

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	30th July 2008
Application Number	08/00826/FUL
Site Address	Whitehall Garden Centre, Corsham Road, Lacock, Chippenham, Wiltshire, SN15 2LZ
Proposal	Erection of Replacement and New Buildings; Alterations to Vehicular Access, Parking and Servicing Areas; Re-ordering of Outside Display Areas, Circulation Areas & Amenity Areas (Revised Application following Withdrawal of 07/02255/FUL)
Applicant	Whitehall Garden Centre
Town/Parish Council	Lacock
Grid Ref	391175 169055
Type of application	Full application

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because 5 letters of objection have been received

Summary of Report

This application is for the erection of replacement and new buildings at the Whitehall garden Centre, Lacock. The proposal includes the rationalisation and a significant expansion of the existing garden centre along with alterations to the vehicle access, parking and servicing areas and re-ordering of the outside display areas. The key issues

- The effect upon the residential amenity of existing properties
- Design and scale of the development
- Impact on traffic in the area
- Impact on the rural location and nearby Conservation Area
- Impact upon nearby town centres

Officer Recommendation

The applicant be invited to enter an Agreement in respect of the following matters:

- (i) funding alteration of traffic signal junction on A350
- (ii) funding waiting order on Corsham Road (subject to monitoring and review)

following completion of which the Implementation Team Leader (Development Control and Listed Buildings) be authorised to GRANT Planning Permission.

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Proposal and Site Description

The site has developed over nearly 40 years from the original nursery to become a successful garden centre. However, the current site reflects the rather incremental growth of the business with a number of buildings of various styles and conditions. The site has also experienced problems over the years with service and delivery vehicles conflicting with customers' vehicles and pedestrians. The current proposals seek to rationalise the site and to address some of the problems experienced in operating it. The proposals see the main building on the site being extended to provide increased internal floorspace, additional buildings are provided in a courtyard of retail buildings and outside sales areas are rationalised. The internal sales are currently 3,130 this is proposed to be increased to 7,193 (an increase of 4,063).

The existing site comprises one large building containing sales areas, farm shop, restaurant, and other ancillary uses. There is an outdoor plant sales areas and a number of smaller buildings and structures selling related garden equipment and sundries. Whilst the site is in a prominent location on the main Chippenham/Melksham Road the existing buildings are largely screened from view by trees and landscaping that surround the site. The site is only really highlighted by the signs that advertise its location. Access is from the Corsham Road. To the west of this access there is a group of residential properties that back on to the site, although separated from it by substantial hedging.

Documents submitted with the application include:

- Design and access Statement
- Noise assessment
- Transport assessment
- Drainage study
- Retail Impact Assessment

Planning History

Whitehall Garden Centre has a long and complicated history from when the garden centre building and associated outdoor display areas were permitted in 1988 (88/1975F relates).

The history of the site for the last 10 years is listed below

Application number	Proposal	Decision
07/02255FUL	Erection of Replacement Buildings and New Buildings, Alterations of Vehicular Access, Parking & Servicing Areas; Re-Ordering of Outside Display Areas, Circulation Areas and Amenity Areas	Withdrawn
07/02241/S73A	Continued temporary use of car park for storage of goods (three years)	Approved
04/00517/CLE	Use of Building for the Continued Display and Sale of Goods Unrelated to Gardening or Horticulture and Ancillary Storage	Approved
02/02823CLE	Use of Building for the Continued Display and Sale of Goods Unrelated to Gardening or Horticulture and Ancillary Storage	Refused
01/01079F	Use of land as maze (July to September)	Approved
97/2720	Erection of canopy, glasshouse extension, relocation of offices	Refused
97/222	Erection of display building (amendment to siting and design of building 96/1959)	Approved

Consultations

Lacock Parish Council objects on the following grounds: The safety of pedestrians/footpath users should be paramount. The proposals for the site access necessitates pedestrians crossing two lanes of traffic exiting the site and a lane for those entering the site. There is no footpath or pedestrian refuge proposed.

West Wiltshire District Council (as adjoining authority): Comments awaited.

Wiltshire County Council Highways have no objections.

The revised internal layout addresses most of the issues raised in respect of the previous application. In addition there has been a subsequent amendment to the access to improve pedestrian facilities.

There are however still some internal matters that need to be addressed:-

- Pedestrian routes into and within the site are still poor. Consideration should be given to providing a route on the east side of the access road. This could be routed along the edge of the staff car park to avoid conflict with the HGV waiting bay. At present pedestrians from Lacock, Notton and the nearest bus stop have to cross the access road twice, the second time adjacent to a bend where visibility is restricted.
- I have concerns about the safety aspects of the main car park where there is no definition of pedestrian routes and a general free for all including service vehicles. The route of the service road should be clearly delineated and the section through the car park should be subject to a different surface treatment from the rest of its length.
- Despite reference to a coach parking area on the legend for the parking area, no spaces are shown. In addition the coach set down point is shared with the HGV waiting area and may not be available. No coach pick up point is indicated. I would suggest that a coach set down/pick up/ parking area is identified within the main parking area.
- No cycle parking provision is indicated. Suitable covered facilities should be provided for both staff and customers.

I would suggest that these matters could be covered by suitably worded conditions.

I am satisfied that it will be possible to accommodate the additional traffic generated by this proposal through the traffic signals on the A350 although some alterations to phasing and detection equipment may be required. I would expect the developer to fund those alterations. Whilst the exact cost will depend on the final design our signal engineers estimate that it would not exceed £10,000.

The alterations to the phasing would give greater capacity for traffic emerging from Corsham Road and this would reduce the likelihood of that traffic rat running through Notton.

Another public concern relates to users of the development parking on Corsham Road and thus obstructing traffic. Whilst the internal alterations on the site will make this less attractive I consider that the developer should be required to fund any waiting restriction order for which an identified need related to the site arises within five years of the opening of the proposed development.

Subject to a legal agreement to secure the financial contributions outlined above and suitable conditions to secure the minor internal amendments there is no highway objection to this application.

Please Note that revised plans have been received which attempt to address the concerns raised by the Highways Authority and those of the Parish Council (in particular the safety of pedestrians at the site access). Any consultation responses received prior to Committee will be reported as additional information.

The Environment Agency: Comments awaited.

Environmental Health raise no objection subject to conditions to ensure all roads and parking spaces are tarmac/bound surface; restrictions on delivery times; no deliveries on Sundays or bank holidays; and restriction on construction hours.

NWDC Engineer comments: “We are not aware of any flooding problems in this area and the proposed drainage strategy, which includes attenuation, storage and harvesting of surface water for irrigation purposes, should not result in any increase in flood risk at the site. There is sufficient land available to allow sustainable drainage techniques to be used effectively. Given the nature of the business, it might be a good opportunity to use ‘green roofs’ on some of the larger roof areas, which have shallow pitches

“Due to the scale of the proposals, a detailed drainage strategy will need to be submitted to the EA for review (Statutory Consultees).

“Overall, I cannot see any reason to object to the proposals on drainage/flood grounds”

Representations

Previous application(07/02255/FUL)

An application for similar proposals at the Whitehall Garden Centre was submitted in 2007 but was withdrawn to allow for the submission of further information. A large number of consultation responses were received. 55 letters of objection and 3,927 of support were received (the vast majority of the support in the form of a standard ‘tear-off slip’ provided by the applicants to visitors to the garden centre stating “I would like to register my support for the planning application”). 8 of the letters of support were from businesses or business organisations including: Business Link, Wessex Association of Chambers of Commerce, NFU and Country Land and Business Association.

Current application

15 letters of objection have been received.

Summary of key points raised:

- Increase in traffic through Notton and along Corsham Road
- Consideration should be given to access direct onto A3590 (via Harris Lane?)
- Increase in traffic in area generally
- Range of goods on sale exceed that original considered for a garden centre
- Wider entrance and lack of footpath/refuge a problem for pedestrians
- 92% increase in retail floorspace will represent a considerable commercial concern in the heart of countryside
- Increase in proposed visits not reflected in number of parking spaces proposed which will lead to congestion/parking on Corsham Road and Notton. Further traffic surveys should be commissioned.
- Excessive noise and dust adversely affects neighbours
- Garden Centre vehicles will have reduced noise reversing alarms, but visiting delivery vehicles will not
- Retail impact assessment is deficient there is no justification, no sequential test, no assessment of vitality and viability of other centres and no assessment of sustainability.
- Large buildings in the countryside are contrary to NE15

A petition signed by residents of 33 local addresses (some of which have sent in separate objections) objects “on grounds that the section of pavement in Corsham Road is to be removed.”

110 letters of support have been received.

Summary of key points raised:

- 109 letters are in the form of a standard 'tear-off slip' provided by the applicants to visitors to the garden centre simply stating "I would like to register my support for the planning application"
- Extension will be an improvement and will not adversely affect properties on Corsham Road.

A letter from the Wessex Association of Chambers of Commerce supports the application on various grounds including the business is well established providing an excellent horticultural/retail experience; proposals will enhance the current site and will support the local economy.

Campaign for the Protection of Rural England (CPRE): Object on the following grounds:

- Increase in retail sales' and sales of goods unrelated to gardening, which will compete with existing local centres.
- Internal improvements to circulation are unlikely to address the problems experienced in terms of surrounding roads
- Uncertain whether alterations to traffic lights will be able to accommodate increased traffic flow to garden centre without compromising flow on A350
- Is Corsham Road capable of accommodating increased flow?
- Building will be more visible, especially when approached from Lacock (east).

NOTE: Revised plans have been received, which detail changes to the access to the site and internal vehicular arrangements. Further consultations have been carried out and any responses will be reported through the additional information pages.

Planning Considerations

History

This site has a long history starting with planning permission granted in 1968 (following an appeal) for proposed buildings for retail uses in connection with a nursery. Subsequent permissions in the 1970's and 1980's extended the buildings within the appeal site. In 1988 a significant extension to the site was allowed. In 2004 a certificate of lawful use was issued which allowed (following Counsels advice) for the sale of goods *unrelated* to gardening, horticulture and ancillary storage.

Retail Issues

The application is deemed a mixed-use 'out-of-centre' development selling mainly comparison goods, in addition to some convenience goods (garden, pets/aquatics, farmshop, florist/gifts). The Submitted retail impact assessment draws a number of conclusions. The existing internal retail floor space is 3,130 sq m (3415sqm including the restaurant). The proposed work would increase this to 7,193 sq m (8364sqm including the restaurant). This is an increase of 4,063 sq m (4,949sqm). Presently there are large seasonal variations in sales. The introduction of seasonal stock has been an attempt to improve cash flow.

16.9% of customers are from the Chippenham area, while 14.95% are from the Melksham & Trowbridge area. The assessment focuses on Chippenham, Calne, Corsham, Melksham and Trowbridge. The main competitors are located at Atworth, Haycombe (nr Bath), Swindon and Trowbridge.

The North Wiltshire Retail Capacity Study identified 12,613sqm of additional floor space for household related comparison goods by 2016. However, garden centres were not included in the study, and the applicants claim that they have little impact on town centres (a view shared by the Councils consultant). It is claimed that the farm shop at Whitehall does not compete with local standard supermarkets as it stocks foodstuffs and drinks not sold in major stores. This stock is mostly sourced from local areas. The main purchases are impulse buys made by visitors to the garden centre. Suppliers rely on outlets such

as Whitehall as the volumes and consistencies they produce do not satisfy major retailers. Letters from local suppliers who rely on Whitehall Garden Centre to retail their goods.

As a general principle (from national policy (*PPS3*) through to regional (*the RSS*) and local planning (*Policy R4*) objectives) new retail development should:

- **Assess the need for development.** Paragraph 3.9 of PPS6 states that "*...need must be demonstrated for any application for a main town centre use which would be an edge-of-centre or out-of-centre location and which is not in accordance with an up to date development plan document strategy*". Paragraph 3.10 - 3.11 of PPS6 highlights the contents of both the quantitative and qualitative needs assessment.

The North Wiltshire Retail Impact Study 2007 (paragraphs 4.12 - 4.23) indicates sufficient demand (i.e. 46,000 sq m up to 2026) for WGC to expand its comparison goods as proposed. Furthermore, a significant proportion of comparison spending by district residents is drawn to larger settlements, particularly Bath and Swindon. Calne, Corsham, Malmesbury and Wootton Bassett provide a range of comparison shops selling largely to local residents.

The Report highlights the potential to include a measure of growth in comparison retail in Calne, whilst there are limited opportunities to develop more floorspace in the other retail centres. However, it is recognised that additional comparison shopping would enhance the retail 'offer' and thereby meeting the need for growth and diversity. Specifically, in Chippenham, priority should be given to comparison floorspace. Approximately 14,000 sq m needs to be met up to 2016. In Calne 3,000 sq m needs to be met

- **Identify the appropriate scale of development.** Paragraph 11.10 of the Local Plan 2011 expects developers to demonstrate flexibility in terms of format, design and scale of their development, tailoring these to fit local circumstances
- **Use the sequential approach to site selection.** This approach should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document i.e. development should take place, wherever possible, within town centres or, following a 'sequential' approach, on the edge of centres and lastly out-of-centre sites. In accord with the draft Regional Spatial Strategy and the current Regional Planning Guidance for the South West (RPG 10), Policy DP5 of the Wiltshire and Swindon Structure Plan 2016 confirms the sequential approach to the location of all shopping and as such development should be concentrated in existing town centres and other main settlements. Additionally, Policy DP6 establishes a hierarchy of retail centres and emphasises the role of existing shopping centres. Whilst Policy DP6 contemplates the scope of out-of-centre retail development, it is only considered permissible where:
 1. provision is needed and cannot be made in a centre, or adjoining a centre;
 2. it would not affect the vitality and viability of nearby centres (either by itself or with other provision); and
 3. access is readily available or can be provided for means of transport other than the private car.

In line with government guidance contained in PPS6 a network of six town centres are proposed in the North Wiltshire Plan 2011, with large scale development directed towards Chippenham. Policy R4, C4, T1 and T4 of the Local Plan 2011 re-affirms this policy position

However, paragraph 3.16 of PPS6 retains the onus on LPAs to "*...take into account any genuine difficulties, which the applicant can demonstrate are likely to occur in operating the applicant's business model from the sequentially preferable site, in terms of scale, format, car parking provision and the scope of disaggregation, such as where a retailer would be required to provide a significantly reduced range of products*". As such, it must be determined whether the size, scale and type of operation could be located within a town centre or edge of centre location. Furthermore, given that each of the operations is ancillary to the garden centre, it needs to be determined whether

they would be viable or sustainable as a stand alone business operation. Paragraph 3.18 of PPS6 states that *"A single retailer...should not be expected to split their proposed development into separate sites where flexibility in terms of scale, format, car parking provision and the scope of disaggregation has been demonstrated. It is not the intention of this policy to seek to arbitrary sub-division of proposals. Rather it is to ensure that consideration is given as to whether there are elements which could reasonably and successfully be located on a separate sequentially preferable site or sites"*. However, it will not be sufficient for an applicant to claim merely that the class of goods proposed to be sold cannot be sold from the town centre.

Paragraph 3.48 of PPS 6 confirms the need to assess the 'impact of development on the vitality and viability of existing centres' within the catchment of the potential development. PPS6 states that *"the impact upon existing towns should be given particular weight, especially if new and additional classes of goods and services for sale are being proposed"*. As such, would the proposal adversely affect the goods sold within the catchment area based on their 'uniqueness'? The Retail Report makes no direct reference to garden centres or to WGC. Subsequently, there is an inability to identify the likely trade drawn away from the catchment area

- **Ensure that locations are accessible and well serviced by a choice of means of transport and reduce the impact of car use, traffic and congestion.** In determining whether proposed developments are genuinely accessible, LPAs should assess distance from existing/proposed public transport facilities, frequency and capacity of public transport services and whether access for pedestrians, cyclists and disabled people is easy, safe and convenient. Paragraph 2.49 of PPS6 reiterates this stance: *"The Government is seeking to reduce the need to travel, to encourage the use of public transport, walking and cycling and reduce reliance on the private car, to facilitate multi-purpose journeys and to ensure that everyone has access to a range of facilities"*

LPAs must also assess whether the proposal is likely to have impacts on the overall distance travelled by car, local traffic levels and congestion, having taken account of any public transport and traffic management measures secured as a result of the development. As such, an assessment of the effects of additional traffic, especially on the A350/C150 junction is important.

The history of this site is a material consideration. The Council has tried to control the use of the site to garden related uses and sales, but this has proved difficult (as the 2004 Certificate of Lawful Use proved). It is difficult to resist further retail sales in principle although the above factors, which are established test in national guidance, can guide the Council in determining what level of retail sales is acceptable in this location. The North Wiltshire Retail Needs Assessment Study was undertaken on behalf of the Council by retail consultants Roger Tym and Partners. The Council's consultants were asked to review the retail impact assessment submitted (by CBRE consultants) in support of the application and the application proposals. They have commented that the proposal is 'on the whole a good project' that will 'benefit the local economy'. Whilst disagreeing with some of the points made by the CBRE assessment (for example the five tests in PPS6 referred to above are relevant to this proposal) the general conclusions are accepted. Conditions are recommended to control the amount of floorspace given over to convenience goods and that clothing sales (in terms of type of clothing and amount of floorspace).

Impact on amenity

There has been a history of concerns raised by local residents relating to noise and disturbance from this site. Whilst there is likely to be an increase in traffic generated by these proposals this has to be balanced against the opportunity to the redevelopment offers to improve the access and internal circulation of vehicles. Whilst it would have been beneficial to move service roads away from residential properties on Corsham Road, this has not been possible (to the existing layout of buildings and the topography of the site). However, by a combination of measures (separating out service areas, rearrangement of circulation, use of bound surfaces –rather than gravel, restrictions on hours of operation and delivery and a series of measures outlined in the noise assessment) it is considered there is an opportunity to positively address many of the problems currently experienced.

Impact on Conservation Area and Countryside

The site is located on the opposite side of the A350 from the edge of the Lacock Conservation Area. A public footpath runs to the south of the site. At present the site is generally very well screened by trees and hedgelines around and within the site. The buildings currently on site can be glimpsed from the traffic light junction on the A350, from the A350 to the south and from the footpath that runs along the southern boundary. Views into the site from the Corsham Road are restricted, but even viewed through the access point the buildings are low lying and the site drops away to the south.

The Councils Urban Design officer has raised concerns about the scale and massing that would result, particularly as seen from the adjacent Lacock Conservation Area and other nearby public routes and high points. He notes that the applicants claim that the 'overall scale of the development ...(has been)... retained in this scheme'. The elevations show the scheme involves at least doubling the length and height of many facades, and it is perhaps a difficult argument to justify that the overall scale has been retained in any way. However, on balance officers have taken the view that the information submitted in the form of sections and photomontages (in addition to layouts and elevations) is sufficient to take a decision on this proposal, although conditions may be required to secure slab levels, roof heights, and energy conservation measures.

Clearly the impact of any new building upon views from the Conservation Area and upon the countryside location in general are of particular significance. Policy HE1 only applies to Development *within* Conservation Areas, but it would be unreasonable not to consider the developments impact upon conservation issues. However the site is around 150 metres from the nearest building within the Conservation area and around 300 metres from the main part of Lacock itself. The buildings will be visible to a certain extent (as they are now) but is not considered that this impact will have an adverse impact on the conservation area or the setting of the buildings within it.

Policy NE15 establishes that development will be permitted only if it does not adversely affect the character of an area and features that contribute to local distinctiveness. Clearly from the above comments the buildings on the site will be visible, but views are limited and will not be significantly different from the impact the current buildings have.

From the footpath to the south the site is very well screened at present. The service road will bring vehicles down to the lower part of the site and therefore much closer to this footpath which may cause a little more noise disturbance to those using the path. Buildings on this part of the site are significantly larger than existing buildings in this part of the site (currently a collection of low wooden buildings and sheds). However providing the hedge and trees along this boundary are retained views will still be limited.

Development is contained within the existing garden centre site, although development covers much more of the site. Providing existing landscaping and planting is retained and enhanced on the boundaries and within the site it is considered that the redevelopment will have limited impact on views in the vicinity.

Highways and Access

There are currently 345 parking spaces in total. The proposed parking provides 75 spaces for staff; a coach drop-off lay-by; 407 customer spaces; and an overspill parking area including spaces for coaches

The submitted transport assessment shows that presently there are on average 589 weekday daily arrivals to the site. This is expected to rise to 970, an increase of 65%. 96 visitors currently arrive to the centre daily during its weekday peak hours (1500-1600). This would increase to 159, which represents 2.65 vehicles per minute entering the site from the A350 junction (an increase of 63 vehicles, or 1 per minute).

The level of arrivals during the Saturday peak hour (1500-1600) is expected to increase from 149 by 65% to 246. The departures will increase from 158 to 261. The increase of traffic attempting to join the A350 from the Corsham Road (the principal traffic issue) would be 103 (about 1.7 cars a minute).

The weekend traffic along the A350 varies widely throughout the year, and the increase in vehicles using the road caused by the expansion of the garden centre would fall within this wide variation. The busiest time for the centre (Sundays 1400-1500) is a time that is relatively quiet along the A350.

The highways authority have had lengthy discussions and negotiations with the applicant and their advisors. The key issues have been the projected increase in the number of vehicles using the site and the resulting impact upon traffic flowing through the traffic light junction on the A350; the potential to improve internal parking and vehicular circulation spaces to alleviate any potential congestion on Corsham Road; and the potential for increasing traffic through Notton.

The comments reported above indicate that the highways authority is satisfied that alterations to the traffic signals will accommodate any additional traffic and reduce likelihood of traffic 'rat-running' through Notton. Whilst internal rearrangement of parking and servicing will reduce the likelihood of vehicles wishing to park on Corsham Road the highways authority suggest monitoring the situation and if a need arises within five years of the development becoming operational a waiting restriction order could be imposed.

Whilst the local highway authority have suggested a number of issues be dealt with by condition (including improvements to the pedestrian facilities on Corsham Road) the applicants have submitted revised plans to address these issues (and those raised by the Parish council and the petition). Consultation responses will be reported on additional information papers.

Section 106 Contribution

A section 106 agreement will be necessary to secure the contributions to highway improvements outlined above.

Conclusion

This site has a long planning history with resultant garden centre able to sell a whole range of goods not just those related to gardens or horticulture. The proposal seeks to rationalise the somewhat haphazard collection of buildings and uses and expand and improve the retail, display and restaurant areas.

The key issues are the scale of the increase in retail floorspace and its impact on local centres; the impact of increase in traffic in the vicinity; impact of the proposed buildings on the surrounding landscape and nearby Conservation Area; and the impact upon the amenities of neighbouring properties.

Advice has indicated that the retail impact assessment submitted with the application is acceptable and that subject to some changes, conditions and a legal agreement highways concerns can be overcome. The noise assessment and re-configuration of the internal arrangements for vehicle movements are considered to address concerns of residential amenity. Perhaps the most subjective issue is the visual impact upon the appearance of this area. Officers certainly raised this issue as a prime consideration at the outset. The buildings are considerably larger than the existing ones on site, but will be to a great extent screened from view by the existing trees, shrubs and hedging. On balance the impact is considered to be acceptable.

Recommendation

The applicant be invited to enter an Agreement in respect of the following matters:

- (i) funding alteration of traffic signal junction on A350
- (ii) funding waiting order on Corsham Road (subject to monitoring and review)

following completion of which the Implementation Team Leader (Development Control and Listed

Buildings) be authorised to GRANT Planning Permission.

Reason for Decision

The proposal is for the extension and rationalisation of an existing well established Garden Centre. The proposal is considered to comply with local and national retail policies, will have only limited and acceptable impact upon the appearance of the area and the nearby conservation area, will have an acceptable impact upon highways issues such as access and traffic flow in the vicinity and will not adversely affect the amenities of neighbouring residential properties. As such the proposal complies with Policies C3, NE15 and R4 of the North Wiltshire Local Plan.

Appendices:	NONE
Background Documents Used in the Preparation of this Report:	1.03, 1.20, 2.02, 2.09, 2.25, 4.02, 4.03, 4.04, 4.06, 4.07, 4.08, 5.01, 5.04, 6.03