

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	9th December 2015
Application Number	15/04763/FUL
Site Address	Parsonage Way, Chippenham, Wiltshire
Proposal	Proposed Construction of Car Park and Storage Area
Applicant	Wavin Limited
Town/Parish Council	Langley Burrell
Division	Kington
Grid Ref	392671 174687
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The Application was called in for Committee determination by Councillor Greenman to consider the impact of the proposed development on the character and appearance of the locality and neighbouring residential amenities. In addition paragraph 6.13 of the Wiltshire Core Strategy recommends that applications of this nature be determined at Planning Committee rather than under delegated powers.

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.

2. Report Summary

13 representations received in total from neighbouring residents and Langley Burrell Residents' Association including multiple representations by several parties. Langley Burrell Parish Council objects to the proposals and has also made multiple submissions.

The issues under consideration include:-

- Principle of Development and conformity with the Development Plan
- Impact on the Character and Appearance of the Locality
- Impact on Heritage Assets
- Impact on Neighbouring Residential Amenities
- Highways Impact
- Impact on Rights of Way
- Archaeology
- Drainage
- Ecology

3. Site Description

The site comprises 4.53 hectares of relatively flat open agricultural land featuring mature and well established field boundaries with on site mature trees. The site is crossed by a right of way with further rights of way to the north and west. A rail line is situated to the east. Parsonage Way is situated to the south with a stream running immediately adjacent and north of the road between it and the application site and the Meads Heath Causeway / B4069 road running adjacent to the west. To the north of the site is the Grade II* Listed Building Kilverts Parsonage, further to the north are the villages of Kington Langley and Langley Burrell. To the south of Parsonage Way lies the established employment area which includes the main Wavin Factory site.

The site lies outside the defined framework boundary of Chippenham in open countryside and is not allocated for any form of development. The site is not subject to any nature conservation or other designations but is within an area of known archaeological potential and has features/habitats of potential ecological value.

4. Planning History

14/10828/FUL	Factory Extension of 8200sqm with Nine Storage Silos, Construction of Two Linked Storage Warehouses of 1300sqm, Extension to Existing Warehouse of 600sqm and Provision of Temporary Office Facilities	Approved
15/00017/FUL	Creation of Temporary Car Parking Hardstanding.	Withdrawn

5. The Proposal

The proposal is for the erection of a car parking area and for outdoor storage falling with the B8 use class along with ancillary works and development. The ancillary elements include two new accesses at the eastern and western ends of the site; an internal road; drainage; 4m high landscaping bund and planting; portakabins to be used as offices and a WC block.

The proposal is the second phase of development at the Wavin site and facilitates the first phase which is the approved and partially implemented extension of the main factory. This extension was approved under application reference 14/10828/FUL and resulted in the reduction of on-site external storage and parking necessitating the provision of these facilities to service the main factory off site.

An application for temporary parking provision immediately to the north of and adjoining Parsonage Way and south of the current application site was submitted to provide for the necessary parking facilities. This application was withdrawn due to timescales and on site constraints.

6. Planning Policy

Screening Opinion

Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 schedule 2 Section 10 Industrial Estate Development projects exceeding 0.5 hectares may require an Environmental Impact Assessment (EIA) to be undertaken where development is likely to have significant effects on the environment by virtue of factors such as its size, nature or location. The supporting guidance to the regulations contained within

Circular 2/99 identifies that an EIA may be required in relation to developments falling within Schedule 2 and meeting the defined criteria where:-

- a. for major developments which are of more than local importance;
- b. for developments which are proposed for particularly environmentally sensitive or vulnerable locations; and
- c. for developments with unusually complex and potentially hazardous environmental effects.

As of 6 April 2015 revised EIA regulations came into force and amended the thresholds set out in Schedule 2 of the regulations. With respect to Section 10 developments the new regulations specify a site area criterion of 5 hectares instead of the previous 0.5 hectares. The site area identified in the application form is 4.53 hectares and so is below this threshold and as such would not fall to be considered EIA development.

National Planning Policy Framework (NPPF)

Paras 14 17 19 21 32 56 61 64 65 103 109 118 123 125 128 129 131 132 135

Wiltshire Core Strategy Jan 2015

CP1 CP2 CP10 CP34 CP50 CP51 CP57 CP58 CP60 CP61 CP62 CP65 CP67

Chippenham Site Allocations DPD

Section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

7. Consultations

Two phases of consultation were undertaken in relation to the initial application submission and revised plans respectively. The revised plans related to the site layout and landscaping details and responded to concerns raised by interested parties during the first phase of consultation. In addition to this further information was requested and submitted with regard to site specific matters and constraints e.g. archaeology and drainage. The following summarises the position following the second phase of consultation and the provision of additional information.

Spatial Planning

Officers raised no objections to the scheme proposals on policy grounds and identify that Chippenham is a Principal settlement in the Core Strategy. Chippenham is a pivotal location in both the M4/Great Western main line corridor and the A350/trans-Wilts crescent. The site is located within the A350/Trans-Wilts crescent and in this respect it relates to the priority objectives of the SEP and accords with the economic led approach to development at Chippenham.

The existing Wavin site is located within the Parsonage Way Industrial Site which is identified as a Principal Employment Site in the Core Strategy. Principal employment sites are considered to be critical to the role of settlements in Wiltshire including Chippenham. In order to maintain a reasonable balance between jobs and homes to encourage self containment, principal employment sites should be protected from alternative uses with their continued use and intensification for employment uses encouraged. Employment developments that are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements are acceptable. The proposed development is an extension to the existing site and arises from the strategic business decision for the Chippenham site to focus on manufacturing the groundwater management products which necessitates the reworking of onsite operations and a greater

storage capacity. The current proposals comprise the second phase of development at the Chippenham site and are in accordance with WCS Core Policies CP34 and CP35.

The proposed site is on the edge of Chippenham. Core Policy 51 Landscape is relevant. Other officers will comment on this matter in more detail.

The route of the new distributor road linking the A4 to the A350 which forms part of the proposals in the Chippenham Sites Allocations Plan pre-submission document may include Parsonage Way. Therefore it is important that these current proposals by Wavin are designed appropriately. Other officers will comment on this matter in more detail.

Policy considerations are discussed in more detail under the section headed Principle of Development and the Conformity with the Development Plan in the main body of this report.

Highways

No objection subject to condition requiring construction of the accesses in accordance with details to be submitted and approved. Officers identify that in the future waiting restrictions and related orders may be necessary on Parsonage Way but that these are not necessary at present.

Landscape

Support the scheme proposals subject to conditions requiring submission and agreement of a Landscape Management Plan; implementation of the approved landscaping scheme; and submission of detailed design proposals for the approval of the LPA for the construction of the eastern road access and culverted watercourse

Public Protection

No objection subject to condition restricting hours of operation during construction and no burning of materials on site.

Ecology

Supports the scheme proposals subject to a condition requiring submission and agreement of a Landscape and Ecological Management Plan

Archaeology

No objection subject to a condition requiring recording of archaeological interest during construction.

Conservation

The proposals will have a less than substantial harmful impact on the setting of the Grade II* Listed Kilverts Parsonage. Officers consider that the benefits of the scheme proposals including proposed landscaping mitigation and use of conditions outweigh the less than substantial harm identified. No harm to the Langley Burrell Conservation Area is identified. Consequently no objection is raised subject to conditions requiring muted colours for the lighting columns and limits to the hours of operation of the floodlighting.

Drainage

No objection and no conditions required.

Trees

No objections subject to a condition requiring the submission and agreement of an arboricultural method statement.

Rights of Way

Support the scheme proposals including the proposed diversion of LBUR22.

Historic England

Identified that the proposals would result in some harm to the setting of a heritage asset (Grade II* Kilverts Parsonage) and that this harm should be weighed against other planning considerations and any benefits arising from the scheme proposals.

Natural England

No comments

Chippenham Town Council

No objection but concerns raised regarding 24 hour operation of the floodlighting and requested that this be turned off whenever possible.

Langley Burrell Parish Council

Multiple representations submitted. Following the submission of revised plans the Parish Council objected to the scheme proposals on the following grounds:

- The revised bund height of three metres (max) is in our view wholly inadequate and insufficient - this will not give adequate visual screening or noise attenuation. A **minimum** height of four metres is required, as offered by the Company at the site briefing on 25th June. The four metre bund is a necessity for such a development within the "rural setting and landscape" of existing listed buildings as well as its close proximity to a Conservation area. The visual impact is irreversible and will create significant change and damage to the rural aspect of the village.
- Revised tree planting makes no provision for planting of mature trees - this is necessary to give some softening of the visual impact in the short term before the main planting scheme matures.
- No restrictions on night-time vehicle movements are mentioned. Although it is noted the new fork-lift trucks are claimed to be quieter, this does nothing to address the noise of lorry movements on and off site which will have an impact on local residents no matter how well screened the site is.
- No cognisance has been made of the noise of lorry compressors offloading bulk materials which has been raised before. This involves stationary lorry engines running powering lorry mounted compressors for long periods (duration often in excess of two hours at a time) at irregular intervals, 24 hours a day, 7 days a week, and is particularly disturbing at night times and weekends when there is a lower ambient noise level. This high frequency drone will not be effectively absorbed by the bund or vegetation, as the adjacent silo structures reflect the sound at high level. It is accepted this is a pre-existing issue, but the frequency is likely to increase dramatically as the factory output increases. It is noted additional silos are proposed within the expansion scheme.
- No approach has been made to the Maud Heath Trust in regard to the intended breaching of the ancient Causeway (a scheduled Ancient Monument) where the new vehicular access to the B4069 is proposed.
- The additional breach of the B4069 presents additional hazards for cyclists and pedestrians using the B4069 and Maud Heath Causeway to and from Chippenham.
- The Transport Analysis gives no consideration to the implications of the Chippenham Site Allocations Plan insofar as that Plan assumes Parsonage Way will be subsumed into the "northern/eastern bypass". That road in itself will generate additional traffic from Monkton Park Estate, Rawlings Green, Pewsham and areas east of Chippenham, heading for the A350 and M4 Junction 17.
- The potential traffic impact on the already overloaded and highly dangerous B4069 (used as a "rat-run" to M4 J17) will be intolerable. This has been ignored.

- The impact of the additional vehicular and pedestrian accesses on the future "bypass status" of Parsonage Way has been ignored.
- Currently Parsonage Way is used for car parking by Wavin employees in addition to the on-site parking. The current proposals simply replace the existing onsite parking, with no provision for the parking area on Parsonage way, which will have be lost once this becomes a through route.
- The proposals include for the extinguishment of part of Footpath 22. Extinguishment of public footpaths is reprehensible and contrary to the spirit of Core Policy 52, and also in contravention of NPPF 75 "*Planning policies should protect and enhance public rights of way and access...*".
- Site Lighting - we note that Chippenham Town Council has raised no objection. There is no acknowledgement whatsoever of the concerns raised by the Langley Burrell Parish Council, in whose Parish the development would take place. This Council's views should be much more relevant than those of the Town Council, as the site lighting will have a far greater impact on the largely unlit rural environment than on the relatively well lit town environment.

8. Publicity

Langley Burrell Residents Association and various local residents have made multiple submissions of objection. The following summarises the matters raised:-

- Factual errors and inaccuracies in the application submissions and inconsistencies with submission made in relation to recent applications at the principle site. Consequent difficulty in making accurate and comprehensive representations.
- Existing site operates 24 hours per day 7 days a week which is anti social and results in harm to residential amenities due to noise.
- The site and the activities proposed to take place including vehicle movement will be highly visible and prominent in the locality.
- The proposed landscaping is inadequate.
- Will cause harm to the setting of Listed Buildings.
- Harm to the character and appearance of Langley Burrell and its Conservation Area.
- The current proposal would not in itself generate additional employment or result in significant benefits to the community, the benefits are solely to Wavin.
- Noise and light pollution resulting in harm to residential amenities and the character and appearance of the locality and setting and character of heritage assets.
- Loss of the rural character of Langley Burrell.
- Harm to local highways conditions for residents, cyclists and walkers (concerns raised in context of Parsonage Way becoming part of the Eastern Link Road)
- Loss of green space
- Loss of property values and transfer of Parish Land to Chippenham (Officer comment:- these are not material planning considerations)
- Inadequate off road parking to serve the Wavin site
- Harm to right of way which is an historic route
- Inclusion of Parsonage Way as part of the Eastern Link Road will result in significant increase in traffic in the locality resulting in a major adverse effect. The applications proposals do not acknowledge, reflect or account for this change in circumstances and are in conflict with the proposals i.e. road crossing to the main site; conflicting access arrangements/proximity of junctions and site access
- Ecological assessment inaccurate, there will be harm to local habitats and fauna.
- Increased risk of flooding
- Loss of green belt (Officer Comment :- The site is not located within a designated Green Belt)

- The Eastern Link road including Parsonage Way should be the barrier to the northern extent of Chippenham
- Conflict with Wiltshire Spatial Strategy Policies including CP2 CP34 CP51 CP52 CP57 CP60 CP61 CP62
- Conflict with the NPPF e.g. paras 109 & 123
- Langley Burrell Parish Council and the community are preparing a Neighbourhood Plan and input to date from the community opposes further expansion of Chippenham northward.

Further to the above representations various objectors sought amendment to the scheme proposals to include significantly greater landscaping including a higher and longer bund; use of already mature plant species; use of a greater quantity of evergreen plant species; provision of a railhead terminus and restrictions on the hours of operation and floodlighting between 12pm and 6am.

9. Planning Considerations

Principle of Development and conformity with the Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act states that “*determination must be made in accordance with the plan unless material considerations indicate otherwise*”. Paras 2 & 11 of the NPPF reiterate and confirm this requirement. This is the starting point for determination from a policy point of view. The Wiltshire Core Strategy is the current development plan. The emerging Chippenham Sites Allocation DPD is also a relevant material consideration in this respect.

CP1 defines the settlement strategy and spatial vision for the locality it identifies Chippenham as a principal settlement and as such a strategically important centre and primary focus for development. Further that the principal settlements provide significant levels of jobs and homes meeting their economic potential in the most sustainable way to support better self containment. CP2 identifies that development outside the limits of development will not be permitted other than in circumstances as permitted by other policies in the WCS, in that respect CP34 ‘Additional Employment Land’ is relevant and this is addressed further below.

The existing Wavin site is located on land within the Parsonage Way Industrial Site which has been identified as a Principal Employment Site in the Wiltshire Core Strategy (CP 10). Principal employment sites are considered to be critical to the role of settlements in Wiltshire including Chippenham. In order to maintain a reasonable balance between jobs and homes to encourage self containment, as set out in Core Policy 35 Principal employment sites should be protected from alternative uses with their continued use and intensification for employment uses encouraged.

Currently Parsonage Way forms one of the boundaries for the existing settlement boundary Chippenham. The proposed site is located adjacent, but outside to the settlement boundary. The Core Strategy permits additional employment land over and above that allocated in the Core Strategy on land outside principal settlements in specific circumstances. For proposals outside principal settlements, Core Policy 34 is the key policy consideration. This permits such development proposals subject to a range of criteria. Criterion (i) is particularly relevant in this respect, which states developments that “*are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements will be supported*”. The proposal for an extension to the existing site accommodating a new storage area and ancillary car parking directly accords with and meets this requirement.

Criteria (v) and (vi) require that the development meet sustainable development objectives, be consistent in scale with the location and not adversely affect nearby buildings or the surrounding area or detract from residential amenity. These matters are addressed in more detail under subsequent section headings but it is considered that the development proposed accords with these criteria subject to the use of appropriate conditions as recommended in this report and agreed by the applicant. Criteria (vii) requires that there be evidence that the proposals are required to benefit the local economic and social needs and it is considered that the proposals in supporting the expansion of a key local employer within Chippenham providing employment in the industrial sector meets this requirement. Given the nature of the proposal (for additional storage and car parking) as an extension of an existing safeguarded employment site to meet the needs of an existing occupier it is not considered to undermine the delivery of other strategic employment allocations. Criteria (viii) requires that the proposal does not undermine the delivery of strategic sites and given the limited scale and nature of development proposed (associated with an existing employer) this criterion is considered to be satisfied. Finally, criterion (ix) requires development to be supported by adequate infrastructure and this is considered to be the case.

Policy CP10 also provides the policy for the Chippenham Site Allocations Plan. The Chippenham Site Allocations Pre-submission Draft Plan identifies three sites to deliver the housing and employment requirements set out in Core Policies 2 and 10. This was submitted for examination in July 2015. Two of these sites are located east of the Wavin employment site and the proposals include a new distributor road linking the A4 with the A350. The proposed new road would connect with the new road proposed as part of the North Chippenham development and could include upgrades to Parsonage Way. Therefore a consideration for this application is to ensure that these current proposals by Wavin are designed appropriately so as not to prevent the distributor road being delivered and being built to the necessary standards and compromise the potential future delivery of strategic growth in the area. It should be noted that the public examination hearings into the submitted Plan have been suspended in order to undertake further work to address the Inspector's concerns. However, the proposal has been designed not to prejudice any proposals relating to the delivery of strategic growth at Chippenham required under CP10 and therefore it is not considered that there is a prematurity issue in this case.

At the national level paras 19 and 21 of the NPPF clearly establish the Government's very strong and clear support for economic and employment generating development. Again it is considered that the proposals, in supporting the expansion and growth of an established key employer within the industrial sector with existing facilities within the defined settlement of Chippenham meet these objectives. In this context it is also important to note the guidance and requirements of paras 19 & 21 that employers and employment related development should not be over burdened by unrealistic expectations and requirements. This is also considered to demonstrate the very strong support at national Government Level for employment development in sustainable locations such as principal settlements like Chippenham.

The Neighbourhood Plan for Langley Burrell is at an early stage of preparation and does not provide a basis for determination of the application.

Given the above it is considered that the development is acceptable in principle and not in conflict with the spatial strategy as set out in the relevant policies of the adopted development plan.

Impact on the Character and Appearance of the Locality

The site is located in the open countryside outside the framework boundary on relatively flat land on the northern boundary of Chippenham adjacent to a main entrance route to the town. Roads pass by the site to the west and south, a rail line passes by to the east and

there are public rights of way to the immediate north. The site is therefore visible in the immediate locality and in short distance viewpoints. The site does feature well established mature boundary hedgerows of a significant scale and there are mature high quality trees on site and on adjoining land. These existing landscape features provide a significant level of existing screening to the site especially in medium to long distance views.

It should be noted that the development involved is surface level parking and outdoor storage of products on racking systems. The development will however require the provision of floodlighting in order to support operations. The proposed height of the lighting is 5 metres. Officers have raised concerns in this respect regarding impact on the character and appearance of the locality, heritage assets and residential amenity. Consequently officers sought a reduction in the height of the lighting columns from 5 to 4 metres. The applicant has proposed lighting which is directional, down lighting and away from adjoining dark open countryside areas and the nearest residential properties. This meets the Institute of Lighting Engineers guidance as to impacts in this type of location – rural countryside. The applicant has also submitted information which demonstrates that the additional height is required to avoid distracting glare to HGV drivers operating within the site. The internal access road is located adjacent to the floodlighting and reduction to 4 m would result in light glare to HGV drivers raising health and safety concerns. In addition the applicant has agreed to proposed conditions restricting the use of the floodlighting to specific hours which would limit visual impact during hours of darkness. It is also important to note that the site whilst currently unlit is seen in the context and setting of the adjacent industrial / employment land which operates 24 hours a day 7 days a week and is well lit alongside existing road lights on the adjacent B4069. It is considered that the design and layout of the lighting in conjunction with the proposed condition provides sufficient mitigation to minimize impacts and reduce harm sufficiently that permission should not be refused on this basis.

The development involving outdoor storage and vehicular movement from HGVs and staff parking will result in a clear change in the character and appearance of the site. As noted above the site is visible in short distance views. Given the outdoor nature of the storage and the current character and appearance of the site and the surrounding locality it is considered that the visual impact requires mitigation in order to be acceptable and appropriate. To this end the applicant proposed a landscaped and planted earth bund to the north of the site of 2 metres in height. Officers raised concerns in this respect re: impact on the character and appearance of the locality and the setting of the Grade II* listed building. Amendments were sought to increase the scale of the bund and include a wider mix of planting to ensure year round coverage and early establishment. The applicant submitted revised proposals increasing the scale of the landscape bund to 3m in height which necessitated greater width at the base alongside the requested wider variety of planting. In addition the extent of the bund at either end (e & w) was also increased to provide greater site screening from the surrounding locality and greater integration with existing mature hedgerows and trees on and adjacent the site. Landscape and Conservation officers having reviewed the revised scheme proposals now raise no objection and consider that the revised landscaping and planting proposals provide sufficient mitigation to address visual impacts such that permission should be granted and not refused in this respect.

Impact on Heritage Assets

The Conservation Officer and Heritage England were consulted in respect of the development proposals. Concerns were raised regarding the impact on the setting of the Grade II* Listed Kilverts Parsonage given the change to the open character of the land to the south of the designated heritage asset. Officers sought amendments to the landscape and scheme lighting proposals to address these concerns as is set out above. Following the submission of scheme revisions and additional information officers raise no objection subject to the use of conditions. In this context it is considered that any harm is less than substantial in relation to the guidance contained within the NPPF. Where there is less than substantial

harm this has to be weighed against the public benefits of the proposal. In this case there are clear public benefits arising from the development proposal in that it supports the retention and expansion of a major local employer in a key employment sector providing economic and social benefits to the local community. It is considered that these benefits alongside the mitigation proposed through the landscaping scheme and the use of conditions outweighs any harm to the setting of the designated heritage asset and that refusal on grounds of harm to the heritage asset would not be reasonable. In this context it is also considered that the proposals and the benefits arising could not be achieved in a way at this location that would result in no impact.

Given the distance of separation and intervening landform and existing mature trees, field boundaries and buildings it is not considered that the proposed development will have an impact on any designated Conservation Area.

It is not considered that the proposals will have any harmful impact on the Meads Heath Causeway and the Council's Archaeologist has not identified any objections or concerns in this respect.

Impact on Neighbouring Residential Amenities

The proposed development is approximately 162 metres distant from the nearest residential property. Conditions restricting the hours of operation and the use of floodlighting are proposed and have been agreed by the applicant. The proposals are set within the context of the operation of the current site immediately to the south which operates on an unrestricted basis and ambient noise and lighting disturbance from roads in the locality. The proposals are the subject of significant proposed landscaping and planting. Local resident objections have been submitted in respect of potential noise disturbance and light pollution. In support of this objectors identify that amenities are disturbed by the current operations at the adjacent principle employment site. Given the mitigation proposed including the conditions mentioned, which accord with requested conditions by some objectors, alongside the use of noise limited fork lift vehicles on site and the landscaping proposals it is considered that the development would not result in an additional level of impact over the current situation such that permission should be refused on this basis. In this context it is important to consider the social and economic benefits arising from the development. This phase 2 scheme supports the expansion and retention of a major local employer in the industrial sector providing much needed local employment opportunities for a range of social groups but in particular young males at a time when such traditional employment opportunities for this group have contracted. In this context it is considered that the additional impacts over and above the existing situation are relatively limited, are the subject of effective mitigation and are significantly outweighed by the benefits arising from the scheme proposals. It should also be noted that the Council's Public Protection Team has not raised objections to the scheme proposals and proposes limited use of conditions.

Highways Impact

The submitted scheme proposals are supported by a Transport Statement and Design and Access Statement in accordance with NPPF guidance and the Council's WCS policies. The Council's Highways Engineers have reviewed and considered these submissions and consider the submission to be accurate and appropriate to the development proposed and consequently raise no objections to the scheme proposal subject to the use of a condition. The proposals are considered to provide sufficient parking provision and will not have a significant detrimental or harmful impact on the highway network. It is also important to note that the scheme proposals allow for and support the expansion and retention of an existing key local employer located within the principal settlement of Chippenham, thereby supporting self containment and reducing the need to travel through out-commuting to employment opportunities in other locations. This is in direct accord with the requirements of the WCS policies referenced above and a significant scheme benefit that should be weighed

in the balance. With respect to the future role of Parsonage Way as part of the eastern link road for Chippenham Officers identify that in the future waiting restrictions and related orders may be necessary on Parsonage Way but that these are not necessary at present. As such officers raise no objection to the scheme proposals in relation to the future role of Parsonage Way.

Impact on Rights of Way

The proposed development site features an existing right of way that runs north / south through the site and links Chippenham and the wider right of way network beyond. The right of way however runs to the southern boundary of the site and then onto the road network. It is not considered that the route in and of itself provides a clear and important major right of way linkage between the residential area of Chippenham and the open countryside. It is accepted that for security reasons and the safety of rights of way users the route would need to be diverted given the scheme proposals and site orientation, scheme layout and position of the right of way. The question then arises as to whether or not the right of way could be diverted within the site itself. Given security requirements this would require security fencing either side of the route which would not be conducive to creation of an attractive and usable right of way. It is considered that whilst the diversion onto the adjacent pathway adjoining the road is not ideal it is necessary and the impact is relatively minor given the short length of right of way (approx 134 metres) involved and its functionality at present. In this context it is again necessary to consider the benefits that arise from the development proposed and these are considered to outweigh the relatively minor impact identified. Rights of Way officers have in this context raised no objections to the scheme proposals but identify that a diversion order will be required.

Archaeology

The application submissions were supported by a desk top archaeological assessment and geophysical survey of the site given known potential in the locality. The geophysical survey identified potential buried archaeology within the site and Officers consequently requested trial trenching investigations be undertaken to identify any archaeological interest. That investigation has been completed and submitted for the consideration of the Council's Archaeologist. The report identified some finds of interest and proposes appropriate mitigation in the form of detailed recording of any finds during development. The Council's archaeologist supports this conclusion and recommendation and raises no objection to the scheme proposals subject to use of a condition. It is considered that the impact of development on this buried heritage asset will be less than significant and outweighed by the benefits of development. As such it is not considered that the scheme proposals should be refused on this basis.

Drainage

Given the known conditions in the locality and the presence of a stream in close proximity to the site, alongside the scheme proposals for installation of hard surfacing, the Council's Drainage Engineers requested detailed drainage strategy proposals and assessment calculations as to surface water run-off. The applicant team has submitted the requested information and this has been assessed by Drainage Officers. It is considered by Drainage Officers that the drainage scheme proposals are appropriate and will adequately address surface water drainage requirements to the extent that no additional details are required and no conditions proposed in this respect. Given the need for WC facilities on site and no existing foul drainage connections a standard condition is proposed in this respect. Consequently it is considered that the scheme proposals include adequate provision for drainage such that flood risk would not be increased elsewhere and there is consequently no conflict with development plan policy or national guidance.

Ecology

The Council's Ecologist supports the scheme proposals including the protection of existing features of potential as ecological habitat including boundary hedgerows and trees during and after development. Similarly the lighting scheme design is considered to protect the potential interest of the site for bat foraging areas. In reaching this conclusion officers have fully considered the findings of the Ecological Assessment and the concerns raised by interested parties alongside known ecological potential in the locality such as badgers and bats. Appropriate conditions requiring the submission of an Ecological and Landscape management plan to secure the future management of the site in a manner that protects ecological interest and secures the appropriate and necessary landscaping and its maintenance are proposed subject to which support is expressed for the scheme proposals. Natural England makes no comment in respect of the scheme proposals.

10. Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*".

Paras 2 & 11 of the NPPF reiterate and confirm this requirement. This is the starting point for determination from a policy point of view. The Wiltshire Core Strategy forms the local component of the current development plan. The emerging Chippenham Sites Allocation DPD is also a relevant material consideration in this respect.

It is considered that the development proposed will result in significant economic and social benefits. The proposals are related to the previously approved expansion plans at the principle Wavin factory site. The proposals will result in a change to the character and appearance of the locality; diversion of a right of way; change to the setting of the Grade II* listed Kilvert's Parsonage but it is considered that these impacts are appropriately and adequately mitigated through scheme landscaping proposals and the use of conditions. It is similarly considered that other impacts on interests of acknowledged importance such as highways, archaeology, ecology, residential amenities are both relatively limited and adequately and appropriately mitigated through landscaping proposals and the use of conditions. In this context it is considered that benefits of the proposals outweigh the identified impacts and that the development is in accordance with the adopted development plan.

RECOMMENDATION

Approval subject to conditions

FULL PLANNING PERMISSION -COMMENCEMENT 3 YEARS

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

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

APPROVED PLANS

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

C14930 - C001 Revision D Surface Water Drainage Strategy
683-01D Landscape Proposals

Received 26/08/15

CHIP PH2/FOOT Footpath Diversion
CHIP PH2/RED Site Location Plan
CHIP PH2/OFF Office and WC Layout
CHIP PH2/TOPO Topographical Survey
14930/AT01 B Swept Path Analysis
Received 20/05/2015

Design and Access Statement
Ecological Survey
Flood Risk Assessment
Ground Investigation Report
Lighting Report
Tree Constraints Report
Archaeology Assessment
Transport Statement
Received 20/05/2015

Archaeological Investigation
Received 22/10/2015

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

GROUND LEVELS

Prior to the commencement of the development hereby permitted details of proposed ground levels on the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details. Details can be submitted and approved in phases for identified parts of the site/development hereby permitted.

REASON: In the interests of visual amenity.

DISPOSAL OF SEWERAGE-SUBMITTED & IMPLEMENTED

No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

DISPOSAL OF SEWERAGE -IMPLEMENTED

The development hereby permitted shall not be first brought into use until the approved [sewage disposal] [drainage] works proposed have been completed in accordance with the submitted and approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

RESTRICT HOURS OF FLOODLIGHTING

The floodlight(s) hereby approved shall not be illuminated outside the hours of 05:00am in the morning and 11pm in the evening from Mondays to Sundays. The floodlights shall not be illuminated at any time on Bank or Public Holidays.

REASON: To minimise the impact of the floodlight(s) and in the interests of the amenity of the area.

RESTRICT HOURS OF USE

The B8 Stockyard use hereby permitted (excluding the use of the staff car park) shall only take place between the hours of 05:00am in the morning and 11pm in the evening from Mondays to Sundays. The use shall not take place at any time on Bank or Public Holidays.

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

RESTRICT TO (SPECIFIED) USE

The site shall be used for B8 Storage and Distribution and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

ARBORICULTURAL METHOD STATEMENT

No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2012
- A schedule of tree works conforming to BS3998.
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;

- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

CONSTRUCTION / DEMOLITION

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interests of the amenity of the locality.

LANDSCAPE DETAILS

Prior to the commencement of development submit detailed design proposals for the approval of the LPA for the construction of the eastern road access and culverted watercourse. Submitted information shall include full details of trees and areas of shrub which will require removal; The route alignment and specification of temporary tree protection fencing in relation to retained trees; Details of existing, and proposed levels; Detailed cross sections through the proposed access road embankment and watercourse culvert; Full planting details to include proposed location and specification of; seed mix, shrubs and trees.

REASON: In the interests of the visual amenity of the area.

LANDSCAPING TO BE CARRIED OUT & MAINTAINED

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the land or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, commencing from the date of notified completion of the approved landscaping scheme to the LPA, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the B8 Stockyard development and excluding the car park hereby approved being first brought into use 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.

LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Description and evaluation of features to be managed;
- b) Landscape and ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over an (5) year period;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

LIGHTING COLUMNS

Notwithstanding the submitted details the lighting columns and head covers shall be finished in a matt mid grey colour and maintained as such thereafter.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

HIGHWAYS – ACCESS DETAILS

The development hereby permitted shall not be first brought into use until the accesses have been constructed in accordance with details submitted to, and approved in writing by, the Local Planning Authority. The accesses shall be maintained as such thereafter.

REASON: In the interests of highway safety.

WL26 SECURE ARCHAEOLOGICAL INVESTIGATION

No development shall commence within the area indicated [top part of the southern field (trenches 5 and 6) Context One Archaeological Field Evaluation Dated 22/10/2015] until:

a) further archaeological recording (strip, map and record excavation) of this area has taken place and a report of the process and findings has been submitted to and approved by the Local Planning Authority.

REASON: To enable the recording of any matters of archaeological interest.

INFORMATIVES:

WP6 ALTERATIONS TO APPROVED PLANS

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

WP12 DIVERSION OF RIGHTS OF WAY

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer on 01225 713392.

WP13 PUBLIC SEWERS

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

WP17 COST OF BUILDING RECORDING/ARCHAEOLOGICAL WORK

The applicant should note that the costs of carrying out a programme of archaeological investigation and recording will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

WP18 PERMISSION NOT AUTHORISING WORK ON LAND OUTSIDE THE APPLICANT'S CONTROL & PARTY WALL ACT

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

WP19 BADGERS ACT

The applicant should note that there may be badger setts in the vicinity of the site, and as a consequence compliance with certain requirements and provisions of the Badgers Act 1991 may be necessary. If this is the case the applicant is advised to contact Natural England who are responsible for issuing licences relating to development on the site of badger setts.

WP20 WILDLIFE AND COUNTRYSIDE ACT

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

WP21 WORKS TO HIGHWAY – CONSENT REQUIRED BY HIGHWAY AUTHORITY

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

WP31 MATERIAL SAMPLES

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

Appendices: None

Background Documents Used in the Preparation of this Report:

National Planning Policy Framework
Planning Practice Guidance
The Town and Country Planning (Environmental Impact Assessment) Regulations 2011
Circular 02/99 Environmental impact assessment
Wiltshire Core Strategy Adopted Jan 2015
Chippenham Site Allocations Development Plan Document Submission Draft July 2015
Application Documentation