

## CASE OFFICER'S REPORT

### REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	13 <sup>th</sup> October 2021
<b>Application Number</b>	20/11605/FUL
<b>Site Address</b>	Kingsway Nurseries Chippenham Road Corston Malmesbury Wiltshire SN16 0HW
<b>Proposal</b>	Partial redevelopment to provide new warehouse development (Class B8) and ancillary design and administration accommodation (Class E(g)) and associated works
<b>Applicant</b>	Mr Giles Redman
<b>Town/Parish Council</b>	HULLAVINGTON
<b>Electoral Division</b>	Councillor Nick Botterill
<b>Grid Ref</b>	391363 182713
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Catherine Blow

### REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be refused.

The application has been called into Committee by Councillor Botterill as it is recommended for refusal when there are considered to be benefits to the proposal, including parking provision for the adjacent site and promotion of economic activity. This call in has been supported by Crudwell Parish Council.

### REPORT SUMMARY

The application received representations from one of neighbour in support of the proposal and no objections; and Hullavington and St Paul without Parish Councils also support the proposals.

Issues to be addressed:

- Principle of the development.
- Scale, design, impact upon the character and appearance of the area
- Impacts upon the amenity of the area

- Access and parking/Impact on highways

## **SITE DESCRIPTION**

The application site is located in the open countryside outside any settlement set out in the Core Strategy. Corston, a small village lies to the north, with Hullavington, a large village located to the west. The site is on the western side of Chippenham Road adjacent to the elevated railway line to the south and is bounded by residential properties to the east and west.

The site, which only forms a part of the total site of the former horticultural use, with the northern area excluded from the red line site boundary. This part of the site is currently occupied by three large, dual pitched horticultural greenhouses. The land owned by the applicant also includes two further greenhouses and other ancillary agricultural buildings but these are excluded from the proposed development. The site is currently vacant.

Access to the site is via a flat and open access located close to the railway bridge to the south and this access is shared with the residential property to the west known as Kingsway Barn. This part of Chippenham Road has a 60mph speed limit and the road is restricted in width and height under the railway bridge with a sharp drop in the adjacent road as it dips beneath the rail bridge.

The site is in an area susceptible to ground water flooding, with groundwater levels within 0.035 and 0.5 metres below the surface. There is also an area of surface water flooding close to the site, in the vicinity of the railway bridge, where ground levels lower. There are no other known physical constraints, although there is a watercourse located approximately 100 metres to the north and listed building located on the southern side of Chippenham Road. Information provided previously to the Council (through the desk based assessment provided previously) indicates the site may be subject to below ground archaeological remains that could be affected by the proposal.

## **PLANNING HISTORY**

20/04646/PNCOU - Prior Notification under Class Q of a Proposed Change of Use of Agricultural (Horticultural) Buildings to 5 Dwellinghouses (Use Class C3) and Associated Building Operations - Withdrawn

20/7114/PNCOU - Prior Notification of Proposed Change of Use of Agricultural (Horticultural) Buildings to 5 Dwellinghouse (Use Class C3) and Associated Building Operations – refused

PL/2021/04632 - Notification for Prior Approval under Class R for a Proposed Change of Use of Agricultural Buildings to a Flexible Use Falling within Uses B1 and B8 – refused

## **THE PROPOSAL**

The application seeks planning permission for partial redevelopment of this former horticultural site. It would result in the demolition of the three large glass houses located in the southern portion of the site and erection of new warehouse development (Class B8) and design and

administration accommodation (Class B1) and associated works. The total gross internal floor area would be 3365 sqm.

The proposed buildings would be arranged in a U-formation with the central area used for vehicle circulation and parking spaces. The proposed warehouse element to the south and west portions of the building, including the quality control element and ancillary space, would provide approximately 2,450 sq m of floor area, with the office development, reception and staff kitchen and toilets totalling approximately 920 sq m. There are a variety of roof coverings that have heights of approximately 7.7 – 10 metres in height.

The proposal also includes the provision of a new access onto Chippenham Road. The plans provided show the existing access to be relocated approximately 25 metres further from the railway bridge.

The supporting documentation identifies that the current proposals could be expanded in future on the remaining landholding and this is effectively a first development phase.

## **PLANNING POLICY**

### Wiltshire Core Strategy (2015):

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 10: Spatial Strategy: Chippenham Community Area
- Core Policy 34: Additional employment Land
- Core Policy 35: Existing employment sites
- Core Policy 38: Retail and leisure
- Core Policy 48: Supporting Rural Life
- Core Policy 51: Landscape
- Core Policy 57: Ensuring high quality design and place shaping
- Core Policy 58: Ensuring conservation of the historic environment
- Core Policy 60: Sustainable transport
- Core Policy 61: Transport and New Development
- Core Policy 62: Development Impacts on the Transport network
- Core Policy 64: Demand Management
- Core Policy 65: Movement of Goods
- Core Policy 66: Strategic Transport Network

### Saved Policies from The North Wiltshire Local Plan (2011)

- NE14 – trees and control of new development
- NE18 – Noise and Pollution

### Chippenham Site Allocations Plan DPD (Adopted May 2017)

- Policy CH1 – South West Chippenham  
Rowden Park – 18Ha of land for employment

- Policy CH2 – Rawlings Green 5Ha of employment land

## Hullavington Neighbourhood Development Plan – Made September 2019

Policy 1: Settlement Boundary

Policy 2: Allocation and delivery of Site 690 for development

Policy 3: Planning applications in the Parish, apart from Site 690

### NPPF 2021

Achieving sustainable development – paragraphs 2, 3, 7, 8, 11, 12

Decision Making – paragraph 38, 39, 47, 55,

Building a strong and competitive economy – paragraphs 81, 83, 84, 85

Promoting sustainable transport – paragraphs 104, 105, 110, 111, 112, 113,

Making effective use of land – paragraphs 119, 120

Achieving well-designed places – paragraphs 126, 130, 134

Meeting the challenge of climate change, flooding and coastal change – paragraphs 152, 153, 157, 159, 167, 168, 169,

Conserving and enhancing the natural environment – paragraphs 174, 179, 180, 185

Conserving the historic environment – paragraph 203

### **CONSULTATION RESPONSES**

Hullavington Parish Council

Support the proposal as would accord with Policies 1 and 2 of the Neighbourhood Plan

St Paul Malmesbury Without Parish Council (adjacent parish)

Support the application as it would align with a number of strategies such as Swindon and Wiltshire Strategic Economic Plan that support economic growth and local businesses, which tips the balance towards consent.

Spatial Planning

The response sets out the concern regarding the location of the site outside the principal settlements and the aim of the Core Strategy to ensure future growth is directed towards areas with the highest concentration of jobs, people and services, such as Chippenham. It also sets out the concern regarding the heavy reliance on private modes of transport with bus stops located some distance from the site. It also notes the potential for future growth at the site further exacerbating additional car journeys. Although Core Policy 34 does allow for additional employment it is not clear the proposal would accord with the criteria in relation to sustainable transport.

Economic Development

Support this proposal that would meet the demand for businesses in this location. The proposal would contribute to, or are aligned with, a number of policies and strategies supporting economic growth in the area, including for example the Swindon and Wiltshire Strategic Economic Plan which includes a strategic objective that is focussed on supporting business development.

The subsequent response accepts the assessment of alternative sites is light touch but due to the demand for employment units along the M4 corridor the demand outstrips supply. The response highlights examples of units sold prior to construction completion and they are unable to find alternative units for the occupation of the development proposed. However, the

response incorrectly assumes this relates to the redevelopment of a brownfield site, which is the site is not.

#### Wiltshire Council Highways

The original response raised concerns regarding the lack of information regarding intensification of the use of the access and lack of clarity on the existing traffic generation and proposed traffic generation of the entire site. Concern was also raised regarding visibility splays and the lack of a right turn lane to facilitate a safe access. The response also notes that lack sustainable transport links to the site, with a lack of of pedestrian access to enable use of public transport and the distance to the nearest railway station would preclude access via cycle and train.

The subsequent response in relation to additional information provided in the transport note regarding capacity assessments, trip generation and topography information concludes that the proposal would not result in severe or significant material impacts to the surrounding highway network in terms of capacity or safety but the response highlights the heavy reliance on private modes of transport to access the site with only mitigation in a travel plan. They do not raise an objection in relation to highway safety, subject to conditions.

#### Highways England

No objection

Their response is based on allowances for existing trip generation from historic uses on the site and those already on the network from the end users' existing activities and trip thresholds, previously accepted by Highways England in relation to other planning applications in the area. They consider therefore, the likely traffic impact on Junction 17 arising from this development will be low. Therefore, they are unable to sustain an objection on the basis of the development coming forward in advance of delivery of an improvements scheme at Junction 17 and a Grampian condition is not considered to be proportionate.

#### Network Rail

No objections in principle to the proposal but due to the proposal being next to Network Rail land and infrastructure and conditions recommended to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway.

#### Landscape Team

Support subject to conditions

#### Environment Agency

No objection, advice provided regarding permits required for foul drainage matters

#### Wessex Water

No objections

#### Drainage

Officers raise concerns regarding the feasibility of the proposed drainage scheme, which seeks to make use of soakaways, due to the lack of assessment of infiltration testing and ground water levels within the site. The information provided fails to demonstrate that infiltration via soakaway was feasible. Officers also raise concern regarding potential exacerbation of flooding that has taken place under the railway bridge and the lack of capacity in existing ditches. The submissions fail to address these risks and therefore no feasible drainage strategy has been provided.

Public Protection  
No objections subject to conditions

Tree Officer  
No objections subject to conditions

Archaeology  
No objections subject to conditions requiring archaeological mitigation

## **REPRESENTATIONS**

The application has been advertised by neighbour letter, site notice and press notice. One local resident who shares the access to the site supports the application for the following reasons:

- The development is acceptable subject to minor modifications regarding the design to reduce the visual impact
- The existing request stop on site/immediately opposite the site is used regularly by local residents

## **ASSESSMENT:**

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

In this case, the Wiltshire Core Strategy (WCS), including those policies of the North Wiltshire Local Plan saved in the WCS; Chippenham Site Allocations DPD (CSAP); and the Hullavington Neighbourhood Development Plan (HNP) form the relevant development plan.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations, which can be afforded substantial weight.

### Principle

Paragraph 12 of the NPPF confirms that the '*NPPF does not change the statutory status of the development plan as the starting point for decision making*' and proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The proposals are therefore to be considered in the context of the NPPF which sets out Central Government's planning policies but determined against the policies of the adopted WCS and HNP.

At the heart of the NPPF is a presumption in favour of sustainable development and the WCS seeks to build resilient communities and support rural communities but this must not be at the expense of sustainable development principles. The Settlement and Delivery Strategies of the WCS are designed to ensure new development fulfils the fundamental principles of sustainability. This means focusing growth at settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner and self

containment can be supported and out commuting minimised. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth anticipated in the plan period.

### Development Plan

Core Policy 1 of the WCS sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries. Core Policy 1 advises that development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Paragraph 4.17 explains that proposals for improved local opportunities outside the limits of development will not be supported unless they arise through neighbourhood plans, which are endorsed by the local community and accord with the Core Strategy.

Core Policy 2 of the WCS sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Development proposals outside these defined limits would not be supported, except in certain specified circumstances set out in paragraph 4.25 of the WCS. These include Core Policy 34 Additional Employment Land.

In addition to Core Policies 1 and 2, Core Policy 10 also sets out the area strategy for the Chippenham Community Area. This advises that 26.5 Ha of new employment land, (in addition to that already provided or committed at April 2011) will be provided. Paragraph 5.55 advises that housing and employment growth should be identified on land adjoining the built up area. The policy advises that growth at Chippenham will be identified in the CSAP. The allocations in that plan include two sites that include a total of 23 ha of Land. These are included in Policy CH1 – South West Chippenham Rowden Park and Showell Farm which includes an allocation for 18Ha of land for employment. The other allocation is in Policy CH2 – Rawlings Green which includes 5Ha of employment land.

The aim of Core Policy 10 is to direct growth, including additional employment to Chippenham in the first instance. The site is also not in an existing allocated employment site nor does it seek to redevelop a site last used for business purposes (the former use was for horticulture). The application site is located a significant distance from the edge of Chippenham and remote from the villages of Hullavington and Corston and is therefore in conflict to the aims of Core Policies 1, 2 and 10 of the Core Strategy that seeks to direct growth towards existing settlements.

However, Core Policy 2 does refer to exceptions to the spatial vision that includes provision for additional employment land as set out in Core Policy 34. This policy seeks to support employment development within principal settlements, market towns and local service centres in addition to that allocated in the plan. It goes on to state that outside the larger settlements, which the site is, employment development will be supported in the following circumstances:

- 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.*

The proposal does not relate to the retention or expansion of a business currently located within or adjacent to any of the type of settlement types listed in Core Policy 34 above, namely a principal settlement, market town or local service centre. In addition, the site is not well related to the nearby settlements of either Corston or Hullavington. There are no apparent business links of the applicant's business, which is currently based near Calne, to the village of Hullavington or Corston and in any event the site is a significant distance from both those settlements. Therefore, development of this former horticultural site is not a development that is supported by Core Policy 34. Similarly, the proposal does not relate to sustainable farming, food production or adaption of modern agricultural practices. It relates to a warehouse and associated office space to enable the supply of architectural fixtures and fittings, which are related to the construction industry/interior design industry with no links to agriculture and therefore in and of itself does not require a rural location and arguably would be more appropriately located closer to centres of anticipated major development and growth such as Chippenham. Similarly, the applicant's business is not necessarily essential to the wider strategic interest of economic development such as a large prestigious employer or a business that is essential or linked to Wiltshire's target sectors set out in paragraph 6.10, recently updated in the Swindon and Wiltshire Economic Plan which identifies priority sectors as advanced engineering and high value manufacturing, health and life sciences, financial and professional services, digital and information and communications technology and land-based industries.

The proposal includes Use Class E(g) and Use Class B8 floorspace in the southern portion of the site. The remaining area of land in the same ownership is not proposed for development in this application. The planning statement advises the initial occupier will be the applicant but there is unlikely to be the ability to control the occupier in the long term should the current applicant cease to occupy the site. It should also be noted that a large portion of the site in the same ownership to the north of the current application site could also be subject to future significant expansion, which is referred to in the application submission and reflected in the revised access arrangements. As the proposal does not relate to development that accords with the points above, there is no need to assess points v-ix as it is not a development that would be supported in principle. The second part of Core Policy 34 regarding additional employment development that accords with points i-iv would also need to accord with the following criteria:

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

In terms of the sustainability objectives cited in point v above this relates to the spatial strategy that aims to concentrate growth towards existing settlements and reduce the need for travel. There is no locational requirement for this business to be sited in the open countryside and is



a fairly typical warehouse and office use that could readily be accommodated on numerous other allocated and permitted sites in the administrative boundary. The supporting employment site statement provides some information in relation to alternative sites considered.

The planning statement advises the development is sought for mainly a B8 use, with further floor space for ancillary offices, totalling 3,365 sq m of floor area on a site of 1.2 ha within a total site of 2.6 Ha. This application is sought by an existing local company who supply internal architectural fixtures to the market and currently operate from a site in Bremhill. This company currently employs 22 staff members. The application is also supported by information regarding employment land availability by Whitmarsh Lockhart. This information includes assessment of existing land available for employment uses in the area. The general matters for discounting sites are set out as follows:

- General shortage of sites for entrepreneurs for small business growth
- Site ownership by third parties
- Excessive rents
- Too large for the needs of a small company
- No suitable sites to purchase and develop

The assessment is summarised below:

Site Scoped	Reason for discounting	Officer comment
Chippenham Gateway Junction 17 of the M4 17/03417/OUT several reserved matters applications 1 million sq ft of B8 Storage (27.3 Ha)	- Major scheme only being developed for units in excess of 80,000 sq ft rather than selling plots of land for the applicant	The units are larger than the applicant requires, although there is nothing in the consent that would prevent the future units being acquired and developed for smaller users.
Hunters Moon16/12493/FUL) Permission granted for up to 2.7Ha of land of two adjacent sites	-No services or utilities provided on site -Constrained site access for the smaller plot - Months until the site is available	The site is free from development and is currently being marketed for sale with flexibility for future development.
Methuen Park Chippenham	Development proposal for office use (permission granted for 20 units 19/07944/FUL unsuitable for the applicant	It is accepted the site area is constrained and recent permission granted would not be suitable for the applicant even with modifications were made and are aimed to accommodate starter units
Bumpers Farm, Methuen Park, Chippenham and Porte Marsh in Calne	Fully occupied	No comments
Southpoint (Showell Farm) (Consents granted N/13/00308/OUT 20/02511/REM 50,000 sq m of employment space)	-Available from 2022 - site controlled by developer - plots too large for a small business	The site will be available in the short term and the reserved matters applications granted show plots a mixture of plots available on the detailed

		planning consent granted. No detailed information has been provided to demonstrate why one of these plots is not suitable for the proposed business in both the short and long term. No detailed assessment of the appropriateness of this site
Birds Marsh View, Chippenham (N/12/00560/OUT) up to 12,710 sqm Employment Development (B1,B2,B8)	Location is attractive to roadside uses which would outcompete small companies	Limited information in relation to a detailed assessment of this site. discounted solely on the basis of cost, which is not fully evidenced in the applicant's submission in any event.
Garden Centre, Malmesbury	6 acres of employment land with three acres for the retained garden centre and builders merchant with the remaining land likely to be more appropriate for trade related operations	It is not clear why a supplier of architectural fittings could not use the remaining areas of the site – limited explanation of reasons for discounting this site. There does not appear to be any sound basis for discounting this site. The outline consent and legal agreement makes this site immediately available for this type of use with no assessment as to why this is discounted.
High Penn Trade Park, Oxford Road, Calne	Currently under offer	It appears not to be available

Although some information has been provided in relation to the scope for finding an alternative site on existing approved sites, the evidence provided is far from robust and appears to be a fairly high level scope of those sites and no information regarding detailed investigations with discounting sites without full consideration of development potential. For example the assessment of Hunters Moon is simply discounted due to the lack of development but this is contrary to those sites that have detailed planning permission such as Showell Farm and Junction 17 schemes which are discounted due to the size of the plots or due to excessive costs. A clear site could provide an opportunity to design the scheme in a similar manner to the current proposal and bespoke to the applicant. That site would present an existing employment site close to services and the excellent transport links in Chippenham, which is not provided by the application site. Similarly, other sites are discounted without any significant assessment of their suitability.

There are several sites discounted due to costs associated with their rent/purchase. This is not a material planning consideration for discounting alternative sites in favour of a new major commercial development in the open countryside, in conflict with the development plan. The cost of commercial land is not a material planning consideration to justify unsustainable and

inappropriate development in this location. It is not the role of the planning system to control land prices or market forces.

This is a fairly standard warehouse with ancillary office development that without any obvious niche constraints that would prevent occupation at some of the sites listed above. The assessment of those limited sites scoped is far from detailed or robust and there are sites that have not been scoped at all in terms of acceptability such as

- White Heath Business Park A429 north of Corsham
- Hullavington Airfield to the south of the application site
- Kemble Airfield Enterprise Park
- Interface in Royal Wootton Bassett

There are also a number of commercial employment units on former farmholdings with currently available premises in the locality which meet the requirement for smaller operations that have not been included in the assessment e.g. Whiteheath Farm, Corston to the north of this site. In addition, to the lack of scope of alternative sites it remains unclear how and where the current business operates as well as reasons for not expanding the operations of their existing business, which is at a site in Calne.

It is noted that the response from the Economic Development Team and both Parish Councils support the proposal. However, it is important to ensure that the development proposal represents sustainable development with the starting point being the development plan. The response from the Economic Development Team accepts that the scope of the sites assessed by the applicant is “light touch”, but they maintain the view that redevelopment of this brownfield site allows for economic growth in Wiltshire where there is high demand. However, they do not consider matters other than economic development aims and objectives and this advice is predicated on their view this is previously developed land. Horticulture is included in the definition of agriculture (as defined in section 336 of the Town and Country Planning Act) and therefore sites occupied by former horticultural buildings are specifically excluded from the definition of previously developed land as set out in the definitions in Annex 2 to the NPPF 2021 and therefore cannot be considered to be development of a previously developed site. The advice in this consultation response misinterprets the previous use of the site as previously developed and this consultee makes no reference to the development plan or its resultant impacts should the development be approved in conflict with the strategy and policies of the plan and so only concentrates on the strategic level economic benefits of the proposal, without consideration of the matter as a whole. The economic benefits are considered in the planning balance at the end of this report.

The only other justification for this site to be used for this purpose appears to be that the applicant has ownership of it. It does not seek to use the existing buildings on site, which would be demolished to make way for the proposal’s first phase with additional expansion at a later date. Information has been provided by the agent in relation to the expansion of the existing business in terms of potential for staff numbers employed. This advised the number of staff would rise from 22 currently employed to 45 by 2024 but there is limited information provided in terms of long term planning or business plan to fully demonstrate the benefits purported or whether this relies upon future expansion of the site not currently proposed in this application.

In addition, a further planning statement provided by Avison Young in August 2021 refers to the advice provided during the preapplication enquiry compared to the development currently

proposed. The preapplication advice was provided on the basis of a larger scheme of both employment and residential uses and this related to a larger site area than the existing application site boundary. The pre-application response pointed out the conflicts with the development plan and the concern regarding a large number of staff reliant on private modes of transport due to the lack of choice of other modes being readily accessible from the site itself. The response also raised concerns regarding the potential for a large scale commercial development in terms of the impact of the delivery of other strategic sites in Chippenham. If large scale employment generating uses are permitted outside Chippenham, this could undermine or delay existing strategic allocations in favour of development of this site. The planning statement focusses on the conclusion in the informal advice provided rather than the totality of that advice in relation to the conflict with the development plan. The response accepted that the Employment Land Review identified a shortage of employment sites.

However, that review was undertaken prior to the Covid 19 pandemic, and as such due to the change in business models, particularly for those with high levels of employees which will affect the needs for employment uses, with significant changes to business models nationally, it is not clear whether this review remains up to date based on future needs. The officer advised that there would need to be substantial justification regarding considerable economic benefits as well as further detail of the end user in order for a B8 storage use to be considered acceptable. The response advised that proposals for office use would not be supported. Although there is some information regarding alternative sites and also regarding the end user of the building it has not been demonstrated that the proposal would result in significant economic benefits to support the strategic aims of the plan which would this additional employment land in this location in conflict with the development plan strategy as an exception.

Since the pre-application advice was provided the scheme has been amended to exclude residential development previously proposed and the site area has been reduced to exclude some of the commercial development. The current application has also clarified the proportion of B1 business use compared to B8 storage use within the proposal. The information provided in the Avison Young statement confirms the site area has been reduced by 41.7%, the B1 proportion of the proposal has also been reduced and the quantum of B8 use has also been reduced. However, this reduction has only really been realised through a smaller site area with clear intentions for a further phase in the remaining areas, likely to be akin to the scale in the preapplication submission. However, irrespective of the advice provided on an alternative scheme, it remains the case that the proposal would result in a significant level of business use, employing 22 staff in a location remote from services and transport links with heavy reliance on the private vehicles to access the site when other sites are available. Although additional information has been provided in relation to alternative sites it is not convincingly demonstrated that the proposal would bring about the level of economic benefits or other benefits to the local community to justify development of this site in conflict with the development plan. There are numerous alternative sites in this community area within or close to existing settlements that are more appropriate and better connected, that have not been investigated fully with some examples referenced above.

Other criteria within Core Policy 34 also need to be complied with. Point vi requires developments to be consistent in scale to their location, and not adversely affect nearby buildings and the surrounding area or detract from residential amenity. The proposal would see the removal of three glass houses with the erection of a large U-shaped solid buildings clad in zinc roofing, larch and composite cladding and horizontally clad roller shutter doors. Although the glass houses are fairly large, they are transparent and have low level eaves minimising the visual impact of the proposal on the surrounding area, with the appearance of

a rural site when viewed from the highway. They could also be readily dismantled or indeed reused for horticulture. The proposal by contrast would introduce buildings of greater bulk and visual impact than those buildings. The buildings are designed to mimic a barn-style building they would clearly have an urbanising impact on this rural site. The proposal would be partially screened from the wider landscape by the elevated railway line to the south and vegetation to the eastern boundaries and the boundary with Chippenham Road, the proposal would likely be visible beyond the roofline of the existing dwellings to the east and from the site access. This material change would increase the appearance of the built form and would increase the scale and bulk of existing built form to the detriment of the rural character of the site in conflict with Core Policy 34, 51 (points ii, iii, and vi) and 57 (points I, iii, vi) of the Core Strategy.

Due to the nature of the proposed use it is not considered the proposal would result in any significant harm to the amenity of nearby residents so not conflict with this element of Core Policy 34 arises.

Point vii of Core Policy 34 requires development proposals to be supported by evidence that they are required to benefit the local economic and social needs. There is no specific information provided in this regard and any benefits can only be deduced. The proposal relates to an existing business based in Calne but there is no information regarding the existing business premises to allow for consideration of the current need for this business in relation to the development proposed, nor is there a great deal of information as to why the application site is specifically and locationally required to accommodate the existing business or expansion thereof with only general statements made in relation to the aspirations for the future. The existing business has an existing workforce with plans to expand the workforce but no firm business plan supports this aspiration. The Hullavington Neighbourhood Development Plan does not identify a need for additional employment in the parish nor is any site allocated for those purposes. Therefore, it is not clear whether the existing community will benefit from the scheme. The need for additional employment in this location and other sites where this development could be accommodated have not been fully investigated and are not demonstrated to be unavailable and/or unsuitable such that compliance with the exceptions approach to the development strategy of the plan allowed for under CP34 has been met. It is likely that there may be temporary construction jobs arising, but this has not been clearly evidenced in the submission and in any event would not justify the approval of the proposed development under CP34 in itself. It has not been demonstrated that this development would accord with Core Policy 34 in this regard.

The proposal would provide more than 3000 sq metres of new employment floorspace on a site area of more than 1Ha. This is of strategic significance and is akin to the size of site allocated for employment uses in the Chippenham Site Allocations DPD and the employment provision of strategic housing sites. As set out elsewhere, if the development proposal comes forward in advance of the development and occupation of this site this could undermine the delivery of those strategic sites in conflict with Core Policy 34.

The site is connected to power provision but the foul drainage would be provided by package treatment works with is not the preferred approach, with the preference of foul drainage to be provided by statutory undertakers. In addition, there is a lack of public transport links and pedestrian footpaths to service the site on foot further indicating the conflict with Core Policy 34. There is reference to a request bus stop located within the site but this is not clearly still available and no provision or space to allow for a bus stop is to be provided.

The HNP also contains the aims for future growth in the parish and as set out in paragraph 3.08 the community, as shown from the responses from the questionnaire, indicated they were not strongly in favour of business development especially large scale business and is only supported by the plan as long as it is consistent in scale with its location, does not adversely affect nearby buildings and the surrounding area or residential amenity and is supported by evidence that it will benefit local economic and social aspirations as set out in Policies 1 and 3. The plan also notes the recently developed Dyson site in Malmesbury and development at junction 17 that provide a significant level of additional employment opportunities.

Policy 1 of the HNP advises that development proposals outside the settlement boundary will be supported where

- *they are in accordance with the Development Plan Policies in respect of appropriate uses in the countryside;*
- *they relate to necessary utilities infrastructure and where no reasonable alternative location is possible; and*
- *they are in compliance with Policy 3 within this Neighbourhood Development Plan.*

As detailed above, it is not considered the proposal would accord with the provisions of the development plan in respect of this type, location and scale of development proposed and there appears to be reliance for a major application to be reliant on private means of foul drainage in the form of a package treatment works rather than foul water connection with limited detail as to how this could be provided.

Policy 3 relates to detailed design requirements for all developments. Some of these relate solely to residential schemes but the following criteria relate to all development including employment sites. These will be assessed in the relevant sections below.

In addition to the development plan policies, the NPPF also provides advice regarding the consideration of employment development in section 6. Paragraph 81 requires decisions to help create conditions where businesses can invest and advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Again, paragraph 83 seeks to ensure policies and decisions recognise the locational requirements for different sectors including provision of clusters or networks of knowledge and provision of storage and distribution at a variety of scales. This is an aim supported in the development plan and policies direct the right development to the right places in order to result in sustainable development, including the sites identified in the Chippenham Sites Allocations Plan and approval of various employment developments in this community area and throughout Wiltshire.

In a similar manner to the provisions of Core Policy 34, paragraph 84 seeks to specifically address issues for the rural economy, seeking to allow sustainable growth and expansion, permit diversification of land based businesses and farms, with paragraph 85 echoing the provisions of Core Policy 34 (as well as other exceptions relating to reuse of rural buildings set out in Core Policy 48) with allowances for employment uses beyond settlement boundaries. The development plan is considered to be consistent with the NPPF in this regard.

In concluding the in principle section the information provided by the applicant has been fully considered but it is clear that the proposal would be in conflict with the plan strategy and does not meet the exceptions set out in Core Policy 34 and so is unacceptable in principle. There is conflict with policies 1, 2 & 10 and failure to accord with Core Policy 34 of the WCS, and Policy 1 of the HNP, as well as paragraphs 8, 11, 12 81 83, 84 and 85 of the NPPF results in harm arising from the urbanisation of this rural site in the open countryside, in an unsustainable location, which would result in harm to the character and appearance of the area and would fail to provide a sustainable location where a variety of modes of transport are available for staff and visitors. The planning balance is set out in the concluding section of this report.

#### Scale, design, impact upon the character and appearance of the area

Core Policy 51 states that 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. Core Policy 57 states that new development must relate positively to its landscape setting and the existing pattern of development by responding to local topography to ensure that important views into, within and out of the site are to be retained and enhanced. Development is required to effectively integrate into its setting and to justify and mitigate against any losses that may occur through the development.

Although the application site is not a “valued” landscape or a designated landscape specifically protected area such as an AONB for the purposes of the NPPF, there remains a need for the recognition of the site’s important contribution to the character, appearance and visual amenity of the locality and recognising the intrinsic character and beauty of the countryside and the wider benefits from the natural capital and ecosystem, including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland, as required by Core Policy 51 and paragraph 174b of the NPPF.

Although the proposal would not have a significant impact on the wider landscape, it remains the case that the proposal would significantly change the character and appearance of this rural, horticultural site, arising from the need for the provision of a new site access, requiring additional engineering works to be provided at the entrance to the site and loss of the open green verge. The existing site entrance would be wholly redesigned and relocated approximately 25 metres further north, further from the railway bridge. This would remove the large open area adjacent to the road and would introduce a newly engineered access and a new urban building, in a dense form which has a greater presence than the existing glass houses present. This site currently retains its agricultural character due to the light and transparent glasshouses currently in existence. The proposal would result in a significant change to the character of the site, particularly when viewed from the site entrance from this prominent and busy road. Although there is provision of some mitigation there is limited space for significant buffering and softening particularly at the front of the site where visibility splays and manoeuvring space would be required. The proposal would therefore have a harmful urbanising effect on the character of this rural site in the open countryside for an unacceptable development that fails to integrate harmoniously into the surrounding rural landscape in conflict with Core Policy 51 points ii, iii and vi and 57 points i, iii, vi of the WCS as well as paragraph 174b of the NPPF.

#### Impacts on the Amenity of the Area

The proposal development would result in a newly created proposed access closer to the boundary of residential properties located to the north east of the site. The centre point of the access would be approximately 25 metres closer to the residential properties than the existing access. This would result in a change to the residential environment for those occupiers in terms of noise and disturbance associated with the proposed use. However, as the traffic generated by the lawful use of the site as well as existing road noise currently impacts the amenity of nearby residents. The new use is not likely to result in significant additional harm above the existing noise and disturbance to justify a refusal on this basis. No objections have been received from nearby residents regarding the proposal.

The proposed built form would be sited approximately 30 metres from the closest residential property, which is an acceptable distance that would not result in any overshadowing or overlooking to those occupiers. The proposed use, which could be restricted and controlled by conditions limiting the class of use only to B8 (with limitations on delivery hours) as well as E(g) (i) and E(g) (ii) only, is for storage and distribution and office uses, which are generally acceptable in residential environments.

#### Access and parking/Impact on highways

The proposal would result in the re-siting of the access further north east than the existing access to the site, further from the railway bridge and provision of visibility splays at the site entrance. The application is supported by a Transport Assessment, and addendum, green travel plan and visibility splay plan, including topographical information due to the change in land levels.

The initial response from the Highways Team raised concerns regarding the sustainability of the site and lack of pedestrian links to enable sustainable transport. There was also concern regarding the manner in which the traffic generation had been assessed, the lack of visibility splays provided due to topography, and the potential for queuing traffic due to the absence of a right turn lane.

Further information has been provided with further assessment of the traffic generation of the proposed development as well as further topographical information regarding sight splays. The most recent response from the Highways Team confirms that the manner of assessment, including junction capacity information and trip generation is robust and this demonstrates that a right turn lane would not be required. The visibility splays, including assessment of the drop in land level in the vicinity of the access have also been provided and considered acceptable by the Highways Team. The highway improvements recommended to be included require, warning signs on the approach to the access, as well as slow road markings and the Highways Officer recommends anti-skid surfacing on the approach to further highlight the junction for highway users to the south of the railway bridge. The Highways Team, subject to the provisions of the improved access arrangements raise no objection to the scheme on the basis of highway safety.

However, it remains the case that the application site is located in the open countryside remote from services and facilities and due to its location would be reliant on private modes of transport to access the site, with more sustainable locations for this development available in the vicinity and with/adjacent existing settlements that have either not been considered at all; have not been fully considered; and/ or have been discounted without sound reason in preference to promotion of this site. The location would also be contrary to the aims of Core Policies 60, 61 and 34 which seek to locate development where it reduces the need to travel.



The location poorly related to services. Although there is mitigation for aiming to reduce the level of traffic to the site, with provisions set out in the Green Plan Statement with the Transport Note to reduce single occupancy vehicle trips utilising and promoting Cycling and Car sharing as an alternative alongside the promotion of alternative fuelled vehicles, these are provisions required for all commercial development site in accordance with Core Policies 60 and 61 which seeks to reduce the need for private modes and encourage a modal shift. It remains the case that proposals should be located in a sustainable location in the first instance in line with the spatial policies in the development plan. It remains the case the alternative sustainable means of transport are limited and due to the quality of those links and their convenience would not present a real alternative that would necessarily encourage that modal shift.

The Council's Highways Officers have confirmed their view that the proposed new access arrangements replace an existing access at this site which served vehicle movements by similar vehicle types in its previous use. In this context Highways Officers are of the view that a wholly new or additional access to the primary route network is not created and therefore the proposal is not substantively in conflict with the provisions of WCS CP62 such that the proposals could defensibly be refused on this basis.

Given the above position the proposals are considered to accord with the relevant policies of the plan and provisions of the framework.

#### Flood Risk and Drainage

The site is located in Flood Risk Zone 1 but is in an area where ground water levels are close to the surface and the Chippenham Road, particularly under the railway bridge is also susceptible to surface water flooding.

The application is supported by a flood risk assessment, including a drainage strategy. This contains insufficient information regarding the ability to drain the site via soakaway, due to the lack of site investigation and the lack of consideration of the presence of groundwater close to the surface, that may affect those soakaways. In addition, there is limited information provided in terms of the potential impact of surface water migrating to the adjacent highway from surface water runoff and any reliance on nearby drainage ditches which have no capacity for additional surface water from the site. The Drainage Team objects to the proposal due to the lack of site investigation and feasible surface water drainage scheme due to this lack of consideration of the drainage constraints. However, it is likely there would be a feasible scheme that could be designed to enable appropriate mitigation for surface water, including prevention of surface water migrating to the highway and this could be controlled by Grampian condition, requiring additional technical details being submitted prior to the commencement of development, should planning permission be granted.

#### Heritage Assets

The site is located on the opposite side of the Chippenham Road to a Grade II listed Building, namely Barn at Kingsway Farm. In addition, a previous heritage desktop assessment provided to the Council for this site, also identifies potential buried remains.

In paragraph 197 of the NPPF there is guidance on how to determine applications relating to heritage assets. It advises local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

In accordance with the 16(2), 66(1) and 72(1) special regard is required to be paid to the desirability of preserving and enhancing the preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, paragraph 199 advises that when considering the impacts great weight should be given to the asset's conservation. In accordance with paragraph 200 of the NPPF, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Policy 58 in the Wiltshire Core Strategy seeks to ensuring conservation of the historic environment.

It is not considered that the proposal would have any effect on the setting of the nearby listed building due to the intervening distance as well as modern infrastructure, including the A429 and the raised railway line also nearby. Although there may be potential for below ground archaeological features, the detection and mitigation for these assets, could be controlled by suitably worded conditions, as set out in the recommendation from the Council's Archaeologist. This would accord with the provisions of the NPPF, the Planning and Listed Building Act and the guidance within Section 16 of the NPPF 2021.

#### Other Matters

The applicant also seeks to ensure the buildings would be energy efficient with the use of solar panels and energy efficiency matters. These are matters that would be required by central government policy in any event and by Policy 41 of the Core Strategy.

#### **CONCLUSION:**

The site is not allocated for any form of development and lies outside of the defined limits of development of any settlement. The site is therefore in the open countryside where the development strategy of the adopted up to date development plan and national guidance is to restrict development not least of all to recognise the intrinsic character and beauty of the open countryside and to focus development within and direct it to the most sustainable locations.

The proposed development would not accord with the spatial vision for Wiltshire which aims to concentrate new development within or adjacent to existing settlements in accordance with Core Policies 1, 2 10 of the WCS and also failure to accord with Core Policy 34, and Policy 1 of the HNP and paragraph 2, 12, 47 of the NPPF 2021. The proposal is in direct conflict with the development strategy of the plan.

The proposed development would also not comply with the requirements of any of the exceptions set out in the WCS, including the provisions of Core Policy 34 which relates to additional employment land, as it is not located adjacent to existing settlement, would not directly support sustainable farming or farm diversification or essential to the wider strategic interest of economic development of Wiltshire.

It is demonstrably the case that there are alternative sites and facilities in the locality that could accommodate the proposed development in a sustainable manner without the need for development of this new major employment facility proposed in the open countryside. The information provided with the application fails to properly consider those alternative sites in favour of the application site, which clearly conflicts with spatial strategy of the development plan. The development plan includes the made HNP and that does not require or allocate this site or any site within this parish for additional employment land.

The proposal also results in harm arising from the urbanisation of this rural site in the open countryside, in an unsustainable location, which would result in harm to the character and appearance of the area and would fail to provide a sustainable location where a variety of modes of transport are available for staff and visitors contrary to Core Policies 34, 51, 57, 60 and 61 of the WCS as well as NPPF paragraphs 2, 12, 47, 110 174b of the NPPF.

It is accepted that the proposal has economic benefits associated with the long term expansion of an existing business, operated elsewhere in Wiltshire. However, those benefits would arise from the location of the business in accordance with the spatial strategy and those alternative sites have not been fully considered prior to the consideration of this site. Furthermore other sites in the vicinity have not been considered at all and those that have been assessed have been discounted for no reason, other than preference and cost, which are not considered to be material to determination of the sustainability of a new development; compliance with the strategy of the plan and it's other relevant policies; and/or the consideration of the site specific impacts of development at this of this site. The information provided by the applicant has been fully considered but the proposed development needs are not so unique and specific to this locality as to justify a departure from the development plan and it is not considered that a robust assessment of more sustainable alternative locations has been provided.

The development proposed is unacceptable in principle, conflicts with the plan and the framework when considered as a whole, and conflicts with both in respect of various site specific impact considerations. The benefits of development can be realised in a wide range of alternate existing locations and more sustainably located locations that accord with the strategy and policies of the plan and provisions of the NPPF. As such the harmful impacts of development, including conflict with the made up to date neighbourhood plan clearly and demonstrably outweigh the benefits of development and in accord with paras 11 and 12 of the NPPF consent should be refused.

## **RECOMMENDATION:**

Refuse for the following reasons:

1. The proposed development in the location identified would conflict with the development strategy of the Wiltshire Core Strategy (Jan 2015), as defined by policies CP1, CP2, CP13, CP60 and CP61; Policy 1 of the Hullavington Neighbourhood Development Plan (made September 2019); and with paragraphs 2, 12 and 47 of the NPPF (2021). Inadequate information has been provided to demonstrate that existing alternative sites have been fully assessed and demonstrated to be unsuitable and/or unavailable in order to justify the new development in the open countryside and as such the proposed development would not comply with the requirements of Core Policy 34 and constitute an exception to the development strategy of the plan.

2. The proposal results in harm arising from the urbanisation of this rural site in the open countryside to the character, appearance and visual amenity of the area; and would fail to provide a sustainable location for the development proposed accessible by a range of modes of transport are available for staff and visitors and thereby reliant on the private motor vehicle. The proposals are therefore contrary to Core Policies 34, 51 (ii, iii, and vi), 57 (i, iii, vi), 60 and 61 of the Wiltshire Core Strategy (Jan 2015) as well as NPPF (2021) paragraphs 8, 12, 110 and 174 (b).