

WILTSHIRE COUNCIL STRATEGIC PLANNING COMMITTEE

Date of Meeting	21st September 2016		
Application Number	N.13.00308.OUT		
Site Address	Land at Showell Farm, Patterdown Road, Chippenham		
Proposal	Outline Application for Employment Development Comprising 50,000sqm, Incorporating Class B1(b), Class B1 (c), B2 with Ancillary B1 (a), B8 and Ancillary B1 (a) Uses Including Means of Access, Car Parking, Servicing, Associated Landscaping and Works.		
Applicant	Crest Strategic Projects Ltd		
Town/Parish Council	Lacock/Corsham		
Electoral Division		Unitary Member	Councillor Tonge
Grid Ref	390778 171115		
Type of application	Outline		
Case Officer	Charmian Burkey	01249 706 667	Charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

Under the Scheme of Delegation Specific to Planning, this application falls to be considered by the Strategic Planning Committee by reason of it being a large-scale major application which, by its nature would raise issues of more than local importance.

The item was previously reported to Strategic Committee on 30th July 2013 and received a resolution to grant planning permission. The requisite S106 agreement was not completed and the policy framework surrounding the site has changed so that it is necessary to report the matter back to Strategic Committee.

1. Purpose of report

1.1 To assess the merits of the proposal against the policies of the development plan and all other material considerations, and to consider the recommendation that planning permission should be granted subject to the signing of a S106 agreement within 6 months of Committee and with the conditions listed. In the event that the S106 is not completed within the 6 month timeframe allow Officers to assess progress and determine whether planning permission should be refused on the grounds of not achieving the required infrastructure commitments.

2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development/policy setting.
- Access & Highways.
- Effect on landscape setting of area.
- Effect on listed buildings on site and the Heritage Asset.
- Ecology
- Design, appearance and layout
- Amenity of local residents.
- Sustainability.
- Other matters.

The application has generated 14 letters of comment from local residents – 13 raising objections and 1 in support. Lacock Parish Council strongly objected to the original application. Corsham Town Council supports the application.

Lacock Parish Council has sent in revised comments maintaining their strong objection to the proposal, but in recognition that this view may not be supported, has asked that the S106 agreement is amended to include provision of a cycle/pedestrian link from the site entrance on Patterdown to the Lackham Roundabout.

3. Site Description

The application site lies south west of Chippenham about 2 miles from its centre and 6.5 miles from J17 of the M4 motorway. The site is 18ha in size and is mainly open fields and hedgerows with the A350 bounding the site to the south west, the B4528 (Patterdown Road) to the north east and the railway line to the north-west. The grade II listed complex of buildings of Showell Farm lie to the south.

To the east of the site, on the other side of Patterdown Road, is Rowden Park a proposal for mixed use development (14/12118/OUT) which is also contained on this agenda.

4. Relevant planning history

98/02692/OUT – Construction of a business park incorporating B1, B2 & B8 uses, on site facilities, park and ride and means of access – Dismissed at Appeal.

99/00450/OUT – Construction of a food processing factory with ancillary storage/staff welfare and office accommodation plus loading and car parking. – Dismissed at Appeal.

5. Proposal

The proposal for consideration is in outline and is for 50,000sqm of employment development incorporating Class B1b (ie research and development), Class B1c (ie industrial process), B2 with ancillary B1 (a ie office other than financial or professional services), B8 & ancillary B1 (a) together with associated access, servicing, landscaping and car parking.

The access arrangements are for a new roundabout onto the A350 and pedestrian/cycle access onto the Patterdown Road.

Additional planting (including a bund along the southern boundary) is proposed.

A revised parameters plan has been negotiated, which reduces the heights of the buildings from 12-15m in height down to 10-12m in height on 3 out of the four plots and 8.5m on the 4th. There is also a revised plan showing a reduction in the height of the bunding whilst maintaining sufficient height in the landscaping.

6. Planning Policy

National Planning Policy Framework (NPPF)

The NPPF was introduced in March 2012 as a principal material consideration in the determination of planning applications. It identifies the presumption in favour of sustainable development at para 14 as a 'golden thread' running through plan making and decision taking. Conceptually, the NPPF confirms the following :

- The need to plan positively to meet the development needs
- the need to support sustainable economic growth in priority areas

- the status to be afforded to the development plan,
- development management issues

Wiltshire Core Strategy

The Wiltshire Core Strategy (WCS) was adopted by the Council in January 2015. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Annex 1 of the NPPF, the WCS including those policies of the North Wiltshire Local Plan that continue to be saved in the WCS (Appendix D) constitutes the main part of the statutory development plan relevant to this case.

The WCS introduces a housing requirement for the period to 2026 presented by Housing Market Areas.

Core Policy 1 and Core Policy 2 of the WCS set the foundations for how 'sustainable development' is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. The delivery strategy seeks to deliver future development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 178 ha of new employment land and at least 42,000 homes.

Chippenham is identified within the WCS as a Principal Settlement which acts as a strategically important employment and service centre for a number of villages in the Community Area and settlements beyond. Chippenham is to be a focus for development (Core Policy 1).

Core Policy 2 sets out the delivery strategy for Wiltshire in the period 2006-2026. This is to be delivered in a sustainable pattern, in a way that prioritises the release of employment land and previously developed land. At least 42,000 homes are to be delivered in Wiltshire, with 24,740 of those required in the North and West Housing Market Area. No strategically important employments or housing sites are identified in Core Policy 2 for Chippenham. The policy states that outside the 'limits of development', as defined on the Policies Map development should only be permitted where it is identified through a plan led approach or exceptional circumstances defined at paragraph 4.25, including Core Policy 34 'Additional Employment Land'.

Core Policy 10 (CP10) of the WCS identifies the level of housing and employment growth appropriate for Chippenham. The housing requirement is at least 4510 homes in the town itself, with the employment land at 26.5Ha. CP10 also sets out the intention to prepare a Chippenham Site Allocations Development Plan Document (DPD), which seeks to identify land for employment and "at least 2625 dwellings" (once existing completions and commitments have been taken into account). The DPD will also set out a range of facilities and infrastructure necessary to support growth.

Criteria are included in CP10 to guide development, in addition to the other provisions contained within the Core Strategy. They have been included to give direction to the preparation of the Chippenham Site Allocation DPD but could also provide a useful set of benchmarks against which planning applications may be measured. The criteria relate to:

- Economic led growth
- Town centre resilience and accessibility
- Mixed use development and mix of housing
- Major infrastructure and traffic impact
- Environmental constraints

Several policies within the WCS are relevant when considering this planning application. They are referred to within the report where necessary, but include:

- CP1 (Settlement Strategy)
- CP2 (Delivery Strategy)
- CP3 (Infrastructure Requirements)

- CP10 (Spatial Strategy: Chippenham Community Area)
- CP34 (Additional Employment Land)
- CP41 (Sustainable Construction and Low-Carbon Energy)
- CP43 (Providing Affordable Homes)
- CP50 (Biodiversity and Geodiversity)
- CP51 (Landscape)
- CP52 (Green Infrastructure)
- CP57 (Ensuring High Quality Design and Place Shaping)
- CP58 (Ensuring the Conservation of the Historic Environment)
- CP61 (Transport and new development)
- CP62 (Development impacts on transport network)
- CP63 (Transport strategies)
- CP66 (Strategic transport network)

Saved policies of the North Wiltshire Local Plan 2011 (NWLP)

Several policies within the North Wiltshire Local Plan (2011) have been saved and continue to be relevant to this application.

- NE14 – Trees and the Control of New Development
- H4 – Residential Development in the Open Countryside
- CF3 – Provision of Open Space

Chippenham Site Allocation Development Plan Document

The CSAP DPD has been submitted to the Secretary of State for Examination. The CSAP identifies mixed use land opportunities necessary to deliver at least the scale of growth required by Core Policy 10 of the WCS.

The CSAP hearings were suspended by the Inspector on 11th November 2015. In responding to the Inspector's concerns over the site selection procedure, the Sustainability Assessment and deliverability of identified development sites, the Council undertook a schedule of work including public consultation. The hearing sessions recommence later this month. The Proposed Modifications arising from the schedule of work mean that only two strategic allocations are now proposed in the CSAP – South West Chippenham (including the current application) and Rawlings Green. Although the suspension of the hearings has introduced a delay to the process, the evidence prepared to support the Plan in the form of topic specific evidence papers linked to the CP10 criteria in the WCS remains relevant. Notwithstanding this, little weight can be attributed to the policies in the CSAP at this stage as it is the subject of unresolved objections and the examination into these has yet to be concluded.

Notwithstanding the progress with the DPD, the criteria included within CP10 could, however, equally be applied to the consideration of planning applications.

Employment Development at Chippenham

Planning for economic growth is central to the strategy as set out in the Wiltshire Core Strategy. The WCS is focused on delivering stronger, more resilient communities, by managing future development to ensure that communities have an appropriate balance of jobs, services and facilities, and homes. Past employment growth in Wiltshire has not kept pace with housing, resulting in high levels of out commuting. The plan strategy aims to redress this imbalance and to support a more sustainable pattern of development within Wiltshire. Strategic Objective 1 is delivering a thriving economy.

The best opportunities for sustainable development and economic growth are those places with the highest concentration of jobs, people and services, such as the Principal Settlements.

Chippenham is identified as a Principal Settlement It is also a pivotal location in both the M4/Great Western main line corridor and the A350/trans-Wilts crescent, two of the three zones identified by the Swindon and Wiltshire Local Enterprise Partnership for the focus of economic activity over the next few years.

Although the town is an attractive location for employers there continues to be significant levels of out-commuting and there is currently a shortfall of suitable land for employment growth in the town. As a result a priority is to ensure appropriate economic development takes place to prevent existing and prospective employers moving elsewhere¹ and provide more opportunities for local people to work locally. Recently, improvements have been made to the A350 which will benefit Chippenham by improving journey times. These improvements will particularly benefit employment sites near to the A350.

The strategy for Chippenham in the Wiltshire Core Strategy is based on delivering significant job growth to help improve the self-containment of the town. At Chippenham new employment provision is a priority to help redress the existing levels of net out commuting and attract new investment.

7. Summary of Consultation Responses

Corsham Town Council state that the site has good transport links and provides needed employment land.

Lacock Parish Council - Original comments - strongly objected to the proposal for the reasons set out below. The Parish Council has subsequently stated that whilst they adhere to their previous comments, they are aware that the Council may grant planning permission. They ask that if this is the case that the S106 (which already includes a link via Patterdown to Chippenham) can be extended to Lackham Roundabout to achieve the following:

The extension will also provide community benefits of:

- (a) A dedicated foot and cycle access for students from Chippenham who are studying at Lackham College.
- (b) A dedicated foot and cycle access between Chippenham and the Showell hamlet for local residents.
- (c) A dedicated foot and cycle access between Chippenham and Lacock for residents of these two communities.
- (d) An alternative cycle route for the Reading to Bath Sustrans route that it currently closed at Naish Hill.

From the Parish Council's initial observations, the extended foot and cycle path could easily be accommodated on the eastern verge of the B4528 which, for most of its length, is significantly wider than the proposed road verge from the site through Patterdown to Chippenham. The proposed route is shown on the attached plan.

Original comments – object and comment on the relevance of the planning history of the site where there are 2 called in applications. One relates to an outline planning application in 1998 for the construction of a business park, the other to the construction of a food processing factory. In refusing the applications the Secretary of State referred to a number of reasons but the ones most relevant to this application are:

- i) The site is regarded as open countryside being on the far side of the railway embankment, which defines the urban boundary of Chippenham. Development would

¹ WCS Paragraph 5.45 and 5.46 Page 57

- represent a harmful encroachment in this area which makes a significant contribution to the rural gap between Chippenham and Lacock.
- ii) The site is not well served by public transport, access by foot is ruled out and cycling is unattractive along the Melksham Rd and potentially hazardous.
 - iii) The proposals conflict with the setting of the Grade II listed buildings at Showell farm.

The contention by the applicants is that the proposal is significantly different as it is now allocated.

The parish council cannot accept that the site should be allocated and has lodged an objection. It maintains that development of Showell would lead to a harmful encroachment into the open countryside. The railway marks the south boundary of the urban edge of Chippenham and as the embankment is such a huge physical feature, nothing can change this demarcation.

Whilst the area covered by this application is slightly smaller, it will still have an adverse effect on the listed buildings.

Planning policy – the Council's plan 2011 confirms the Inspector's view that the land is in the open countryside. The Core Strategy is an emerging plan which is subject to Examination in Public. They consider it premature to determine the present planning application in advance of the Inspector's findings.

The issue of the site being poorly served by public transport and being unattractive to alternative means of transport cannot be overcome by the current application which requires other potential applications for housing to provide and/or contribute to the infrastructure. As there is no guarantee that this will be delivered, this is a further reason to justify refusing this application. The planning report makes a comment on p39 at para 5.69 that there are justified reasons to refuse the application on transportation grounds. Presumably this refers to not only their comments but that it could be regarded that the positioning of a new roundabout on the A350 so close to Lackham roundabout is unsatisfactory

The Council is concerned about deficiencies in the scope of the visual impact assessment in that there is a lack of photomontages at the time the proposed development is completed. In particular, there is no photomontage from Viewpoint 1 from the B4528.

Whilst appreciating that the application is in outline, there is concern about potentially unimaginative design for the development. There is also concern for plot 300 with the potential for development of the area having a particularly damaging effect on the visual amenity of the surrounding area.

The Council considers the application to be premature as there is no need for the employment space due to the large number of vacant premises in Chippenham.

Wiltshire Council Highways - Originally objected to the application in 2013 on sustainability grounds. However, Following a meeting out on site and topographical surveys, are now satisfied that a reasonable route for pedestrians can be provided within the controlled land (highway verge), providing for a serviced path, the majority of which could be 2m in width. There are limited lengths of road where a reduced width of circa 1m is all that can be achieved. The provision of a surfaced route that connects with the existing paved footway of Patterdown Road would be sufficient to render an objection on the grounds of sustainability indefensible, and a matter that could, in the absence of any other objection be dealt with by way of a planning obligation.

Originally, also objected to the proposal on the grounds that the proposed access off the A350 is contrary to Policy 62 of the Core Strategy. The need for the access has not been demonstrated to be overriding of the policy. There is already a superfluous number of roundabouts between Malmesbury Road and Lackham roundabout. Another roundabout would adversely affect the efficiency of the route, contrary to CP66, which seeks selective improvements.

The Emerging Chippenham Transport Strategy states “*It is considered essential that the strategic role of the A350 be protected*”. Although the A350 link between Chequers and Lackham roundabout is not the busiest, its Strategic role must be protected. He considers that protection includes strictly observing CP62 so that journey times are not increased unnecessarily, as the cumulative impact over time will be severe.

The comments on the applicant’s rationale to overcome CS policy 62 as follows:

- The economic case to override the policy is not independent, and there is no justification to support the view that the marketing advantages of a site junction on the A350 should subjugate the policy
- The argument that Showell Farm and the adjacent housing site in this section of the A350 is not accepted. The built-up reference is as much to do with the physical attributes of the road and the prevailing conditions on it eg The speed limit. The logical extension of this would extend to any development proposal involving buildings, on any non built up length of the Primary Road Network (PRN) outside of the built up area.
- The agent argues that the access off the A350 allows a gateway site which can compete in the sub-regional market (with Swindon in particular). However, without the access the site is viewed as secondary which puts it in a much larger pool for a still limited number of occupiers. These occupiers are unlikely to meet the lending criteria in this economic climate to make the development viable or to meet the funds required for a new build when there is an ample supply of second hand property. With access on the A350, deliverability is approx. 5 years. Without it, there is no time limit if it is deliverable at all. Highways comment that the report which states this is not independent and the nature of the development is that it won’t attract passing trade. It is also noted that the master plan does not show buildings with direct access off the A350, but from roads leading off the principal internal road.
- The agent comments about the proposal delivering a twin roundabout system replicating the 3 other junction arrangements along the A350, adjacent to the built up/urban area of Chippenham. Highways state that the reference to twin roundabouts is misleading as although there are junctions close together, those junctions which don’t serve the main radial routes for Chippenham were necessary to serve major development (which in a large part funded the western bypass) as there was no other reasonable alternative.
- The agent states that Patterdown Road is unsuitable for HGVs as it is a rural route with listed buildings fronting it. However, highways consider that as the road was formerly part of the PRN, its structure is sufficient to accommodate the proposed development.
- The agent writes that there will be no delays at the proposed junction and therefore there will be minimal impact on proposed journey times. However, Highways respond by saying that whilst delays for individual vehicles may be described as minimal, there will nevertheless be delays, caused by traffic having to slow down to 30mph throughout the roundabout (a design prerequisite), and by some traffic having to yield. The effect at the Lackham roundabout, should the site access from the B4528, would involve only the yield element of delay to A350 traffic.

However, on re-consultation and following the Committees’ original decision to resolve to approve the application, confirm that the works for the roundabout will be controlled by the LHA by way of a s278 agreement.

It is also pertinent to note that since the original resolution, the highways team has dropped an objection to a new residential development at Westbury where the only objection was that a new access onto the A350 was being proposed, contrary to policy CP62. It is accepted that for highways reason for refusal to be justified on the grounds of CP62, the NPPF tests of harm should be demonstrated in each case.

Highways England - They draw attention to circular 02/2013 which deals with the Strategic Road Network and sustainability. They note that J17 of the M4 is already experiencing problems of capacity at peak times with queuing occurring back on to the main line road at times. This is a

severe safety issue and further development at Chippenham will exacerbate this contrary to the advice in Para 9 of circular 02/2013.

Additional modelling work has been undertaken by Highways England to demonstrate the impact of the additional development at Chippenham. The work demonstrates that the junction cannot accommodate growth at Chippenham without mitigation work.

The TA submitted with the application was carried out in 2012 and forms the evidence base for the application. Highways England were consulted on the pre-application and requested that any increases in traffic at J17 were reported within the TA. Concerns about the west bound off slip were already evident at this time.

Highways England do not consider that this application is supported by an up to date an robust TA given that the evidence is over 3 years old and that there have been changes to national, local policy, traffic conditions and local development. It would be expected that revised TA was submitted.

However, they consider the trip generation appears reasonable with trip distribution being based on 2001 Census Journey to Work data and converted to an agreed zone system for testing in Wiltshire Council's Chippenham Transport Model (S-Paramics). Trip generation has been based on the CTM. Highways England do not approve of the use of this model for testing of the impact of this development impact at J17 M4 and no appendices supporting the TA have been made available to Highways England or to the Planning website. It is therefore not possible for Highways England to determine if the trip generation, distribution and assignment results are appropriate. However, were Highways England to assume the TA parameters were accurate, the proposed development would result in an additional 86 two-way vehicle movements at J17 M4 during the morning peak period and an additional 77 additional two-way vehicle movements in the evening peak. This is a significant increase, particularly in the light of the evidence that the junction currently operates at over capacity during network peak periods. Therefore, it is HE's opinion that the traffic flows associated with the proposed development would exacerbate peak hour mainline queuing unless mitigated.

HE have been working in partnership with Wiltshire Council to identify the transport infrastructure required to accommodate planned local growth to the 2026 Local Plan horizon and have agreed in principle hat a modest signalisation scheme for the junction off-slips provides appropriate mitigation.

HE recommends that for any additional sizeable development sites to be granted permission in Chippenham, inclusive of Showell Farm, it would be reasonable to require that developments are not occupied or brought into use until such time as the signalisation scheme described above, is in place and operational.

They recommend a Grampian style condition to achieve this. *No more than 6000sqm gross floor area of the land use class B1(b)/B1(c)/B2 industrial, 930sqm of B8 distribution and 5,100sqm of B8 warehousing (or a variation on these levels of development so as not to exceed 78 two-way vehicle movements in the AM Peak (0800-0900) and 84 two way vehicle movements in the PM peak (1700-1800) based on trip rates set out in the Peter Brett Associates Transport Assessment (December 2012) in table 6.1 (B1(b)/B1(c)/B2), table 6.2 (B8 Distribution) and Table 6.3 (B8 warehousing) shall be occupied until the M4 J17 Improvement scheme as shown on Atkins drawing numbers WHCC_OS-ATK- HGN -T07178- DR- D- 0001 Revision P01.5 dated 14/01/16 and WHCC_OS - ATK - HGN -T07178 - DR - D – 0002 Revision P01.4 dated 14/01/16 is completed and open to traffic.*

Reason: To ensure the safe and effective operation of the strategic road network.

Wiltshire Council Conservation – Originally expressed concerns about the impact on the setting of the listed farm buildings. In relation to the revised parameters plan now submitted that reduces

the heights of the proposed buildings and bund, notes that these amendments address the original objections. The harm caused by these proposals on the setting of the heritage assets would be less than substantial but the public benefits of the development may outweigh the harm caused, therefore the proposed development would be in accordance with policies outlined in the NPPF.

Wiltshire Council Landscape - Originally concluded that he did not raise an 'in principle' objection for the proposed use of the site as employment land but the scale of some of the proposed buildings, promoting B8 warehouse and distribution use, were considered to be detrimental to the identified landscape sensitivities and ultimately the capacity for the site and adjoining landscape to accommodate change sensitively. Following submission of the revised parameters plan, the Councils landscape officer has welcomed the proposed reduction of building heights, especially for the eastern plots, the introduction of building exclusion zones and the increased width of landscaping treatment along the site's eastern boundary.

Wiltshire Council Environmental Health Officer - the lighting report is thorough and aims to achieve a high standard of protection to the surrounding environment, in that it is designed to minimise sky glow, glare and light intrusion. Having said this it is acknowledged that bringing new development into an agricultural landscape will introduce new light sources. The applicant has submitted a higher standard than required in ILP E1 zoning which would be expected in AONBs and National Parks. Whilst targeting this higher standard the cumulative effect is likely to lead to an ILP E2 zoning criteria. This should be conditioned.

There is unlikely to be any contamination on site but a condition requiring a desk top investigation is required. Also conditions about what to do if contamination is found, is required.

The Noise from vehicles information is based on sound methodology and vehicle noise would not be considered to impact unacceptably on the residential properties nearby.

Wiltshire Council Ecologist - An updated ecological survey was submitted which raises no new concerns and the original recommendation for the imposition of various planning conditions remains. Comments that the site is predominantly arable fields of relatively low ecological value. However, these are bounded by a network of predominantly species-rich hedgerows, with the exception of a species poor hedgerow in the north of the site which support several mature standard trees. All hedgerows are ecologically valuable and all qualify as BAP habitat. All species rich hedgerows would be removed by the proposals and all species poor ones retained. As mitigation it is proposed to provide a buffer for retained trees and hedgerows, while the proposed landscaping would comprise mainly native species on the southern and eastern margins of the site and the management, creation and enhancement of hedgerows are proposed in order to improve their ecological value. Other recommendations for habitat creation and enhancement within the ecology report include green roofs, Sustainable Urban Drainage Systems and 'wildlife corridors'.

Protected species :-

- Great Crested Newt – A breeding population is present to the north east of the site although the breeding pond is 400m away. A pond to the north-west could not be surveyed. Proposed mitigation includes retention and enhancement of the hedgerows network and creation of wildlife corridors through the site.
- Dormice – hedgerows provide a suitable habitat but there is no evidence of use. The site will be enhanced by planting of berry bearing shrubs.
- Breeding birds- 29 species were recorded including red and amber listed birds. Mitigation includes removing species rich hedging outside the breeding season and the retention and creation and favourable management of all other hedgerows; the creation of wetland features.
- Wintering birds – 26 species were recorded including 3 amber and 4 red listed species and large flocks of field fare and redwing, predominantly using hedgerow habitats. Proposed mitigation includes the retention, creation and favourable management of hedgerows.

- Reptiles – populations of slow worm and grass snake were recorded on the site. Mitigation includes the creation of new hedgerows with a wildflower grassland margin on either side.
- Invertebrates – Potentially valuable habitats are limited to hedgerows. It is proposed that part of the hedgerow network would be retained and new hedgerow planting would be created/enhanced for invertebrates.

Surveys did not reveal any roosts for bats although some trees have the potential to support roosts as do the nearby Showell Farm and Showell Cottages (not surveyed). Activity surveys recorded 12 species of bat foraging and commuting through hedgerows including the rare Bechenstein and Greater Horseshoe Bats; this is notable given the location of the site and the habitats present and it has been assessed as being of regional significance for this species assemblage. Leisler's bat has also been recorded, which is very rare in Wiltshire.

The current proposals will involve the removal of most of the existing hedge network and this is likely to have an adverse effect upon the bats' use of the site and also make most of the site unsuitable for light sensitive species. It is proposed to mitigate this by the planting of new hedgerows/woodland belts around the southern and eastern margins of the site, which should provide alternative foraging habitats and commuting routes around the site once matured, although routes through the site would be lost for all species except pipistrelle, noctule, serotine and Leisler's bats. The bats are considered to be most likely to enter/leave the site to the east and south. The route to the east would be retained, but the route to the south would be lost as a roundabout has been located on this commuting route. The proposals would have a negative effect upon the gap and light sensitive bats.

Consideration of the Statutory tests in relation to bats concludes that although the development will have negative effects on some species of bats, the effects upon these species at a population level would not be likely to constitute a disturbance under Article 12 of the Habitats Directive and that there would be no likely significant effects upon the Bath and Bradford Bats SAC which might require appropriate assessment under Article 6.

The main impact of the development is clearly the loss of the mature species rich hedgerow network and the effects its loss would have on the species associated with it. The layout removes most of the hedgerows and it may take up to 10 years for the hedges to reach sufficient maturity to support the current assemblages of species. For some the disturbance would be experienced for several generations. It is therefore recommended that the existing mature species-rich hedgerow network be translocated to the margins of the plots. This would significantly reduce the ecological impacts of the development in the short term.

The retained and replacement hedgerows will also require a buffer in order for it to function properly as a wildlife corridor. This is shown in most areas but must be extended across the site. It is recommended that a 5m ecological buffer is established between all hedgerow/woodland areas and all hardstanding/buildings; this ecological buffer should comprise of predominantly wildflower grassland/SUDS features with scattered woody specimens. The site is easily large enough to accommodate these features which can be secured by way of a planning condition.

The success of the mitigation strategy will be reliant upon securing favourable management of the ecological features across the site at an early stage and throughout the life of the development. An ecological Monitoring and Management Plan should set out the parameters for the creation of ecological features to be addressed through reserved matters applications and landscaping schemes, and set out a mitigation and monitoring scheme to be implemented alongside the development, ensuring the effective delivery of the proposed compensation and enhancement measures.

Suggested conditions to relate to:

1. Implementation of all recommendations of the submitted ecological reports.
2. Translocation of the existing species rich hedgerow network to landscaped areas within the site.
3. A 5m ecological buffer between all hedgerow/woodland habitat and hard development.

4. A lighting scheme and lux plan.
5. An ecological monitoring and management plan.

Environment Agency - no objection in principle due to its location in Flood Zone 1. However, due to the scale of the development, failure to maintain surface water drainage schemes could result in flood risk elsewhere. They consider that the management and maintenance of surface water drainage scheme may be more appropriately addressed in a S106 agreement.

Wessex Water – no objection.

Wiltshire County Archaeologist - Recommend that a programme of archaeological works is carried out in advance of construction as investigations in 2004 uncovered the remains of a pre-historic settlement in the northern area of the site. However, not all the redline area has been subject to archaeological investigation.. Conditions are recommended. The development site is likely to contain highly significant archaeological remains. The northern part of the site has had some previous excavation, but not the whole site. A programme of archaeological work will need to be secured by a condition attached prior to the grant of planning permission. Trial trenching etc was undertaken between 1999 – 2005.

Wiltshire Fire and Rescue - Request a contribution of £24k towards their services. However, this is not supported by full policy backing and is not being pursued.

8. Publicity

The application was advertised by site notice and neighbour consultation. Because of the recommendation, the application has been advertised as a Departure.

The key consultees have also been re-consulted and any updated responses reported.

14 letters of objection have been received (including the Showell Protection Group and one from a planning consultant. All letters are available in full on the file and the web) and 1 letter of support. Summary of objectors' key relevant points raised:

- Premature.
- Unsustainable. Poor bus service. Will encourage car journeys.
- Does not comply with NPPF especially sections 2 & 4.
- Undeliverable due to access.
- Undeliverable due to lack of local demand for the unit sizes being promoted.
- Contrary to the Inspector's decision of 14 years ago.
- Coalescence with Lacock.
- Congestion already and the number of roundabouts between here and junction 17 of the M4.
- Effect on landscape quality of the area.
- The Inspector at the EiP was presented with arguments for the spatial allocations to the south west of Chippenham fundamentally undermine the Plan and are in themselves unsound. The proposed development at Showell Farm will not fulfil the strategic objectives of the Core Strategy but will frustrate them.
- The creation of a new employment only zone outside the settlement boundary will create jobs in a remote location causing more out commuting and cause inevitable decline in the town centre due to pressure to develop a new local centre.
- The spatial site allocation is based upon a wholly unsound premise that it is a mixed use site with functional land linkages between the two. The application is premature and should demonstrate genuine mixed use credentials.
- The proposal will inevitably include a B1 element and this will make the sequential assessment near impossible and will lead to a negative impact on the town centre.

- The site is allocated in the Wiltshire and Swindon Minerals Waste Development Framework Proposals Map (2009), which suggests the land is within a mineral safeguarding area.

Objection from representative of other Chippenham Site known as East Chippenham submitted by Chippenham 2020. (The application number is 15/12363/OUT and has been registered but is not yet determined).

In response to the application they have supplied a 60 page letter of objection and evidence from a “Heritage Places” a company specialising in advice for the historic environment. This is available in full on the website. In summary the overall finding is that their critical analysis demonstrates that Wiltshire Council’s strategic policy context for Chippenham, which framed its strategic area and site selection process itself were seriously flawed in terms of consideration into heritage issues. They allege that the conclusions reached by Wiltshire Council and its reasoning for selection of Area E as the first preferred strategic area for development and, with it, option E2 as the preferred site, accordingly, were and are unsound. In particular the policy formulation process and the manner in which it has been applied are in contravention of the duties imposed on the Council under the Planning (Listed Buildings and Conservation Areas) Act 1990. By extension, determination to grant planning permission to any application for development based on the Council’s decision on selection of Area E as its first preferred strategic development area and Option E2 therein must also be unsound.

In respect of this application, the comments can be summarised as follows: The Showell Farm application was developed around a very restricted view of the nature and value of the local historic environment. Its heritage Assessment concluded that only 3 heritage assets – the listed buildings at Showell Farm – needed to be considered. Its archaeological assessment apparently found that the site was without interest, although the County Archaeologist is on record as saying that it contained a pre-historic settlement, is archaeologically sensitive and has significant potential for further discoveries. The critical analysis has shown the applicant’s heritage assessment to be badly flawed in key respects and deficient as regards the requirements of para 128 of the NPPF. The Senior Conservation Officer appears to have responded to the application with a “light touch” making limited (but still important) criticisms of its heritage content/approach and has subsequently accepted further design changes in mitigation of significant harm which leave in place design elements that she specifically identified previously as contributing to that level of harm. No evidence has been found on the Council’s online planning website to indicate that the Council has recognised, explored and/or resolved the serious difference in understanding an interpretation of the baseline archaeological conditions and potential that appears to exist between the County Archaeologist and the applicant’s archaeological assessment. While the Council has contended that it has met its duty under S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay ‘special regard to the desirability of preserving’ the 3 listed buildings of Showell Farm and their settings and significance, the finding of this critical analysis is that this may well not be the case in the respect of other listed buildings and equally that it has failed in its duty to pay ‘special attention..to the desirability of preserving or enhancing the character or appearance’ of Rowden Conservation Area under S72 of the same act.

A further letter of objection was received which criticised the updated Heritage Statement submitted by SLR in February 2016. The criticism was that it had a number of misquotes from letters from Heritage England including the date of the EH response as 29th January 2015 instead of 26th January 2015.

9. Planning Considerations

9.1 Principle of development

In planning policy terms, the application site is located outside of the limits of development for Chippenham. Core Policy 2 states that development outside of the limits of

development of existing settlements will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or neighbourhood plan. The exceptional circumstances are set out in paragraph 4.25 of the Core Strategy.

Core Policy 34 does allow for additional employment land to come forward outside the principal settlements where the development seeks to retain or expand businesses currently located within or adjacent to the settlement (criterion i) or are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the Council (criterion iv). As stated above, employment land is needed to provide for existing businesses as well as attracting additional outside investment into the town. The proposal is for a range of employment uses on a greenfield site at the town in an accessible and attractive location for businesses. It is part of a proposed allocation in the Site Allocations DPD, but currently, little weight can be attached to this. In these circumstances, the proposal could be seen as being in conflict with CP2 of the development plan, but an exception can be made where a proposal is in line with CP34.

The WCS identifies Chippenham as a principal settlement which is to be a focus for both housing and employment development and it is clear that most of these needs will have to be met beyond the settlement boundary. Core Policy 10 requires 26.5 hectares of employment and to be delivered at the town by 2026. This need for further employment land to provide for the sustainable growth of the principal settlement, providing jobs for those moving into the new houses in and around the town is a pressing one, as very little new employment land has been delivered since 2006 and the plan period from 2006-2026 is half way through. The town suffers from out-commuting to Swindon, Bath and Bristol, and this can only be tackled if high quality employment land can be provided closer to hand. In these circumstances, it is considered that the need for a principal settlement to provide employment land is a significant material consideration and could be determined as in compliance with Core Policy 10 and Core Policy 34 due to the current shortfall of employment land and the nature of the proposal.

9.2 **Prematurity**

PPG advice on the issue of prematurity is as follows:

“Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.” (PPG 21b/14)

Given that the emerging Site Allocations DPD makes several strategic allocations of which the application site forms part of one and the granting consent on the application may pre-empt the Site Allocations Inspector’s consideration of the merits of the site. It “may pre-empt” because even if Members resolved to approve the application, it is not certain that the necessary legal agreements would be signed to enable a permission to issue in advance of receipt of the EiP Inspector’s Report.

There is, however, no rule of law that a development control decision cannot pre-empt a

decision by an Inspector charged with a Local Plan examination. The application is not in conflict with the Site Allocations DPD but rather it is consistent with it. Moreover, as is made clear in the “Planning Balance” section below, the proposals bring forward a much needed large scale employment site befitting of Chippenham as a Principal Settlement, which make the proposal acceptable in its own terms and justify approval of this application now.

9.3 **Access & Highways.**

The proposal is for access from the A350 bypass by way of a new roundabout. The roundabout can be designed to accommodate any future duelling of this road. The layout of the roundabout with the road as it is and the plans supplied are acceptable on highway grounds.

The site lies between the A350 and Patterdown Road and it was expected that access would be off Patterdown Road at a junction which also serves the new housing site. However, the applicants have shown an access from the A350, citing that this is necessary from an economic point of view to attract the “primary” users who are both required to fund the site and also to be the calibre of occupiers that Chippenham needs to compete with other centres. The roundabout will be approximately 400m from the Lackham roundabout.

Core Strategy Policy 62, which continues the tenor of policy T8 of the Wiltshire and Swindon Structure Plan 2016 (originally saved although now revoked), states that: *proposals for new development should not be accessed directly from the national primary route network outside built-up areas, unless an overriding need can be demonstrated.* In the supporting text the exceptions will only be made where the type of development is such that it requires primary route location, such as a roadside service facility. The roundabout junction is therefore contrary to this policy. However, the advice in the NPPF is that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. As there is no highway safety issue identified, it is considered that reliance on CP62 as a reason for refusal in this case does not satisfy the requirements of the NPPF and cannot be sustained.

In terms of accessibility, the applicants propose to deliver a temporary path alongside Patterdown to link into existing footways and cycles paths to town. Highways agree that the path is deliverable to a satisfactory standard. On this basis they do not object on sustainability grounds subject to a legal obligation about the delivery of this temporary route

Highways England has stated that J17 of the M4 is already exceeding capacity, but have acknowledged that this can be addressed via a condition attached to any approval.

9.4 **Effect on landscape setting of area.**

The landscape officer has given a comprehensive report on the submitted Landscape and Visual Impact Assessment – available in full on the file. There is no in principle objection. The proposed reduction in building heights as shown on the revised Parameters Plan (reduced to a maximum of 12m to the north and 10m to the south) together with in principle reduction in height to the proposed bunding to the south, is welcomed by the landscape officer. The landscaping is indicative at this stage but gives an indication of the native structure planting proposed on a reduced height bund. Ordinarily bunding would not be encouraged, but if carefully contoured, it will help hide the lower sections of the building whilst the landscaping matures.

There is no escape from the fact that the built form will form a new urban edge to the new southern boundary of Chippenham, but these effects can be reduced in part by structure planting and by the use of colour and form of the buildings to help break up and filter views.

The proposed building form will be visible from some far vantage points, but in the context that Chippenham is identified as a principal settlement for growth, it is not considered that this is a significant enough reason to warrant a refusal, especially as any alternative employment site is also likely to have some impact.

The final appearance of buildings can be controlled by means of planning conditions and at the reserved matters stage.

9.5 Effect on listed buildings on site and the Heritage Assets.

Evaluation on the impact of any development on heritage assets is set out in firstly the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and secondly the advice in the National Planning Policy Framework (NPPF), in particular paragraphs 133 and 134.

Section 66(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

Section 72 of the Act contains similar requirements with respect to buildings or land in a conservation area. In this context 'preserving' means doing no harm.

The policy guidance in paragraph 133 of the NPPF is clear in relation to a development proposal which will lead to *substantial harm* or total loss of significance of a designated heritage asset. In such cases, planning permission should be refused unless it can be demonstrated that the substantial loss or harm is necessary to achieve substantial public benefits that outweigh that harm or loss, or all the conditions set out in paragraph 133 apply.

Paragraph 134 states that where a proposal will lead to *less than substantial harm* to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use.

Following the landmark case of Barnwell Manor Wind Energy Ltd v E. Northants DC, English Heritage, National Trust and SSCLG, the key principle of determining applications that have an effect on any heritage asset are more clearly set out.

Paragraph 134 NPPF should be read in conjunction with the first part of paragraph 132, which states that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation. This wording reflects the statutory duty in sections 66(1) and 72(1).

As soon as harm is identified to a listed building or its setting or the character or appearance of a conservation area or an ancient scheduled monument, an express acknowledgment must be made and since this harm attracts considerable importance and weight to the desirability of avoiding it and it gives rise to a strong presumption against the grant of planning permission.

The presumption is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. The degree of harm to the heritage asset is a matter of judgement, e.g., whether it is substantial or less than substantial. If it is the latter, the strength of the presumption is lessened but it does not follow that the 'strong presumption' against grant has been entirely removed. Even if the harm is less than substantial, it must not be overlooked, in the balancing exercise, the overarching statutory duty which 'properly

understood ... requires considerable weight to be given ... to the desirability of preserving the setting of all listed buildings ...' .

It is not enough to ask whether the benefits outweigh the harm as if the two factors were of equal importance, but whether they do so sufficiently to rebut considerable weight given to harm and the strong presumption against permission. The error made in Barnwell was to treat the less than substantial harm to the listed buildings as a less than substantial objection to the grant of planning permission.

Showell Farm and Oak Lees House are sited to the east and south of the site. Codastones and 3 & 4 are on the opposite side of the road to the east. Oak Lees is not listed but Showell Farm is grade II and within the complex there are other dwellings formed from conversions which are curtilage listed. Unlike the scheme submitted in the 1990s, the site is wholly to the North of Showell Farm. The land in closest proximity is to be developed for smaller starter units of no more than 8.5m in height and there will be significant landscaping in between.

There will be some impact on the setting of the listed buildings and those buildings which are not listed. Unlike the previous application the built form will be to the north of these buildings rather than surrounding it. The proposed mitigation and distance to the nearest buildings shown on the master plan (approx 60m to Oak Lees and 110m to Showell Farm) are considered to be sufficient to ensure that any effect is less than substantially harmful to these heritage assets. Given the reduction in height of the proposed buildings as set out on the revised parameters plan, any harm will be further lessened.

The site lies to the west of Patterdown Road and thus views from this road to Rowden Conservation Area are un-interrupted, other than by existing and proposed vegetation. Views from the A350 to Rowden Conservation area are already almost impossible due to distance and vegetation and at a distance of some 500m. Views out from the conservation area are equally compromised by vegetation and distance and the heights of the buildings have been specifically reduced to lessen their impact. When they are read in the context of the railway embankment behind, they are considered to have minimal impact on the setting of the conservation area and any harm is less than substantial.

Where less than substantial harm is identified, this has to be weighed against the public benefits of the proposal. This matter is returned to in the planning balance, Section 10.

9.6 Ecology

The application was accompanied by a full set of surveys which have been viewed by the Council's ecologist. The application site supports a diverse range of wildlife including some rare bats and the habitats and pathways through the site will be disturbed or removed by the development. Mitigation is proposed in the planting of new hedgerows and managed grassed areas together with ponds.

The impacts would be greatest in the short to medium term, reducing over time provided that the mitigation strategy is secured and implemented, in which case the outcome could be positive for some species, whilst remaining negative for others ((breeding/wintering birds/commuting bats). However, these negative effects would not trigger any statutory reasons for refusal (subject to securing the mitigation measures).

It is considered that conditions can be used to mitigate the main impacts of the development and that it would not be possible to substantiate a reason for refusal on ecological grounds.

9.7 Design, appearance and layout

The application is in outline (with only access to be approved at this stage), but a parameters plans has been submitted with the application which indicates building heights and landscaping. The original heights at 14-17m were considered to be overly large (especially given the overall scale of the buildings) and following negotiations, the applicants have reduced the parameters to 12-15m. The buildings to the south of the site (ie those nearest the open countryside) will be 12m and those nearest the railway 15m. The buildings closest to the residential properties are more akin to starter units and are to be approx 8.5-10m in height.

The design and materials of the units are reserved for later approval, but officers have stressed to the applicants the need to design the buildings to reduce their impact and use materials to soften their appearance.

The indicative masterplan for the site shows the site divided into four plots and the application is for 50,000sqm of floorspace overall. The area to the east is shown as smaller units, although this layout is not up for approval. The other 3 sections show 3 large units with associated car parking and works including indicative planting. There are a number of indicative SUDS ponds within the development.

The key design principles have been cited by the applicant to be to provide large enough plots to meet the likely needs of their target sector; to retain existing key hedgerows; to provide a new access gateway from the A350 with a main access spine; to design a central space that gives a sense of arrival and gives identity; to minimise the impact on Showell Farm; to located service areas away from the service spine road and away from the listed buildings; to ensure the design layout will integrate with the housing layout identified in the strategic allocation; to retain a southern edge through significant planting; to provide trees within the site to create a woodland canopy and to enhance wildlife corridors on the northern and southern boundaries and to retain the L-shaped hedgerow within the site.

The indicative land budget is: net developable area: 12.56 ha; existing and proposed planting/landscape areas 4.29Ha and access and highways areas 1.05ha.

The principles indicated are supported by officers and set the scene for a well designed employment site with sufficient "greening" to mitigate the impact of the large buildings to an acceptable standard. The details submitted with any reserved matters application will ensure that these design ideals will be implemented.

9.8 Amenity of local residents.

The closest units are indicated to be approximately 60m to Oak Lees and 110m to the main house at Showell Farm. A substantial band of landscaping, together with bunding is proposed between the site and these properties (in particular). The noise assessment submitted indicates that vehicle noise will not be an issue and when dealing with the reserved matters (when the actual uses in the units will become apparent) the noise to be generated by the use can be assessed and dealt with appropriately.

The outlook from the rear of these properties will be altered. That said, the finalised design is not available at this stage and the impact on these properties, as well as the wider area will be very much part of that process.

9.9 Other matters.

The Wiltshire and Swindon Minerals Core Strategy 2009 identifies a Mineral Resource Zone Policy MSC1 (Bristol Avon) at Chippenham. However the zone shown on the Key Diagram for the Core Strategy is adjacent to but does not include the Showell Farm site.

Consideration was given to the minerals zone and policy as part of the Core Strategy site selection process for Chippenham, particularly in relation to the South West Chippenham strategic site. The adopted Minerals Planning Policy (MSC6) aims to ensure that wherever practicable developers extract minerals prior to or in phase with non minerals development, in order to ensure workable resources are not needlessly sterilised by development. The developers promoting the South West Chippenham strategic site carried out an assessment and indicated that the minerals in this area are not viable as a going concern, but indicated an opportunity to extract the minerals prior to development (for example as part of flood prevention measures).

When the Core Strategy was submitted in July 2012, the advice to date indicated that the extraction of minerals is likely to be problematic due to a high water table and poor quality of minerals.

One of the objectors has raised additional issues, many of which have been addressed through the EiP process. The comment that there is no demand is refuted via the Workspace Strategy which formed part of the evidence base for the Core Strategy. The application site was identified because of its links to the M4 and lack of major constraints, which would ensure its early delivery.

The objector talks about coalescence with the village of Lacock, but this is some distance away and cannot be seen from any vantage point in the site

10 Conclusion

The site is in conflict with the provisions of the development plan in that it lies outside of the limits of development for the settlement identified in the Core Strategy. However, as described in 9.1 above, further growth is needed outside the limits of development in accordance with Core Policy 10 to accommodate planned growth at the Town. Furthermore, as a Principal Settlement which is identified in the Core Strategy as a focus for employment development, it is important that employment growth be facilitated to provide for sustainable and balanced development. The proposal will make a significant contribution to the requirement for 26.5 hectares of employment land in Chippenham and, in accordance with the NPPF (para 19) significant weight should be placed on the need to support economic growth through the planning system. Furthermore, Core Policy 34 does make provision for additional employment land outside of settlements in appropriate circumstances including where, as in this case, the proposal could be considered to be in the wider strategic interests of Wiltshire.

There are some adverse impacts, principally in relation to the fact that harm is identified to the setting of a few listed buildings. However, that harm is limited, as the listed buildings will remain and the development takes account of the need to mitigate any adverse impacts. The site is well located for employment development, and given the pressing need for such development, it is not considered that the harm to the setting of these buildings amounts to an adverse impact that significantly outweighs the benefits of providing much needed employment land. In NPPF terms, the provision of such land in a timely fashion is a public benefit that outweighs the less than substantial harm to the setting.

The prematurity argument has been addressed in section 9.2 above. The application is not in conflict with the sites allocation DPD, to which only little weight can be attached at this time anyway, but is consistent with it. The benefits of bringing forward this land for employment development now make the proposal acceptable in its own terms.

Other relevant matters have been evaluated, including landscape impact, highways, ecology and impacts on residential amenity. There are no tenable reasons for justifying refusal on these grounds and certainly no reasons that significantly and demonstrably outweigh the benefits of the proposal.

It is recommended that authority be delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement covering the highway matters, within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to **REFUSE** planning permission on the grounds that the proposal fails to secure the necessary highway mitigation works required to make the development acceptable.

- 1 The development hereby permitted 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, whichever is the later.

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.

- 2 No development shall commence on site until details 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:

- (e) The scale of the development;
- (f) The layout of the development;
- (g) The external appearance of the development;
- (h) The landscaping of the site;

The development shall be carried out in accordance with the 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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 No works for the construction of the roundabout onto the A350 hereby permitted or any part thereof shall commence until a valid construction contract has been entered into under which one of the parties is obliged to carry out and itself complete the works of development of any of plots 100, 200 or 300, the site for which planning permission consent has been granted under application reference 13/00308/OUT and any subsequent reserved matters application or such other amendment approved by the Local Planning Authority; and; evidence of the construction contract has first been submitted to and approved by the Local Planning Authority.

REASON: In the interests of the highway function and economic growth.

- 4 The development shall be carried out in accordance with the parameters plan submitted on 26th August 2016 and the written addendum dated 25th February 2013 with a maximum height of 8.5m in plot 300; 12m on plot 400 and 15m on plots 100 and 200.

Reason: To protect the setting of the heritage assets nearby and the landscape character of the area

- 5 No development shall commence within the site until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

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

- 6 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 has been undertaken and until:
- a) The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.
 - b) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.
 - a) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

- 7 Prior to the commencement of the development hereby permitted a full lighting scheme for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of the visual amenity of the countryside and local residents.

- 8 All fixed plant and machinery shall be so sited and designed in order to achieve a rating level of -5dB below the lowest measured background noise level, determined at each of the nearest noise sensitive receptors ie Holywell Guest House, Showell Cottages and Showell Farm.

Reason: To protect residential amenity.

- 9 The parking provision for all individual units on the site shall be in accordance with the requirements of the Wiltshire local Transport plan (LTP3) Car Parking Strategy, with quantum of parking not below the minimum standard for the appropriate planning use class, and areas of parking used for no other purpose.

Reason: To ensure that adequate provision is made for car parking within the site in the interests of highway safety.

- 10 No development shall commence on site until details of the stopping up of all existing accesses, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first use of the approved access. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

- 11 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for the provision of such works, have been submitted to and approved in writing by the Local Planning Authority. 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: In the interests of highway safety and convenience.

- 12 No development shall commence on site until details of the provision for the loading, unloading and parking of goods vehicles within the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be first brought into use until provision has been made. this space shall be maintained for such purpose at all times thereafter.

Reason: To ensure adequate provision is made for loading/unloading and lorry/van parking within the site in the interests of highway safety.

- 13 The buildings hereby permitted shall not be greater in height than the following parameters: Plot 300 8.5m; plot 400 10m and plots 100 & 200 12m as indicated on drawing DR-411-102 Rev 01.

Reason: To protect the setting of the nearby listed buildings and the open character of the surrounding landscape.

- 14 Prior to the first occupation of any of the development hereby permitted, the cycle/path along Patterdown Road as indicated on the approved plans, shall be provided in accordance with details to have first been submitted to and approved in writing by the local planning authority, unless and until the cycleway/footway linking to the town centre, through the remainder of the South West of Chippenham Strategic Allocation in the Wiltshire Core Strategy, is provided.

Reason: To ensure that sustainable routes to the town centre are provided.

- 15 Prior to submission of a reserved matters application for the site, an Ecological Monitoring and Management Plan shall be submitted to and approved in writing by

the Local Planning Authority. The approved Ecological Monitoring and Management Plan shall include the following elements:

- A framework demonstrating how and where the 'Ecological Management and Enhancement Measures', as set out in Table 4-1 of the submitted 'Ecological Summary Report' (Ref. eg12459TP), shall be implemented across the site
- A scheme for the translocation of the existing species-rich hedgerow (where this cannot be retained) to landscaped areas within the site
- A programme for monitoring the ecological effects of the development

The approved Ecological Monitoring and Management Plan shall set a framework for all reserved matters applications, which shall only be permitted where in accordance with the approved Ecological Monitoring and Management Plan, and will include timescales for implementing the approved measures. The site shall be managed in accordance with the approved Ecological Monitoring and Management Plan in perpetuity unless agreed in writing by the Local Planning Authority, and monitoring reports shall be submitted to the Local Planning Authority in accordance with the monitoring programme therein.

Reason: To maintain and enhance biodiversity and protected species in accordance with NE10, NE11, NE14 and Circular 06/2005

16 Any reserved matter application shall be supported by a lighting plan for that phase of development (including a lux plot). Any approved lighting plan shall demonstrate that light spill will be minimised through sensitive lighting design and timers, and that light levels shall be maintained at current lux levels or below 1 lux in the following parts of the site, as identified in the Ecological Monitoring and Management Plan or through any subsequent ecological survey reports:

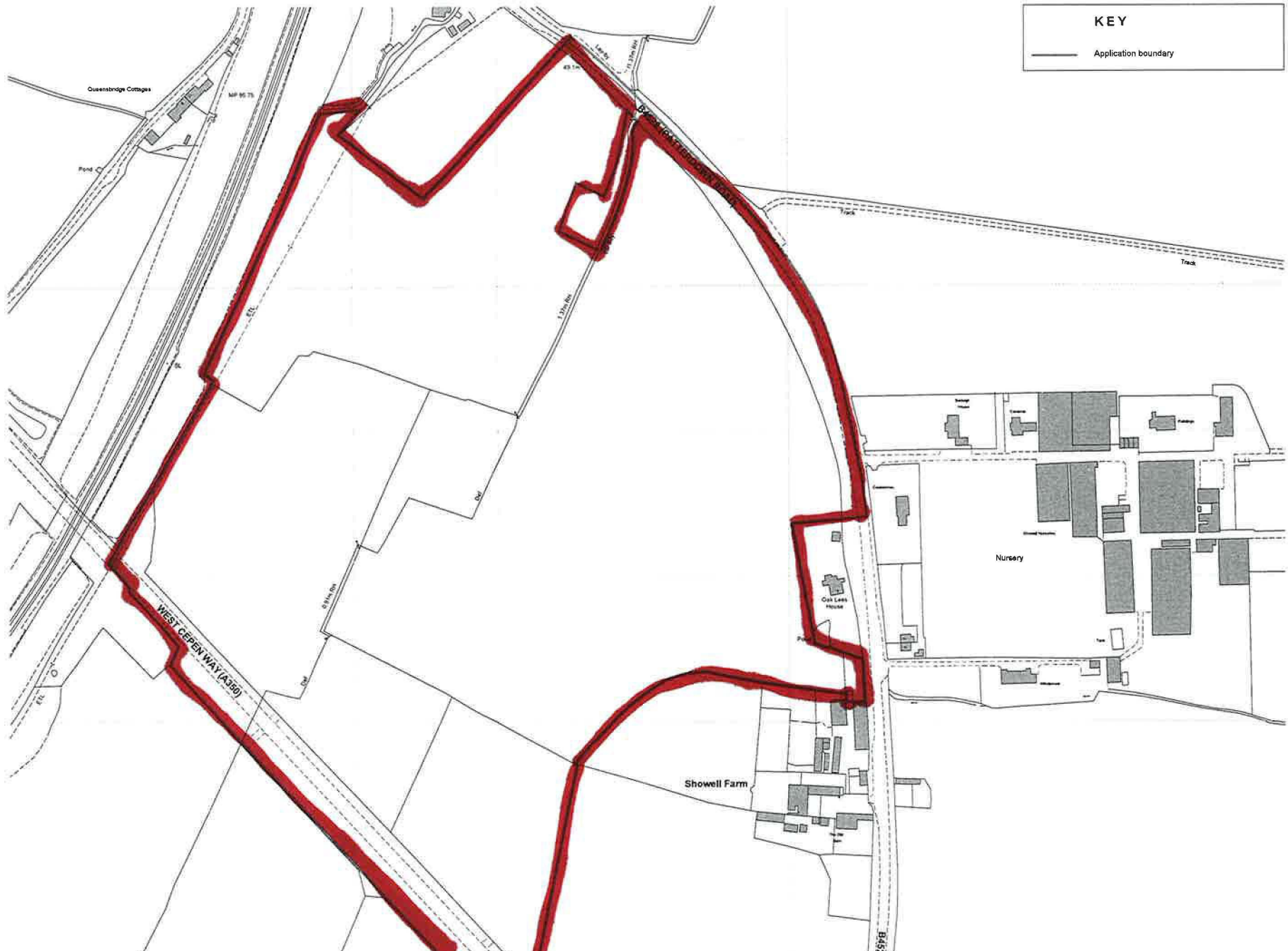
- Confirmed bat roosts / flight lines / foraging areas;
- Bat boxes; and
- Darkened corridors to be maintained through the site.

Lighting levels shall be maintained across the site in accordance with the approved lighting plan(s), unless otherwise agreed in writing with the Local Planning Authority.

Reason: Circular 06/2005 and the Habitats Regulations (2010).

17. No more than 6000sqm gross floor area of the land use class B1(b)/B1(c)/B2 industrial, 930sqm of B8 distribution and 5,100sqm of B8 warehousing (or a variation on these levels of development so as not to exceed 78 two-way vehicle movements in the AM peak (0800-0900) and 84 two way vehicle movements in the PM peak (1700-1800) based on trip rates set out in the Peter Brett Associates Transport Assessment (December 2012) in table 6.1 (B1(b)/B1(c)/B2), table 6.2 (B8 distribution) and table 6.3 (B8 warehousing) shall be occupied until the M4 J17 Improvement scheme as shown on Atkins drawing numbers WHCC_OS-ATK-HGN-T07178-DR-D-001Revision P01.5 dated 14/01/16 and WHCC_OS-ATK-HGN-T07178-DR-D-0002 Revision P01.4 dated 14/01/16 is completed and open to traffic.

Reason: To ensure the safe and effective operation of the strategic road network.



KEY
 — Application boundary

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 Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand.

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Client's Name
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Site Name
 Showell Farm Chippenham

Drawing Title
 Application boundary plan

Scale
 1 : 1250 @ A1, 1 : 2500 @ A3