

## APPENDIX A- 26 August 2020

## REPORT TO THE STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>15<sup>th</sup> August 2018</b>
<b>Application Number</b>	<b>17/07793/FUL</b>
<b>Site Address</b>	<b>Wavin Ltd Parsonage Way Chippenham Wiltshire</b>
<b>Proposal</b>	<b>Works to existing road to provide new road link connecting B4069 Langley Road and Parsonage Way, including the provision of a footway/cycleway and new landscaping. Construction of new gyratory junction on Langley Road. Stopping up of existing section of Parsonage Way and change of use to provide storage area. Construction of link to existing storage area and provision of security fencing.</b>
<b>Applicant</b>	<b>Mr Roger Taylor – Wavin Ltd</b>
<b>Town/Parish Council</b>	<b>Chippenham Town Council/Langley Burrell Parish Council</b>
<b>Division</b>	<b>Chippenham Monkton/Kington</b>
<b>Grid Ref</b>	<b>392671 174687</b>
<b>Type of application</b>	<b>Full Planning</b>
<b>Case Officer</b>	<b>Lee Burman</b>

**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 proposals on the character and appearance of the area, residential amenities and highway network;

Also called in by Councillor Nick Murry to consider the impact to the economy of the locality.

The application is reported to the Strategic Planning Committee given the relationship and potential impacts to neighbouring strategic development sites and allocations.

**1. Purpose of Report**

To consider the proposed development in the context of national guidance and adopted development plan policies and site specific impacts and recommend that authority be delegated to the Head of Development Management Services to grant permission subject to the conditions recommended below; and the signing and completion of a section 106 agreement to meet identified highways requirements within 6 months of the date of the Committee resolution.

In the event that the applicant declines to sign and complete the S106 agreement within this timeframe to refuse permission on the basis of conflict with Wiltshire Core Strategy (Jan 2015) CP3 CP34(ix) CP57 (ix) CP60 CP61 CP62; and paragraphs 11 and 108 (b) 109 110 of the National Planning Policy Framework (July 2018)

## **2. Report Summary**

The application has been the subject of full consultation through site notice, press notice and neighbour notification. The proposals have been the subject of revisions and additional information submission and a minor amendment to the site boundary. Consequently three periods of consultation have been undertaken.

10 representations of objection received in total.

Chippenham Town Council - no objection.

Langley Burrell Parish Council (multiple detailed submissions) – in summary object.

Key Issues raised by the application:-

- Principle of development and development plan compliance
- Highways impact
- Ecological Impact
- Drainage Impact
- Heritage asset impact
- Impact to the character and appearance of the locality
- Impact to Residential Amenity

## **3. Site Description**

The application site comprises approximately 2.55 hectares of relatively flat land featuring mature and well established field boundaries with onsite 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 application site straddles the defined framework boundary of Chippenham but with a significant part of the site located outside the town and therefore in the open countryside. The site is not allocated for any form of development but benefits from previous grants of consent which are largely implemented. 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.

Development permitted under application reference number 15/04763/FUL has largely been implemented and so the land is now subject of external storage of manufactured drainage products; car parking, ancillary staff accommodation and the internal haul road including site bunding. A Rights of way diversion proposal remains under consideration and is handled by the Council's rights of Way team.

To the west of the site development has commenced in respect of the permitted North Chippenham Land at Birds Marsh site. Applications have also been submitted and are under consideration for the development of the allocated land at Rawlings Green to the east of the site.

#### 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
15/04763/FUL	Proposed Construction of Car Park & Storage Area - Approved

#### 5. The Proposal

The application description of development is as follows:-

*Works to existing road to provide new road link connecting B4069 Langley Road and Parsonage Way. Stopping up of existing section of Parsonage Way and change of use to provide storage area. Construction of link to existing storage area.*

In summary the proposals are for the use of the existing internal haul road as a replacement for Parsonage Way which will be closed and used for external storage. Two road junctions (roundabouts/gyratory) are proposed at the eastern and western ends of the haul road to facilitate its use as a distributor road and provide linkages to the neighbouring development sites. Additionally a crossover link is proposed from Parsonage Way to the existing external storage area. To a large extent the proposed development re-orders the highways arrangements making use of existing infrastructure with relatively limited new build development involved.

#### 6. Planning Policy

National Planning Policy Framework (NPPF) (July 2018)  
Paras 11 38 47 80 82 108 109 110 111 163 165 170 175 180 189 190 192 193 197

Wiltshire Core Strategy (WCS) (Jan 2015)  
CP1 CP2 CP10 CP34 CP50 CP51 CP57 CP58 CP60 CP61 CP62 CP65 CP67

Saved Policies of the North Wiltshire Local Plan (NWLP) (June 2006)  
NE12 NE14 NE18

Langley Burrell Neighbourhood Plan (Made October 2017)  
Parish Build Policy 1 (PB1)  
Landscape Policy 1 (LP1)  
Heritage Policy 1 (HP1)  
Heritage Policy 4 (HP4)  
Natural Environment Policy 1 (NE1)

Chippenham Site Allocations DPD  
CH2

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

A screening opinion was issued in respect of the scheme proposals and this was revisited and updated when the scheme proposals, including application site boundary, were

amended. The Opinion concluded that an environmental impact assessment was not required.

## 7. Consultations

The following sets out the position following 3 consultation periods and the consideration of the final scheme revisions and additional supporting information submissions.

Chippenham Town Council - no objection subject to consideration being given to sustainability and cycle paths .

Langley Burrell Parish Council (multiple detailed submissions) – Objection. Whilst recognising that there are potential benefits a range of detailed concerns as to the impact to the locality and residents of Langley Burrell are identified. These are summarised below:-

- Contravene the principles and policies of the CSAP
- Contravene the Landscape Visual Assessment conducted for the CSAP
- Will cause chaos on the B4069 approach to Chippenham and block the Langley Burrell exit at the T junction and contravenes NPPF on severe traffic impacts
- Does not prioritise pedestrians and cyclists who will be subject to substantial extra dangers in navigating the B4069 and therefore contravenes the Wiltshire Core Strategy and the National Planning Policy Framework.
- Creates a dogleg whereby the B4069 effectively becomes part of the ring road. This was contrary to the requirements of the Inspector who was adamant that a link road as per CSAP should be implemented or equivalent measures. This is not an equivalent measure. This will also take light pollution further into the countryside.
- Will expand the obstruction between the two Langley Burrell footpaths on either side of the B4069
- The insufficient spacing between the roundabouts will provide a logjam back on to the adjacent roundabout, blocking access for those who want to go around the roundabout rather than access the blocked exit.
- It is an inefficient solution to what is a much-needed ring road. . No ring road is designed or constructed as proposed by Wavin Ltd
- Pedestrian and cycle crossings are uncontrolled. Contravenes policy on priority to Pedestrians and cyclist
- There is still no extension to the landscaping bund
- There is no link to LBUR 5 contrary to Wiltshire Core Policy and also Government Policy
- The amended proposals still show the removal of some existing trees
- The amended proposals still show the retention of the gap in the line of trees made on the pretext of overhead lines, which were then undergrounded
- New proposal for eastern roundabout will create more noise as traffic slows and accelerates.
- Covering letter makes spurious claims including that the harm to Kilvert's Parsonage and Langley Burrell will be less than substantial

Historic England – Identify that the proposal will cause harm, albeit less than substantial, to the setting of the Grade II\* listed building at Kilvert's Parsonage and that the Council should therefore bear in mind the statutory duty to have special regard to the desirability of preserving the setting of the listed building. It is for the Council to balance the public benefits of the proposal against the harm caused to the setting of the listed building.

Wiltshire Council Conservation Officer – Identifies that the proposal will cause less than substantial harm to the setting of the Grade II\* Kilverts Parsonage, but in the upper half of that scale, thereby in conflict with the national policies in the framework. This needs to be balanced against any public benefit that may arise.

Wiltshire Council Highways – no objection subject to conditions and a S106 agreement.

Wiltshire Council Spatial Planning – No objections. The current alignment and existing route, without any re-alignment, is fit for purpose. From the planning policy perspective, any proposed re-alignment must not be prejudice or delay a proposal important to the future development of the town. The Langley Burrell Neighbourhood Plan (LBNP) articulates how the rural character leading up Chippenham’s urban edge needs to be protected. These requirements, however, do not appear to have been addressed explicitly within the settings assessments submitted by the developer. Whilst a matter for specialist input it is not clear whether the proposals conform to policies of the LBNP.

Wiltshire Council Landscape Officer – no objection but maintains concerns regarding impact of any lighting of the haul road along its length through the site.

Wiltshire Council Drainage – No objections subject to conditions

Wiltshire Council Ecologist – No objections subject to conditions

Wiltshire Council Archaeology – No comment

Wiltshire Council Trees Officer - No objection subject to conditions

Wiltshire Council Rights of Way – no objection

Natural England – No objections

Wessex Water – No objections

## **8. Publicity**

The application was advertised by site notice, neighbour notification letters, notification to local organisations including Town and Parish Councils in the vicinity and through press notice.

8 representations of objection received in total during the 3 periods of consultation and these comments made and concerns raised can be summarised as follows:-

- Proposed works including junction arrangements on the B4069 will create highways hazard and safety issues
- Proposals do not take full account of permitted and proposed development in this locality or the aspirations to form a northern relief road
- Light pollution needs management through landscaping and planting
- Existing operations at the site result in noise and light pollution resulting in harm to residential amenities
- Harm to the character, appearance and visual amenity of the locality through urbanisation
- Supporting information is inaccurate
- Harm to the setting of designated heritage assets
- Additional landscaping is required to mitigate the visual impact of the existing and proposed development
- Inadequate consultation with local residents
- Proposed development is unjustified until the Rawlings Green Development is in place.
- Proposals inadequate to cope with and accommodate projected future traffic flows

- Priority for pedestrians and cyclist is not met and so conflicts with adopted policies
- Loss of trees and resulting harm to the character and appearance of the locality
- Conflict with the Chippenham Sites DPD
- Harm to users of rights of way in the locality

In addition it should also be noted that the applicant team for the Rawlings Green Development has submitted multiple representations of objection to the scheme proposals. In summary they consider that the submitted details are insufficient to demonstrate that the proposals can be delivered without prejudicing delivery of the rail bridge that provides access to the Rawlings Green site.

## **9. Planning Considerations**

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); and the Langley Burrell Neighbourhood Plan (Made October 2017).

### 9.1 Principle of development and development plan compliance

The proposals are intended to optimise the use of an employment related activity at the Wavin Factory site by better integrating the factory and related land with the permitted external storage and parking area to the north of Parsonage Way. The application site is largely outside of the defined settlement boundary for Chippenham and therefore within the open countryside. Similarly the application site is largely outside of the defined established employment area within which the principal factory is located and is not expressly allocated for any form of development. The application site can however in large part be considered an existing employment location and one that is with the B2 Manufacturing sector. In this context the application proposals principally fall to be considered against CP34 of the WCS although other policies of the plan are relevant in respect of certain specific issues and material circumstances and constraints related to the site. These are addressed under specific headings below.

With respect to CP34 it is considered that the proposals meet the relevant provisions and criteria of this policy. Firstly the proposals relate to a B2 employment use. As noted the site is located directly adjacent to the principal settlement of Chippenham as required by criterion (i).

Additionally the enhancement of the Wavin employment operation is considered to be essential to the wider strategic interests of the economic development of Wiltshire. Wavin is a major local employer at one of the three principal settlements in Wiltshire. The operation also relates to an employment sector – B2 manufacturing which is of strategic importance to the Wiltshire Economy especially in terms of Chippenham. As such there is alignment with criterion iv subject to meeting the further requirements of criteria v – ix. In this respect criterion v requires that proposals meet the sustainable development objectives of the Core Strategy. One such objective is enhanced self-containment at the principal settlements, market towns and Local Service centres. Retaining and enhancing employment uses in a key employment sector – support for an existing major employer – is considered to address this requirement.

Criteria vi requires proposals to be consistent with their scale and location and not adversely affect nearby buildings or amenity. Amenity is addressed further below but given the nature of the proposal as referenced above i.e. limited additional new build/construction and rearrangement of existing development at the site – it is considered that this requirement is addressed.

Criterion vii requires that proposals are supported by evidence that they are required to benefit local economic and social needs. This is already referenced above in that the proposal involve the enhancement of the employment operation of a major local employer at one of the Council's 3 principal settlements in a key local employment sector. In addition the applicant team has submitted supporting statements that set out the economic benefits to the operation of the proposed development. The objectives of this criterion are met.

As the proposals involve the enhancement of operations at an existing major employer within their existing site boundaries it is not considered that the proposals undermine the delivery of strategic employment allocations.

Criterion ix requires that proposals be supported by adequate infrastructure. The revised proposals are considered to address this requirement in full by now including appropriate and acceptable road junctions at either end of the alongside adequate and appropriate drainage provisions. The site as noted is well related to the principal settlement of Chippenham which has significant supporting infrastructure.

In terms of principle it is also pertinent to consider the provision of the Chippenham Site Allocations Plan (CSAP) and other relevant material considerations including the Langley Burrell Neighbourhood Plan (LBNP) and extant consents and live applications on neighbouring/adjacent sites. In this context consent exists on land to the west for major residential development. Implementation of consents is now underway and the application proposals have potential implications in this respect. Similarly on land to the east of the application site, known as Rawlings Green/Rawlings Farm, there is an allocation CH2 in the adopted CSAP for major residential development forming one of the strategic residential site allocations for the principal settlement of Chippenham. There are also live applications before the Council related to this allocation including the construction of a railway bridge over the adjacent rail line providing a key site access for the residential development with direct links to Parsonage Way and forming part of the longer term proposals for highway network provision supporting development at Chippenham. It is essential that the application proposal accords with and does not prejudice delivery of these sites. Initial application proposals were considered to fail in this particular respect. The road linkages at the eastern and western ends of the existing haul road were not appropriate and did not provide linkages that were acceptable in highway safety terms. This matter is addressed in further detail below but in summary revised details have been submitted and assessed by Highways Officers and found to be acceptable and appropriate. The current revised proposed scheme with necessary conditions as recommended below is not considered to prejudice the delivery of these strategic sites. Consequently it is not considered that the proposals conflict with relevant development plan policies.

With respect to the LBNP policy PB1 is considered relevant to the principle of development as proposed at this site. Other plan policies are addressed under issue specific headings below. With regards to Policy PB1 proposals located on the edge of Chippenham (as is the case here) are acceptable where they have taken into account impacts to the rural setting of that locality and sought to address any impacts including cumulative impacts with appropriate mitigation measures including landscaping. Impact to the character and appearance of the locality is addressed in further detail below. However the application is supported by a landscape and visual impact assessment and does incorporate landscaping

measures. It is important to note that the previously approved development incorporated retention of existing landscaping features including mature trees whilst also including a significant landscape bund subject to additional planting. The current proposals retain and augment these features. Also as noted already the physical development proposals are limited to two new road junctions at the eastern and western ends of the site and the cross over linking the storage areas alongside use of the Parsonage Way road carriageway for external storage. Much of these works are contained within the existing site boundaries and indeed within the centre of the site and effectively screened by existing development and landscape and planting. To the western end of the site a road junction arrangement had already been approved as part of the North Chippenham development. The application proposals do alter and extend the works here but are again within the centre of the development areas already underway or implemented at Wavin and North Chippenham/Birds Marsh and it is not considered that they would cumulatively significantly alter the rural character of the area beyond. Given this position it is not considered that there is conflict with LBNP policy PB1 such that the development is in conflict with the development plan and should be refused on this basis.

Taken together and subject to the consideration of matters of detail in relation to other development plan policies as addressed below it is not considered that the development proposals are unacceptable in principle being in accord with the relevant policies of the development plan and national guidance including WCS CP34 (i) (iv), LBNP PB1; and paras 11 80 83 of the NPPF.

## 9.2 Highways impact

The application involves significant works to the highways network in a location where major development is underway and is proposed. Additionally the proposals affect Parsonage Way which forms part of longer term proposals for the creation of the eastern link road for Chippenham. There are therefore strategic implications related to the development proposals and the impact on delivery of strategic development is a material consideration.

Highways officers have given detailed consideration to the scheme proposals and fully assessed the submission both in their own respects and with regard to the wider strategic implications. Detailed consideration has been given to the implications for delivery of major development at the adjacent sites including the submissions of interested third parties on this issue. Officers raised objection to the initial proposals as submitted both in terms of technical highways operation and safety; and that the delivery of the CSAP allocation CH2 would be prejudiced. In particular officers identified that the detailed design specifications for the haul road as it relates to the phase 2 Wavin area was inappropriate for the proposed function as a distributor road. This was in relation to sight lines and stopping distances, given the width specifications and treatments to boundary planting, fencing and related footpaths within the proposed carriageway. Detailed objections were raised in respect of both the eastern and western end junction arrangements and their connections to the adjoining permitted and proposed developments. The roundabout arrangements and related restrictions and arrangements on the B4069 northward were identified as unsafe and not in accord with the approved detail at the North Chippenham site. Similarly the junction arrangements as they were proposed to relate to the railway bridge providing access to the Rawlings Green allocation and development proposal were identified as unsafe.

Subsequent to this detailed discussions took place between the Council's Highway Officers and the applicant's consultant team including highways engineers. Meetings were also held to discuss possible options for addressing and resolving concerns. Following this revised proposals were submitted and have been the subject of full consultation. These revised proposals sought to amend the detailed layout arrangements for the haul road; proposed a gyratory roundabout junction with the North Chippenham development and related



specifications for the B4069; and proposed a roundabout at the western end of the site with linkages to the proposed Rail Bridge providing access to Rawlings Green site. The revisions required a minor amendment to the red line application boundary and so the proposals were the subject of a full new consultation exercise.

Officers have assessed the revised submissions, with Highway Officers examining the proposals in detail. The revised junction arrangements and related haul road and B4069 specifications and details are now considered to be technically appropriate and acceptable from a highways perspective. Specifically officers do not consider that the proposed junction arrangements at either end will conflict with approved details on other sites or prevent and prejudice delivery of the permitted and allocated development sites at the eastern and western locations adjoining the application site. Officers consider that the outstanding technical specification details, including proposed levels, can safely and appropriately be secured via the use of conditions. In this context officers have fully considered the submission of objectors and specifically those of the Rawlings Green applicant team. It is relevant to note that a S278 agreement under the Highways Act will be required for the works proposed and this will provide full technical details. Such an agreement will not be entered into without such detail and confirmed delivery. Other conditions and S106 requirements are also identified as necessary and reasonable by officers and these are included in the list of conditions below. S106 requirements have been agreed as acceptable in heads of terms discussion with the applicant. The applicant has confirmed agreement to enter into a section 106 agreement/planning obligation to address these matters. On this basis the Highway Officer has removed objections to the scheme proposal and identifies no conflict with development plan policy or national guidance WCS CP34 (ix), CP57 (ix), CP61, CP61; CH2 CSAP; and paras 11 & 109 NPPF.

### 9.3 Ecological Impact

The application proposals, including the revised scheme proposals, were supported by Ecological appraisals which reviewed and revisited previous assessment undertaken in respect of the phase 2 scheme proposals. Natural England raises no objections in this respect. The Council's Ecologists however identified requirements for additional survey work in the immediate environs of the site given local circumstances. These information requests were addressed in full by the applicant team and additional submissions made. The assessments identified some on site and off site ecological interest both in terms of species and habitat that are affected by the scheme proposals. This includes in relation to grassland, hedges, trees and shrubs, newts and birds. The application site falls within the zone within which species could migrate and so raises potential for harm and conflict. Consequently the assessments proposed mitigation measures to include survey, collection and translocation to nearby habitat; replacement planting and grassland creation within the site; appropriate protective fencing for species and woodland during works; and appropriate seasonal timing of construction works and/or monitoring and review of operations by qualified Ecologists.

The Council's ecologists have reviewed the proposals and considered these to be acceptable and appropriate such that necessary Natural England Licences would be forthcoming. As such no objections are raised subject to appropriate conditions to secure the identified mitigation measure. Such conditions are proposed in the list below.

On this basis it is considered that the proposals accord with CP34 (v), CP50, CP57 (I & ii); Saved NWLP policy NE12; NE1 LBNP; and paras 11 & 175 of the NPPF.

### 9.4 Drainage Impact

The application submissions were supported by detailed site drainage proposals in plan form. Similarly the application proposals are supported by detailed plans specifying

engineering layout and landscaping proposals for all the works. The drainage proposals include both on site attenuation; flow control proposal; discharge to watercourses on site and off site. Additionally the works, including the erection of the crossover, require culverting of the watercourse that runs through the site north of Paronsage Way. As such a Land Drainage Consent from the council as Lead Local Flood Authority is required. Submissions have been made to the Council and the consent has subsequently been granted. The details approved have been used to inform the application submissions.

The Council's Drainage Officers have reviewed the scheme proposals throughout the application process at the site and reviewed in detail the current submissions. Initial holding objection was raised by officers as detailed queries were raised in respect of certain aspects of the drainage scheme as it related to existing and proposed highways drainage in the vicinity of the site; and the relationship and available information in the application in terms of consistency with the Land Drainage Consent details.

Drainage engineering consultants for the applicant team provided detailed responses and clarifications to the issues and queries raised by officers confirming that the drainage details were in full accord with the LD consent issued. Following the further submissions and clarifications Drainage officers have removed their holding objection subject to conditions which they consider can be very quickly discharged given the LDC issued.

Wessex Water raised no objections and identified that foul drainage was capable of being addressed by the existing network by agreement. No further details were sought via use of conditions.

On this basis it is considered that the proposals accord with the requirements of WCS CP34 (ix), CP57 (ii), CP67 & CP68; and paras 11, 163 & 165 of the NPPF.

### 9.5 Heritage Asset Impact

The application site falls with the setting of designated heritage assets, in particular Kilvert's Parsonage, a grade II\* listed building which is located to the north of the site; but also the listed railway bridge to the east. The application proposals also have degree of inter-visibility with other designated assets including the Langley Burrell Conservation area and a number of listed buildings in Langley Burrell. The site is also in a locality with known archaeological potential. Consequently the application and revised scheme proposals have been supported and informed by Heritage Impact Assessments as required by national guidance; whilst consultation with Historic England and the Council's Conservation officers and Archaeologist has been undertaken.

The significance of the designated heritage assets arises from their evidential, historical, aesthetic and communal values. The submitted assessment identifies that..... *there are no designated or non-designated assets within the boundaries of the Site. There are several assets of largely medieval or post-medieval date which have been identified within a 500m radius. Archaeological features and deposits of immediate post-medieval date were also found to have been preserved within the original Wavin compound site, excavated in 2016. In addition, the entire area of the Site was previously examined in 2015 by a geophysical survey and a limited number of anomalies sampled by C1 by archaeological field evaluation. This demonstrated that the archaeological features and deposits were limited to an area in the northern part of the Site, directly south of Kilvert's Parsonage and extending beneath the internal roadway. Subsequent excavation of this area revealed an undated rubble floor and a culvert associated with 16th and 17th century glass and other finds. As such, it is unlikely that any potential minor groundworks that might be carried as part of the proposed changes would impact any archaeology. There are a number of heritage assets of the highest*

*significant within the research area which have potential intervisibility with the Site, and which may benefit from further consideration of any potential impact on their setting.*

The Council's Archaeologist had no comment to make given the findings of the assessment and the previous work undertaken in respect of the archaeological resource.

Both Historic England and the Council's Conservation officer identify that the proposal will result in harm to the setting and thereby significance of designated heritage assets. The Council's Conservation Officer identifies that both the works proposed to the highway network and the previous works of mitigation have and will affect the setting of heritage assets, in particular Kilvert's Parsonage. In addition that when take together with the development taking place at North Chippenham there is cumulative harm to the setting of designated heritage assets in the locality. In terms of the guidance in the NPPF the harm identified is less than substantial. It is considered that this is within the upper half of the range. There is therefore conflict with CP34 (v) & (vi), CP57(i) and CP58; and LBNP HP1 & HP4; and paras 192 & 193 of the NPPF and Section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990. It is therefore necessary under the provisions of the act and national guidance to consider what if any material consideration would indicate and support a decision otherwise than in accord with the development plan.

In this context the NPPF is a material consideration of significant weight. At para 196 it identifies that where less than substantial harm is identified this harm should be weighed against the public benefits of the proposals. This requirement is reflected and further defined in relevant case law in particular the Barnwell and Forge Field High Court judgements. Here it is identified that great weight should be given to the statutory requirements to preserve heritage assets and that any harm that is caused requires very clear and convincing justification and that the public benefits of a scheme proposal must very clearly outweigh the harm. In making such assessment it is also necessary to consider if such benefits could be achieved in a different way that would not result in the harm that is identified.

In this instance the benefits are considered to be significant and substantive. They include the benefits to the local economy of the improved operation and efficiency of a major local employer; the ongoing financial investment in the business and major employment operation in a principal settlement; the benefit to local employment within a key sector of the economy; and through the construction activity that would take place. Additionally the proposals support the longer term aspirations for an improved highway network in and around Chippenham including an Eastern Link Road; also in that the proposals provide the required linkages that support the delivery of major resident development sites to the north and north east of Chippenham including strategic housing allocations. The proposals support the retention of a major local employer in a key employment sector at one of Wiltshire's three principal settlements. This supports the achievement of key aims and objectives informing the development strategy of the development plan, in particular, reducing out commuting. These are public benefits of significant weight.

The harm identified is less than substantial and toward the upper half of the scale. The harm relates to the setting of designated heritage assets rather than involving physical works to and loss of the fabric of a designated asset; and conflict with the relevant policies of the development plan. Taking into account the requirement to give great weight to the preservation of assets it is considered that the harm identified is limited and is outweighed by the benefits arising. It is therefore considered that under the provision of the NPPF there are material considerations that support a determination that is otherwise than in accordance with the development plan in relation to this particular matter. The overall planning balance taking into account any other site specific impacts and material considerations and circumstances is addressed in the conclusion below.

## 9.6 Impact on the character and appearance of the locality

The site is located on the northern fringe of the settlement adjacent to open countryside including local neighbourhood plan designated open spaces and sensitive receptors such as the village of Langley Burrell and public footpaths to the north of the site. The site is visually prominent in a number of localised short and middle distance views. Significant development is underway on a neighbouring site and allocated at a further neighbouring site. As such the locality is subject to significant change through urbanisation that is affecting and has the potential to affect the character appearance and visual amenity of the landscape. Consequently the proposals including revised scheme are supported by Landscape and Visual impact assessments (LVIA). The revised scheme submissions included significantly revised landscaping proposals.

As previously identified the scheme proposals involve a relatively limited amount of additional physical development. It is considered that the proposals with the potential to result in impacts include the two new junction arrangements and related works; the use of Parsonage Way for additional external storage; additional traffic utilising the haul road; and the removal of some existing vegetation. It should however be noted that the proposals do also include undergrounding of a major overhead power cable and this has the potential to result in a positive impact to the visual amenity of the locality.

It is considered that the LVIAs appropriately assess the site, character of the locality and impact of the proposals in context in accord with national guidance, development plan policy requirements and good practice. The assessments conclude that:-

*The proposed Stockyard extension will have No Significant Effect on the landscape features of the site and its surroundings in the long term.*

*The proposal will result in one long term localised adverse visual effect from the north end of Parsonage Way which is of Moderate Significance.*

*This is balanced by the long term beneficial visual effects brought by the proposal across a number of local and short distance views beyond Parsonage Way, some of which are of Minor Significance.*

*The proposal has No Significant Effect on middle or long-distance views.*

*It is considered that the proposal is well designed in relation to the landscape and visual characteristics of the site and its surroundings, integrates well with its setting and on balance is appropriate in terms of the resultant landscape and visual effects.*

Mitigation is proposed through the retention of key existing landscape features in the site including the central copse of mature trees; retention and replacement of boundary hedgerows; retention of the site boundary bunding and additional boundary planting. In the latter respect the revised scheme proposals significantly revise the proposed additional planting.

The Council's Landscape officer has considered the scheme proposals and supporting submissions and is very familiar with the site and the locality. Initially objections were raised particularly on the basis of the anticipated lighting impacts of the scheme including lighting of the haul road; the inadequacy of the proposed landscaping scheme in mitigating visual impacts; and the location and positioning of cycle/pedestrian facilities and limited linkages to the wider network. Less concern was expressed in terms of the additional external parking or impacts of the proposed junctions.

As noted the revised scheme proposal includes a significantly revised landscaping scheme with extensive additional planting proposed to the northern and eastern site boundaries and the cycle/pedestrian route adjacent to the haul road has been repositioned to the south. The landscape officer advises that the revised scheme with revised and additional planting and landscaping proposals is a significant improvement upon the initial submission and addresses almost all concerns previously raised. Officers considered that concern and potential harm remained in respect of lighting of the haul road route. In this latter respect it must be noted that Highways officers have confirmed that given the proposed speed limit on the haul road no lighting will be required except at the junctions. As such it is considered that the landscape and visual impact concerns in this respect are significantly reduced if not addressed in full.

On this basis it is considered that as with all development there will inevitably be impacts to the character and appearance of the locality. In short and middle distance views these are not considered to be so significantly harmful as result in conflict with the development plan and national guidance as to warrant refusal on this basis. The proposals are considered to broadly accords with the provisions and requirements of CP34 (v) & (vi), CP51, CP57 (i) (ii) & (vi); NWLP Saved policies NE12 NE14; LBNP PB1 LP1; and paras 11 and 170 of the NPPF.

#### 9.7 Residential Amenity

Given the nature of the development proposed and the existing development at the site, it is not considered that the proposed physical development and the revised access arrangements and traffic movements will result in significant harm to existing residential amenity. Additionally it is not considered that harm will arise in the context of the future residential amenity of residents of the planned and permitted development to the east and west of the site.

On this basis it is considered that the proposals accord with WCS CP34 (v) & (vi), CP57 (vii); NWLP Saved Policy NE18; Paras 11 & 127 of the NPPF.

#### 9.8 Other Matters

##### **Section 106 Planning Obligation**

An agreement is required to address the following requirements:-

- funding of a traffic regulation order to address on-street parking on the alternative 'haul road' and surrounding roads (historically many local employees have used Parsonage Way on-street parking);
- adequate space within the adoptable limits of the works to ensure that the delivery of the permitted railway bridge, including any necessary space for embankment slopes and visibility splays, and public access thereto is not prejudiced;
- a commuted payment in relation to drainage structures which employ non-standard structures and facilities;
- a maintenance arrangement in relation to the earth bund along the northern side of the 'haul road';
- an agreement to replace lost formal car parking resulting from the proposals with alternative on-site car parking spaces;
- the return to the highway authority of any required assets resulting from the stopping up of Parsonage Way;

- reasonable endeavours to ensure that the delivery of the railway bridge by others is not delayed or its construction prejudiced in any way as a result, directly or indirectly, of the design or implementation of the proposed works.

### **Right of Way**

The site was crossed at the western end by a right of way running in a north south direction. The planning related implications for the right of way of the phase 2 development were considered under application reference 15/04763/FUL which was approved and has been implemented. The current proposals do not alter that position or the impact to the right of way. It is understood that the right of way has now been legally stopped up through the requisite process in the courts.

### **10. Conclusion**

The proposed development is relatively limited in physical terms consisting of two roundabout junction arrangements and a cross over area of hardstanding. The change in use and activity is more significant entailing additional external storage on the road area currently forming Parsonage Way; and the redirection of traffic from Parsonage Way onto the current internal haul road. There are also wider implications in respect of the delivery of neighbouring strategic residential development sites and the integration of Parsonage Way or the haul road as part of longer term aspirations for the creation of an Eastern Link Road for Chippenham. There are also consequential necessary works arising from the proposals including culverting of the existing watercourse along part of its length; hedgerow removal and replacement; significant additional landscaping and planting; and the undergrounding of overhead power lines. As such whilst seemingly limited in scope the development proposals are of significance and some degree of complexity.

Consequently it is not surprising that the proposals have been subject to several revisions and additional supporting information submissions during the course of determination of the application. All iterations and submissions have been the subject of full consultation and assessment by officers and statutory consultees.

In terms of the principle of development it is considered that the proposals meet the requirements of the development plan and national policies. The proposals can be seen to accord with the provision of WCS CP34 and PB1 of the LBNP. This is an existing major employer in a key employment sector, situated on land adjacent to and within the principle settlement of Chippenham. The proposals have been revised to include appropriate details in terms of infrastructure works and landscaping and planting to help mitigate the visual impact of the development and reflect and respond to the character and appearance of the locality as required by policies. Furthermore the scheme proposals have been revised in detail to ensure that development would not prejudice the delivery of other major plan objectives including the delivery of allocated sites within the CSAP DPD, and major consented development in the locality.

In this context the site specific impacts of the development proposals have been found to be acceptable in terms of Highways impacts, Ecological, Drainage, Landscape and Visual, Trees, residential amenity and Archaeological impacts and constraints. There are no objections from any of the statutory consultees or Council officers in respect of these matters subject to the use of conditions and a S106 agreement/Planning Obligation to secure necessary highways works and provisions. As such the proposals are considered to meet the requirements of the Development plan and accord with WCS Policies CP34 (v) (vi) (ix), CP50, CP51, CP57 (i) (ii) (iii) (vi) (vii) (ix), CP61, CP62, CP67, CP68; Saved NWLP policies NE12 NE14 NE18; LBNP LP1, NE1; CSAP CH2; and paras 11 38 47 108 109 110 111 163 165 170 175 of the NPPF.

The proposals and in particular the gyratory roundabout and additional landscaping at the eastern end of the site as it adjoins the B4069 and the north Chippenham/Birds Marsh Development are assessed by Historic England and the Council's Conservation Officer as resulting in some harm to the setting and therefore significance of designated heritage assets, in particular Kilvert's Parsonage situated to the north of the application site. The harm identified is considered to be less than substantial and toward the upper half of the scale of harm. There is therefore conflict with CP34 (v) & (vi), CP57(i) and CP58; and LBNP HP1 & HP4; and paras 192 & 193 of the NPPF and Section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990.

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of applications. Under the provision of para 196 where less than substantial harm is identified it is necessary to consider what if any public benefits arise from the proposals. This requirement is reflected in case law including the Barnwell and Forge Field high court judgements.

As is identified in the report the proposals provide for significant employment benefits in accord with the aims, objectives and policies of development plan. It is considered that these are public benefits which can be afforded significant weight. It is considered that these benefits outweigh the less than substantial harm identified and the statutory requirement to give great weight to the preservation of heritage assets. On this basis it is considered that there are material circumstances sufficient to outweigh the conflict with the development plan.

Taking into consideration all material circumstances and considerations it is considered that the development proposed is acceptable and should be granted planning permission, subject to the prior completion of the necessary Section 106 agreement.

## **RECOMMENDATION**

To delegate authority to the Head of Development Management to grant permission subject to conditions and the completion within six months of the date of the Committee resolution of a s106 agreement / planning obligation to secure Highways provisions. In the event that the applicant declines to enter into an agreement within this timeframe refuse permission for the following reason:-

The proposed development without the required planning obligation fails to deliver the necessary highways works and enhancements required to secure a safe and appropriate development and thereby conflicts with Wiltshire Core Strategy (Jan 2015) CP3 CP34(ix) CP57 (ix) CP60 CP61 CP62; and paragraphs 11 and 108 (b) 109 110 of the National Planning Policy Framework (July 2018)

## **CONDITIONS:-**

1. 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.

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

Ecological Assessment and Surveys Received 05 April 2018 and 09 July 2018  
Transport Statement Final V6-2 20 April 2018  
Landscape and Visual Impact Assessment 05 April 2018  
Double Roundabout Junctions 9 Arcady Report 05 April 2018  
Single Roundabout/Rail Bridge Link Junctions 9 Arcady Report 05 April 2018  
Hydrock Road Safety Audit Stage 1 RDW/TS/18/1692/RSA1; Ref: C14930 – Stage 1 RSA  
Designer's Response 18 April 2018

C14930 D001 Topographical Survey A0 1:500  
14930 C020c Engineering Layout Sheet 1 Of 5 A1 1:250  
14930 C021c Engineering Layout Sheet 2 Of 5 A1 1:250  
14930 C022c Engineering Layout Sheet 3 Of 5 A1 1:250  
14930 C023d Engineering Layout Sheet 4 Of 5 A1 1:250  
14930 C024d Engineering Layout Sheet 5 Of 5 A1 1:250

All Received 10 July 2017

Arboricultural Impact Assessment – D14 267 08 Rev A  
Arboricultural Constraints Report – D14 267 07  
Drawing AIA Plan – D14 267 P5

All Received 09 August 2018

Site Location Plan PH3B/01B  
Double Roundabout General Arrangement 14930-P009.0 Revision P2  
One way Gyrotory Swept Path Analysis 14930-P009.1 Revision P1  
Double Roundabout Visibility 14930-P009.2 Revision P1  
Double Roundabout Deflection 14930-P009.3 Revision P1  
Proposed Rail Bridge Link General Arrangement 14930-P008.0 Revision P2  
Proposed Rail Bridge Link Swept Path Analysis 14930-P008.1 Revision P1  
Proposed Rail Bridge Link Forward Visibility and Deflection 14930-P008.2 Revision P1  
Phase 3B Change of Use PH3B/02A  
Phase 3b Scheme Overview 1 PH3B/03B  
Phase 3b Scheme Overview 2 PH3B/04B  
Phase 3b Scheme Overview 3 PH3B/05B  
Key To Larger Scale Plans PH3B/06B  
Plan 1 PH3B/07B  
Plan 2 PH3B/08A  
Plan 3 PH3B/09B  
Plan 4 PH3B/10A  
Plan 5 PH3B/11  
Plan 6 PH3B/12B  
Section A-A PH3B/13B  
Section B-B PH3B/14A  
Section C-C PH3B/15  
Section D-D PH3B/16  
Panorama Images 1 – 25  
Landscape Proposals Phase 3 683-02A  
Landscape Context Plan 683-10C  
Landscape Assessment Plan 683-11E  
All received 05 April 2018



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

3. 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.

4. 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.

5. The approved floodlight(s) existing within the site approved under application reference 15/04763/FUL 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.

6. No additional external lighting beyond that approved under application reference 15/04763/FUL shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

7. 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.

8. 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.

9. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with all required supporting evidence, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

10. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

11. The mitigation measures detailed in the approved Ecological Assessments [Wessex Ecological Consultancy March 2018 & Ellendale GCN Survey 11 June 2018 EEL138R18060SP] shall be carried out in full prior to the first bringing into use of the development and/or in accordance with the approved timetable detailed in the Ecological Assessment. The works will be carried out in strict accordance with all recommendations given in the ecological survey reports by Wessex Ecological and Ellendale Environmental, to ensure that European Protected Species (especially great crested newts) are not adversely impacted by the works.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

12. There shall be no raising of existing ground levels on the site.

REASON: In the interests of visual amenity.

13. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

14. Notwithstanding the detailed drawings submitted as part of the application, full details of the construction of all the alterations to the existing Parsonage Way and the existing haul road and its new junctions shall be submitted to and approved by the local planning authority prior to the works commencing. The details shall include, but not be limited to, carriageway and cycle track structure, drainage, signing, lining, street lighting, landscaping, levels, fencing, retaining walls, anti-incursion barriers (railway), visibility splays and treatment of residual non-stopped-up elements of Parsonage Way. The works shall be undertaken in accordance with the details approved.

REASON: To ensure that an acceptable overall scheme is achieved.

15. Prior to the commencement of the development, the approved roundabout on the B4069 serving the North Chippenham mixed use site (Ref: N/12/00560/OUT) shall have been fully constructed and adopted, unless a formal legal agreement has otherwise been entered into between the local highway authority, the developer responsible for the North Chippenham B4069 roundabout and the applicant, which secures the delivery of a combined double roundabout junction.

REASON: To minimise highway disruption resulting from the double roundabout proposals, and to ensure that maintenance responsibilities are not obfuscated between developers.

16. The 'haul road' route shall not be opened for public use (and by inference, Parsonage Way shall not be stopped up) until the works have been completed in their entirety, including the closure of all accesses between the southern side of the 'haul road' and the adjacent storage yard and the approved fencing along the completed length of the 'haul road', and the local planning authority has confirmed that any recommendations of a Road Safety Audit

,Stage 3 have been appropriately addressed (certified as such in writing by the local highway authority) .

REASON: To ensure that the proposed alternative route to Parsonage Way is fit for purpose and safe for use by the public before Parsonage Way is closed to through traffic.

17. No works shall be undertaken on the site except in accordance with a programme of works which shall first have been submitted to and approved by the local planning authority.

REASON: In the interests of highway safety, and to ensure that existing access arrangements are not prejudiced.

**INFORMATIVE TO APPLICANT:**

The stopping up of Parsonage Way will only be addressed by way of an application to the Secretary of State for Transport, through the provision of s247 of Town and Country Planning Act 1990. If permitted, any planning permission resulting from this planning application will form the basis on which the s247 application will be determined.

A s278 agreement will be required between the applicant and Wiltshire Council in relation to the highway works shown in outline in the approved drawings. No works are permitted on the highway unless or until the agreement has been completed.

Statutory Undertakers having apparatus in Parsonage Way will retain rights of access even if the road is formally stopped up, unless agreement on alternative routes can be reached; the applicant should be aware that, if new services are proposed for the Rawlings Green site, it could have implications for the proposals.

**INFORMATIVE TO APPLICANT:**

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.

**INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

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.

**INFORMATIVE TO APPLICANT:**

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

**INFORMATIVE TO APPLICANT:**

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.

**INFORMATIVE TO APPLICANT:**

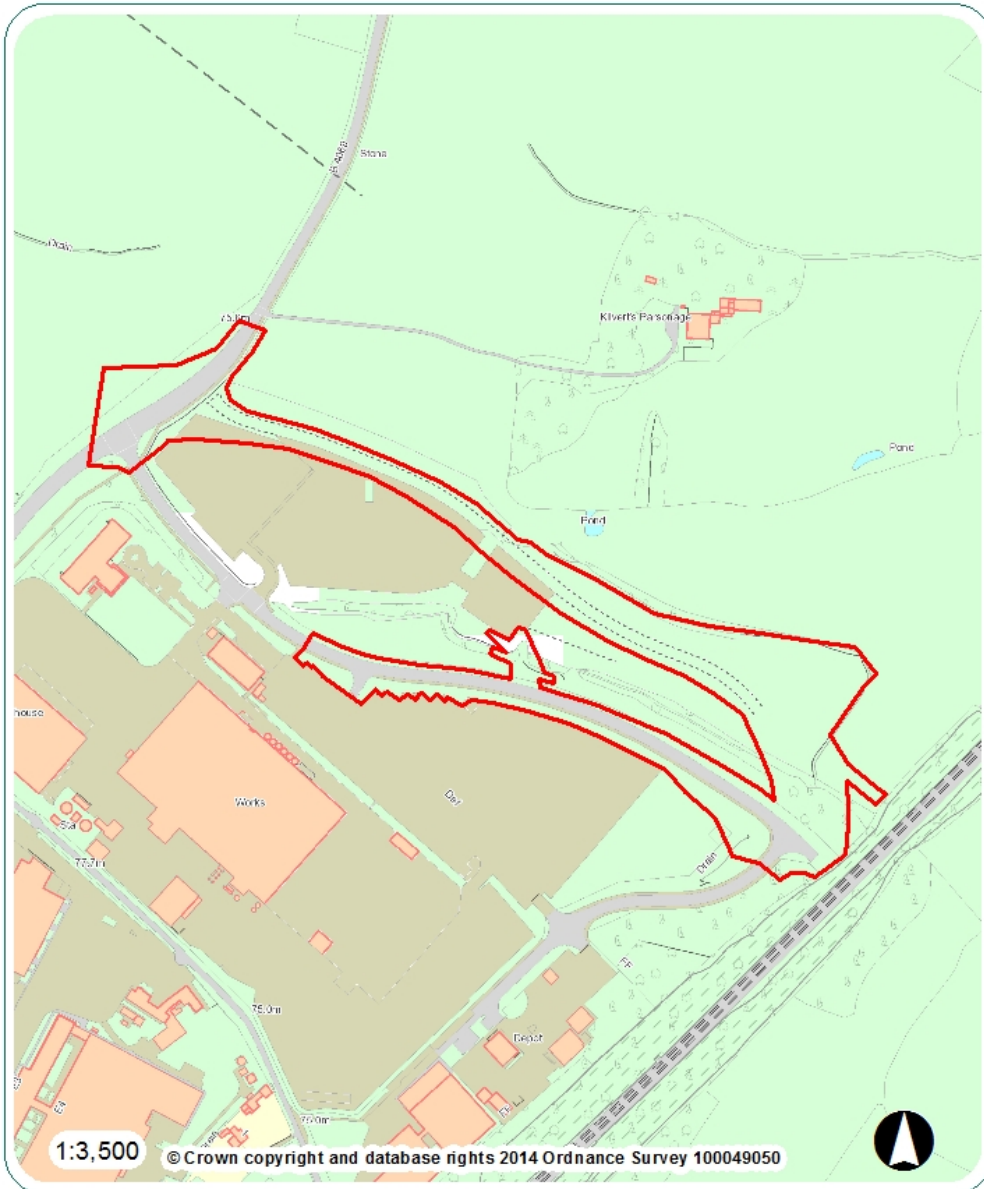
The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the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

**Appendices: none**

**Background Documents Used in the Preparation of this Report:**

**NPPF Revised July 2018  
Wiltshire Core Strategy  
Langley Burrell Neighbourhood Plan  
Chippenham Site Allocations Development Plan Document  
Application Supporting Documentation  
Planning Practice Guidance**

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# AGENDA SUPPLEMENT (1)

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**Meeting:** Strategic Planning Committee  
**Place:** Council Chamber - County Hall, Trowbridge BA14 8JN  
**Date:** Wednesday 15 August 2018  
**Time:** 10.30 am

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**The Agenda for the above meeting was published on Monday 6 August 2018. Additional documents are now available and are attached to this Agenda Supplement.**

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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- 7 **17/07793/FUL - Wavin Ltd Parsonage Way Chippenham Wiltshire - Works to existing road to provide new road link connecting B4069 Langley Road and Parsonage Way, including the provision of a footway/cycleway and new landscaping. Construction of new gyratory junction on Langley Road. Stopping up of existing section of Parsonage Way and change of use to provide storage area. Construction of link to existing storage area and provision of security fencing. (Pages 3 - 16)**

A late submission from Langley Burrell Parish Council and Langley Burrell Residents Association is attached.

DATE OF PUBLICATION: 15 August 2018
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14<sup>th</sup> August 2018

Dear Wiltshire council and Strategic Planning Committee

## **Planning app 17/07793/FUL Wavin**

### **1. Introduction**

This letter makes a number of recommendations for amendments to the planning approval of the above application. Their adoption would markedly improve alignment with planning policies and amenity without, in any way, jeopardizing the requirements of the applicant to optimize operational arrangements. We request that the Strategic Planning Committee incorporates these recommendations into its decision.

### **2. The proposal**

The key elements of this proposal are the relocation of Parsonage Way to the north of its current alignment, the creation of a new, additional junction between Parsonage Way and the B4069 and the creation of a roundabout at the eastern end of the site.

The application started life proposing a T-junction with B4069 in August 2017. It was then modified to a gyratory roundabout in November 2017. Finally, the proposals were revised again to a double roundabout in April 2018. We note that the Parish Council has responded with concerns to all three variants. This letter sets out those areas which the Parish Council and the Residents Association do not believe have been addressed adequately or at all.

### **3. Issue 1 Need for extension to bund and northern perimeter tree planting**

In its response posted 26<sup>th</sup> October 2017, LBPC noted:

Currently, lorries and stock are visible from the field to the north of the site during the day. At night, there is markedly more light pollution than before the expansion. This significantly detracts from the amenity value of the area. In order to provide more effective containment of light and noise pollution and to provide more effective visual screening of the link road, stockyard, car park and factory, we would expect the existing bund to be extended along the whole length of the diverted Parsonage Way.

No attempt has been made to include an extension to the bund and associated planting for screening purposes even though Wavin's own Heritage consultants C1 support such steps. Its settings assessment dated November 2017 states:

Langley Burrell Conservation Area will see some cumulative impact from an increase in road traffic noise and, from a limited area, visibility of traffic passing along the road.

Mitigation in the form of noise reduction measures might lessen the impacts on the setting of Kilvert's Parsonage, with the added consideration of reducing potential increased noise for the Conservation Area.

Similarly, in its rebuttal (24<sup>th</sup> April 2018) to the continuing concerns of Historic England dated 23<sup>rd</sup> April 2018, C1 notes:

Nevertheless, this does not mean that any new development should not be designed in such a way as to limit the effects of encroachment, so that the historic driveway to Kilvert's Parsonage (shown on 19th century maps) provides the same rural experience, and that glimpses from the southern edges of the copse towards the site are not dominated by the development. There is also the significant issue of noise, and while the copse would in part serve as a filter, it is important that additional measures are introduced.

Despite the more recent expansion of the Wavin factory close to the southern edge of Kilvert's Parsonage, trees and groups of woodland in combination with the parsonage copse are important in helping to provide separation between Langley Burrell and Chippenham.

Nevertheless it is important to provide screening; this will not only offer some protection to the approach to Kilvert's Parsonage on the south side of the copse but would also soften the distant view from Langley Burrell. Perhaps most significant is the increased noise level, adding to the existing hum of background noise from the factory,

A treeline would also perhaps harmonise with the plantation around Kilvert's Parsonage and partly mitigate the audible/lighting pollution.

The felling of trees on site has already increased the intervisibility of the works from the Parish and Conservation Area as has the extension of the site north of Parsonage Way. Footpath LBUR 5 used to afford a pleasant country walk. It is now spoilt by uninterrupted views of the stockyard, HGVs and giant stacks of plastic tubes etc. (See photos below) The relocation of the road will exacerbate these intervisibility and urbanization issues. The extension of the bund and planting of a continuous tree screen would do much to mitigate the harm to the heritage and amenity of the area north of the site by providing a barrier to light, noise and unsightly views inconsistent with a rural environment.



**Photos taken from footpath LBUR 5**

There is non-conformity with Core Policy 51 which states:

***Landscape***

*Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:*

- i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies*
- ii. The locally distinctive character of settlements and their landscape settings*
- iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe*
- iv. Visually sensitive skylines, soils, geological and topographical features*
- v. Landscape features of cultural, historic and heritage value*
- vi. Important views and visual amenity*

The failure to require mitigation by an extension of the bund and the planting of a tree screen along the northern perimeter is a breach of CP51, especially (iii) by failing to provide for mitigation to reduce the harm at the transition at the urban fringe.

A bund extension and line of trees would also mitigate the breach of CP58:

*Development should protect, conserve and where possible enhance the historic environment.*

*Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including:*

- i. Nationally significant archaeological remains*
- ii. World Heritage Sites within and adjacent to Wiltshire*
- iii. Buildings and structures of special architectural or historic interest*
- iv. The special character or appearance of conservation areas*
- v. Historic parks and gardens*
- vi. Important landscapes, including registered battlefields and townscapes.*

**We therefore request the inclusion of a planning condition requiring the extension of the bund and the planting of a hedge and treeline along it to:**

- i) mitigate the impacts on the heritage and amenity value of the area**
- ii) to mitigate impacts on the nearby residents**
- iii) to protect footpath LBUR 5 as far as is possible.**
- iv) to comply with Wiltshire Core Policies**

#### **4. Non-conformity with LBNP**

Local communities are encouraged by central government and WC to produce neighbourhood plans. It is asserted that these will allow local communities to influence development in their areas. Enormous effort went into producing the LBNP. It is therefore extremely disappointing that the policies of the plan are being ignored in the consideration of this development. Contrary to the assertion on page 7 of the report, it is the considered view of residents that the proposed approval absolutely does NOT comply with PB1. The extension of the bund and a line of tree screening would provide mitigation to the visual and audio impacts of cars on the relocated bypass, consistent with PB1.

LPs 1(i),1(ii), 1(iii) and 1(v) as well as HP1 also require the application of the above two mitigation measures.

## **5. Lack of coherent and prioritized pedestrian and cycle proposals**

As noted in LBPC's April 2018 response, the proposal does not prioritize pedestrians and cyclists; it only proposes uncontrolled crossings around the roundabouts. Pedestrians and cyclists will be subject to substantial extra dangers in navigating the double roundabout junction. This contravenes both the WCS and NPPF (para 35 2012 version).

The lack of controlled crossing will also undermine the residential amenity of both current and prospective local residents. The conclusion at para 9.7 of the report that there is no harm to Residential Amenity is therefore unfounded.

The failure of this "transport and infrastructure improvement" to provide adequately for cyclists and pedestrians also breaches CP48 which states:

### ***Improving access to services and improving infrastructure***

*Proposals which will focus on improving accessibility between towns and villages, helping to reduce social exclusion, isolation and rural deprivation, such as transport and infrastructure improvements, will be supported where the development will not be to the detriment of the local environment or local residents.*

See also section 6 below.

**Consistent with WC's sustainability aspirations and its policies and to mitigate adverse effects on residential amenity, a condition of approval should be that crossing points are either zebra or pelican both for cyclists and pedestrians.**

## **6. Non-compliance with Core Policy 34**

CP34 states:

*Outside the Principal Settlements, Market Towns and Local Service Centres, developments that:*

- i. Are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements; or*
- ii. Support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification; or*
- iii. Are for new and existing rural based businesses within or adjacent to Large and Small Villages; or*
- iv. Are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the council*

*will be supported where they:*

- v. Meet sustainable development objectives as set out in the policies of this Core Strategy; and*
- vi. Are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity; and*
- vii. Are supported by evidence that they are required to benefit the local economic and social needs; and*
- viii. Would not undermine the delivery of strategic employment allocations; and*
- ix. Are supported by adequate infrastructure.*

It is accepted that 34(i) applies. It is accepted that WC will say that 34(iv) applies. However, the discussion of criterion v is highly selective. It focuses on the only element of (v) which is met. There are other elements which are failed. These include:

## **Core Policy 60**

### **Sustainable Transport**

*The council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire.*

*This will be achieved by:*

- i. Planning developments in accessible locations*
- ii. Promoting sustainable transport alternatives to the use of the private car*
- iii. Maintaining and selectively improving the local transport network in accordance with its functional importance and in partnership with other transport planning bodies, service providers and the business community*
- iv. Promoting appropriate demand management measures*
- v. Influencing the routing of freight within and through the county*
- vi. Assessing and where necessary mitigating the impact of developments on transport users, local communities and the environment.*

## **Core Policy 61**

### **Transport and New Development**

*New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.*

*As part of a required transport assessment, the following must be demonstrated:*

- i. That consideration has been given to the needs of all transport users (where relevant) according to the following hierarchy.*
  - a. Visually impaired and other disabled people*
  - b. Pedestrians*
  - c. Cyclists.*
  - d. Public transport.*
  - e. Goods vehicles.*
  - f. Powered two-wheelers.*
  - g. Private cars.*
- ii. That the proposal is capable of being served by safe access to the highway network*
- iii. That fit for purpose and safe loading/unloading facilities can be provided where these are required as part of the normal functioning of the development.*

*Where appropriate, contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives and more sustainable freight movements.*

## **Core Policy 63**

### **Transport Strategies**

*Packages of integrated transport measures will be identified in Chippenham, Trowbridge and Salisbury to help facilitate sustainable development growth. The packages will seek to achieve a major shift to sustainable transport by helping to reduce reliance on the private car and by improving sustainable transport alternatives.*

*Each of the packages will consider the implementation of the following.*

- i. New and improved networks of routes for pedestrians and cyclists.*
- ii. Enhanced public transport services and facilities.*
- iii. Traffic management measures.*
- iv. Demand management measures.*
- v. Selective road improvements.*

*vi. Interchange enhancements that are safe and accessible by all.  
vii. Smarter choices measures.*

*These will be supported and implemented through developer contributions, LTP funding and joint working with partners and others.*

Uncontrolled crossings clearly do not satisfy these sustainability policies. Consequently CP34(v) is not satisfied.

Criterion (vi) is plainly not satisfied, contrary to the assertion on page 7. Even within the report it is accepted that there will be adverse effects on residential amenity, the surrounding area and nearby buildings.

Criterion (vii) is not met. No clear evidence has been adduced that the implementation of this application will increase employment. (See section 10)

Criterion (ix) is not met, contrary to the claim of page 7; it has yet to be demonstrated that the double roundabout proposals are fit for purpose in light of the traffic volumes which might be expected.

For all these reasons, the statement on page 6:

“With respect to CP34 it is considered that the proposals meet the relevant provisions and criteria of this policy. “

is unfounded. No reasonable planning authority could reach a conclusion that CP34 is satisfied.

**The argument that CP34 is satisfied would be more credible if our recommendations for conditions are accepted.**

## **7. Inadequate planning integration with the North Chippenham and Rawlings Green proposal**

Proper co-ordination with adjacent schemes is a key issue for this scheme. According to the report to the SPC:

- Page 1: The application is reported to the Strategic Planning Committee given the relationship and potential impacts to neighbouring strategic development sites and allocations.
- Page 7: It is essential that the application proposal accords with and does not prejudice delivery of these sites. Initial application proposals were considered to fail in this particular respect.

Page 8: The application involves significant works to the highways network in a location where major development is underway and is proposed.

Adequate co-ordination is also a key concern of the Rawlings Green developer. According to page 6 of the Report:

It should also be noted that the applicant team for the Rawlings Green Development has submitted multiple representations of objection to the scheme proposals. In summary they



consider that the submitted details are insufficient to demonstrate that the proposals can be delivered without prejudicing delivery of the rail bridge that provides access to the Rawlings Green site.

WC's Highways expert also states:

The revised scheme also allows for the permitted North Chippenham development B4069 roundabout to proceed as intended (now a commitment), and for the Rawlings Green proposals to proceed, when permitted; both can proceed independently of the Wavin proposals. There is therefore no inter-dependency between developers, and all three developments can proceed independently on the basis of the revised scheme, **subject only to timing restraints** (Emphasis added).

This is reflected in the following proposed planning condition:

15. Prior to the commencement of the development, the approved roundabout on the B4069 serving the North Chippenham mixed use site (Ref: N/12/00560/OUT) shall have been fully constructed and adopted, unless a formal legal agreement has otherwise been entered into between the local highway authority, the developer responsible for the North Chippenham B4069 roundabout and the applicant, which secures the delivery of a combined double roundabout junction.

REASON: To minimise highway disruption resulting from the double roundabout proposals, and to ensure that maintenance responsibilities are not obfuscated between developers.

However no evidence is adduced that the conversion to a double roundabout will not necessitate modifications to the "North Chippenham" roundabout.

**We submit that this issue should be resolved in the interests of efficient planning and minimizing the disruption to local residents before this scheme is approved.**

In addition, Parsonage Way is an essential route for construction vehicles to access the Rawlings Green rail bridge site. We submit that this timing issue renders the two schemes very much interdependent.

Section 9.8 of the report to the SPC notes that:

#### **Section 106 Planning Obligation**

An agreement is required to address the following requirements:-

reasonable endeavours to ensure that the delivery of the railway bridge by others is not delayed or its construction prejudiced in any way as a result, directly or indirectly, of the design or implementation of the proposed works.

**It is evident that WC's Highways expert and the Rawlings Green developer regard timing issues as having the potential to disrupt delivery of CSAP schemes. A planning obligation to resolve these is not included in the recommended planning conditions. A planning obligation is recommended for the S106 agreement. However, given the potential for considerable detrimental interactions**

**between works to relocate Parsonage Way and works to build the bridge which need access via Parsonage Way, “reasonable endeavours” is far too weak a requirement. The two applications need to be treated as two elements of an overall project. They must be managed and co-ordinated as such.**

## **8. Failure to demonstrate the viability of the double roundabout scheme**

In its response (17<sup>th</sup> April 2018) to the double roundabout version of the application, LBPC expressed concern that:

Insufficient spacing between the roundabouts will provide a logjam back onto adjacent roundabout, blocking access for those who want to go round the roundabout rather than access the blocked exit.

Documents subsequently received confirm that this worry is justified.

The Arcady Junction 9 modelling for the double roundabout (posted on 20<sup>th</sup> April 2018) contains the following warning:

If the distance between linked junctions is small, results should be treated with caution. The linked junctions will be modelled as separate junctions, but the real behaviour may be that of a complex system with interactions that cannot be modelled.

The “PARSONAGE WAY, CHIPPENHAM PROPOSED ROUNDABOUT JUNCTIONS Stage 1 Road Safety Audit April 2018” records the following problem:

3.11 PROBLEM LOCATION: Section of Langley Road between double roundabouts.  
SUMMARY: Queuing vehicles may overhang circulatory carriageways. Should traffic queue within the short section of carriageway between the double roundabouts there may be instances where vehicles (particularly long vehicles) may overhang the circulatory carriageway of the roundabouts. This may lead to lane change or shunts type conflicts within the circulatory carriageways. RECOMMENDATION Assess, through traffic modelling for instance, whether such queuing is likely to occur and block back through onto the roundabout circulatory carriageways. If this is a likely and frequent occurrence it may be beneficial to separate the junctions further.

Hydrock’s Road Safety Audit Stage 1 RDW/TS/18/1692/RSA1; Ref: C14930 – Stage 1 RSA Designer’s Response 18 April 2018 replies:

Agreed. The junction modelling will be undertaken by the appointed Transport Planning consultant and modelling made available to Wiltshire Council for assessment.

Despite these caveats, WC’s Highways expert concludes (April 2018) that:

I am now able to offer a recommendation for a conditional approval to the proposals. The revised arrangements represent an acceptable compromise

It is, however, evident from the above that there is no basis yet for his conclusion that:

junction arrangement on the B4096 will be functionally acceptable, and capable of dealing with highway operational requirements.

The statement on page 9 of the Report<sup>1</sup> is, similarly, fundamentally flawed.

Such a conclusion is presently unsafe. It is evident from the diagrams that a single HGV will fill the distance between the two roundabouts. Further evidence needs to be adduced regarding the medium term loading. Even so, the WC Highways expert concedes that:

The junction Arrangement is not as efficient as might have been otherwise achieved.

In practice, the interactions and problems are likely to be even more severe: drivers trying to exit Hill Corner Road to turn right down Pew Hill will, in practice find this manoeuvre next to impossible. Instead they will turn left and execute a 180 degree turn at the southern double roundabout. This will load the junction more heavily than crude modelling will show. And Hill Corner Road traffic will increase markedly because this is the only exit point for many residents of the new North Chippenham site. And, the double roundabout will be much more heavily loaded in the future when the bypass is completed all the way from the A4 at Pewsham to the A350 at Malmesbury roundabout.

**It is vital for the sustainable future of Langley Burrell and Chippenham that any junction built on the B4069 is demonstrated to be future proofed against these developments. The application should not be approved until a design robust to anticipated traffic volumes has been proven.**

## **9. Further denuding of tree screening**

In its response posted 26<sup>th</sup> October 2017, LBPC noted:

The existing phases have already demolished a significant proportion of the trees and hedges which screen the site contributing to the substantial increase in pollution.

The response expressed concerns about plans in this application to fell yet more trees.

We also note the response to the consultation of WC's own Arboricultural Officer:

There will be tree loss and encroachment into root protection areas of trees to facilitate this proposal. The embankment shown in red states 'Dense Vegetation/brambles/Large trees' to be located in this area. Further details will need to be provided to identify the species of trees. A drawing will also need to be provided to show the position of all trees in relation to the proposal, indicating the ones to be removed in red. Please ensure that all trees are plotted with the correct canopy spread and root protection areas. Once this information is received, I will be able to give an informed response.

**We therefore request that final approval should not be given unless and until the outstanding questions of the arboricultural officer have been satisfactorily addressed and a commitment has been made to establish a line of trees along the northern perimeter of the relocated link road (which is common practice when new bypass/distribution roads are constructed).**

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<sup>1</sup> "The revised junction arrangements and related haul road and B4069 specifications and details are now considered to be technically appropriate and acceptable from a highways perspective."

## Other relevant factors:

### 10. Weak rationale for non-conformity with development plan

As noted on page 11 of the Report:

The NPPF is a material consideration of significant weight. At para 196 it identifies that where less than substantial harm is identified this harm should be weighed against the public benefits of the proposals. This requirement is reflected and further defined in relevant case law in particular the Barnwell and Forge Field High Court judgements. Here it is identified that great weight should be given to the statutory requirements to preserve heritage assets and that any harm that is caused requires very clear and convincing justification and that the public benefits of a scheme proposal must very clearly outweigh the harm. In making such assessment it is also necessary to consider if such benefits could be achieved in a different way that would not result in the harm that is identified.

Wiltshire Council (WC) recognizes that the proposal breaches its development plan and the Langley Burrell Neighbourhood Plan. However, it justifies this breach in terms of employment benefits. There is little or no evidence base cited for the supposed employment benefits:

The employment section of the application form (section 19) says simply “No Employment details were submitted for this application”.

The planning statement says:

6.1.8 In the context of these principal planning policies, the planning benefits of the proposed development are that it would improve the prospect of securing the Applicant company’s long-term presence in Chippenham, and therefore the longevity of the Principal Employment Area allocation in the Core Strategy, and would present an

However, given the substantial sums invested by Wavin in the site and its preference for Chippenham over Doncaster even though this planning application was not certain to be approved, the likelihood of Wavin reducing its presence now should be considered to be very low.

In short, WC is willing to trade the certain significant harm to the area for the low probability of small employment effects at some unspecified point in the future. This does not meet the “clear and convincing justification” test established by legal precedent.

Moreover, as noted on page 5 of the Report to the SPC (the Report), WC’s own spatial planning experts, in their response dated 10<sup>th</sup> January 2018 stated:

In our view, the current alignment and existing route, without any re-alignment, is fit for purpose.

Nonetheless residents of Langley Burrell and the Parish Council have acknowledged the operational advantages of relocating the link road and have not opposed the proposal absolutely.

**Especially given the tenuous justification for over-riding the development plan, it is extremely disappointing that the recommendations of the WC planning department do not pay more attention to the concerns of local residents. We ask you to include them in your decision should you decide to approve the application.**

## **11. Process irregularities**

There are numerous process irregularities regarding the progression of this application.

First, the email from Bethany Mitchell (see below) cites 19<sup>th</sup> April 2018 as the deadline for responses to the 3<sup>rd</sup> variant of the application.

However, numerous key documents providing vital information about the scheme were received and/or posted later than this. These include:

- Seven documents providing vital highways information about the new configuration of the “double roundabout”
- A document from Wessex Ecology Consultancy on behalf of the applicant posted 23<sup>rd</sup> April 2018 responding to questions from WC about bats
- A document from Connect one Heritage and Archeology on behalf of the applicant posted on 23<sup>rd</sup> April and which purports to provide a rebuttal to concerns raised by Historic England.

It is a condition of the draft planning approval that the development should be carried out in accordance with some of these documents. Moreover, the website is the only source of information for consultees and respondents. For both these reasons, this information should have been available to them at least two weeks **BEFORE** the closing date for comments.

Second, it is a condition of the draft planning approval that the development is carried out in accordance with the following documents:

- Ecological Assessment and Surveys Received ...09 July 2018
- Arboricultural Impact Assessment – D14 267 08 Rev A  
Arboricultural Constraints Report – D14 267 07  
Drawing AIA Plan – D14 267 P5  
**All Received 09 August 2018**

Not only were all of these documents received after the deadline for comments, but none of them are on the webpage so are unavailable to consultees and respondents.

Third, there are several letters from Historic England posted on the webpage. Some of these refer to the original advice provided by Historic England to WC in November 2017. However, that advice is not on the webpage.

Given that Heritage Impacts are at the core of the planning consideration of this application, other consultees and members of the planning committee are denied crucial access to authoritative advice on the consideration of the proposal in view of the acknowledged harm to a listed asset. It is a serious omission.

Fourth, page 6 of the Report states:

In addition it should also be noted that the applicant team for the Rawlings Green Development has submitted multiple representations of objection to the scheme proposals.

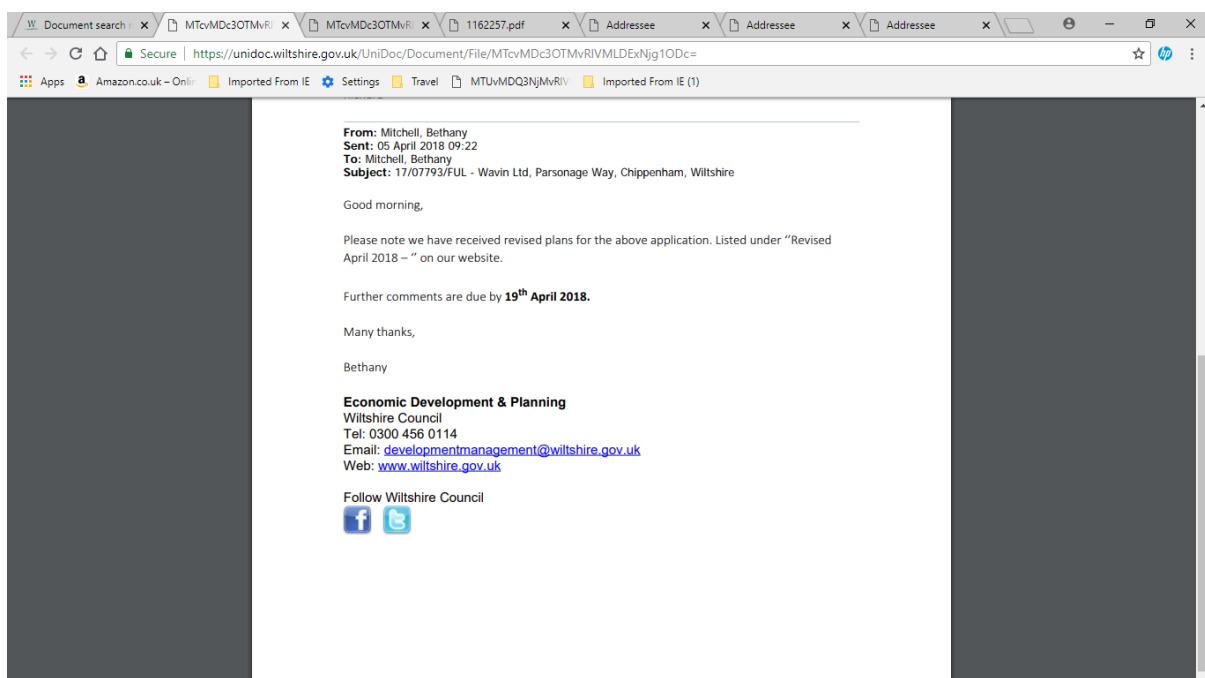
However, there is only one representation from the Rawlings Green developer (a key player in this decision) on the webpage, posted 31<sup>st</sup> May 2018. The lack of transparency regarding the views of this key player has put other commentators at a disadvantage in formulating their own responses.

Fifth, there are material errors in the report to the Strategic Planning Committee:

- It repeatedly (5 times) refers to the roundabout system on the B4069 being “gyratory”, despite this being the November 2017 variant of the proposal and the April version on which the committee is being asked to opine is a double roundabout.
- Statements in section 3 (Site description) contradict statements in section 9 regarding rights of way.

The strategic planning committee, consultees and respondents have a legitimate expectation that they are being asked to comment or decide on full and accurate information. There is a strong case that the determination of the case should be deferred until these multiple errors and omissions have been remedied and respondents have had adequate opportunity to comment.

A decision made on incomplete and inaccurate information is unsafe.



## Email showing deadline for comments

### 12. Conclusion

There are numerous process failings which point to a deferral of this decision until they have been rectified. In addition, the case for over-ruling heritage considerations and ignoring the development plan is at best flimsy. However, we recognize the operational arguments for a scheme of this nature and have no wish to see unnecessary delay. But, in the circumstances, we would expect, as a minimum, the committee to address our concerns regarding:

1. The extension of the bund along the entire northern perimeter of the site
2. The planting of a tree screen along the entire northern perimeter of the site
3. The establishment of pelican or zebra crossings instead of uncontrolled crossings
4. Consistent with the requirements of the CSAP inspector, demonstrating the design of the double roundabout is future-proofed against likely traffic flows once the bypass is completed between the A4 and the A350 ie it satisfies his "equivalent measures" test.
5. Taking steps to ensure that there is proper planning co-ordination for the construction of the three interacting schemes:
  - North Chippenham
  - Wavin haul road and roundabouts
  - Rawlings Green railway bridge (and subsequent site development)

The above requirements are all consistent with WC Core Policies, recommendations of Wavins's own advisers for the planning application, good planning practice or some combination of the three.

Yours sincerely

Langley Burrell Parish Council

Langley Burrell Residents Association