

## **CASE OFFICER'S REPORT**

**Application Number:** 18/09556/FUL

**Site Address:** Land adj 81 - 83 The Pippin and rear of 8 - 13 High Street, Calne, Wiltshire SN11 8JQ

**Proposal:** 39 Apartments for older people, Guest Apartment, Communal Facilities, Access, Car Parking, Landscaping and 4 Retail Units

**Applicant:** c/o Agent

**Date of Site Inspection:** 16/10/18

**Date Site notice posted:** 16/10/18

### **1. 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 four retail units. The proposal includes guest apartment, communal facilities, access, car parking, landscaping. The apartments are proposed to be of standardised format and configured over four floors and this includes partial lower ground floor and top floor (second). With regard to the four proposed retail units, two of these units face the Pippin and two face Phelps Parade the service lane / Zion Chapel.

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 with a range of materials and design features to its external elevations. This includes a variation of facings, plinths, window surrounds, balconies, string course/ coping, varied roof shapes, and fenestration. The detailing and palette of materials include off-white painted brick, white render, marley ashmore roof tiles slate effect and red tiles, ibstock red brunswick farmhouse brick and ibstock himley ebony black brick. The windows are proposed as white uPVC.

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 retail units are landscaped in hard materials in relation to streetscene.

### **2. Site Description and background**

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 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.

### **3. Policy**

#### National Planning Policy Framework 2018 (NPPF):

Section 3 – Building a strong, competitive economy

Section 5 – Delivering a sufficient supply of homes

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

Planning Practice Guidance (2014).

#### Wiltshire Core Strategy 2015:

CP 1 - Settlement strategy

CP 2 - Delivery strategy,

CP 3 - Infrastructure requirements

CP 8 - Spatial strategy Calne Community Area,

CP 36 - Economic regeneration

CP 38 - Retail and Leisure

CP 41 - Sustainable construction and low-carbon energy,

CP 43 - Providing affordable homes,

CP 46 - Meeting needs of vulnerable and older people

CP 57 - Ensuring high quality design and place shaping,

CP 58 - Ensuring the conservation of the historic environment),

CP 60 - Sustainable transport)

CP 61 - Transport and Development)

CP 64 - Demand management)

Saved Policies of the North Wiltshire Local Plan, including:

NE18- Noise and Pollution

T5- Safeguarding

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.

### **4. Issues**

The key issues in the consideration of the application 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

- Archaeology;
- Impact on residential amenity;
- Highways/parking;
- Ecology;
- Planning contributions/ Infrastructure

## 5. Planning History

The following planning history is 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

The application 15/12651/FUL is a key recent application. This was refused consent by planning committee on various grounds, including:

- (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

There were subsequently two pre-application submissions 17/10512/PREAPP and 18/04137/PREAPP.

## 6. Consultations

Calne Town Council – The Head of Business of Town Council provided a strong objection to the proposal with two refusal reasons. The letter received provided further background details in relation to the refusal reasons. The letter also outlined an alternative proposal for the site in relation to a scheme by the Baptist Church. It is important to note that any alternative proposal cannot be considered at this stage and this application can only be considered on its own planning merits. A summary of the refusal reasons are outlined below:

- Reason 1 - Relates to spatial layout; configuration of housing with retail; integration with town centre and site boundaries; public realm, connectivity, supporting the community and the benefits do not outweigh lost opportunities to regenerate the town centre. Conflict with WCS Calne Area Strategy 5.41 point and policies WS2.1 and WS2.2 of Calne Neighbourhood Plan.

- Reason 2 - Relates to height and mass and impact on the characteristic views, vistas and ridge lines and local distinctiveness, public realm and connectivity of town centre. Conflict with CP57 (I,iii and vi) and BE1 of Calne Neighbourhood Plan.

Highways – The Highway Officer has raised objections, with regard to servicing, refuse and pedestrian movement issues including provision of infrastructure contributions in relation to the site.

Urban Design – The Urban Design officer raised an objection to various design matters, including use of materials, accessibility, public realm, and refuse collection issues.

Conservation – The Conservation Officer has 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.

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 – 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. The applicant needs to submit standalone drainage drawing/s to allow them to become “approved drawings”. 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 be 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 elsewhere would be acceptable in lieu of on-site provision.

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 cannot be achieved on this scheme. The applicant did not agree to cover the council costs associated with verification via a full open book financial assessment carried out in line with the Council's viability procedures. Therefore the applicant's case, that affordable housing contribution is not applicable has not been proven.

Ecology - The Council Ecologist has outlined that the application fails to provide sufficient ecological baseline information/ details to the LPA in order to inform a comprehensive assessment of the potential for effects upon ecological (bats/ nesting birds) receptors.

Public Protection - The Environmental Health Officer confirmed that an Air Quality Assessment or Screening Assessment and noise Impact Assessment needs to be submitted.

## 7. Publicity

The application was advertised by press notice, site notice and neighbour notification. The application received 125 comments from members of the public raising issues. This includes representations submitted on behalf of local organisations such as Calne: Our Place. There was 1 comment received supporting the proposal. 56 of the 124 comments clearly stated that they raise an objection to the proposal. 68 of the 124 comments raised issues not supporting the proposal, but did not clearly state objection. Key issues are discussed in the planning assessment. Outlined below is a broad tabulated summary of the comments received:

- Conflict with Town Masterplan (50)
- Conflict with Neighbourhood Plan (38)
- Contrary to Wiltshire core strategy /NPPF (2)
- Housing requirements have been met / no need for elderly accommodation (35)
- Poor Design / failure to integrate into the landscape and surrounding area/ poor aesthetics / poor public realm (31)
- Large building/ Housing dense/ overdeveloped/ impact on Zion chapel (24)
- Proposal will restrict geographic development of town centre / integration / layout / poor pedestrian/ cycle connectivity (17)
- Acknowledge need for elderly housing /will only serve elderly / segregated development (11)
- Does not complement/ could detract development of town centre (vibrancy) or wider community (69)
- Mixed use development required (community, leisure, night) / reduce need to travel to other towns (26)
- No community/ leisure use / flexible use (25)
- Baptist Church proposal /community use (other)/ preferable (15)
- Traffic issues in Pippin/ town centre/ air quality / highway safety /lack of infrastructure (19)
- Lack of car parking (17)
- Noisy location for elderly / Bike Meet Festivals (15)
- Does not provide night time economy / entertainment / culture (15)
- Could be easily sited elsewhere, wrong/ inappropriate location (26)
- No NHS considerations / surgery space / infrastructure improvements required (10)
- More retail required / loss of valued unit (18)
- Accept proposal does provide retail benefit (3)
- No need for retail units (7)
- More employment required (3)

## 8. Assessment

### Principle of development

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.

The proposal is to redevelop a parcel of previously-developed brownfield land located centrally to Calne, located inside the defined limits of development. Although the applicant

restricts occupancy to over-55s (requires 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.

The proposal is in accordance with the settlement and delivery strategies for new residential development set out at CP 1 and 2 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 and proposal satisfying principle, housing need and supply is not a significant issue.

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 Community 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.

#### 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. However, it is important to note that, in contrast to the previous application, this revised proposal now includes the introduction of 264sq.m of new retail space, with a net additional space of 82.4sq.m, thereby somewhat compensating for the loss of existing retail activity on the site. As outlined the proposal is centrally located and therefore satisfies sequential approach, as set out in national guidance. The proposal is therefore considered to be compliant of CP 38 Retail and Leisure.

#### Calne Neighbourhood Plan / MP

In terms of the exploration of alternative uses of the site, such as the retail use proposed, the Calne Community Neighbourhood Plan (2018) and Masterplan (2014) is a key consideration. The Masterplan acknowledges the redevelopment of Calne Town centre is required (p13). It is understood that 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 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 for the town centre, potentially incorporating some residential development as flats above ground floor retail units.

With regard to the “measured plan”, it is important to note that the site is suggested as being suitable for a mix of housing and retail. 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 completely in accordance with the Masterplan, but is considered a reasonable and balanced approach to the Masterplan. 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 of the Pippin could accommodate four storeys with possibility of a fifth if it is integrated with a roof ridge line" (p22)*

It is therefore considered in broad design terms, the proposal is compliant with the number floor levels but it is important to note that there remain detailed issues relating to visual impact on the conservation area and Zion Chapel due to height, bulk and mass of the proposal. With regard to car parking it is important to note that proposal is not a car dominant proposal and therefore this is considered compliant with the Masterplan.

### 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. The external appearance of the proposed building has been the subject of dialogue with the applicant during pre-application discussions. However it appears that not all the requirements of the council have been met.

The proposal is a substantial building with significant visual impact. The height, bulk and mass of the proposal, particularly in the north-east elements are considered overbearing and not in keeping with the setting, with impact on the Zion Chapel and conservation area (this will be covered in more detail). The roofline is broken up with different roof pitch heights, angles, positions and materials but is not acceptable due to the extent of the mass of building. By sympathetic design this visual impact as a result of the height and mass could be reduced in order to relate to the setting in a more suitable manner to ensure compliance with CP 57.

Details of key architectural features have been provided as an indicator of the final finish of the building. The Urban Design officer raised an objection to various design matters, including use of materials, accessibility, public realm, and refuse collection issues. 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 south elevation is framed by an imposing fascia with white render surrounds. Subsidiary sections of the building are treated in white render to improve articulation and avoid stark expanses. In the south elevation, the second floor accommodation is to be contained within 'mansard' sections with windows in the roof. In the north-east corner this is not proposed and therefore height contributes to the perceived size of the building. However it is considered that as a matter of principle in combination with mass of the building, the proposed palette of materials is not acceptable, reflecting the mixture of traditional and vernacular and modern materials found in the vicinity of the site. With the site tightly bound to the site extremities in the north-east corner, the scheme does not make provision for a comprehensive scheme of hard and soft landscaping, and public realm in the Pippin and Phelps Parade streetscene. It is considered that an alteration will be critical in ensuring that the building is sympathetic and complementary in order to help place shaping to its setting in accordance with CP57.

### 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 (2018), the significance of the heritage asset of the Zion Chapel and Conservation area have been assessed by the heritage statement produced by the applicant. There are a total of 95 other designated heritage assets identified within the 250 m study area around the site including one Grade I Listed Building, six Grade II\* Listed Buildings and 88 Grade II Listed Buildings.

The House of Lords in the South Lakeland case decided that the “statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.” The Council’s Conservation Officer has considered the proposals and 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. Although at the less than substantial end of the spectrum (using the nomenclature of the NPPF) the height and mass of the proposed building would cause harm to the character and appearance of the setting of the listed building and conservation area. The large scale of the proposed building does not correspond with the townscape and enables the height of the building in the north-east corner to exceed and dominate the skyline of the height the building. The scheme represents a significant change to the setting of the Zion Chapel, a modest size building and therefore the scheme is considered to be a negative effect to the heritage significance of the chapel. With regard to materials there is also an essential need for high quality materials to respond to local materials and sustainability issues.

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. It is not considered that this proposal provides good quality boundary treatments partly in combination due to the mass of the building / public realm. Overall, it is considered that the proposal does not satisfy the requirements of CP58.

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 building are set a further distance in comparison to the Zion Chapel.

### 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 (excavation), 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 CP 57 and CP58 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. However, in contrast the building is located tight to the Pippin and service road boundaries, creating the design and public realm issues already discussed.

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 via planning condition.

In the north-west corner it should be noted that there are no windows proposed for the adjacent west, and north elevations. Whilst the south-west elevation immediately this is 1.5 storeys and with no direct overlooking over a property within close proximity. 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, 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/ 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. 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 Churchill 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.

It is advised that the car parking for the Lloyds Bank will be located close to their entrance, and to be marked as private parking for the bank. 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 a 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 not been demonstrated to the satisfaction of the Council Highway Officer. Whilst suggestions to alter the Pippin footway widening have been made, that would also benefit pedestrians / wheelchairs no details have been provided which would allow consideration of a design (indeed, alterations would almost certainly require 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. Therefore could not be required to provide for service access without appropriate consents from the landowner. The likely service vehicle types/sizes and the frequency of deliveries, together with the regime for refuse collections have not been demonstrated, as all operations could have a negative impact on others users of the highway. 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 applicant's consultant should provide detail of the intended means of collection.

With regard to pedestrian access, there has not 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. There is a need for financial contributions towards improvements to existing pedestrian routes to provide a shared use path (mobility scooters) and available for visitors arriving on foot and by bicycle. The Transport Statement demonstrates the locations of key facilities, which would require the use of the pedestrian links to Church Street, High Street and Curzon Street, including access to the bus stops, which could be used by both residents and visitors. Therefore, it considered that some upgrade is appropriate, particularly having regard to the absence of any submitted audit of the available pedestrian network to serve both residents and visitors to the site.

#### Planning contributions (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 and a degree of on-site public open space and highway, air quality mitigation, waste and cemetery contributions. With regard to affordable housing the applicant is claiming the scheme does not have sufficient viability as the reason why it would not be practicable to provide the affordable housing contribution. This has not been agreed by the council via open book assessment. At the time of determination no

agreement under S106 of The Act to deliver that infrastructure has been entered into. Therefore the proposal is considered failing to comply with Core Policy 3.

#### 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 conditioned.

It is considered that the development does have 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, evening pub opening or 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, particularly as the Masterplan in fact envisages some degree of housing on this site anyway. 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. The applicant has not submitted at this stage, but this can be 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. A planning contribution in respect of air quality management initiatives is required in this instance subject to either a satisfactory assessment or suitable contribution being secured, it is considered that impact on air quality does not weigh significantly in the planning balance, particularly mindful of the relative vehicle movement considerations discussed earlier in this report.

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 the application fails to provide sufficient ecological baseline information/ details 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 CP50 of the Wiltshire Core Strategy.

#### 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. Also before any approval the applicant needs to submit standalone drainage drawing/s to allow them to become "approved drawings". Wessex Water have confirmed storm and foul sewers in proximity and have not raised capacity issues at this stage but further approval of final arrangements are required. This can reasonably be controlled through the use of a suitably worded planning condition.

## 10. Conclusion

In conclusion, the proposal is in accordance with the settlement and delivery strategies for new residential development set out at CP 1 and 2 of the Wiltshire Core Strategy. With regard to CP 8 Calne Spatial Strategy, broadly, the proposals with the mix of housing and retail would contribute significantly toward this objective. With regard to retail it is important to note that the proposal includes introduction of 264sq.m of new retail space, with a net additional space of 82.4sq.m. The proposal is centrally located and therefore satisfies sequential approach. The proposal is therefore considered to be compliant of CP 38 Retail and Leisure.

With regard to the visual appearance of the proposal, particularly the height, scale, mass and bulk leads to harm to the setting of the Zion Chapel and wider Conservation Area. The detail material finishes do not suitably compliment the local setting in order to satisfy design policy and enhance the vicinity and streetscene. In combination the proposal does not provide sufficient public realm improvements amongst other urban design issues. It is considered that the proposal does comply with WCP 57 / 58 and Policy BE2 of the Calne Neighbourhood Plan.

The proposal does not provide sufficient information and address highway issues in relation to servicing of commercial units, refuse collection and address pedestrian accessibility issues (including infrastructure contribution). The proposal is therefore considered contrary to WCP 60 and 61 of the Wiltshire Core Strategy. The proposal does not provide adequate infrastructure contributions in relation to affordable housing, air quality, highways contrary to WCP 3 and WCP 43. The application fails to provide 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), contrary to WCP 50.

## 11. Recommendation

That planning permission should be **REFUSED** for the following reasons:

1. By reason of its scale, bulk, mass, positioning, detailing and lack of public realm improvements and use of materials, the proposed development 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. The proposal is therefore contrary to the provisions of Policies CP57 and CP58 of the Wiltshire Core Strategy, Policy BE2 of the Calne Neighbourhood Plan as well as section 12 of the of the National Planning Policy Framework (2018).
2. The application does not demonstrate that adequate provision for the servicing of the commercial units, and the refuse collections from the residential and commercial units, can be achieved, with such operations being likely to be prejudicial to the safety and convenience of all highway users. Further, the proposals, which are likely to generate an increase in pedestrian traffic and the use of wheelchairs/mobility aids on highways lacking adequate shared use facilities, do not make adequate provision (and

contribution) for pedestrians, mobility aids to access local facilities, with consequent additional hazards to all users of the highway. Accordingly, the proposals are contrary to Wiltshire Core Strategy Policy CP60 and CP61.

3. The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure. Such infrastructure shall include (but not be limited to) affordable housing, air quality, highways and footpath connections to the town and public transport provision. The application is therefore contrary to CP 3 of the Wiltshire Core Strategy (2015).
4. The application fails to provide sufficient ecological baseline information and details in order to allow a comprehensive assessment of the potential for effects upon ecological receptors (particularly bats and nesting birds). The proposal is therefore contrary to the provisions of Policy CP50 of the Wiltshire Core Strategy.

**INFORMATIVE TO APPLICANT:**

The applicant is advised that reason for refusal 3 may be capable of being addressed through the preparation of an agreement under Section 106 of The Act which delivers the infrastructure necessary to support the development being proposed. In the event of an appeal or subsequent application being submitted, it is recommended that the applicant make early contact with the Local Planning Authority so as to discuss how such agreement may be reached.

