

TOWN & COUNTRY PLANNING ACT 1990

APPLICATION – (Hybrid application) Redevelopment and renovation of existing site to create within existing buildings: 1No. detached dwellings, 5No. flats, a terrace of 4No. dwellings, and erection 1No. self-build new dwelling together with outline planning for 6No. new detached self-build properties, together with new one-way access road, parking, paths, external landscaping and associated works, photovoltaics, air source heat pumps, and site drainage features.

PLANNING OBLIGATION STATEMENT AND DRAFT HEADS OF TERMS

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1.0 INTRODUCTION

1.1 The National Planning Policy Framework (NPPF) clarifies at Paragraph 58 that Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) ('CIL Regulations') states that planning obligations must only be sought whether they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

1.2 The proposed residential scheme will deliver a financial contribution for Affordable Housing, self-build properties and other key infrastructure to ensure the development delivers a variety of community benefits and thus contributes towards the achievement of sustainable development. This statement will set out the planning obligations the development will deliver in line with the requirements of the Development Plan.

2.0 POLICY CONTEXT

2.1 The Wiltshire Core Strategy adopted in 2014 (WCS) includes a Spatial Strategy which sets the foundations for how 'sustainable development' is defined and applied within Wiltshire. It has three key elements; a Settlement Strategy, Delivery Strategy and Infrastructure Requirements. The latter describes how infrastructure will be provided to support future development.

2.2 The Chippenham Neighbourhood Plan was made on 29 May 2024. It now forms part of the Wiltshire Council Development Plan. The policies in the Neighbourhood Plan will be given full weight when assessing planning applications that affect land in Chippenham Parish.

2.3 WCS Core Policy 3 'Infrastructure Requirements' states that "All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. In ensuring the timely delivery of infrastructure, development proposals must demonstrate that full regard has been paid to

the Council's Infrastructure Delivery Plan and Schedule and all other relevant policies of this plan" (p60).

2.4 The following policies from the WCS are also relevant to the planning obligations to be secured; that would constitute a reason for granting planning permission as described on the front sheet, are as follows:

- CP9 Spatial Strategy for the Chippenham Community Area
- CP43 Providing Affordable Homes
- CP50 Biodiversity and Geodiversity
- CP52 Green Infrastructure
- CP60 Sustainable Transport
- CP61 Transport and Development
- CP62 Development Impacts on the Transport network
- CP63 Transport Strategies

2.5 The WCS is supported by the Council's Revised Wiltshire Planning Obligations Supplementary Planning Document (SPD) (October 2016). The SPD identifies the planning obligations that will be sought by the Council for development that generates a need for new infrastructure and should be a material consideration in planning applications. It should be read in conjunction with the WCS (primarily Core Policy 3) and the Wiltshire CIL charging schedule.

2.6 The Chippenham Neighbourhood Plan refers to Developer Contributions at section 12. It notes that, 'Developer contributions, currently including the Community Infrastructure Levy (CIL), are intended to help pay for the infrastructure required to support new development'.

3.0 DRAFT OBLIGATIONS/SCHEDULES

3.1 It is anticipated that the development could trigger and provide for the following obligations:

- Affordable and Self Build Housing
- Education Infrastructure

- Public Open Space
- Waste Management Facilities
- Monitoring Fee

This is a provisional list and highlights the applicant's agreement in principle to address the needs of the development. The SPD noted earlier though, for instance in respect of Education contributions explains that, 'The Council can pool up to five separate planning obligations towards a specific project not on the Regulation 123 List'. A specific local education need, and other pooling with therefore need to be identified as specifically linked to the development. By pre-application assessment for a greater density scheme (24 units-LPA ref ENQ/2023/01224) the scope of potential obligations was identified and underpins this provisional list.

Housing

- 3.2 The Council's most recent policy in relation to affordable housing is outlined within WCS Core Policy 43 'Providing Affordable Housing' of the WCS. The policy seeks to secure 40% affordable housing in this location.
- 3.3 The Wiltshire Local Housing Needs Assessment (updated 2023), carried out by Opinion Research Services, informs the emerging Wiltshire Local Plan and the draft affordable housing policy (Policy 76) which recommends the following tenure mix:-
- "The tenure mix on all sites will normally be 65% Affordable Housing for Rent, 10% Shared Ownership and 25% First Homes.
- Tenure will be reviewed and negotiated on a site-by-site basis to reflect the nature of the development and local needs as set out in Policy 78 (Meeting Wiltshire's housing needs)."
- 3.4 The updated NPPF (December 2024) advises that, "Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures³¹". Footnote 31 clarifies that, "The requirement to deliver a minimum of 25% of affordable housing as First

Homes, as set out in 'Affordable Homes Update' Written Ministerial Statement dated 24 May 2021, no longer applies. Delivery of First Homes can, however, continue where local planning authorities judge that they meet local need”.

- 3.5 The NPPF at paragraph 65 includes a "Vacant Building Credit" which encourages the redevelopment of vacant buildings by reducing the affordable housing contribution developers would otherwise be required to provide. Specifically, where a vacant building is brought back into use or redeveloped, the developer's affordable housing contribution is reduced proportionally by the existing gross floor space of the vacant building. This aims to incentivise the reuse of brownfield land and vacant buildings. If a development is equal to or smaller than the existing building(s) on site, no affordable housing contribution is required. If the development is larger, the affordable housing contribution is reduced proportionally to the size of the existing building(s).
- 3.6 The applicant's do not resile from the desire to contribute to the area's social housing needs. They believe the application site is uniquely located, including former National Health buildings suitable for conversion, so that the social housing requirement is believed to be best focused as a 'planning gain' to provide a more specialist form of affordable housing for key workers. In this regard the applicant has been in discussion with the NHS property Services team who have provided the following examples of key worker housing provision (see paragraph 3.8 below). This is not referenced in the Development Plan, but on a site specific basis is believed to be a material planning consideration justifying an alternative approach. Accordingly the matter was discussed on an informal pre-application basis with Mr Simon Smith (Planning Manager).
- 3.7 In response to the above, by email dated 7th October 2025 Mr Smith reported the Council's Housing Team's comments as follows:

Vacant Buildings Credit

I think it is likely that VBC will apply if the buildings are currently vacant. However, it would be the planner's decision as to whether VBC applies.

Some local authorities have chosen to specify in policy that for VBC to apply, the building must not have been in continuous use for any period within the

3 years immediately preceding the date of the planning application. However, in Wiltshire we have no such policy. We can however take the guidance of the NPPF and Planning Obligations PPG into account:

- The building should be vacant, but should not have been made vacant for the sole purposes of redevelopment
- The building should not be covered by an extant planning permission for the same (or substantially the same) development
- The site should not be within a Green Belt
- The vacant building should not be agricultural
- The building should not have been abandoned.

If you agree that the building meets the requirements for VBC, we would need the following information to be able to calculate it:

- Total area of floorspace of the proposed development
- Total existing area of floorspace of vacant buildings
- Existing floorspace area of any vacant C3 dwellings

These areas should be provided in sq.m. and should be the Gross Internal Area.

Key Worker Policy

The Council doesn't have a key worker planning policy and doesn't prioritise key workers in the Council's adopted Allocations Policy. As the Council has nomination rights to all Affordable Housing Units which are delivered through planning obligations, these would need to be allocated in accordance with the Council's Allocations Policy. We could therefore not support any on-site Affordable Housing units being delivered as key worker accommodation.

Self-Build

We don't currently consider self-build units to be suitable for Affordable Housing as it is difficult to ensure affordability and to pass the discount on to subsequent purchasers.

Commuted Sum

For the reason given above (relating to self-build), and because the proposals involve building conversions (for which we will find it difficult to find a Registered Provider), I think it would be appropriate to accept a Commuted Sum for this scheme. We would need to know the number of bedrooms in each of the 17 units. We would then be able to calculate the Commuted Sum and, if applicable, apply Vacant Buildings Credit.

- 3.8 Consequently, although key worker housing is maintained to be a material consideration it is accepted that it will not, in light of the above, be likely to obviate the need for affordable housing entirely and it is thus more straight forward to make the suggested Commuted Sum payment in the sum to be agreed. This payment will be triggered once the conversion aspects of the development, for which the VBC directly applies have been executed.
- 3.9 In this regard there are two potential methods to define the VBC, and these are outlined below;

Summary of Proposed Development

New Build Residential Units:

7 units

1,500 m² GIA

Conversion of Vacant Buildings:

10 units created through conversion

1,800 m² of existing vacant floorspace reused (VBC)

Demolition of Vacant Derelict Building:

400 m² demolished, no replacement.

Total proposed units: 17

Total new floorspace created: 1,500-2000 m² (new build only). The plot ratio is to be refined in the Development Brief as part of the DAS guiding the self-builders but nevertheless the numbers are a simple methodology to apply.

AH calculation

40% of 7 units = 2.8 units

Affordable housing contribution: 3 units, subject to rounding up.

Alternatively, assuming the new build is estimated and can be defined within the terms of the design guidance the following comparison makes a similar proportionality test result, but via a differing logic.

A proportional discount to the affordable housing requirement can be based on the ratio of vacant buildings being reused or removed to total development floorspace:

Total floorspace (existing and new): 3,700m²

Vacant floorspace being reused (1,800 m²) or removed (400 m²): 2,200 m²

Proportion of total development accounted for by existing vacant buildings:
62.8%

Accordingly, a 62.8% reduction to the affordable housing requirement reflects the principle that a significant portion of the development reuses or removes vacant built form.

Alternative Affordable Housing Contribution

Total units proposed: 17

Standard requirement (40%): 6.8 units

Proposed reduction (62.8% of site reuses/removes existing buildings):

62.8- % reduction = 2.6 units remaining

Final affordable housing contribution proposed:

Rounded to 3 affordable units

This approach reflects the net additional development impact, recognising that much of the site comprises reuse or clearance of previously developed land, in line with the intent of VBC.

- 3.10 The new built dwellings as part of the overall application development are described as Self Build units, which is an undersupplied form of housing. The construction of the new dwellings shall be restricted for a Self-Build Dwelling

or a Custom Build Dwelling. The first occupation of the dwellings shall be by a first occupier who will occupy the dwelling as their principal home for a minimum of three years continuously from first occupation. The intention is to secure the Self Build housing benefit of this part of the site. These restrictions can be secured either by condition or through a Planning Obligation

Education

- 3.11 The Planning Obligations SPD advises that “Provision of education facilities either on-site or in the vicinity of significant development(s) may be required where justified. To justify any such requirement, the Council will demonstrate that sufficient school age children will be generated to necessitate a new school or an extension to an existing school. The Council will also demonstrate that the additional children could not be provided for within existing schools in the catchment area.” (paragraph 5.5).

- 3.12 The site’s pre-application assessment for a greater density scheme (24 units- LPA ref ENQ/2023/01224) included a detailed response from the education team and at that stage concluded;

24 units – 40% affordable housing (AH) applies = 10 units, with 2 x one bed units, which have been assumed to be part of the AH element. As such an exclusion/discount would apply - 2 x one bed units to be deducted from the total of AH units with a standard 30% discount for AH then applied to the remaining 8 AH units, meaning a further reduction in qualifying properties of 2 units. The number of properties therefore qualifying for the assessment was 11, resulting the following school place provision indicated at that time.

PRIMARY = 3 SECONDARY = 2

- 3.13 Using the similar logic for the actual development proposed to estimate the application’s requirement, proportionally based on the numerically 30% smaller scale of development overall, but recognising that it doesn’t include any one bed units, it is estimated nevertheless that the number of properties qualifying will be similar to the pre-application assessment. Accordingly, contributions using the appropriate multipliers, once this has been formally established will be made for primary and secondary school requirements.

Open Space

3.14 The principle of obtaining quality open space and opportunities for sport and recreation is stated in the NPPF, and as indicated was said at the previous pre-application stage to be clarified under a separate cover. The Council's Leisure and Recreation SPD require developers to provide public open space. Policy CF3, regarding the 'Provision of Open Space' indicates proposals for new housing development will be required to make provision for open space on site, to provide 15m² for Local Parks and 3m² for play areas per person.

3.15 The methodology incorporates a formula The approach accords with the requirements of saved Policy CF3 above.

Open space (including the incorporation of play space)

- per 1 bed - 30m² of public open space (0m² of play)
- per 2 bed - 45m² of public open space (3m² of play)
- per 3 bed - 60m² of public open space (6m² of play)
- per 4+ bed - 75m² of public open space (9m² of play)

Sports & Leisure Facilities

The Council use SPONs external works and landscaping book 2015 costs of £10 per m² for the cost of off-site sports provision. Pooling though as previously indicated is limited to 5 payments.

3.16 The Council use the NPFA standards as the basis for S106 sports provision requirements – although it is noteworthy that this has been updated. The standard is now 0.01ha per 1,000 population less than the current Wiltshire Council calculator reflects. Our calculations are therefore made using 1.21ha per 1,000 population, so 12.1m² of playing pitch per person. The requirement included in the S106/Planning Obligation should be reached utilising the most up to date and lower figures.

3.17 The Council have used 2.3 residents per dwelling to calculate the overall requirement – the 2011 census shows 2.39 residents per dwelling for Wiltshire.

17 dwellings - 2.3 residents per dwelling = 39.1 residents

12.1m² of playing pitch per person at costs of £10 per m² = £121

= £ 4,731.10

- 3.18 The development proposes an indicative open space contribution that is greater than the area indicated and is proposed to be managed by the resident's management company. Its detailed provision and maintenance can be ensured through the Planning Obligation.

Waste Management

- 3.19 Contributions towards the provision of waste and recycling containers for each household are required pursuant to policies CP3 and WCS6. The anticipated contribution for the proposed development, as indicated at the pre-application stage referred to earlier was;

Property category	type	Contribution per house/per category
Individual house		£101
Bin store for block of 6-10 flats		£815.00
Bin store for block of 11-14 flats		£1,545.00
Bin store for block of 15-18 flats		£2,276.00

This will be defined by the latest figures.

Ecology

- 3.20 Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains. Under the statutory framework for BNG there are some exceptions. The Self Build dwellings are exempt. The conversions are also exempt within the de minimis rule. However, the new road proposed exceeds the exemption threshold and the intention is to make sufficient mitigation and enhancement for BNG within the site as part of its public spaces, managed by the resulting resident's management company. This can be secured through a Planning Obligation.

- 3.21 Other ecological enhancements in accordance with WCS policy CP50 will be conditionally controlled.

4.0 COMMUNITY INFRASTRUCTURE LEVY

- 4.1 The Wiltshire Community Infrastructure Levy Charging Schedule (May 2015) outlines the rates of CIL to be charged on new development within Table 2.1. This will be applied other than in the case of the Self Build properties identified.