

Date of Meeting	20 th April 2023
Application Number	PL/2022/00977
Application type	OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS
Site Address	Land to the north of Horton Road, south of London Road and west of Wellington Drive, Devizes.
Proposal	Outline planning application with all matters reserved except access for up to 25,000 sqm of use class B2 (General Industrial), B8 (Storage and Distribution) and E (Commercial, Business and Service) (g) (i-iii), with landscaping and associated infrastructure.
Applicant	Berkeley Strategic Land Ltd
Town/Parish Council	Bishops Cannings
Electoral Division	Urchfont & Bishops Cannings – Cllr Whitehead
Grid Ref	402623, 163168
Case Officer	Nick Clark

Reason for the application being considered by Committee

The application is before the Eastern Area Planning Committee at the request of Councillor Whitehead for the committee to consider the environmental/highway impacts of the proposed development, and specifically the proposed access from Horton Road rather than the A361.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved subject to prior completion of a section 106 agreement.

2. Report Summary

The main issues to be considered are:

- Principle of development
- Economic and employment benefits
- Highway and traffic impacts
- Neighbouring residential amenities
- Impact on air quality
- Drainage
- Biodiversity
- Drainage and flood risk

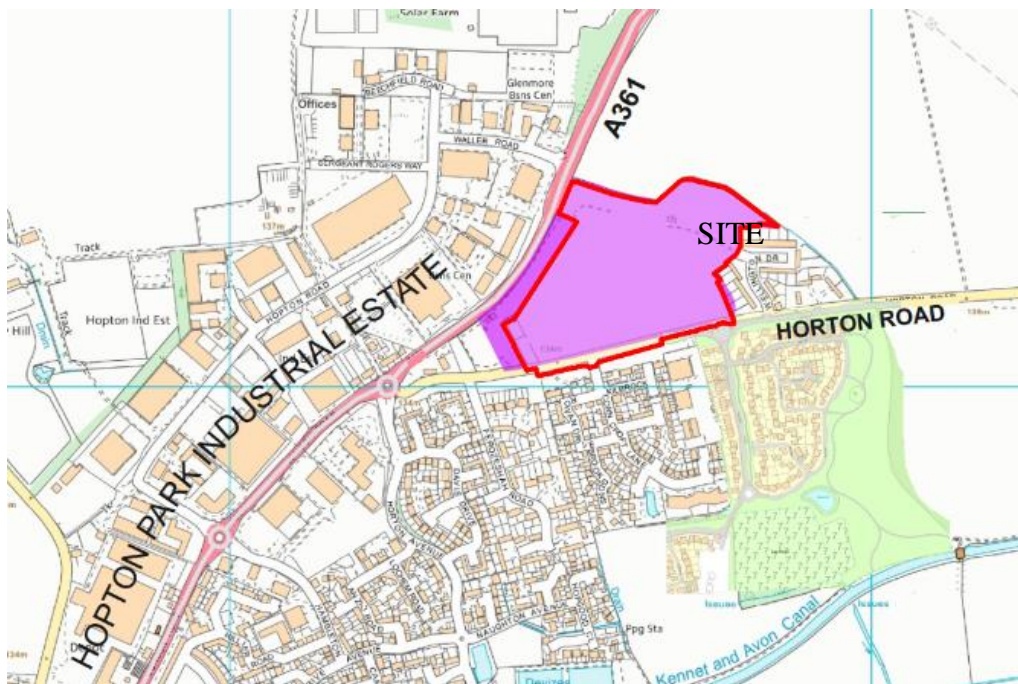
3. Site description

The 7.6 hectare application site is located on the north-east side of Devizes, where it sits between the A361 London Road to the west and the Horton Road to the south.

Hopton Road Industrial Estate lies on the opposite side of the A361. Residential development lies on the opposite side of Horton Road, and along Wellington Drive immediately to the east of the site. Open countryside abuts the site to the north, with the North Wessex Downs AONB nearby to the north and east:



The application site occupies the large part of a wider site allocated as employment land in the Wiltshire Core Strategy as shown here shaded purple:



Application site outlined in red; employment site allocation shaded purple

The former MOD land now comprises an unmanaged grassland field with occasional areas of scrub bordered by hedgerows, scrub, treelines and a woodland copse. The site is bordered to the west by an area of hardstanding associated with a bike training centre; being the land above shaded purple but outside the red line of the application site.

The application site has no formal use at present but is used informally for recreation as a walking/dog walking area. A public footpath crosses the northern tip of the site to connect to the A361. The site has a relatively short frontage onto the A361 of c. 50m length.

4. Planning history

The site has no current recognised use and there is little planning history since use by the MOD ceased other than as listed below.

K/33286	Use of the land to hold Sunday car boot sales	Refused
15/02512/ADV	Display of V board advertising site for sale	Approved
15/06440/ADV	Display of V board advertising site for sale.	Approved
PL/2021/08425	Screening opinion for commercial development (use classes B2, B8, E (G I-III)).	Not EIA development

5. Site Allocation

As noted above, the site is part of a wider 8.4 hectare site allocated in the Wiltshire Core Strategy as 'new employment land' under Core Policy 12 (Devizes Community Area Strategy) and Core Policy 2 (Delivery strategy).

Core Policy 2 requires development of the allocation to be in accordance with the development template for the site, which is included as Appendix A to this report. Key requirements of the template are:

- integration with the town
- provision of workspace and 'incubator' function
- improvements to utilities
- off-site works to contribute to the Devizes Transport Strategy
- masterplan including assessment of the most appropriate points of access
- an area retained for public recreation
- ecological features
- enhanced 'gateway' to the entrance to Devizes
- landscaping to integrate the development within the setting of the AONB and neighbouring residential areas
- respect for neighbouring amenities
- prompt delivery

Core Policy 12 requires proposals within the Community Area to address a number of issues identified at para. 5.68 of the Strategy, and of particular relevance:

- traffic congestion
- air quality
- providing for employment growth
- the rural identity of the parish of Bishops Cannings
- conservation of the setting of the North Wessex Downs AONB

6. The proposal

The application seeks outline consent for commercial development for general industrial use; storage and distribution; and commercial, business and services; with up to 25,000m² floor space (reduced from 30,000m²), with associated landscaping and infrastructure.

At this stage, all matters are reserved save for the access. This is one of the more controversial aspects of the application, with access being proposed from Horton Road rather than the A361.

The application envisages that reserved matters planning applications will be submitted for individual buildings. Illustrative details are nonetheless included to demonstrate how the development could be achieved:



Illustrative Site Masterplan

The details identify a development area of 5.05 hectares as is here shaded orange, with 2.55 hectares around the site perimeter largely reserved for landscaping, public recreation and sustainable drainage features:



Development Framework Plan

Final drawings and details considered:

Application form	
Location Plan	21-056-SGP-SIT-ZZ-DR-A- 131000 / P01
Existing Site Plan	21-056-SGP-SIT-ZZ-DR-A- 130000
Illustrative Comprehensive Masterplan	21-056-SGP-SIT-ZZ-DR-A- 131005 / P08
Illustrative Site Plan	21-056-SGP-SIT-ZZ-DR-A- 131001 / P04
Illustrative Land Use Plan	21-056-SGP-SIT-ZZ-DR-A- 131002 / P05
Illustrative Building Height Plan	21-056-SGP-SIT-ZZ-DR-A- 131003 / P05
Development Framework Plan	21-056-SGP-SIT-ZZ-DR-A- 131004 / P06
Illustrative Site Masterplan	21-056-SGP-SIT-ZZ-DR-A- 131000 / P07
Illustrative Sections	21-056-SGP-SIT-ZZ-DR-A- 131001 / P05
Illustrative Context Sections	21-056-SGP-SIT-ZZ-DR-A- 131004 / P04
Flood Risk Assessment & Drainage Strategy	6639-FRA-001 Rev. 3
Landscape Strategy Plan	7629/ASP3 Rev. D
Design & Access Statement	January 2022
Design & Access Statement Addendum	September 2022
Phase 1 Preliminary Risk Assessment	70086638-REV.03
Archaeological Desk Based Assessment	JAC27433 v.1
Archaeological Evaluation	257850.03 Issue 1
Written Scheme of Investigation for an Archaeological Evaluation	257850.01 Issue 1
Geophysical Survey Report	JAC27433 v0.1
Arboricultural Impact Assessment	11097_AIA.001
Air Quality Assessment	Rev. 02
Noise Impact Assessment	70086639-108-01 Revision 2 (Oct. 2022)
Ecology survey/ species reports (3)	2090.87
Ecological Appraisal	2090.87 October 2021
Ecological Impact Assessment	2090.84 October 2022
Technical Note to Accompany Biodiversity Impact Assessment Calculations - Revision B	22 nd October 2022
BREEAM Pre-Assessment Report	Rev. B
Energy & Sustainability Statement	Rev. 01 January 2022
Landscape and Visual Impact Assessment	7629.LVIA.04
LVIA Addendum	July 2022
Landscape & Visual Response	September 2022
Planning Statement	
Statement of Community Involvement	
Transport Assessment	Rev. 1
Travel Plan	
Highways Technical Note 1	4 th July 2022
Highways Technical Note 1	15 th September 2022
Drainage Technical Note D1	20 th June 2022
Drainage Technical Note D2	13 th September 2022

Utility Statement	Revision 1
Urban Design statement	14 th July 2022

7. Planning Policy

Wiltshire Core Strategy

SPATIAL VISION -

CP1	Settlement strategy
CP2	Delivery strategy
CP3	Infrastructure requirements

AREA STRATEGIES -

CP12	Devizes Area Strategy
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DELIVERING THE SPATIAL OBJECTIVES: CORE POLICIES -

CP34	Additional employment land
CP35	Existing employment sites
CP36	Economic regeneration
CP41	Sustainable construction and low carbon energy
CP50	Biodiversity and geodiversity
CP51	Landscape
CP52	Green infrastructure
CP55	Air quality
CP56	Contaminated land
CP57	Ensuring high quality design and place shaping
CP60	Sustainable transport
CP61	Transport and development
CP62	Development impacts on the transport network
CP63	Transport strategies
CP64	Demand management
CP65	Movement of goods
CP66	Strategic transport network
CP67	Flood risk
CP69	Protection of the River Avon SAC

Wiltshire and Swindon Waste Core Strategy (2009)

WCS6	Waste Reduction and Auditing
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Devizes Area Neighbourhood Plan

H2	Strategic Policy Intent – Built Environment & Sustainability
H3	Strategic Policy Intent - Site Specific Allocations
T1	Strategic Policy Intent - Getting Around
ESD1	Strategic Policy Intent - Environment & Sustainability

8 Consultations

Bishops Cannings Parish
Council:

Objection:

- further information needed on proposed uses and concerns regarding the wide range of potential uses and impacts in terms of noise, vibration, smell, pollutants and traffic,

- Insufficient on-site parking, concerns re parking on neighbouring residential roads,
- Horton Road is not suitable for commercial traffic, and ideally access should be from the A361
- Impact of additional traffic on Cannings Hill roundabout,
- Concerns regarding noise, air pollution and ecology.

Devizes Town Council:	Objection due to concerns about the proposed vehicle access from Horton Road.
WC Highways:	<p>No objections subject to conditions and planning obligations in respect of:</p> <ul style="list-style-type: none"> • Improvement of the Cannings Hill Roundabout • Footway/ cycleway along S side of Horton Road, with • Toucan crossing into the site and bus stop • Construction of the footpath around the site perimeter to adoptable standards. • Contribution of c. £10,00 to wayfinding signage • Contribution of c. £50,00 to cycling infrastructure • Contribution of c. £60,00 to public transport • Contribution of c. £7,500 for Travel Plan monitoring • Council's costs for processes associated with the Toucan crossing and cycleway creation along Horton Road.
WC Urban Design:	Some concern re the piecemeal nature of the application only including part of the allocated site, but no objections.
WC Landscape:	No objection. Suggested planning conditions.
WC Public Protection:	<p>Air quality – no objection: suggested conditions Site contamination - no objection: suggested conditions Noise - no objection: suggested conditions</p>
WC Archaeology:	No objection
WC Public Rights of Way:	No objection
WC Economic Development:	Statement of support provided
WC Drainage:	Support subject to 4 conditions
WC Ecology:	Initial concerns addressed by revised and additional details. No further comments received from the ecologist.
WC Tree Officer:	No comments or objection received
Environment Agency:	No comments received
Wessex Water:	No objections in respect of water supply and foul water disposal

National Grid:	No comment or objection received
SSE Energy:	No comment or objection received
North Wessex Downs AONB Unit:	No comment or objection received
Wiltshire Police Estates Dept:	No response received

9 Representations

The application was subject to consultation by way of site notices, newspaper advertisement and direct consultation with nearby residents in March 2022. Following revisions, the application was subject to full re-consultation in August 2022.

The proposals have been amended since August in terms of:

- Controls on the hours of activity for deliveries
- Further information on highway aspects
- Further information on drainage
- Change to the illustrative details and information in respect of:
 - roofscape design, shape and building materials
 - the impact of the roof shape and glare from within the AONB
- Additional ecology information

The changes do not introduce new or additional impacts or prejudice any third-party interests. They have thus not warranted further re-consultation.

Public comments:	c. 177 objections received broadly on the following matters:
	Roads/ traffic
	Access should be from the A361
	Inadequate parking – impact on neighbouring residential streets.
	Increased air pollution
	Ecology/ wildlife
	Loss of informal green space
	Landscape impact
	No need for the development
	Flood risk
	Impact on neighbouring amenities
	Noise and vibration
	Odours
	Light pollution
	Details needed of the proposed uses

10. Planning Considerations

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

10.1 The principle of development

The principle of commercial development of the site is accepted through its allocation in the Wiltshire Core Strategy as part of the strategy for the Devizes Community Area. The acceptance is subject to the proposals addressing the requirements of the development template for the site (as appended to the Core Strategy) and other policies of the Core Strategy as considered below.

Whilst the application brings forward only part of the site allocation, there is nothing within the policies of the Core Strategy or the development template for the site that prevents this, which would otherwise make the proposal unacceptable in principle.

Application-specific considerations and development impacts

10.2 Economic/ employment benefits

Economic development is a key priority of the Core Strategy under Strategic Objective 1 which aims to deliver 6,000 new jobs within Wiltshire as well as safeguarding the existing business base. The Horton Road site is identified by Core Policy 2 as a strategically important site for economic/ employment development. A specific issue identified in the Devizes Community Area Strategy (Core Policy 12) is that *'providing for a range of employment growth at Devizes will help to further diversify the existing offer in the town, ensuring that it remains an area of key economic importance in Wiltshire for the future'*.

Given the age of the Core Strategy, the Council's Economic Development team has reviewed the need for the development, and in fully supporting the proposal comments as follows:

- In the 2016 Local Economic Assessment (LEA) forecast that employment in Swindon and Wiltshire would rise by 6-7% by 2030. However, in the most recent report from March 2022 it noted that employment had fallen by 3% compared with a 1% rise nationally and higher rates among near neighbours.
- GVA growth for Swindon and Wiltshire has risen by 32% from 1998 levels, but neighbouring areas have seen significantly higher rates of growth – e.g. West of England 90%, Dorset 105% and Oxfordshire 232%.
- Across comparator Local Enterprise Partnership areas, Swindon and Wiltshire has experienced the lowest overall growth since 1998, and much of the growth that has occurred is thought to have been in Swindon rather than Wiltshire.
- The 2022 LEA notes that whilst there has been some growth in commercial space, the majority of this has been for logistics and service type uses. The vacancy rate at the time of the report was just 2% which indicates extremely strong demand. This is confirmed by the Council's Economic Development team which as a long list of businesses that would either like to expand or locate in the area but are unable to do so due to a lack of suitable units. A local agent is quoted by the team:

"In general there is a lack of stock across the whole county for good quality industrial buildings that have good eaves height and circulations space and are fit for modern day operational purposes. There is good demand for a commercial unit scheme in Devizes. We are regularly contacted by prospective businesses who are desperate for more business units to buy or rent. Larger space is also in demand that has good eaves heights and yard areas. Devizes is losing good businesses to other locations because the town cannot support business growth due to a lack of available business / industrial stock".

- In mid-March the team reported that:
 - in the last 6 weeks it had been contacted by businesses looking for in excess of 400,000ft² of commercial space.
 - These are Wiltshire based businesses except for one located just across our border.
 - The businesses are in sectors we are trying to grow in the county and whilst not all would be prepared to move to Devizes others have said they would consider it.
- The team is also aware of a number of local businesses that have previously expressed interest in the site, and there are regular enquiries from the Department of Business and Trade with overseas companies looking to locate in the area – Devizes already has several such companies.
- Agents promoting the South Point site at Chippenham state they already have enquiries that could more than fill that site.
- The team is aware of a number of businesses that have left the County as they were unable to find suitable premises. An example is Grant Engineering, who had to re-locate to Swindon from Devizes after 30 years in the town when it became clear that the Horton Rd site would not be ready in time to accommodate their needs. One of the Senior Management Team said:

‘We were extremely sad to leave Devizes. Most of our team came from the local area and we felt the company made a contribution to the local economy. Since moving to Swindon we have invested £10m in the site and expanded our workforce by 10%, none of whom come from the Devizes area. These are well paid jobs. Of the original staff, 60% now have to travel further to work with the remaining travelling a similar distance. As a company that is trying to mitigate the effect of climate change – fitting and training people to fit heat pumps which has seen massive growth recently – this feels counter-intuitive.’
- The 2022 LEA notes that there has been an increase in the number of people commuting out of Wiltshire for well paid, higher skilled jobs.
- The team further highlights that the amount the Council has received in business rates has fallen in the majority of years from 2016/17 to 2020/21, and whilst there has been an improvement since 20/21 which was impacted by the pandemic it is still 14% below 2016/17 levels by £12m. The team comments that this is having an impact on the services the Council can provide to residents and invariably has an impact on the amount of Council Tax levied.

10.3 Highways and traffic

Core Policy 62 requires that proposals should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

Site access –

The development template for the site does not require the whole of the site allocation to be brought forward for development in a single planning application. It does however require master planning for the whole allocation and an assessment of the most appropriate points of access for the allocation as a whole.

The limited frontage of the application site along the A361 would not allow formation of a satisfactory junction. The application thus seeks approval for vehicular access from Horton Road.

The Highway Officer accepts that access from the Horton Road would be satisfactory in highway terms subject to provision of pedestrian routes into and around the site, contributions towards local transport infrastructure and improvements to the Cannings Hill roundabout. These can be secured by way of planning obligations and planning conditions.

A further pedestrian link to Wellington Drive as requested by the Highway Officer is not considered appropriate as the Drive is private. Informal access as at present, however, would not be hindered by the proposals.

The highway improvements –

The Cannings Hill Roundabout is proposed to be modified by realignment of the kerb adjacent to the garage to provide a more sweeping alignment for vehicles entering Horton Road. Vehicle tracking plans have been provided to show that this would provide satisfactory access onto Horton Road for traffic and goods vehicles accessing the site.

Along Horton Road itself, the existing footway would be widened and improved to provide a shared footway/cycleway, with a Toucan crossing of Horton Road near and into the development, with provision of a bus shelter.

As such, it is concluded that the proposal as now presented would not have an adverse impact on the highway network and the application does not conflict with Core Policy 62.

Masterplanning for the whole allocation –

The application illustrates how the development could be integrated with development on the adjoining skid pan site should it come forward for employment development, with the skid pan site being accessible by a combination of access through the current application site and from the A361 as at present.

It may be the case that if both sites were to have come forward together 'as one' (i.e. the whole site allocation), a satisfactory access solely from the A361 could be provided. This, however, is not the application being considered.

The Core Strategy does not require that the site allocation comes forward as a single application/site. The Committee thus needs to consider the acceptability of the access being proposed in the application.

Parking provision –

Core Policy 64 requires adherence to the adopted maximum parking standards.

Many respondents raise concern that insufficient on-site parking for the development would result in neighbouring residential streets being used for parking.

The detailed layout of the site and parking provision would need to be considered at reserved matters stage. At this stage, the Highway Officer accepts the approach to parking provision that has been adopted by the applicant as a basis for the illustrated parking provision. The Officer notes that it is difficult to approve the parking allocation in detail due to the outline nature of the application and the unknown allocation for uses across the site but is nonetheless accepting of the principles outlined in the application.

At this stage, there is thus no identified conflict with Core Policy 64.

Sustainable transport –

The development template for the allocation requires provision of off-site transport infrastructure in line with the Devizes Transport Strategy. As noted above, provision would consist of contributions to improved signage for pedestrians and cyclists, improved cycling infrastructure and public transport within the town. Together with footway/ cycleway improvements along Horton Road these would provide for accessibility of the site for staff using by sustainable modes of transport, whilst also integrating the development of the site with the town.

The Council's transportation team raises no objections to the submitted Framework Travel Plan. Travel Plans specific to the detail of the development will be required at reserved matters stage.

10.4 Landscape impact

Core Policy 51 requires development to protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The National Planning Policy Framework advises that development within the setting of the North Wessex Downs AONB should be sensitively located and designed to avoid or minimise adverse impacts. The development template for the allocation states that visually intrusive buildings should be avoided, particularly facing the AONB or entrances to the town, and that integrated landscape infrastructure will be required, particularly to screen views from the AONB.

The application is supported by a Landscape and Visual Impact Assessment with additional information and assessment and requested by the Landscape Officer.

The development would be visible in some views from within the AONB but would be viewed largely in the context of the Hopton Road estate and the backdrop of the town more generally.

Whilst only illustrative, the suggested design of the buildings has also been amended in terms of softer/ curved roof forms and a softer palette and mix of colours using graduated patterns of colouring. Green roofing on the smaller units is indicated to provide the minimum 10% green/brown roof coverage specified in the development template.

The suggested building heights indicate building heights between 8m and 14m, with the taller 14m building being located furthest from the surrounding landscape:



Illustrative Building Heights

The Landscape Officer recommends a number of conditions in respect of landscape matters as included below and in consideration of which it is concluded that the development would be sensitively designed with impacts mitigated so as not to harm the setting of the North Wessex Downs AONB or the local landscape, and to comply with Core Policy 51.

10.5 Urban design / quality of design

Broadly speaking, Core Policy 57 sets a requirement for high quality design that is appropriate to the local context and complementary to the locality.

Detailed building design would follow in reserved matters applications. The Council's Urban Design Officer raises some concern at the piecemeal nature of the application only bringing forward part of the site allocation but is nonetheless satisfied that the illustrative details provide a degree of futureproofing to integrate with the skid pan site.

The Officer suggests that the development should contribute towards a footway alongside the A361 leading into the existing Hopton Road Industrial Estate. Whilst such a path may be desirable for the existing use of the Estate, it is not seen as necessary in respect of the currently proposed development.

Otherwise, the Officer raises no concerns or objections and there is nothing in the illustrative proposals to suggest that compliance with Core Policy 57 could not be secured at reserved matters stage.

Some respondents object to the access along Horton Road in terms of a rural or residential character of the road not being suited to commercial traffic. The road, however, is not a residential street. Housing is well set back from the road with access generally from the side roads rather than directly from Horton Road. The length of road from Cannings Hill Roundabout to the site access is closely associated with the built form of the town and although it is of semi-rural character this character would be diluted by development of the site regardless of the point of access. Works to provide an improved footway and cycleway into the site would also likely be carried out along Horton Road regardless of the point of vehicular access. Thus, whilst the development would inevitably result in some dilution of the semi-rural character of the road, this is not considered to warrant refusal of the application in design terms.

10.6 Neighbouring residential amenities

As part of a high quality of design, Core Policy 57 requires that proposals demonstrate how (amongst other things) they have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

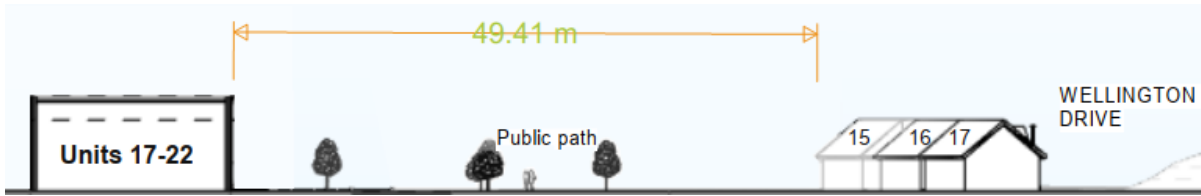
The rear gardens of properties in Wellington Drive back onto the eastern boundary of the site. Residential development also lies on the opposite south side of Horton Road.

The development template for the site requires that the residential amenity of these areas must be respected by the development and that landscaping will be required to screen views from local residences.

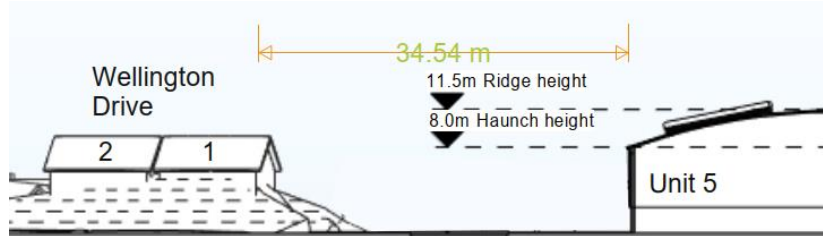
Wellington Drive properties –

These properties would be separated from the commercial units by the area of landscaped recreational space. The units would largely 'turn their backs' on the recreational area so as to direct noise and light etc away from Wellington Drive. The units would be c. 35m from the ends of the gardens of the properties, and generally 50m+ from the rear elevations of the houses themselves.

An exception to this is the property at 1 Wellington Drive where the side of the rear garden would face towards the development, but the separation distance of c.35m from the rear of the illustrated Unit 5, is sufficient to safeguard privacy, with the intervening open space and landscaping .



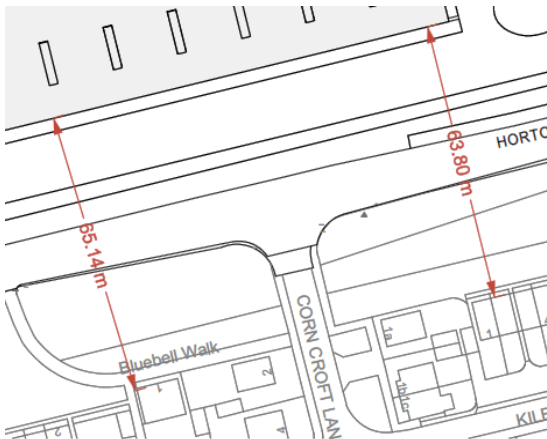
Cross section facing north adjacent to Wellington Drive



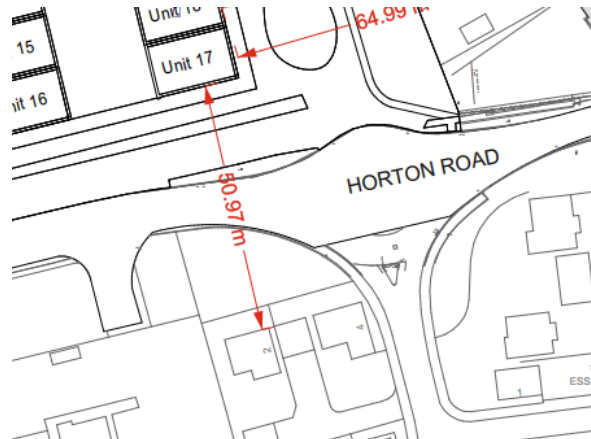
Cross section facing south adjacent to 1 Wellington Drive

Properties on the south side of Horton Road –

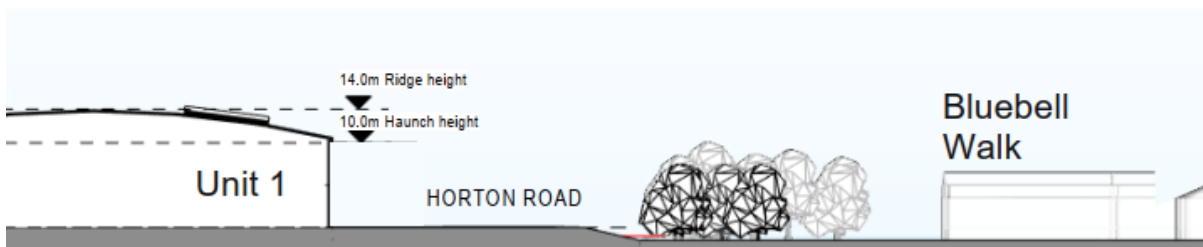
These properties are generally 50m+ from the proposed development, measured across the Horton Road:



Bluebell Walk/ Kilbrock Mead



Ernie Drive



Cross section facing east at Bluebell Walk



Cross section facing west at Ernie Drive

The larger unit illustrated on the site (Unit 1) would again turn its back towards the properties so as to provide shielding from noise and disturbance and there would be a softening of visual impacts by way of planting alongside Horton Road as well as from existing established trees along the south side of Horton Road.

Local residents raise a number of concerns, particularly in respect of noise impacts, but also visual impacts, odours, vibration and light pollution.

Following the consultation, the applicant has agreed to a planning condition as recommended by the Environmental Health Officer that requires:

- no deliveries or collections to be made except between the hours of 07:00hrs and 23:00hrs,
- no operations, including loading and unloading to take place except within buildings between the hours of 23:00hrs and 07:00hrs, and
- externally operated commercial vehicles, including forklift trucks only to be started up, manoeuvred, operated, loaded or unloaded between the hours of 07:00hrs and 23:00hrs.

The 8-hour period from 23:00–07:00 is the generally recognised night period when noise should be controlled to avoid sleep disturbance¹. Such a condition would control both the impact of noise at night within the site and also noise impacts from traffic along Horton Road.

The Officer also recommends conditions to provide for appropriate acoustic insulation and noise control for each commercial unit as well as to control lighting and emissions of dust, odours, fumes, smoke and other particulates.

There would doubtless be some audible noise outside the night-time period, but this would be mitigated by the orientation and separation distance of the commercial buildings, as well as the details for noise control for each building to be considered at reserved matters stage.

The conditions as recommended by the Environmental Health Officer are included in the recommendation below, and on the basis of which it is concluded that whilst the development would doubtless be noticeable to nearby residents, it would not materially impact on residential amenities to such an extent as to warrant refusal of the application.

10.7 Ecology

Core Policy 50 requires that proposals must demonstrate how they protect features of nature conservation value as part of the design rationale and major development such as this must provide for biodiversity net gain. Proposals must also incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.

Core Policy 69 requires measures to avoid and prevent pollution and mitigate potential disturbance effects upon the River Avon Special Area of Conservation (SAC).

The application site does not include any protected habitats, the greatest habitat value being in the small woodland at the NE corner of the site and which would not be affected by the development. The hedgerows, semi-mature trees and ditches bordering the site are also assessed as being collectively of moderate local value, although of limited ecological value individually.

The rough grassland and scrub that dominate the site are species-poor and of low local value. The submitted assessments nonetheless identify that the site hosts a number of protected species.

Areas of suitable reptile habitat in the form of the unmanaged grassland and scrub would be lost to the development. Measures to capture, relocate and exclude reptiles from the site are thus proposed prior to the commencement of development. Proposals are outlined for undeveloped areas of the site

¹ Eg Night Noise Guidelines for Europe, World Health Organisation, 2009

to provide for enhanced reptile habitats in terms of the enhancement of woodland/hedgerow edge habitats, other high quality reptile habitats within the landscaping such as rough meadow grassland and scrub, drainage waterbodies to be designed to favour reptile use, features for reptile hibernation and long-term management.

Additional surveys have identified that there is no evidence of dormice being present on the site such that no mitigation is required.

Mitigation measures in respect of other protected species and birds etc, are set out in the submitted ecological reports, and its provision can be conditioned.

It is thus concluded that subject to the proposed mitigation measures, the development would not have an adverse impact on protected habitats or species.

Biodiversity net gain –

The development and associated landscaping would result in an increase in linear habitats. In terms of broad habitats however, and particularly the loss of rough scrubby grassland, there would be a loss. The submitted assessment thus identifies that a net gain in habitat units cannot be achieved within the development. The applicant proposes that the loss is addressed by way of a contribution towards off-site improvements elsewhere. This would need to be secured by way of planning obligation.

River Avon Special Area of Conservation –

Whilst the site is within the catchment area for the River Avon Special Area of Conservation, the advice from Natural England regarding nutrient neutrality elsewhere is that employment can be discounted on an assumption there is no net migration into the catchment for employment purposes. As such, there would be no reasonable likelihood of adverse impact upon the Special Area of Conservation in terms of phosphate emissions.

10.8 Archaeology

The application is supported by an archaeological evaluation of the site. Based upon the findings, the Council's archaeologist is satisfied that no further archaeological investigation is required.

10.9 Air quality

The nearby A361 London Road is designated as an Air Quality Management Area. Core Policy 55 requires that proposals of a scale, nature or location that are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels.

The issue of air quality was to some extent considered in the allocation of the site and subjected to strategic assessment as part of the Core Strategy adoption. The Sustainability Appraisal Report for the Core Strategy thus sought to balance environmental impacts against local housing and employment needs and highlighted that that pressures on air quality should be addressed in planning applications with particular reference to Core Policies 60, 61 & 62 so as to avoid and reduce impacts. The Core Strategy Inspector reported:

'Furthermore, the evidence provided by the Council indicates that it has considered adequately the infrastructure needs of the area, including transportation issues and the designated Air Quality Management Area. Such evidence identifies that Devizes experiences traffic congestion along certain road corridors and there is no dispute that air quality is a cause for concern and action. Against this context, the Devizes Transport Strategy indicates that the level of growth contained within Core Policy 12 can be accommodated adequately. I am always mindful that the content of the Core Strategy must be considered as a whole and that Core Policy 12 must, for example, operate in tandem with Core Policies 55 and 60-66 which specifically address matters of air quality and transportation. Whilst concerns have been raised as to the suitability of the proposed

development within the locality, the balance of the evidence is sufficient to support the objectives of the Core Strategy and the content of Core Policy 12'.

The application includes an Air Quality Assessment in respect of both the construction and operational phases of the development.

During construction, the main identified risk is in terms of soil dust which is assessed as having a negligible risk with mitigation including a Dust Management Plan and other measures as set out in the Assessment. Details could be secured by way of a Construction Management Plan.

During operation of the site the principal concern is in respect of additional vehicle movements along the A361 corridor. Impacts are to be mitigated by measures to encourage the take up of sustainable means of transport for those accessing the site. Residual impacts are inevitable, but the Assessment concludes that these would meet air quality objectives within the Air Quality Management Area.

The Environmental Health Officer raises no objections in this respect but recommends further conditions to secure details of Electric Vehicle charging facilities, a Construction and Environmental Management Plan, a low emission Travel Plan and a Concentration Assessment and Mitigation Statement. On this basis it is concluded that the development would effectively mitigate against adverse impacts so as to comply with Core Policy 55.

10.10 Renewable energy and sustainable construction

Core Policy 41 requires a Sustainable Energy Strategy outlining the low-carbon strategy for the development. The submitted Energy and Sustainability Statement outlines a combination of demand-reduction measures, energy-efficiency measures and low-carbon energy to minimise CO₂ emissions from the built form of the development. Details for each building would need to be secured at reserved matters stage.

10.11 Flood risk and surface water drainage

Core Policy 67 requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable drainage) unless site or environmental conditions make these measures unsuitable.

The application is supported by a Flood Risk Assessment and Surface Water Drainage Strategy. The site is not in an identified area of flood risk and the development is thus unlikely to be impacted by flooding.

In terms of the potential impact on flood risk elsewhere, the application includes a Surface Water Drainage Strategy. The development would result in an increase in impermeable areas on the site. Ground investigations identify that the land is not suited to providing soakaway drainage due to seasonally high groundwater levels. The increased surface/ roof area run-off is proposed to be collected and managed by way of the on-site retention ponds from where the output to the existing ditch alongside Horton Road would be attenuated to provide 20% betterment on current rates. The Council's drainage team accordingly raises no objections but recommends conditions to secure details and performance of the final drainage scheme.

10.12 Foul water drainage

Foul water drainage would connect into an existing Wessex Water sewers along Horton Road. Wessex Water raises no concerns on this arrangement.

10.13 Electricity supply

The development template identifies a need for reinforcement of the electricity network and a primary sub-station.

The submitted Utility Statement similarly identifies the need for capacity improvements to the electricity supply network to meet the needs of the development. This is said to have been discussed with SSE, along with options for on-site generation of renewable energy and building efficiency.

It is said that the need for capacity improvements will be addressed on a building-by-building basis as each plot within the site is developed and connections sought. This runs the risk of high costs for upgrading the electricity supply making the development of later phases unviable, thus leaving the site only partly developed. The applicant identifies a need for further analysis to determine the costs/scope of works involved and it is suggested that this will need to be explored at reserved matters stage. Whilst this is not ideal, the shortfall in capacity of the network is perhaps quite small depending on the nature and energy demands of the future users of the site. Accordingly, and in line with the views of the Council's Economic Development team, it is concluded that the element of uncertainty in this respect is not sufficient to warrant further delay in granting permission. Condition 1(k) as recommended below also requires further assessment of energy demands in respect of the phasing of the development.

10.14 Environmental Impact Assessment

Initial proposals for up to 35,000 sq. m of commercial floorspace were the subject of an Environmental Impact Assessment Screening Opinion issued by the Council that concluded in 2021 that an Environmental Impact Assessment would not be required for development of the site.

10.15 S.106 planning obligations

Core Policy 3 advises 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', where necessary by way of Section 106 obligations.

Sustainable transport measures –

The development template for the site also requires the development to provide for off-site transport infrastructure in line with the Deizes Transport Strategy. In accordance with this the Highway Officer identifies the need for the contributions outlined below; to be calculated more precisely at reserved matters stage according to the level of vehicle movements associated with the detailed proposals. As noted above, reserved matters (and thus contributions) are anticipated on a building-by-building basis. Based upon the illustrated layout the following contributions are anticipated:

- Contribution of c. £10,000 to wayfinding signage
- Contribution of c. £50,000 to cycling infrastructure
- Contribution of c. £60,000 to public transport
- Contribution of c. £7,500 for Travel Plan monitoring

Biodiversity net gain –

Off-site biodiversity improvements materially exceeding '6 biodiversity units' would need to be secured to provide a net gain in biodiversity from the development. At the time of reporting, the proposed off-site provision has yet to be identified. The detail would remain to be agreed as part of the s.106 discussions.

Off-plot maintenance –

Maintenance arrangements and responsibilities for communal and unadopted infrastructure (surface water drainage system, paths, recreation and landscaping areas and ecological features).

Monitoring fee –

A monitoring fee of £1,000 is required.

The contributions above have been assessed as meeting the statutory tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

11. Conclusion

The broader principles of sustainable development that underpin local and national policies require a balancing between economic, social and environmental impacts.

The application site forms the majority of the site allocated in the Core Strategy for development for employment purposes in accordance with the need to meet employment needs as identified in the Devizes Community Area Strategy. The Council's Economic Development team identify a pressing need and demand for additional employment land and premises.

Some concerns and objections raised, for example in relation to biodiversity, flood risk and impacts on views relate to the principle of development, which has already been accepted in the allocation of the site within the Wiltshire Core Strategy. The application shows that such impacts can all be mitigated in the proposals outlined.

The majority of concerns and objections more specifically relate to the detail of the proposal, with access being gained from Horton Road rather than the A361, in terms of highway safety, congestion and the character of Horton Road, as well as impacts on neighbouring amenities from the layout and access as outlined. These issues however give rise to no continuing technical objections from Council officers in terms of highway and transportation impacts or in terms of the impacts on neighbouring amenities, subject to conditions and planning obligations as identified in the report, and particularly in respect of conditions preventing night-time working and control noise and other emissions from the development.

As such, it is concluded that the development would be in accordance with the development plan and the principles of sustainable development.

RECOMMENDATION

Defer and Delegate to the Head of Development Management to GRANT outline planning permission subject to the conditions set out below and to the prior completion of a Section 106 legal agreement to cover the obligations identified in Section 10.15 of this report.

1. i) Prior to the submission of any applications for approval of the matters reserved under this consent there shall have been submitted to and approved in writing by the local planning authority a Phasing Plan for the development that includes:
 - a) An outline layout plan for the development clearly identifying development Zones within the site,
 - b) The maximum building heights to be developed within each Zone,
 - c) The maximum building floorspace within each Zone,
 - d) The uses and floor space of uses within each Zone,
 - e) Outline details of the units to be provided for small and start-up units and 'follow on' space
 - f) Indicative details of areas of landscaping to be provided within, between and outside each Zone,
 - g) Sequencing and timing for the development of each Zone, including provision of the access roads and footways to each Zone,

- h) The sequencing of development for the completion of the footpath around the site and the area of recreation/ amenity land and landscape buffers as shown on the Illustrative Land Use Plan (21-056-SGP-SIT-ZZ-DR-A- 131002 / P05),
 - i) The maximum impermeable areas within each Zone (to inform the site-wide drainage strategy),
 - j) Maximum roof areas within Zach zone and identification of the location for a minimum 10% of the total roofing as green/ brown roofing,
 - k) An assessment of the energy demands of the proposed development and details of a Scheme to ensure that the electricity supply infrastructure will meet the projected demands of the development; such a Scheme to identify the stage at which (if any) upgrading of electricity supply to the site will be required and if so, a timetable for delivery of the necessary increased supply capacity.
- ii) The subsequent reserved matter applications shall be in accordance with the so-approved Phasing Plan.

REASON: To clarify how the site is to be phased to assist with the determination of subsequent reserved matters applications in accordance with the development template for the site and in order to ensure that infrastructure provision and environmental mitigation are provided in accordance with the requirements of the development template for the site and to cater for the needs and impacts arising out of the development.

INFORMATIVE: It is anticipated that the details submitted under this condition will reflect the illustrative details submitted with the outline application.

2. Applications for approval of all reserved matters for all Zones of the development shall be made to the Local Planning Authority no later than three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development on each Zone of development shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved for that Zone of the development, whichever is the later.

REASON: To secure timely delivery of the development and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. i) No development shall commence on site on any Zone until details for that Zone of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
- (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site;
- ii) The development of each Zone shall not be carried out other than in accordance with the so-approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1)

of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

5.
 - i) All applications for the approval of the Reserved Matters shall be in broad accordance with the principles described and illustrated in the approved Design and Access Statement Addendum (September 2022), and allowing for future connections into the adjoining 'skid pan' site as shown on the Illustrative Comprehensive Masterplan (21-056-SGP-SIT-ZZ-DR-A-131005 / P08)
 - ii) A Design Compliance Statement shall be submitted with each Reserved Matters application which demonstrates this by way of comparison.

REASON: To ensure a high standard of design that is in keeping with the landscape setting, and that the development is comprehensively designed across the site as a whole in accordance with policies of the Core Strategy and, in accordance with the aspirations of NPPF paragraph 130, to ensure that "the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme."

6. All applications for approval of reserved matters for all Zones of the development or individual buildings as the case may be, shall demonstrate compliance with the local planning authority's adopted car parking standards, and shall include full details of:
 - a) land use,
 - b) floor area,
 - c) vehicle trip generation and parking accumulation
 - d) space needed to accommodate stopping, parking, loading/ unloading and manoeuvring of commercial or other vehicles.

REASON: To ensure sufficient on-site car parking in the interests of highway safety and movement, and in the interest of the amenities of the area.

7. The development, hereby permitted, shall be carried out in accordance with the following approved drawings and details unless otherwise agreed in writing by the Local Planning Authority or where a condition of this consent (including its informatives) specifically provides otherwise:

Location Plan 21-056-SGP-SIT-ZZ-DR-A- 131000 / P01
Existing Site Plan 21-056-SGP-SIT-ZZ-DR-A- 130000
Development Framework Plan 21-056-SGP-SIT-ZZ-DR-A- 131004 / P06
Flood Risk Assessment & Drainage Strategy 6639-FRA-001 Rev. 3
Landscape Strategy Plan 7629/ASP3 Rev. D
Arboricultural Impact Assessment 11097_AIA.001
Ecological Impact Assessment & appendices 2090.84 October 2022
Ecological Parameters Plan (Figure 1 to the above)

REASON: To avoid piecemeal development of the site and ensure a comprehensive and coherent approach to the design and impacts across the site as a whole and with reference to the remainder of the site allocation.

8. All applications for the approval of reserved matters will demonstrate compliance with the following submitted documents:

Illustrative Comprehensive Masterplan 21-056-SGP-SIT-ZZ-DR-A- 131005 / P08

Flood Risk Assessment & Drainage Strategy 6639-FRA-001 Rev. 3
Landscape Strategy Plan 7629/ASP3 Rev. D
Design & Access Statement Addendum September 2022
Air Quality Assessment Rev. 02
Noise Impact Assessment 70086639-108-01 Revision 2 (Oct. 2022)
Energy & Sustainability Statement
Ecological Impact Assessment & appendices 2090.84 October 2022
Ecological Parameters Plan (Figure 1 to the above)

REASON: To avoid piecemeal development of the site and ensure a comprehensive and coherent approach to the design and impacts across the site as a whole and with reference to the remainder of the site allocation.

9. i) No development shall commence on site until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development and it shall include details of the following:
- a) an introduction consisting of definitions and abbreviations and project description and location,
 - b) a description of management responsibilities,
 - c) a description of the construction programme,
 - d) construction vehicle routeing,
 - e) construction staff and visitor vehicle parking areas within the site,
 - f) local road cleaning arrangements,
 - g) measures to prevent excessive mud and dust being deposited on the public highway,
 - h) site working hours and a named person for residents to contact,
 - i) site logistics arrangements,
 - j) details regarding deliveries and storage; including delivery hours, and welfare facilities on site,
 - k) details regarding dust and noise mitigation,
 - l) the recycling of waste materials,
 - m) the loading and unloading of equipment, plant and materials,
 - n) the location and use of any generators or other fixed plant,
 - o) where piling is required this must be continuous flight auger piling wherever practicable to minimise impacts,
 - r) the erection and maintenance of security hoarding/ fencing, and
- ii) The construction of the development will be carried out fully in accordance with the so-approved construction method statement.

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

10. i) Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall have been submitted to and approved in writing by the local planning authority.

ii) The CEMP shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds and reptiles.
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

iii) Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

11. i) Prior to the commencement of the development, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

ii) The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

12. i) Prior to commencement of development, full design and construction details of improvements to the Horton Road/ London Road roundabout, in general accordance with drawing HOR-WSP-ZZ-ZZ-SK-C-0001 PO2, shall be submitted to and approved by the Local Planning Authority.

ii) There shall be no occupation of any part of the development until the so-approved improvements have been completed in full accordance with the so-approved details.

REASON: In the interests of the safety and amenity of highway users and traffic management in accordance with the Devizes Transport Strategy and Core Policy 55 and Core Policy 61 and 62 of the Wiltshire Core Strategy.

13. i) Prior to the commencement of development and notwithstanding the submitted details, full design and construction details of LTN 1/20 compliant footway/cycleways alongside Horton Road shall be submitted to and approved by the Local Planning Authority.
- ii) There shall be no occupation of any part of the development until the footway/cycleway has been completed on the north and south sides of Horton Road as illustrated on submitted drawing HOR-WSP-ZZ-ZZ-SK-C-0002 PO4; on the south side commencing at the location of the Toucan Crossing and extending to a point 19m to the west of Bluebell Walk path.

REASON: In the interests of the safety and amenity of highway users and to facilitate sustainable means of travel in the interests of air quality and traffic management in accordance with the Devizes Transport Strategy and Core Policy 55 and Core Policy 61 of the Wiltshire Core Strategy.

INFORMATIVE: The applicant will be required to enter into a Section 278 Agreement and Streetworks Permit with the Local Highway Authority before commencing any work on the highway.

14. i) Prior to the commencement of development, full construction details of the access arrangements, including ghost island turning lane, toucan signal controlled pedestrian crossing and bus shelter, shall be submitted to and approved by the Local Planning Authority.
- ii) There shall be no occupation of any part of the development until the access arrangements, including ghost island turning lane, toucan signal controlled pedestrian crossing and bus shelter have been completed in full accordance with the so- approved details.

REASON: In the interests of the safety and amenity of highway users and to facilitate sustainable means of travel in the interests of air quality and traffic management in accordance with the Devizes Transport Strategy and Core Policy 55 and Core Policy 61 of the Wiltshire Core Strategy.

INFORMATIVE: The applicant will be required to enter into a Section 278 Agreement and Streetworks Permit with the Local Highway Authority before commencing any work on the highway.

15. i) No demolition, site clearance, or preparatory laying of services or formation or alteration of a means of access shall commence on site, until mitigation measures in respect of protected species have been implemented in full accordance with the recommendations of the submitted Ecology Impact Assessment (October 2022) and Appended documents.
- ii) The development shall be carried out in full accordance with the recommendations of the submitted Ecology Impact Assessment (October 2022) and Appended documents.

REASON: In the interests of the biodiversity value of the site.

16. i) No demolition, site clearance, or preparatory laying of services or formation or alteration of a means of access shall commence on site, until tree and hedge protection measures have been put in place in full accordance with the recommendations of the approved Arboricultural Impact Assessment.

ii) The protection measures shall be erected and maintained throughout the construction phase in accordance with the so-approved Assessment, and the works shall be carried out in full accordance with the recommendations of the Assessment.

iii) If any retained tree is removed, uprooted, destroyed or dies within 5 years from the commencement of the development, another tree shall be planted at the same place, at a size and species and planted at such time as must first be agreed in writing with the local planning authority.

REASON: In accordance with the recommendations of the submitted Arboricultural Impact Assessment, in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscape setting for the development within the setting of the North Wessex Downs AONB and in the interests of biodiversity.

INFORMATIVE: In this condition “retained tree” means an existing tree, group of trees or hedges which are to be retained in accordance with the approved plans and particulars.

17. No development shall commence on the site until a scheme of hard and soft landscaping of areas outside the identified development Zones has been submitted to and approved in writing by the local planning authority, the details of which shall include:

- a) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification and plan/s showing all plant species, supply and planting sizes and planting densities;
- d) details of phasing of landscaping works
- e) finished levels and contours;
- f) means of enclosure;
- g) other pedestrian access and circulation areas;
- h) all hard and soft surfacing materials;
- i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- k) retained historic landscape features and proposed restoration, where relevant.

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

18. i) All soft landscaping as approved under the condition above shall be carried out in the first planting and seeding season following the first occupation of any building within the development or the substantial completion of the means of access into the development whichever is the sooner, or otherwise in accordance with such phasing as may be approved the condition above.

ii) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.

iii) Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

iv) All hard landscaping as approved under the condition above shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

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

19. i) No development of buildings in any Zone shall take place above ground floor slab level until full details and samples of the materials to be used for the external walls and roofs for that part of the development have been submitted to and approved in writing by the local planning authority.

ii) Development shall not be carried out other than in accordance with the so- approved details.

REASON: In order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area and in order to secure a high quality of design to make a positive contribution to the site and its surroundings and show consideration for its local context.

INFORMATIVE: The details to be submitted under this condition shall include for example, product

literature, photographic examples and rendered building elevation drawings (submitted electronically in pdf format) and shall reflect the principles set out in the approved Design & Access Statement Addendum.

20. i) No development shall commence on site until a Scheme for the discharge of surface water from the site based upon the principles and hierarchy of sustainable drainage has been submitted to and approved in writing by the Local Planning Authority.

ii) No part of the development shall be first occupied until surface water drainage has been constructed and provided in accordance with the so-approved scheme.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that a site-wide drainage scheme is provided to serve the Phased development to ensure that the development can be adequately drained in the interests of controlling flood risk.

INFORMATIVES:

The details to be submitted under part (i) of this condition must include a detailed drainage drawing/s that include the surface water drainage network and a plan showing exceedance routes for overland flooding.

Where the drainage arrangements within a particular Zone of development are unknown, the details to be submitted under part (i) of this condition shall include points of connection for the Zone to the site-wide drainage system.

The Scheme, and details to be submitted, shall demonstrate that there will be no flooding within the site up to and including the 1 in 30-year rainfall event (with allowance for climate change). Calculations must be based upon a MADD factor of 0m³ /ha.

Drainage drawings shall be labelled with pipe numbers used within the model to allow cross-referencing between the model and drawing

The Scheme must also identify clear arrangements in place for ownership and ongoing maintenance of SuDS over the lifetime of the development in the form of a Care Ownership and maintenance schedule.

With regards the control of surface water discharges from greenfield sites, Wiltshire Council as Lead Local Flood Authority requires post development discharges to provide 20% betterment over predevelopment discharges for both peak flow and volume.

21. i) There shall be no occupation of any part of the development until full details of a LTN1/20 compliant cycle and pedestrian path to be provided around the perimeter of the site to be constructed to Wiltshire Highways adoptable standards, have been submitted to and approved in writing by the local planning authority.

The path will include a link to connect directly into the internal site road, Horton Road and Public Footpath BCAN6, in general accordance with drawing 21-056-SGPSITZZ- DR-A-131001 / P04.

ii) There shall be no occupation of any part of the development until the path has been constructed and made available for public use in accordance with the so- approved details, and it has been offered for adoption as public highway.

iii) Until adopted, the path shall remain available for use by the public at all times.

REASON: To provide for non-vehicular connectivity to and around the site in the interests of facilitating sustainable means of travel, the amenity of the area and in accordance with the development template for the site

22. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses (including asbestos) has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) - A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) - If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) - If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant

shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To reduce the risks associated with land contamination in accordance with Core Policy 56 of the Wiltshire Core Strategy.

23. i) No deliveries shall be made to or collections made from the development hereby permitted except between the hours of 07:00hrs and 23:00hrs.
- ii) No operations, including loading and unloading, shall take place anywhere on the development hereby approved between the hours of 23:00hrs and 07:00hrs except within buildings.
- iii) Commercial vehicles, including forklift trucks, shall only be started up, manoeuvred, operated, loaded or unloaded outside the buildings between the hours of 07:00hrs and 23:00hrs.

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

24. i) Before the occupation of each individual building, a Scheme of Acoustic Insulation and Noise Control for that building shall be submitted to and approved in writing by the Local Planning Authority.

The Scheme shall demonstrate the rating level (LArTr) of sound emitted from all fixed machinery, plant and processes associated with the unit shall be no greater than the

noise levels set out in the Noise Limits table included at section 4.3.3 of WSP Noise Impact Assessment Assessment Project No. 70086639-108, October 2022, for properties on the south side of Horton Road and properties along Wellington Drive.

The measurements and calculations shall be made in accordance with the methodology of BS4142:2014 +A1:2019. The assessment position will be at the boundary of the nearest noise sensitive receivers.

ii) The Scheme shall include provision for a post installation noise assessment to be carried out within 3 months of completion of the individual building to confirm compliance with the noise criteria above, and for any additional steps required to achieve compliance with the criteria specified in part (i) of this condition shall be taken as necessary. The Scheme shall provide for full details of any such additional steps and the results of the post-installation noise assessment to be submitted in writing to the local planning authority prior to first use of the building.

iii) The approved Scheme shall be implemented in full before first use of the relevant building and the Scheme shall be so-maintained and operated at all times thereafter so as to comply with the noise criteria specified in part (i) of this condition.

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

25. i) No extraction systems that disperse emissions from industrial processes to the atmosphere shall be fitted to any building as hereby permitted until a Scheme of works for the control and dispersal of atmospheric emissions, in particular dust, odours, fumes, smoke and

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

ii) Any so- approved Scheme shall be implemented in full before the unit is first brought into use and shall be maintained in effective working condition at all times thereafter.

REASON: In the interests of the amenities of the area.

26. i) Prior to first occupation of any Zone of development a Lighting Scheme for that Zone of development shall be submitted to and approved in writing by Local Planning Authority in accordance with the Institute of Lighting Professionals Guidance notes for the reduction of obstructive light.

The Scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone E3 in the ILP document "Guidance notes for the reduction of obtrusive light" (reference 01/20).

ii) Before first use of a so-approved lighting Scheme, and before first use of the relevant Zone of the development, there shall have been submitted in writing to the local planning authority an assessment report of a suitably qualified member of the Institute of Lighting Professionals conforming that the lighting Scheme as installed conforms to the standard specified in part (i) of this condition.

iii) The Scheme shall thereafter be permanently retained and maintained and operated so as to conform to the standard specified in part (i) of this condition, and no other external lighting shall be installed within that Zone, or in any areas outside the Zones identified pursuant to the conditions above.

REASON: In the interests of the amenities of the area and the setting of the nearby North Wessex Downs AONB to minimise unnecessary light spillage above and outside the development site.

27. i) No part of the any Zone of development shall be brought into use until a Green Travel Plan for the uses within that Zone, in broad accordance with the submitted Framework Travel Plan, has been submitted to and approved in writing by the Local Planning Authority.

ii) The Travel Plan for each respective Zone shall include details of implementation, monitoring and review and shall be implemented in accordance with the so-approved details.

iii) The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of minimising vehicular traffic to the development in the interests of air quality and traffic management in accordance with the Devizes Transport Strategy.

28. i) No development shall commence on site of any identified Zone of development until details of the roadways, footways, footpaths, verges, junctions, street lighting, , visibility splays, including the timetable for the provision and phasing of such works in relation to each Zone have been submitted to and approved in writing by the Local Planning Authority.

ii) The development shall not be occupied until these details have been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that suitable access is provided into and within the site In the interests of highway safety and convenience.

29. i) Notwithstanding the provisions of Section 55(2)(f) of the Town and Country Planning Act 1990, Article 3(1) of the Town and Country Planning (Use Classes) Order 1987, and Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any equivalent provisions in any Act or statutory instrument revoking or re-enacting the Act or Orders with or without modification), the development shall be used solely for purposes of Use Class B2 (General Industrial), Use Class B8 (Storage and Distribution) and Use Class E (Commercial, Business and Service) (g) (i-iii). The development shall not be used at any time for any other purposes (including any other purposes in the above Use Classes).

ii) The level of floorspace provided under this permission for storage or distribution purposes within Use Class B8 (ie when not ancillary to B2 or E uses) shall not exceed 50% of the gross floorspace of the development (as identified pursuant to condition 1 above), or 10,000 square metres, whichever is the larger.

REASON: To allow the local planning authority opportunity to consider the merits of any proposal for use of the site other than as set out in the application and to ensure that employment potential of the site is not adversely affected by a predominance of storage and distribution use.