a mansard section, including a set-back in Pippin/ service lane elevation. Effectively the roof has been lowered by approximately 2.9m in the north-east corner of the building and 2.4m more generally across the highest sections of the building. This resolves the issues associated with the height, scale, mass and bulk associated with the harm to the setting of the Zion Chapel and wider Conservation Area and impact on public realm. The proposal now comes forward with a contribution of £15,000 towards public realm improvements in the immediate vicinity, which is not considered an insignificant figure that the Town Council can use as opportunity to develop the public realm in this area. It is considered that this revised proposal does now comply with WCP 57 / 58 and Policy BE2 of the Calne Neighbourhood Plan.

Subject to the imposition of a particularly worded planning condition, the detail finish of external materials of the building are considered to be of a high quality, appropriate to the locality and to satisfy policies WCP 57/58 and policy BE2 of the Calne Neighbourhood Plan.

The proposal does now provide sufficient information to address highway issues, in relation to servicing of commercial units, refuse collection and address pedestrian accessibility. The application provides sufficient ecological baseline information and details having been provided to the LPA in order to inform a comprehensive assessment of the potential for effects upon ecological receptors (bats/ nesting birds), in accordance to WCP 50. The proposal includes an agreed financial figure for affordable housing contribution (£375,000) to address WCP3. The proposal provides adequate infrastructure contributions in relation to waste (£3,549) and air quality in form of provision of two initial electric car charging points.

## **11. Recommendation**

Subject to all parties entering into an agreement under s106 of The Act so as to deliver the following infrastructure:

- Affordable Housing - £375,000
- Improvements to public realm - £15,000
- Waste - £3,549

Then, **planning permission be GRANTED subject to the following conditions:**

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

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

### Drawings

2. The development hereby permitted shall be carried out in accordance with the following approved plans (date received):

- 10100CN-PA100 Site Location Plan 1/05/19
- 10100CN-PA101 Rev B Site Plan 1/05/19
- 10100CN-PA102 Lower Ground Floor Plan 1/05/19
- 10100CN-PA103 Ground Floor Plan 1/05/19
- 10100CN-PA104 A First Floor Plan 15/08/19
- 10100CN-PA105 A Second Floor Plan 15/08/19
- 10100CN-PA106 A Roof Plan 15/08/19
- 10100CN-PA107 A Elevation 1 15/08/19
- 10100CN-PA108 A Elevation 2 15/08/19
- 10100CN-PA109 Elevation 3 1/05/19
- JBA 18/262 Rev D - Landscape Strategy Masterplan 1/05/19
- 17335-BTS Tree Protection Plan 1/05/19
- SU-01 Topographic Survey 15/03/19

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

### Land use

3. 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 four units (1-4) allocated as 'non residential units' on the submitted drawings (10100CN-PA03) and shall be used solely for purposes within Class(es) A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

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

4. The residential occupation of the development hereby permitted shall only endure for the benefit of persons over the age of 60 years or with a spouse or partner of at least 55 years of age.

REASON: Permission would not normally be granted due to the reduced parking provision on site but regard has been paid to the specific intended occupants of the development and typically lower levels of car ownership such that, exceptionally, the proposal is acceptable in terms of highway safety and local amenity on this basis in accordance with CP60.

### Highways

5. No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans (10100CN-PA101 Rev B). The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety in accordance with CP61.

6. No development shall commence until full details of the widening of the footway on The Pippin to 2m wide have been submitted to and approved in writing by the Local Planning Authority. There shall be no occupation of the development until the footway has been constructed in accordance with the approved details.

REASON: In the interests of sustainable development and highway safety and in accordance CP61.

7. No development shall commence on site until a Travel Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Statement shall include details of available means of travel, and the means of communicating such information to staff, residents and visitors, including the provision of appropriate plans. The development shall thereafter be operated in accordance with the Travel Statement.

REASON: In the interests of sustainable development, and reducing vehicular traffic to the development in accordance with CP60

8. No part of the development shall be brought into use until details of secure covered cycle parking for staff or visitors of the retail units and the residential home, together with a timetable for their provision, have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details. Revised details of the design of any related alterations to the floor plans or site plan shall be submitted to and agreed in writing by the Local Planning Authority before the development commences

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

9. Prior to the occupation of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the regime for servicing and refuse collections, including the locations for servicing the site, and the types and frequency of servicing vehicles.

REASON: To ensure the safe operation of the highway in accordance with CP61, CP3 and WCS 6.

#### Waste – Refuse and Recycling

10. Notwithstanding the details shown on the submitted plans, details of the storage and collection of refuse and recycling for the retail units shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The design shall ensure that no refuse bins will be or visible from the public realm. The layout of the retail units currently has no allocated space for the appropriate storage and collection of refuse. Revised details of the design of any related alterations to the floor plans or site plan shall be

submitted to and agreed in writing by the Local Planning Authority before the development commences. The retail units shall not be occupied until the approved scheme for the refuse bins for the retail units has completed in accordance with approved details.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling

### Ecology

11. Prior to the commencement of any development works on site including vegetation clearance, site clearance, boundary treatment works, building conversion and/or demolition works, an Ecological Mitigation and Enhancement Strategy (EMES) shall be submitted to the local planning authority for written approval. The strategy shall augment and consolidate the recommendations proposed within the Ecological Assessment (Tyler Grange, 19th July 2019) and the Preliminary Ecological Appraisal (Ecosa, Revision 2, March 2019) submitted to the Council prior to the determination of the planning application. The strategy shall provide comprehensive details of all ecological avoidance, mitigation, compensation and enhancement measures to be implemented on site, and these shall also be illustrated on an accompanying site plan clearly illustrating the type, number and location of proposed features. Details of maintenance arrangements for these features should be included with the strategy, where this is applicable. Thereafter, the development shall be carried out in strict accordance with the approved strategy.

REASON: To ensure provision of comprehensive and enforceable details regarding proposed ecological mitigation, compensation and enhancement as the matter is required to be agreed with the local planning authority before development commences. To ensure features are incorporated within the scheme design and layout that will deliver a function for biodiversity in accordance with the NPPF 2019, Core Policy 50 of the Wiltshire Core Strategy (Adopted January 2015) and Section 40 of the NERC Act 2006, and that will provide suitable compensation for the loss of existing biodiversity and habitats at the site, particularly trees.

12. Prior to the commencement of any development works on site including vegetation clearance, site clearance, boundary treatment works, building conversion and/or demolition works, a Landscape and Ecology Management Plan (LEMP) shall be submitted to the local planning authority for written approval. The LEMP shall include a finalised soft landscape plan, a planting schedule and specification. Details of the proposed maintenance and landscape management of the site and the mechanism for securing the implementation of these activities where necessary, shall also be submitted to the local planning authority for approval. The development site shall be managed and maintained in accordance with the approved LEMP in perpetuity unless another time period is agreed with the local planning authority via the LEMP approval.

REASON: To ensure provision of finalised comprehensive details regarding the proposed landscaping as the matter is required to be agreed with the local planning authority before development commences. To ensure the appropriate maintenance and long term management of existing habitats to be retained that provide a function in terms of landscape and biodiversity, particularly the existing tree line along the southern boundary, as well as the proposed landscaping. To ensure that the proposed landscaping will serve a function for ecology and landscape and will contribute to delivering biodiversity gain at the application site in accordance with the NPPF 2019, Core Policy 50 of the Wiltshire Core Strategy (Adopted January 2015) and Section 40 of the NERC Act 2006.

13. Prior to the commencement of any works on site including vegetation clearance, site clearance, boundary treatment works, building conversion and/or demolition works, a finalised proposed Site Plan which incorporates and consolidates the proposed ecological mitigation, compensation and enhancement measures stipulated within the Ecological Assessment (Tyler Grange, 19th July 2019) and the Preliminary Ecological Appraisal (Ecosa, Revision 2, March 2019) shall be submitted to the local planning authority for written approval. The finalised Site Plan shall provide comprehensive details with respect of the proposed boundary treatment and fencing installation and this shall accord with Section 6.2.4 of the aforementioned Preliminary Ecological Appraisal. Thereafter, the development shall be carried out in strict accordance with the approved plan.

REASON: To ensure provision of comprehensive and enforceable details regarding proposed ecological mitigation, compensation and enhancement as the matter is required to be agreed with the local planning authority before development commences and a finalised plan was not submitted prior to determination. In accordance CP50.

14. Prior to the commencement of any works on site including vegetation clearance, site clearance, boundary treatment works, building conversion and/or demolition works, finalised details of any proposed external lighting should be provided to the Council for approval in writing. The lighting strategy should be sensitive to wildlife, particularly bats, and shall accord with the recommendations put forward in the Ecological Assessment (Tyler Grange, 19th July 2019) and the Preliminary Ecological Appraisal (Ecosa, Revision 2, March 2019). The strategy shall include a site lighting plan and lux contour plots that are based on the final design and scheme layout, and shall illustrate the location, height and specification of proposed luminaires. Details of mitigating fixtures to be used, where applicable, such as cowls, louvres or baffles shall also be included. All external lighting shall be installed in accordance with the approved lighting strategy and no other external lighting shall be installed without prior written consent from the local planning authority.

REASON: To minimise light spill onto retained habitats, particularly boundary tree lines, and onto enhancement planting, and to maintain dark corridors for wildlife, particularly commuting and foraging bats in accordance CP50.

15. The felling of trees, and clearance of scrub and other vegetation that affords opportunities for nesting birds shall not be undertaken between 1st March and 31st August inclusive as this is generally accepted to comprise the breeding season for birds. Where it is absolutely essential for tree felling and/or vegetation clearance to take place within the aforementioned breeding season, an inspection for active nests in the trees and vegetation to be removed must be undertaken by a suitably qualified and experienced ecological consultant within 24 hours of the felling/clearance. In the event that an active nest is identified, the nest and supporting tree/vegetation must remain in situ and a suitable buffer of at least 5 metres implemented and demarcated around the nest. The nest must remain undisturbed until all the fledglings have permanently left the nest, and this will need to be confirmed by the ecological consultant. This restriction also applies to the demolition and/or refurbishment of any buildings that are being used by nesting birds and support active nests, and demolition/refurbishment works cannot take place if active nests are present within the buildings to be affected.

REASON: It is considered likely that birds will nest in suitable trees, scrub, vegetation and buildings and/or vegetation on buildings, within the application site. All birds, their nests and eggs (with certain exceptions) are protected by the Wildlife and Countryside Act 1981 (as amended). Therefore, it is an offence to intentionally kill, injure or take any wild bird; to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built; and to intentionally take or destroy the egg of any wild bird. Planning permission does not

override the aforementioned legislation or provide a defence against prosecution under the Wildlife and Countryside Act 1981 (as amended).

16. The development shall be undertaken and maintained in perpetuity in strict accordance with the following approved documents (relevant sections stipulated) and plans:

- Tree protection plan (Barrell Tree Consultancy, Plan Reference: 17335-BT5);
- Preliminary Ecological Appraisal (Ecosa, Revision 2, March 2019); and
- Ecological Assessment (Tyler Grange, 19th July 2019).

The development shall also be undertaken in strict accordance with the following forthcoming documents and plans to be supplied to discharge associated conditions:

- Ecological Mitigation and Enhancement Strategy;
- Landscape and Ecology Management Plan;
- Finalised Site Plan; and
- Wildlife sensitive lighting strategy and lighting plan.

The development shall also be undertaken with liaison with, and supervision by a suitably qualified, experienced and licensed professional ecological consultant where this is necessary.

REASONS: To ensure implementation of appropriate and adequate protection, mitigation and compensation for ecological receptors including protected and priority species and their habitats. To ensure delivery of ecological enhancement measures to provide a benefit for biodiversity in accordance with Paragraph 170 of the NPPF, Core Policy 50 of the Wiltshire Core Strategy (Adopted January 2015) and Section 40 of the NERC Act 2006.

### Trees

17. The development shall be carried out as specified in the approved Arboricultural Assessment and Method Statement prepared by Barrell Tree Consultancy dated 1st April 2019 and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works in accordance CP 52.

18. 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 in accordance CP52 and CP57.

### Landscape

19. 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. Natural stone will be used for masonry elements, not brick.

REASON: The application contained insufficient information to enable this matter to be resolved prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area in accordance with CP 57.

20. All soft landscaping comprised in the approved details of landscaping (JBA 18/262 Rev D) shall be carried out in the first planting and seeding season following the first occupation of the building 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. All hard landscaping comprised in the approved details of landscaping shall be carried out in the full prior to the first occupation of the building and maintained as such thereafter, in perpetuity.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with CP57.

### Materials

21. No brick walls shall be constructed on site, until a sample wall panel, not less than 1 metre square, demonstrating the colour, texture, face bond and pointing has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: in the interests of visual amenity and the character and appearance of the area in accordance with CP58.

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

REASON: In the interests of visual amenity and the character and appearance of the area in accordance CP58.

23. No render shall be applied to any building or walls on site until a sample panel of the render to be used on the external walls not less than 1 metre square, demonstrating the colour, texture, face bond and pointing has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of visual amenity and the character and appearance of the area in accordance CP58.

24. No roofing works shall be constructed on site, until a samples of all roofing products demonstrating the colour, texture, and appearance has been inspected and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved sample.

REASON: in the interests of visual amenity and the character and appearance of the conservation area in accordance CP58.

25. Notwithstanding the materials included in the submitted plans, elevations or application form or any other submitted statement and in accordance with the commitments made in the email of 30th December 2019, no development shall take place on site until a schedule of materials (outlined in the schedule detailed below) and accompanying explanatory plan shall have been submitted to and agreed in writing by the Local Planning Authority. That schedule and plan shall include the following details:

- a) Windows and doors - Details to include head, sill and window/ door reveal details.
- b) Lintels and window sills - to be specified and should be in natural bath stone to match other ashlar work such as plinths/shopfronts.
- c) Shop fronts/ facades - Unit 2 – east and north elevation, Unit 3 and Unit 1 – to be bath (local) stone/ ashlar work plinth for these shop fronts - no render
- d) Where render is used on the building it is to be off white / cream.
- e) Brick (natural stone) to be specified to high quality, along with mortar patterns.
- f) Brick (clay bricks) to be specified to high quality, along with mortar patterns.
- g) No painted brick to be used .
- h) Vertical Cladding – Full specification to be supplied
- i) Roof materials – Tiles and single ply roof membrane to specification to supplied.
- j) Paving around ground floor of retail units – specification to match in similar quality to Sainsburys public realm

- k) Boundary treatments – With regard to the dwarf wall with railings on the north elevation facing Phelps Parade. Full specification of the brick and railings to be approved. With regard to the remaining 1.8m boundaries around the site, these will need to be brick and the specification will need to be approved.
- l) Balconies – Full specification to be approved

The development shall be carried out in complete accordance with the agreed schedule and plan.

REASON: Notwithstanding the lesser quality materials and details shown on the submitted plan, so as to ensure the development is carried out using materials and details of a high quality which is appropriate to this sensitive location in the town centre Conservation Area.

### Elevations

26. Notwithstanding the details shown on the submitted plans and elevations, no development shall commence on site until details at 1:10 or 1:20 scale of all:

- a) Eaves,
- b) Verges,
- c) Windows (including head, sill and window reveal details),
- d) Shopfronts (and material finishes),
- e) External doors (and material finishes),
- f) Balconies (and material finishes),
- g) Rainwater goods (details of routing and material finishes),
- h) Entrance canopies,
- i) Meter boxes,
- j) Fire hydrant/rise positions,
- k) Door entry systems and letter boxes,
- l) Boundary treatments (including materials and railings)

has been submitted to and approved in writing by the Local Planning Authority.

A plan to identify where each of these details are covered on the overall elevations should be submitted with these drawings.

Development shall be carried out in complete accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area in accordance CP58.

### Public Realm

27. Before any works commence on the road and walkways, open spaces or the individual buildings shown on the plans hereby approved, a scheme for public realm landscaping and boundary treatments within the application site directly outside the retail units shall be submitted to and agreed in writing by the local planning authority, which shall include details of all proposed hard surfacing, means of enclosure, including that relating to any refuse storage and collection, and any other street furniture including bike stands and balustrades. Unless otherwise agreed, public realm materials shall be similar in quality and appearance to those used in the public realm improvements to the front of the neighbouring Sainsburys.

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

### Construction

28. No construction works shall take place on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area and neighbouring amenities in accordance with CP57 and CP 61

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

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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase. In accordance with CP61.

30. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. There shall be no construction or demolition on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area in accordance CP 57.

### Archaeology

31. No development shall commence within the site until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
  - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest in accordance with CP50.

### Contamination

32. 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 in accordance CP 56.

### Noise

33. No development shall commence until a Noise Impact Assessment in accordance with BS4142:2014 has been submitted and approved in writing by the Local Planning authority to assess fixed plant associated with the retail units. With regard to the proposed retail units, fixed plant must be capable of meeting a Rating Level of -5dB (BS4142:2014) below the measured background noise level during their proposed operating hours, at both existing and proposed residential receptors. No fixed plant shall be installed unless it has been demonstrated that it is compliant with the above criteria.

REASON: To demonstrate that measures can be taken effectively mitigate noise levels to protect public health in accordance with CP55.

### Air Quality

34. No development shall be commenced until an Air Quality Assessment or Screening Assessment has been undertaken which quantifies both the effect of existing emission levels upon the development/end users and the impact of the development itself upon the future emission levels in the locality. The Air Quality Assessment or screening Assessment must be submitted and approved in writing by the Local Planning authority.

REASON: To demonstrate that measures can be taken effectively mitigate emission levels to protect public health CP55.

35. No part of the development shall be occupied until a scheme of 2 electric car charging points/ bays (e.g EV charging points) including cabling provision for up to 6, the details of which shall have been submitted to and approved by the Local Planning Authority, has/have been provided in accordance with the approved details prior to occupation. The 2 charging points/bay(s) shall be kept clear of obstructions and available for the passing/parking of vehicles at all times thereafter.

REASON: To demonstrate that measures can be taken effectively mitigate emission levels to protect public health CP55.

### Drainage

36. No development shall commence on site until details of the works for the disposal of sewerage and storm water 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 application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or 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.

INFORMATIVE TO APPLICANT:

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 TO APPLICANT:

In granting this permission, the Council has had particular regard to the quality of the materials and detailing of the proposed building's elevations. The agreed condition to conclude that outstanding concerns about appearance and impact upon the conservation area could be overcome. The Council expects to see this care and attention to detailing and materials continued in the submission of future discharge of conditions and will only approve such details where this is clearly demonstrated.

INFORMATIVE TO APPLICANT:

It is considered that the above conditions relating to the design of the building and public realm landscaping are important to the integrity of the scheme. They will be seen and used by the public frequenting this town centre location. You are advised that there will be a strong presumption against the variation of any conditions that seek to diminish the quality of the scheme.

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.

Please note that Conditions regarding the selection and approval of materials should be discharged before materials are ordered or delivered to site for general use. Failure to comply with this advice may result in purchased materials having to be refused.

INFORMATIVE TO APPLICANT:

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 TO APPLICANT:

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 TO APPLICANT:

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 TO APPLICANT:**

The application involves creation of a new access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle crossing team on (01225) 713352.

**INFORMATIVE TO APPLICANT:**

The applicant should be advised that the works to widen the footway adjoining the site to The Pippin will need to be the subject of a S278 Agreement with the Highway Authority, for which engineering details will need to be submitted and approved, and a legal agreement in place, prior to any works commencing on the highway.

**INFORMATIVE TO APPLICANT:**

It shall be acknowledged that planning permission does not provide a defence against prosecution in the event that The Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) are contravened. It is advised that if a suspected protected species is encountered and could be affected by the development and associated works, such as but not limited to, bats roosting within trees to be felled or buildings to be demolished, that all works cease with immediate effect and the advice of a professional and suitably licensed and qualified ecological consultant is sought.

## **APPENDIX A – Calne Town Council consultation response dated 4 June 2019**

Calne Town Council **STRONGLY OBJECTS** to application 19/03435/FUL by Churchill Retirement Living plc as the Council did to their previous application 18/09556/FUL which was refused permission on 25<sup>th</sup> January 2019.

Our comments are shown below:

The differences in design, massing and siting between the 2nd application and the 1st application does not overcome the first two reasons for refusal attached to the 1st application by the Local Planning Authority.

Calne Town Council's reasons for **OBJECTION** to the proposal contained in application **19/03435/FUL** are as follows:

**Reason 1:** The proposal, by reason of its spatial layout, and the configuration of private sheltered housing with frontage retail development, will fail to integrate with the existing town centre along the north and south boundaries of the site, and does not make the most of the opportunity to enhance the public realm, improve connectivity, or support an active community. There are no benefits to the proposal that could be considered to outweigh the lost opportunity to regenerate the town centre that would arise from the implementation of this proposal. The proposal is therefore in conflict with Policy CP8 of the Wiltshire Core Strategy and Policy WSS.2 of the Calne Community Neighbourhood Plan.

**Reason 2:** The proposal, by reason of its height and substantial mass, would dominate the town centre, obstruct existing north-south views and vistas through the site, and would fail to enhance the public realm or improve connectivity in the town centre. The proposal's ubiquitous design also fails to reinforce local distinctiveness. The proposal is therefore in conflict with Policy CP57 of the Wiltshire Core Strategy and Policy BE1 of the Calne Community Neighbourhood Plan.

The Vision and Scoping study conducted as a forerunner to the creation of the Calne Community Neighbourhood Plan identified Calne as a market town set in a valley with characteristic views of the surrounding ridge lines from the town centre. The mass of this proposal would clearly be detrimental to that character rather than enhancing local distinctiveness.

**Reason 3:** The proposal, by reason of not being able to demonstrate that adequate provision for the servicing needs and staff parking of the commercial units, and the inadequate frontage footway, is likely to be prejudicial to highway safety for road users and pedestrians. The proposal is therefore in conflict with Policies CP60 and CP61 of the Wiltshire Core Strategy.

In addition, the proposed sheltered housing and retail scheme is a suboptimal use for this key town centre site on the basis that there is no local need for additional sheltered housing in Calne; it does not '...strengthen and regenerate the town centre and build on the success of recent regeneration projects' as required by the Wiltshire Core Strategy Policy CP8 entitled 'Strategy for Calne'. The site could however be developed for alternative and viable town centre uses for which there is demand that would include the provision of community facilities as part of mixed-use scheme.

Calne Town Council would also draw attention to the results of the public consultation which clearly show that this development is contrary to the wishes of the local community.

### **Additional information to support the reasons for refusal: Wiltshire**

#### **Core Strategy (2015)**

The Wiltshire Core Strategy identifies in respect of Calne that '...further regeneration opportunities remain' (Para.5.39); and the Strategy for Calne requires that '...housing growth is carefully balanced with job creation and town centre improvement' (Para 5.39).

The Wiltshire Core Strategy supporting text to Policy CP8 entitled the 'Strategy for Calne' identifies that a forthcoming Neighbourhood Plan will '...strengthen and regenerate the town centre and build on the success of recent regeneration projects' (1st bullet, Para 5.41). The Calne Community Area Neighbourhood Plan is now complete and was Made in February 2018.

Policy CP8 states: “Development proposals in the Calne Community Area will need to demonstrate how the relevant issues and considerations listed in Paragraph 5.41 will be addressed”.

It is notable that the application submission has failed to justify the proposals in accordance with Policy CP8, and specifically the 1st bullet of Para 5.41. In fact, the application is largely silent on the local community’s aspiration to regenerate the town centre.

Wiltshire Council’s Housing Land Supply Statement, dated March 2017 confirms that Calne has exceeded its indicative housing requirement; therefore, there is no strategic need for further housing in Calne during the current Plan period.

### **Calne Community Neighbourhood Plan (2018)**

Paragraph 26 of the Calne Community Neighbourhood Plan states that the Masterplan has been incorporated into the Neighbourhood Plan and policy WS2.2 requires development proposals in the Masterplan area, or adjacent to it, to show how they meet its’ objectives.

The application site lies within the Calne Town Centre Masterplan Boundary (map P.52 of the Neighbourhood Plan). The Masterplan is embedded within the made Calne Community Neighbourhood Plan and forms part of the Wiltshire development plan. This gives significant weight to the Masterplan in the decision-making process regarding applications received.

Paragraph 125 of the Calne Community Neighbourhood Plan sets out a vision for the town centre drawn from an earlier iteration of the Masterplan (April 2014), and Policy WS2.2 expressly states that proposals in the Town Centre must, “...*demonstrate how they contribute to the masterplan objective and dovetail with the ambitions for the*

*Town Centre as a whole. In particular, proposals that have the potential to benefit vehicular, pedestrian and cycle movement within the Town Centre, helping to tackle issues identified within the masterplan, should consider and address opportunities as part of their scheme*”. Application 19/03435/FUL fails to demonstrate how it is compliant with Policy WS2.2 – there is no justification of compliance set out in the Planning Statement.

The application proposal is in conflict the Calne Community Neighbourhood Plan Policy WS2.2 on the grounds that the proposal does not demonstrably meet the criteria listed in Paragraph 125 of the Calne Community Neighbourhood Plan, and cannot be regarded as a ‘regeneration scheme’. It is instead a residential infill scheme with limited non-residential space, which even if let, would fail to achieve the objectives of the masterplan vision because of the spatial layout of the scheme, which fails to capitalise on the existing publicly accessible land to the north.

It is clear from the Calne Community Neighbourhood Plan that residents do not have to accept further housing development, as the indicative housing requirements for the plan period have already been met. However, there is provision in the Neighbourhood Plan for the community to accept further housing if it brings adequate community benefit. Calne Town Council does not believe that there is any community benefit contained within this scheme and therefore chooses not to support it.

Application 19/03435/FUL states that there is a need for sheltered housing in Calne; however, no evidence is provided in support of this statement. Furthermore, such sheltered housing could potentially be met on alternative sites, or a lower quantum of sheltered housing could have been incorporated into a more imaginative, mixed-use scheme. There is an undisputed need for care home facilities near Calne; indeed a recent development of approximately 300 houses to the south-east of the town was approved with Calne Town Council support because it incorporated a 75 bed care home. Unfortunately, the care home was not built as it would not be ‘financially viable’, only the houses! However, this proposal is not intended as a care home; indeed, the site would be entirely inappropriate for such a facility. Instead, this proposal is intended for older people who are fully mobile and able to live independently.

### **Design considerations**

The application proposal is 3-4 storeys. The applicants have sought to redesign the proposal by flattening the roof profile and simplifying the colour palette.

Notwithstanding, this building is of considerable mass, and will dominate the public realm around this part of the town centre and from medium term range views across the town centre. The architectural style is mundane and uninspiring, is unlikely to be of enduring quality unless the detailing is strictly controlled.

The proposal is of a higher residential density than that previously refused under application number 15/12561/FUL on 4<sup>th</sup> May 2016.

The proposal is defensive as it includes private space for the sole use of residents. The small north and west facing private gardens will be mainly in shadow, and will

receive very little direct sunlight, even in summer. The only public realm contribution is the small amount of landscaping and the surfaced area in front of the proposed retail units. There is no permeability through the site, and the only interactive element of the scheme will be along The Pippin frontage.

### **Heritage considerations**

The proposal is in close proximity the grade II listed Zion Chapel, and also lies within the Calne Conservation Area. The Town Council is concerned that the height and mass of the proposal would excessively dominate the town centre and request that the views of the Urban Designer and Conservation Officers are taken into account.

In relation to the 1<sup>st</sup> application the Urban Design officer raised an objection to various design matters, including use of materials, accessibility, public realm, and refuse collection issues.

In addition the Conservation Officer raised concerns in relation to visual relation of proposed building to the Zion Chapel. The perceived height and mass of the building and the need for high quality materials to respond to local materials and sustainability.

The 2<sup>nd</sup> application does not address the concerns and objections raised

### **Transport considerations**

The parking provision of 17 spaces is at 0.38 spaces/unit, and as such fall below Wiltshire Council's parking standards. The Transport Statement has applied an accessibility discount and also states that alternative parking facilities are available in public car parks. However, the adjacent car parks are under the control of Sainsbury's Supermarket and are time limited (2 hours); there is no provision for longer stay either by direct payment or by season ticket. It is probable that new residents, who are likely to be fully mobile, may choose to own a car to travel further afield than the town centre, but they will have nowhere to park it.

### **Surrounding use considerations**

Public events, such as the summer carnival, winter festival, and Bike Meet, use the car park to the south of the application site. There is a genuine concern that future residents of the sheltered housing may make noise related complaints which may fetter the long-standing public use of this car park for public events.

### **Community considerations**

Residents voted to accept the Calne Community Neighbourhood Plan in February 2018 after extensive consultation. The Neighbourhood Plan makes clear that residents of Calne do not have to accept further housing development, as the indicative housing requirements for the plan period have already been met, and that further housing will only be supported if people believe that it brings adequate community benefit. This application does not.

A survey hosted by Calne Our Place in 2018 was completed by 493 local residents and businesses. When asked if they supported the proposal by Churchill Retirement Living for the town centre site 87% said they did not. Many of those who expressed support for the proposal stated that they felt that anything was better than the open wasteland that currently exists, rather than expressing the view that the current proposal was appropriate or would enhance the town centre.

A new survey again hosted by Calne our Place in May 2019 was completed by 174 local residents and businesses.

**Question 1** - Do you agree that the scale of the proposed development is out of keeping with the local area - and would result in harm to the setting of the Grade II Listed Building Zion Chapel, and the character and appearance of the Calne Conservation Area?

82% agree with this statement.

**Question 2** - This proposal is likely to generate an increase in pedestrians and the use of wheelchairs/mobility aids on highways in the area. The pavement immediately outside is already narrow and inadequate for pedestrians. Do you agree that the proposals, do not make adequate provision (and contribution) for pedestrians to access local facilities, with consequent additional hazards to all users of the highway?

85% agree with this statement

**Question 3** - Do you agree that the proposal does not address the community aspirations for the site and therefore is contrary to the Calne Community Neighbourhood Plan and Town Centre Masterplan?

86.5% agree with this statement

### **Alternative proposal for the site**

Calne Town Council is aware of an alternative proposal for this site that is being put forward by the Baptist Church; however, they are unable to progress their scheme since Churchill have an option agreement with the landowner. Calne Town Council's view is that this is a missed opportunity. The Baptist Church proposal is a regeneration scheme that shows how an alternative scheme, with a more diverse range of uses including a lot of community space, could be successfully integrated with the existing Town Centre, and create a greater public realm contribution without being overbearing or dominant.

**The National Planning Policy Framework (July 2018)** states that in

(7) Ensuring the vitality of town centres. Planning policies and decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. The Masterplan and Calne Community Neighbourhood Plan have sought to identify town centre sites as part of a long term strategy for the community to allow Calne to grow and diversify in

a way that responds to changes in retail and leisure industries and allow a mix of uses. Calne Town Council feels strongly that application 19/03435/FUL does not fulfil the aims of the NPPF.

(8) Promoting healthy and safe communities. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments and strong neighbourhood centres, and active street frontages. The NPPF asks that we plan positively for the provision and use of shared spaces, community facilities (such as shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

Calne Town Council requests that application 19/03435/FUL by Churchill Retirement Living plc is **REFUSED**, as was their previous application 18/09556/FUL which was refused permission on 25th January 2019