

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	13.03.2013		
Application Number	W/12/02298/FUL		
Site Address	Land South West Of Christie Miller Sports Centre Lancaster Road Bowerhill Wiltshire		
Proposal	Erection of a manufacturing and storage facility, with ancillary offices and plant and associated infrastructure including a new vehicular access from portal road, HGV parking, car parking, motorcycle and cycle parking, landscaping and associated works, extension of the existing portal road to connect to the roundabout with Westinghouse way, demolition of the existing pavilion and erection of a replacement pavilion off Westinghouse way and associated works		
Applicant	Herman Miller Ltd		
Town/Parish Council	Melksham Without		
Electoral Division	Melksham Without South	Unitary Member:	Roy While
Grid Ref	390689 161952		
Type of application	Full Plan		
Case Officer	Jemma Boustead	01225 770344 Ext 01225 770211 Jemma.Boustead@wiltshire.gov.uk	

Reason for the application being considered by Committee

This application is for a large scale major manufacturing development covering internally 17,028 square metres which by its very nature has wider strategic implications for Wiltshire and raises issues of more than local importance.

1. Purpose of Report

To consider the above application and to recommend that planning permission is approved subject to conditions and a Unilateral Undertaking.

2. Report Summary

The main issues to consider are:

- Principle of Development
- Design
- Ecology & Biodiversity
- Impact upon the character and appearance of the area
- Nuisance
- Access & Transport

3. Site Description

The site for the manufacturing building is located on Portal Road which is south of the town of Melksham which is accessed via the main A350. It is opposite the Big Bear building (Cereal Distribution Partners) and old RAF hanger buildings on the existing Bowerhill industrial estate. The Christie Miller Sports Centre is located north east of the site. To the rear of the Christie Miller Sports Centre is an unused running track which is not fit for purpose. There are several public footpaths in

the immediate area. The site itself is predominantly flat and has a line of significant mature trees on the northern boundary. There are also existing hedgerows on the boundaries.

4. Relevant Planning History

W/04/0079/OUT – Employment Development B1/B2/B8. This application has a recommendation of approval but has not been issued as a Section 106 Agreement has never been signed.

5. Proposal

The proposal can be split into three areas, a manufacturing building, a link road and a new sports pavilion.

The proposed manufacturing building will be partly located on an old running track which is associated with the Christie Miller Sports Centre, however due to health and safety reasons the running track has not been in use for several years. The remainder of the proposed building will be on land allocated for employment which is within the control of Wiltshire Council. The manufacturing building will include areas for assembly, distribution, research & development, design studios and staff facilities. The proposed building has a gross external area of 17,737 square metres with a height of approximately 13.45 metres to the ridge. The building is L shaped with a central hub which incorporates a mezzanine floor for office and amenity space.

The link road will provide access to the site whilst at the same time connecting the A350 to the Westinghouse Way roundabout which is adjacent to Bowerhill industrial estate.

In order to build the link road, an existing sports pavilion will need to be demolished which in turn would result in a new pavilion having to be built on the adjacent recreation land which is maintained by Melksham Without Parish Council. The replacement facilities will include a parking area and a basketball court.

The application site is located in a special advertisement control area, an employment policy area, recreation space, sewage treatment zone and in an area of tree planting.

The application has been submitted with the necessary plans and a transport assessment, travel plan, flood risk assessment, phase 1 geo-environmental assessment, sustainable energy strategy, site waste management plan, construction environmental management plan, phase 1 habitat survey, great crested newt and reptile mitigation strategy, noise assessment, lighting assessment, landscape strategy, landscape design statement, pre development tree survey, planning statement and an archaeological desk study.

It is important to note that some small changes have been made to the access of the manufacturing site and the internal layout of the proposed pavilion has been changed to suit the Football Association requirements. A larger window has been inserted into the pavilion, the basketball court has been moved slightly and disabled parking has been provided in accordance with the Parish Council comments. These changes were not considered significant to warrant a fresh consultation process to be carried out.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004

- C31a Design
- C32 Landscape
- C34a Resource, Consumption and Reduction
- C35 Lighting
- C38 Nuisance
- C40 Tree Planting
- R2 Protection of Recreation Space
- R11 Footpaths and Public Rights of Way
- E1B New Employment and Land Allocations

- E2 Employment Policy Area
- T4E New Distributor Road

Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy
 West Wiltshire Leisure and Recreation DPD – LP2
 Wiltshire and Swindon Waste Core Strategy adopted July 2009 – W1, WCS6

Circular 06/05 Biodiversity and geological Conservation

National Planning Policy Framework (NPPF)

7. Consultations

MELKSHAM WITHOUT PARISH COUNCIL

No Objections to the planning application and welcome wholeheartedly this development in the Parish with its clear economic benefits to the residents of Melksham Without but has made the following comments which have been summarised:

- Happy with changes made to the internal layout of the pavilion, windows should be bigger, litter bins, external seating, broadband, tv, laptop, boot cleaning area, security grilles on the window, alarm system should all be provided
- The Parish Council are currently looking into floodlighting the sports field, if they require planning permission can they be incorporated into this application
- Further details are required regarding the heating and hot water and would welcome solar panels
- Would like further details regarding the phasing
- Would like to see Disabled Blue Badge Parking Spaces
- The basketball court should be built further to the north to allow for possible expansion of the pavilion in the future
- Various inaccuracies within the Transport Assessment and Travel Plan, such as a fatality, staffed ticket office, bus services, no new jobs are being created, more car parking spaces are required for the pavilion and the manufacturing building, no mention of a coach being put on to bus staff from Chippenham and Bath.

MELKSHAM TOWN COUNCIL

Whilst Melksham Town Council recognise that they are not a consultee on the application, they wrote to welcome the proposal especially as it provides the long awaited link road from the A350 to Bowerhill Industrial Estate

SPORT ENGLAND

Recommend Approval subject to conditions requiring the new pavilion to be made available prior to the existing pavilion being demolished. The commuted sum for the loss of recreation space should be in line with the Sport England requirements as shown on our website.

WILTSHIRE COUNCIL CLIMATE CHANGE OFFICER

Recommend Approval although a higher BREEAM status could be achieved

WILTSHIRE COUNCIL URBAN DESIGN OFFICER

Verbally agreed to recommend Approval as the proposal is in line with the pre-application advice given.

WILTSHIRE COUNCIL ECOLOGIST

No Objection subject to the mitigation strategy and management plan being appropriately conditioned.

NATURAL ENGLAND

This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.

WILTSHIRE COUNCIL ENVIRONMENTAL HEALTH

No Objection subject to the relevant details being appropriately conditioned.

WILTSHIRE COUNCIL SPATIAL PLANNING

On balance, support the proposal on the basis that the clear economic benefits in this particular case outweigh the primary policy concerns relating to the potential loss of land for future waste uses.

WILTSHIRE COUNCIL RIGHTS OF WAY OFFICER

No Objection

WILTSHIRE COUNCIL HIGHWAYS

Welcome the new link road, generally support with suggested conditions.

WILTSHIRE AND SWINDON BIOLOGICAL RECORDS CENTRE

Badgers recorded within 300m

ENVIRONMENT AGENCY

No objection subject to conditions and informatives

WILTSHIRE FIRE AND RESCUE

Requesting hydrants and water supplies through Section 106 money

8. Publicity

The application was advertised by 5 site notices in the surrounding area, a press notice and neighbour notification. Expiry date: 08/02/13

2 letters have been received through the consultation process. A summary of the points raised follows:

- We are in support of this application, as we believe it will bring additional business and investment into the area, which is much needed.
- Has adequate parking been provided as the area is full of cars at weekends making it hard for our delivery lorries to arrive and concerns over travellers using the site as they have done in the past

9. Planning Considerations

BACKGROUND

The applicant has two existing manufacturing units in Chippenham and Bath, and is looking to relocate their facilities to Melksham.

The current manufacturing process sees many transport trips to and from the two existing units which will be removed once they have been relocated into one building creating a more sustainable process.

The proposal would result in a manufacturing unit including assembly, design, an area for customers to view the products with associated customer/staff parking and lorry parking.

An extensive pre-application enquiry was submitted to the Council in August 2012 and ongoing negotiations have taken place between the Council, the Parish Council and the Applicant.

It is important to note that the end user is not able to be taken into consideration when making a recommendation on this application as planning permission stays with the land and not a specific company.

PRINCIPLE OF DEVELOPMENT

The Government's 2012 "National Planning Policy Framework" is a material consideration in planning decisions. In terms of Paragraph 214 in Annex A to the NPPF the saved policies of the West Wiltshire District Plan, 1st Alteration 2004, are to be given weight in decision-making. Planning law requires

that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Therefore the development plan should be the starting point in determining the application and other material considerations should be taken into account in reaching a decision.

The key relevant policies that need to be considered in relation to the principle of the development are noted above. While the emerging Core Strategy can be given limited weight at this stage, it continues to save the relevant policies contained within the DPD.

Saved Policy R2 of the Local Plan states: Development will not be permitted where this would involve the loss of existing playing fields, play spaces and other recreational land, whether publicly or privately owned. These sites, including those listed in Appendix B and shown on the Proposals Map, will be protected from development, unless:

- *the sports and recreational facilities can best be retained and enhanced through the redevelopment of a small part of the site;*
- *alternative provision of equivalent community benefit is made in the immediate locality; or*
- *it can be demonstrated that there is an excess of sports pitch provision and public open space in the area, taking account of the recreational and amenity value of such provision.*

Policy LP2 of the Leisure and Recreation DPD states: *Proposals that result in the loss of open spaces or sport and recreation facilities will be permitted only if this would not cause significant harm to nature conservation interests, to the landscape or settlement character and at least one of the following policy tests is met:*

- *The site that will be lost is clearly surplus to requirements in terms of its current use, and there is no need for it to be used for a different form of open space or sport and recreation provision; or*
- *The development will result in the enhancement of other existing spaces or facilities - this will represent a greater benefit to the community served by the provision that will be lost than retaining the previous facilities; or*
- *The development will result in replacement provision that will be at least as accessible, at least equivalent in terms of attractiveness and quality, and capable of accommodating and sustaining at least the same levels and types of use as the provision that will be lost; or*
- *The proposed development is ancillary to the use of land used for sport and physical recreation and will not adversely affect either the level of use it can sustain or the quality of provision.*

The proposed sports pavilion, will be the same footprint as the existing building but improving the facilities within it significantly. The proposed building incorporates 4 changing facilities and official facilities, a kitchen area and a community area/lounge which is to be used by the youth club. It is important to note that the Parish Council have worked very closely with the applicant who in turn has worked alongside Sport England and the Football Association to provide the final plans. It is recognised that a small amount of the existing recreation area will be lost through the siting of the proposed pavilion but it is considered that the improved facilities outweigh this concern and therefore complies with Saved Policy R2. A condition would be attached to any approval to ensure that the proposed pavilion is made available prior to the existing pavilion being demolished.

The running track which is currently in dis-repair has not been used for several years and it has been considered by Wiltshire Council and Sport England that its replacement should be in the form of a commuted sum for formal pitches which will be of greater benefit to the community. The total financial contribution is currently still under negotiation but an update of this status will be reported verbally at the Strategic Planning Committee. Due to the running track not being in use it is considered appropriate that the replacement provisions are not replaced immediately but put forward to the greater Melksham Recreation Vision which may be located to the east of Melksham at Woolmore Farm. The proposal is therefore considered to comply with Policy LP2.

It should be noted that the commuted sum will be requested upon commencement of the manufacturing building and will be brought forward through a unilateral undertaking as the land is currently owned by Wiltshire Council.

When looking at the site of the manufacturing building, Policy E1B states: Melksham - 34.5 hectares (85 acres) gross, south and west of the existing Bowerhill industrial estate to include a new link road to the A350, see Policy T4(E), and heavily planted buffer strip to the south and east of the site. The route of the Melksham-Semington Diversion will be safeguarded. Relocation of the existing Christie Miller Sports Field will be subject to a firm commitment which secures an alternative location, timing of implementation, and an equivalent level of formal sports provision to meet the needs of the locality.

Policy E2 states: *Proposals for employment development including extensions and changes of use on the sites shown on the Proposals Map, will be permitted provided that:*

- *They do not create significant adverse impact on the appearance and character of their surroundings;*
- *They provide adequate services for the disposal of surface water without increase of flood risk to downstream riparian owners;*
- *They provide adequate water supplies, sewerage and sewage treatment, without adversely affecting the environment;*
- *They provide safe and convenient connection to existing and planned pedestrian, cycle and public transport networks, the highway and, where appropriate, rail facilities, without creating transport problems;*
- *They do not conflict with any other Structure Plan or District Plan 1st Alteration policies*

One of the core planning principles of the NPPF is to proactively drive and support sustainable economic development. It also states that significant weight should be placed on the need to support economic growth through the planning system.

The proposal sees an employment use, a new link road, landscaping, the necessary ecology and drainage reports, public connections and as stated above an equivalent level of formal sports provision and as such is considered to comply with Policies E1 and E2.

The Waste Core Strategy has guided the identification of detailed proposals set out in the emerging Wiltshire and Swindon Waste Site Allocations Local Plan. It presents a framework of site options for future waste management development, including a specific proposal on land at 'Hampton Business Park, Melksham' (site W1). Swindon Borough Council adopted the plan on 17 January 2013 and Wiltshire Council is proposing to formally adopt the plan on 19 February 2013 and as such it should be afforded significant weight in decision making.

The Waste Framework Directive (2008/98/EC) ("the Directive") provides an overarching legislative framework for the management of waste across Europe. The Directive highlights the importance of putting the right waste management infrastructure in the right place at the right time. The Directive aims to ensure that allocated sites are protected but it also accepts that the need for waste management which should be considered alongside other spatial planning objectives such as employment opportunities. When considering non-waste related development on sites allocated for waste management, planning authorities should ensure that any such proposal does not prejudice the implementation of the waste strategy set out in the local waste plan. Local planning authorities should therefore seek to integrate local waste management opportunities in proposed new development.

The applicant considers that as the proposal subject of this application lies on part of the allocated waste management site, adequate land would remain for this purpose and further discussions with the highways officer has confirmed that there is still adequate space on the link road for a further access to be provided. The proposed manufacturing use is also considered to be compatible with the potential waste uses for the residual land.

The Spatial Policy Officer has confirmed that the information regarding waste management on the site has not yet been identified by the applicant and as such can be controlled through several conditions requiring this information prior to the commencement of works and prior to occupation which is considered appropriate.

DESIGN

The NPPF states that Local Planning Authorities should secure high quality design and support the transition to a low carbon future in climate change. Saved Policy C31a requires new development to

respect and enhance landscape features, patterns of movement, utilise high quality materials, integrate landscaping into the design and minimise the visual impact of roads and parking areas. Saved Policy C34a also requires development to include energy efficiency measures including water use efficiency and waste minimisation.

The proposed manufacturing building sees a large unit which is to be clad with profiled metal sheeting in grey. The building is large but will be broken up with long slot windows on some elevations which alongside rooflights will allow natural light to enter the building. The entrance to the building is to be clad with timber and cast glass. The roof will see dark grey metal roof cladding. Full details of the materials internally and externally have been shown within the design and access statement and are considered to be appropriate as they are high quality and would be appropriate within its immediate context. The building itself has been designed to ensure that the fabric and form of the office and industrial spaces encompass the low energy principles necessary to target a BREEAM 'Very Good' rating.

The proposed pavilion is to be built with grey brick, dark grey profiled metal roof cladding all of which are considered to be appropriate and an improvement on the existing pavilion. It is considered that as the proposed buildings are to be built of high quality materials that will respect and enhance the wider area and comply with Saved Policy C31a.

Alongside the high quality materials and design, external lighting to the manufacturing site will be essential and the car parking lighting will employ the latest LED technology which will be spaced appropriately whilst being based around a low pollution, low energy and of low maintenance. Water Conservation and a Sustainable Drainage System (SUDS) are also to be incorporated through the scheme through low water capacity toilets and push button taps. A major leak detection and sanitary supply shut-off control will also be incorporated into the Scheme. These measures will be supplemented by the incorporation of rainwater harvesting to supply the office accommodation and help the building achieve a "very good" BREEAM status.

With regards to the BREEAM "very good rating", this is a minimum achievement and it has been considered by the Climate Change Officer that the proposed building is therefore not exemplar or aspirational and is not in line with previous buildings that have been built by the applicant. In its existing form "very good" is considered to be the minimum requirements and complies with Policy C34a. The applicants have recognised the benefit of pursuing even higher BREEAM standards and has commissioned investigations into the viability of incorporating additional sustainable technologies to the initiatives already incorporated into the scheme and therefore it is appropriate to attach a condition requiring the building to achieve "very good" as a minimum and a certificate to prove this to be given to the Local Planning Authority within 6 months of occupation.

ECOLOGY & BIODIVERSITY

The NPPF states that Local Planning Authorities should aim to conserve and enhance biodiversity and should refuse any application where significant harm cannot be avoided.

The application has been submitted with an ecology assessment which confirmed that there is a small population of slow worms and grass snakes breeding in the southern end of the manufacturing site. In addition great crested newts and grass snakes have been confirmed breeding in or near the pond on the western boundary hedge of the adjacent depot site which is approximately 100 metres to the north of the development site. It is likely that these species are located in all hedges, drains and ditches within 500m of the pond and as such it is important that this development safeguards their future. These species need to cross the site to access breeding and foraging needs and will have an impact upon the development. A wildlife corridor has therefore been inserted along the full length of the western boundary thereby protecting the existing hedge. A culvert has been inserted under the link road to enable animals to safely cross and to remove any timber structures by hand.

It is considered that the proposal complies with advice contained in the NPPF and Circular 06/09 but relevant conditions should be attached to any approval to ensure the development is carried out in accordance with the submitted details. Great Crested newts are a protected species and as such a licence will be required from Natural England prior to any works commencing on site.

The application has been supported by a Flood Risk Assessment incorporating a Storm and Foul Water Management Plan which is in accordance with current guidance and best management practices. Notwithstanding this information the Environment Agency have requested a surface water drainage scheme be submitted for the site and also a surface/foul water drainage scheme focussing on pollution prevention. Both of these schemes can be conditioned to any approval.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA

It is considered that the proposed manufacturing building would be very visible within the existing landscape however, it will be seen in association with the large green building south of the site and the RAF hanger buildings that are located within the Bowerhill Industrial Estate. The main viewpoint of the building will be from the main A350 and it is considered that the manufacturing building will not result in any harm to the existing landscape due to the surrounding uses.

Saved Policy C32 states: Proposals for development should make provision for landscaping, including the protection of existing trees, hedges and other natural features of the site, for new planting and for appropriate earth mounding and hard features including surface treatment and boundary enclosures. Where appropriate, consideration of wildlife interest should form part of the proposals for landscaping. The manufacturing site is also located within a tree planting zone where Saved Policy C40 requires further planting using native species characteristic of the local area.

A landscaping plan has been submitted with the application showing additional planting on the manufacturing site which aims to soften the impact of the building, hard surfacing and parking whilst improving the visitors experience when entering the site.

A staff/customer garden with a water feature has also been introduced to the front of the main entrance which would allow staff and customers to relax providing a good standard of amenity for future occupants of the land and building as required in the NPPF.

The planting is considered to be appropriate and the necessary fences to protect the significant trees to the north of the manufacturing site have been included with the application.

The proposed sports pavilion will have an impact upon the existing landscape of the recreation space which is very open and used by many different people. However, by reason of its siting which is located in the corner of the site and will utilise an existing access the impact would be minimised. It is considered that the proposed enhanced facilities would overcome any concern relating to the impact the proposed pavilion would have upon the wider landscape.

It is considered that the proposal makes suitable provision for hard and soft landscaping, which protects existing significant trees, utilising high quality materials which respects existing wildlife and as such complies with Saved Policies C31a and C32.

NUISANCE

There are no residential properties adjacent to the manufacturing building and therefore it is considered that there would be no amenity issues in terms of overlooking or overshadowing. The site is located adjacent to existing businesses, and by nature of their uses, their amenities are not considered to be impacted upon.

A noise assessment was submitted with the application which recognised that the development would create some noise during construction, manufacturing and general comings and goings, however due to its location adjacent to existing industrial buildings, the level of the noise would not significantly impact upon these uses.

Due to the location of the building away from residential properties, a condition regarding working hours and times of deliveries would not be reasonable.

Lighting inside and outside the manufacturing building will be necessary and as such may impact upon the character and appearance of the area, however due to the neighbouring uses (Industrial Building, Big Bear Building, A350) the lighting is not considered to harm the character and

appearance of the area. Any external lighting installed will ensure that light is directed downwards wherever possible and pedestrian pathways will be lit using lighting bollards and buried LED lights will be located around the entrance of the building which will light up the canopy. The design levels are 30 lux average for the lorry park, 50 lux by the dock levellers and 20 lux for the car parking are considered to be appropriate. However it will be necessary to ensure that the development is carried out in accordance with these details via a planning condition.

ACCESS

Saved Policy T4 relates to new distributor roads and part D of this policy relates to Melksham. The Local Plan states: *In Melksham the land committed for employment use at Bowerhill has associated with it a link road from the A350 into the industrial estate; this will provide a valuable secondary access into the industrial land at Bowerhill. Part of this link road bounds the Bowerhill Playing Fields and will effect the relocation of an existing pavilion and basketball court in accordance with policy R2 of the Plan. To achieve this it will require a legal agreement which will make provision for the timing and implementation of these facilities whose replacement will be pre requisite to construction of the link road across the site.*

The proposal is considered to apply with Saved Policy T4 as it is providing this important link road and as stated previously, a condition will need to be added to any approval stating that the new pavilion is made available prior to the existing pavilion being demolished. A legal agreement as stated in the above policy will not be required as the sports pavilion is located within the red line of the application site and as such can be controlled via condition. In order to ensure that the manufacturing building has a suitable access prior to its occupation, a condition ensuring that link road is completed from the A350 to the access of the manufacturing site will be required. It will also be important to ensure that the link road is completed and as such another condition is required for the link road to be completed within 6 months of first occupation of the manufacturing building.

The site access has been modified during the application process due to ensure that lorries can enter the site while another is about to egress. The highways officer is satisfied that the amended plans meet the required highway safety standards.

Public Transport to the site is very minimal but a vehicle drop off point has been incorporated into the scheme for those people who may get dropped off at work or for staff and customers arriving by taxi.

The proposal sees 200 car parking spaces, 20 motorcycle spaces, 20 cycle parking spaces and 50 lorry bays within a secure loading yard all of which are considered to comply with the Wiltshire Car Parking Strategy. Concerns regarding the location of the cycle park have been raised by the Highways Officer as they are not located near the proposed entrance however, the location of the cycle park is not considered to be sufficient to refuse the application.

Concerns have been raised regarding parking requirements, but Bowerhill Industrial Estate at times is difficult to get through due to people parking on the road. It is not for this application to solve this existing issue, but as stated previously the necessary parking requirements have been met. It should be noted that although the company in question employ more staff than parking spaces, the staff run on two shifts and as such not all employees will be on the site at the same time.

Lack of parking for the proposed sports pavilion has been raised as an issue by the Parish Council and the highway officer has stated that the 21 spaces does not adhere to the Car Parking Strategy. The existing pavilion has no parking facilities and as such the introduction of parking spaces at the new pavilion will reduce the impact of on street parking problems that exist in the area and is considered to be appropriate.

There are public footpaths around the whole site but the development subject of this application would not have an impact upon them. The highways officer has requested that the existing footpaths are in need of improvement but are located outside of the application site and as such would be inappropriate of the Local Planning Authority to request.

OTHER

The site is located within an advertisement control area, however no advertisements are proposed as part of this application and as such is not an appropriate policy to use when making a recommendation on this application.

When looking at attaching planning conditions to consents they must meet all of the following 6 tests, necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable. The parish council have requested many details such as a TV, laptop, litter bins, details of heating, external storage, broadband, phone lines and seating all of which do not adhere to the tests highlighted above and therefore are unreasonable to request. Further planning permission would also be required for the installation of solar panels on the roof of the Sports Pavilion and also for floodlighting which is not proposed as part of this application. The Parish Council are advised that they would need to seek further planning permission for these items if they wish to secure them in the future.

It is important to note that Wiltshire Council will be responsible for the re-location of the sports pavilion and through an existing agreement a like for like replacement has been agreed. As stated previously the replacement pavilion although of the same footprint provides much better facilities which utilises the full extent of the small budget that has been previously agreed.

The Parish Council raised the issue of the proposal not providing any new jobs to the area immediately. The proposed manufacturing building is replacing two existing buildings, 1 in Chippenham and 1 in Bath. Existing staff will have the opportunity to move across to the new site so it is difficult to estimate the number of new jobs the proposal will generate. The manufacturing building will allow the company to expand in the future without requiring a further extension to the building. It is the intention of the applicant that in time a new shift can be introduced which will bring about new jobs without impacting upon the proposed building or parking spaces. It is important however to highlight the construction jobs that would be gained through the approval of this site.

The Parish Council have also highlighted some inaccuracies in the Transport Assessment and the Travel Plan which are considered to be minor and as such would not impact upon the recommendation of this application.

The Wiltshire Fire and Rescue have requested some Section 106 money, however this relates to building control and not planning regulations and as such would not be reasonable to request through this application.

CONCLUSION

When looking at this proposal, it is important to recognise the important economic stimulus the development will bring to the local area. The proposed development would safeguard a high number of jobs and importantly retain one of Wiltshire's strategically significant businesses within the county. The development will provide future employment opportunities which would contribute to the local economy, and temporary construction jobs which bring their own economic benefits. The application would also see the completion of a link road which would connect Portal Road from the A350 to the Bowerhill Industrial Estate. This will improve access to the industrial estate and could facilitate further regeneration and improvements in an area that has been and continues to be designated for employment purposes in the adopted development plan and the emerging Wiltshire Core Strategy. The proposal would also ensure that the local community of Melksham Without have an upgraded sports pavilion that is in line with Sport England and the FA requirements. The proposal is considered to comply with the necessary policies and Government advice and as such is recommended for Approval.

Recommendation: Permission

For the following reason(s):

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies C31a, C32, C34a, C35, C38, C40, R2, R11, E1B, E2, T4E of the West Wiltshire District Plan 1st Alteration 2004, Policy LP2 of the West Wiltshire Leisure and Recreation DPD, Policies W1 and WCS6 of the Wiltshire and Swindon Waste Core Strategy (adopted July 2009), the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy, Circular 06/05 and the National Planning Policy Framework.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social, transport, ecology and environmental conditions of the area.

Subject to the following condition(s):

- 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 drawing numbers received on 13th December 2012:

NTE2064/HD/SK005: P2, P5
1044119-D- 004C

PC-L: 100, 101, 102, 103, 104, 105, 106, 109, 110, 111, 130, 131, 132, 133, 140, 141, 142, 160, 162,
163, 164, 165, 167

01A, 02

And the following drawing numbers received on 19th February 2013:

03F, 04D, 05E

PC-L-: 107B, 108A, 112A, 113B, 135A

Reason: For the avoidance of doubt and in the interests of proper planning

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the manufacturing site identified as Development Zone C on Drawing Number PL-C-113 B received on 19th February 2013 shall not be used other than for purposes falling in Use Class B of the schedule to that Order, without the prior written approval of the Local Planning Authority.

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 having regard to Saved Policy E1B and E2 of the West Wiltshire District Plan 1st Alteration 2004

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the Sports Pavilion identified as Development Zone C on Drawing Number PL-C-113 B received on 19th February 2013 shall be used solely as a Sports Pavilion in

accordance with the uses shown on Drawing Number PC-L-107 B received on 19th February 2013 and for no other use.

Reason: The sports pavilion is a community building that should not be lost to other uses having regard to Policy LP2 of the West Wiltshire Leisure and Recreation DPD and Saved Policy R2 of the West Wiltshire District Plan 1st Alteration 2004.

- 5 Notwithstanding the submitted information, no works shall commence on the link road identified as Development Zone B1 and B2 on Drawing Number PC-L-113 B received on 19th February 2013 until details such as horizontal and vertical alignment, road construction materials, road drainage (including that of roadside verges), aids to traffic movement (including the provision of local and advance direction signs on existing roads), street lighting safety audit procedures, protection of existing underground services, tie-ins to existing highway and removal of temporary barriers has been submitted to and approved in writing by the Local Planning Authority. The link road shall then be completed in accordance with the approved details.

Reason: In the interest of highway safety and to ensure the use of the link road having regard to advice contained in the NPPF

- 6 The manufacturing building identified as Development Zone C shall not be occupied until the link road identified as Development Zone B1 on Drawing Number PC-L-113 B received on 19th February 2013 has been completed in accordance with Drawing Number NTE/2064/HD/SK002 P7 received on 7th February 2013, Drawing Number PC-L-109 and Appendix 2 of the Great Crested Newt and Reptile Mitigation Strategy also received on 13th December 2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and the protection of reptiles, amphibians and small mammals having regard to guidance in the NPPF and Circular 06/05 Biodiversity and Geological Conservation.

- 7 Within 6 months of the occupation of the manufacturing building identified as Development Zone C, the link road identified as Development Zone B1 and B2 all shown on Drawing Number PC-L-113 B received on 19th February 2013 shall be completed in accordance with Drawing Number NTE/2064/HD/SK002 P7 received on 7th February 2013, Drawing Number PC-L-109, Appendix 2 of the Great Crested Newt and Reptile Mitigation Strategy all received on 13th December 2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety having regard to advice contained in the NPPF

- 8 The manufacturing building identified as Development Zone C shown on Drawing Number PC-L-113 B received on 19th February 2013 shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation, targets, monitoring and sanctions. The development shall then be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

Reason: In the interest of highway safety and reducing vehicular traffic having regard to guidance found in the NPPF.

- 9 Notwithstanding the submitted information the sports pavilion identified as Development Zone A on Drawing Number PC-L-113 B received on 19th February 2013 shall not be occupied until details of the improvements to the access from Westinghouse Way have been submitted to and approved in writing by the Local Planning Authority. The access shall then be carried out in accordance with the approved details and shall be made available for use prior to the occupation of the proposed sports pavilion.

Reason: In the interest of highway safety having regard to guidance in the NPPF.

- 10 Prior to the occupation of any buildings identified in Development Zone C on Drawing Number PC-L-113 B received on 19th February 2013, the access, turning and parking areas including the cycle park shall be completed in accordance with Drawing Number PC-L-103 received on 13th December 2012 and Drawing Number NTE/2064/HD/SK002 P7 received on 7th February 2013 unless otherwise agreed in writing by the Local Planning Authority. These areas shall be maintained for those purposes only at all times thereafter.

Reason: In the interest of highway safety having regard to the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy and advice contained in the NPPF.

- 11 The sports pavilion identified as Development Zone A including the car, cycle parking and the basket ball court all shown on Drawing Number PC-L-112 A received on 19th February 2013 shall be completed including the internal fixtures and fittings as shown on Drawing Number PC-L-107 B received on 19th February 2013 and shall be made available for use prior to the demolition of the existing pavilion.

Reason: To ensure that access is available at all times to changing facilities in association with the adjacent playing fields having regard to Saved Policy R2 of the West Wiltshire District Plan 1st Alteration 2004

- 12 The development hereby approved shall be carried out in accordance with the Construction Environmental Management Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of nearby uses during the construction phase having regard to Saved Policy C38 of the West Wiltshire District Plan 1st Alteration 2004

- 13 The development hereby approved shall be carried out in strict accordance with the Ecological Surveys, Extended Phase 1 Survey, Great Crested Newt and Reptile Mitigation Strategy and Appendix F - Guidance for relating ecologists report to BREEAM received on 13th December 2012 unless otherwise agreed in writing by the Local Planning Authority. On completion of the development, the site will be maintained strictly in accordance with the Management Strategy December 2012 by Fpcr as contained in Appendix 4 of the Great Crested Newt and Reptile Mitigation Strategy also received by the Local Planning Authority on 13th December 2012.

Reason: To ensure that protected species are not harmed during the construction period and to safeguard their future having regard to advice contained in the NPPF and Circular 06/05 Biodiversity and Geological Conservation

- 14 The manufacturing building identified as Development Zone C on Drawing Number PC-L-113 B received on 19th February 2013 shall be carried out in accordance with the Phase 1 Geo-Environmental Assessment Report unless otherwise agreed in writing by the Local Planning Authority.

- a) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.
- b) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority having regard to Saved Policy C37 of the West Wiltshire District Plan 1st Alteration 2004

- 15 No development shall commence on site until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, in accordance with the overarching conceptual drainage proposal detailed in the Flood Risk Assessment (BWB Consulting Limited, Rev. A, December 2012) and the Storm & Foul Water Management Plan (BWB Consulting Limited, Rev. A, December 2012), has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme will be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system having regard to advice contained in the NPPF.

- 16 No development shall commence until a scheme of surface/foul water drainage, focussing on pollution prevention, is submitted to and approved by the local planning authority. The development shall then be carried out in accordance with the approved details.

REASON: To prevent the pollution of the water environment having regard to advice contained in the NPPF

- 17 All external lighting on the site identified as Development Zone C on Drawing Number PC-L-113 B received on 19th February 2013 shall be carried out in accordance with the Exterior Lighting Proposals Report received on 13th December 2012 and Drawing Number 12343/SK/E/03 P1 also received on 13th December 2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the impact of the scheme on the wider area having regard to Saved Policy C31a of the West Wiltshire District Plan 1st Alteration 2004.

- 18 The manufacturing building identified as Development Zone C on Drawing Number PC-L-113 B received on 19th February 2013 shall be operated in strict accordance with the Noise Assessment received on 13th December 2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon the amenity of nearby uses having regard to Saved Policy C38 of the West Wiltshire District Plan 1st Alteration 2004

- 19 The materials to be used in the construction of the manufacturing building identified as Development Zone C on Drawing Number PC-L-113 B received on 19th February 2013 shall be as stated on page 45 and 46 of the Design and Access Statement also received on 13th December 2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the character and appearance of the area having regard to Saved Policy C31a of the West Wiltshire District Plan 1st Alteration 2004

- 20 The materials to be used in the construction of the sports pavilion identified as Development Zone A on drawing number PC-L-113 B received on 19th February 2013 shall be as stated on page 81 of the Design and Access Statement also received on 13th December 2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the character and appearance of the area having regard to Saved Policy C31a of the West Wiltshire District Plan 1st Alteration 2004

- 21 All hard and soft landscaping on the manufacturing site identified as Development Zone C on Drawing Number PC-L-113 B received on 19th February 2013 shall be carried out in accordance with the soft landscape works maintenance and management proposals report and associated Drawing Numbers 03F, 04D, 05E received on 19th February 2013, Landscape and Design Statement, Pre-Development Tree Survey, Page 55 of the Design and Access Statement and Drawing Numbers PC-L-110, PC-L_111, 01A, 03E, 04C and 05B all received on 13th December 2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development and to reduce the impact of the building on the wider landscape having regard to Saved Policy C32 and C40 of the West Wiltshire District Plan 1st Alteration 2004.

- 22 All hard and soft landscaping on the pavilion site as identified as Development Zone A on Drawing Number PC-L-113 B received on 19th February 2013 shall be carried out in accordance with Drawing Numbers PC-L-112 A also received on 19th February 2013 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development and to reduce the impact of the building on the wider landscape having regard to Saved Policy C32 of the West Wiltshire District Plan 1st Alteration 2004.

- 23 All soft landscaping required by condition 21 and 22 shall be carried out in the first planting and seeding season following the first occupation of the building(s) 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, unless otherwise agreed in writing by the local planning authority. All hard landscaping required by condition 8 and 9 shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features having regard to Saved Policies C32 and C40 the West Wiltshire District Plan 1st Alteration 2004

- 24 No development shall commence on Development Zone C on Drawing Number PC-L-113 B received on 19th February 2013 until the trees on the northern boundary of Development Zone C have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction and in accordance with Drawing Number 02 received on 13th December 2012, unless otherwise agreed in writing by the Local Planning Authority. After the fence(s) have been erected, they shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

Reason: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity having regard to Saved Policy C32 of the West Wiltshire District Plan 1st Alteration 2004

- 25 Prior to the commencement of development of the manufacturing building identified as Development Zone C on drawing number PC-L-113 B received on 19th February 2013 a waste audit regarding the construction of the site (part a to g of Policy WCS6 of the Waste Core Strategy) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be used in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is accompanied by a waste audit in accordance with Policy WCS6 of the Waste Core Strategy (July 2009)

- 26 Prior to the occupation of the manufacturing building identified as Development Zone C on drawing number PC-L-113 B received on 19th February 2013 a waste audit regarding operation (part h and i of Policy WCS6 of the Waste Core Strategy) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be used in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is accompanied by a waste audit in accordance with Policy WCS6 of the Waste Core Strategy (July 2009)

- 27 Prior to the commencement of development in Development Zone A on drawing number PC-L-113 B received on 19th February 2013 a waste audit regarding the construction of the site (part a to g of Policy WCS6 of the Waste Core Strategy) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be used in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is accompanied by a waste audit in accordance with Policy WCS6 of the Waste Core Strategy (July 2009)

- 28 Prior to the occupation of the sports pavilion identified as Development Zone A on drawing number PC-L-113 B received on 19th February 2013 a waste audit regarding operation (part h and i of Policy WCS6 of the Waste Core Strategy) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be used in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is accompanied by a waste audit in accordance with Policy WCS6 of the Waste Core Strategy (July 2009)

- 29 Prior to the commencement of development in Development Zone B on drawing number PC-L-113 B received on 19th February 2013 a waste audit regarding the construction of the site (part a to g of Policy WCS6 of the Waste Core Strategy) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be used in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is accompanied by a waste audit in accordance with Policy WCS6 of the Waste Core Strategy (July 2009)

- 30 Within 6 months of occupation of the manufacturing building identified as Development Zone C on Drawing Number PC-L-113 B received on 19th February 2013, written evidence of compliance with at least "very good" scoring in the BREEAM scheme in the form of a final certificate or similar shall be submitted to the local planning authority unless otherwise agreed in writing.

Reason: To ensure that the development is built using sustainable materials and when in use is energy efficient having regard to Saved Policy C34a of the West Wiltshire District Plan 1st Alteration 2004 and advice contained in the NPPF

- 31 Notwithstanding the submitted information, prior to the development of the sports pavilion identified as Development Zone A on drawing number PC-L-113 B received on 19th February 2013 the finished floor level of the sports pavilion shall be submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the character and appearance of the area having regard to Saved Policy C31a of the West Wiltshire District Plan 1st Alteration 2004

- 32 Notwithstanding the submitted details, no demolition or construction works shall take place on the site outside the hours of 07:30hrs to 18:00hrs Monday to Fridays inclusive and 08:00hrs to 13:00hrs on Saturdays with no such works on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of nearby uses having regard to Saved Policy C38 of the West Wiltshire District Plan 1st Alteration 2004

Informative(s):

- 1 This permission shall be read in conjunction with a Unilateral Undertaking made under Section 106 of the Town and Country Planning Act, 1990 and dated the ___ March 2013

- 2 In order to discharge condition __ above the waste audit should include the following as stated in Policy WCS6 of the Waste Core Strategy (July 2009):
- a) the type and volume of waste that the development process will generate (the development process comprises the construction process and any other operations necessary to bring the development into being);
 - b) the steps to be taken to reduce, re-use and recycle any waste that is produced through the development process;
 - c) the steps to be taken to reduce the production of hazardous wastes in the development process;
 - d) the steps to be taken to minimise the use of raw materials in the development process;
 - e) the steps to be taken to reduce the use of hazardous materials in the development process;
 - f) the steps to be taken to minimise the pollution potential of unavoidable waste;
 - g) the steps to be taken to dispose of unavoidable waste in an environmentally acceptable manner;
 - h) the steps to be taken to ensure maximum waste recovery (e.g. recycling and composting) once the development is completed/occupied; and
 - i) proposals for the transport of waste created during the development process and subsequent use of the site.
- 3 It is important for the applicant to note that the development will require a Natural England Licence in respect of the great crested newt population.
- 4 An ordinary watercourse crosses the site. If it is intended to obstruct the flow in the watercourse (permanently or temporarily, including culverting) prior Land Drainage Consent from Wiltshire Council (as the Lead Local Flood Authority) will be required. Please contact Wiltshire Council to discuss their requirements in more detail:
<http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm>

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

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