

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	29th May 2013		
Application Number	11/04092/FUL		
Site Address	Malmesbury Garden Centre, Crudwell Road, Malmesbury, Wiltshire, SN16 9JL		
Proposal	Full Details For the Demolition of Existing Buildings & Construction of a Foodstore, Associated Customer Car Park and Associated Highway Works; Together With Outline Details for the Provision of a Builders Merchants & Premises for Employment Use (B1 & B2 Use Classes)		
Applicant	Sainsbury's Supermarkets Ltd and Grafton Merchandising GB Ltd		
Town/Parish Council	Malmesbury/St Paul Without		
Electoral Division	Malmesbury/ Sherston	Unitary Member	Cllr John Thomson
Grid Ref	394039 188359		
Type of application	Full		
Case Officer	Brian Taylor	01249 706683	<u>Brian.taylor@wiltshire.gov.uk</u>

Reason for the application being considered by Committee

Cllr John Thomson has requested that the application be determined by the Area Planning Committee as the proposal could represent a large change to the local area with a large number of local residents expressing their views.

1. Purpose of report

To consider the above application and to recommend that planning permission be REFUSED.

2. Report Summary

The main issues in the consideration of this application are the acceptability of:

- The principle of development in the context of the National Planning Policy Framework, North Wiltshire Local Plan, emerging Core Strategy and the Draft Malmesbury Neighbourhood Plan
- The impact in highway safety
- Loss of Employment land
- Design and scale of the development
- Impact on the character and appearance of the area
- Impact on residential amenity
- Ecological implications of the redevelopment of the site
- Impact of the development on archaeology;

Malmesbury St Paul Without Parish Council support the application

Malmesbury Town Council object to the application

305 letters of objection and 165 letters of support have been received.

3. Site Description

The site is located on the outskirts of Malmesbury approximately 1.2 km to the north-east of the defined 'Town Centre Primary Frontage Area'. Although it lies outside of the defined 'Framework of Settlements' boundary, it is specifically allocated for 'Business Development' in the adopted North Wiltshire Local Plan. The development site is currently used as a Garden Centre. It is located at the junction of the B4014 (Filands) and the A429 (Crudwell Road), a major distributor road, connecting J17 of the M4 at Chippenham through to the Midlands.

Historically the site was arable pasture land and has seen development from around 1970. This has developed into the Garden Centre seen today.

At least half of the site can be described as previously developed 'brownfield' land due to its existing use as a garden centre. The site is bounded by:

- Leylandii conifers up to 20m tall to the north with agricultural pasture beyond.
- A mixture of post and wire fencing and stone walling to the south with a Woodland Copse, Marsh Farm and agricultural pasture beyond.
- Native Hedgerow to the east with agricultural pasture beyond.
- Timber post and rail fencing and a section of Leylandii to the west and the A429 Crudwell Road beyond.

The site generally falls from south to north with a cross fall to the north east corner which has wetland characteristics. Malmesbury itself rises to high ground at the location of the Abbey from the River Bristol Avon to the south and the Tetbury Avon to the north. Generally, the site's topography is level, with the exception of the north east corner where the site drops locally by approximately 4m. In order to facilitate development, levels in concentrated areas of the site will need to be altered, the order of which is described within the proposals.

There are a number of residential properties within the vicinity of the site including Marsh Farm immediately to the south. Inglenook is located directly opposite the site and directly adjacent the junction to be substantially altered as part of the proposals. To the north west of the site, opposite on the A429 are Filands Gate and Filands Barn dwellings.

4. Relevant Planning History

The site is an established garden centre.

The history of the site is well documented in the applicants supporting information.

None is of direct and comparable relevance to this development proposal.

5. Proposal

The applicants have consulted with local residents both prior to submission and whilst the application has been under consideration by the Council, and have made a number of amendments to address concerns.

Members will be aware that the Council is considering two retail proposals for Malmesbury:

The first application is submitted by Sainsburys Supermarkets Ltd and Grafton Merchandising GB Ltd (Buildbase) and is the subject of this report (The Sainsbury Application).

The second application is submitted by Simons Developments Ltd and Waitrose Limited and is for a new foodstore comprising 2504 sq.m gross, 1672 sq.m net (including 251 sq.m net of comparison goods sales) together with associated car parking spaces, highway and landscape works. The application site comprises 2.34 hectares of undeveloped land to the east of High Street and Avon Mills on the south east edge of Malmesbury, accessed from the A429 (The Waitrose Application).

There are many documents, plans, drawings and other illustrative materials submitted by the applicants that support these applications. Members are encouraged to familiarise themselves with the proposals and accompanying material (all available online) prior to the Committee meeting.

The Sainsburys application proposes a mixed-use development comprising a foodstore, relocated builder's merchants and employment floor space (B1 and B2 use classes) as follows:

- A foodstore incorporating a customer café;
- Associated customer car parking.
- Serviced and adopted access road.
- A 0.55ha Employment site (B1 Use Class) and associated car parking.
- A 0.63ha Builders Merchant's site (Buildbase) and associated car parking.
- A 0.33ha Industrial site (B2 Use Class) and associated car parking.

The proposed Sainsbury's foodstore will have a gross footprint of 5,149 sq.m (55,429 sq.ft) and a net retail sales area of 2,744 sq.m (29,540 sq.ft).

In total 286 car parking spaces will be provided

A 0.55ha employment site (B1 use class) showing an indicative building footprint of 1977.5 sq.m (21,285 sq.ft) gross floor space and 101 associated parking spaces.

0.63ha builders merchants site (to be occupied by Buildbase who will relocate from their existing premises at Park Road in Malmesbury) showing an indicative building footprint of 1,620 sq.m (17,450 sq.ft) gross floor space and 14 associated parking spaces.

A 0.33ha industrial site (B2 use class) with an indicative building footprint of 900 sq.m (9,700 sq.ft) gross floor space and 24 associated parking spaces.

Revisions to the application

The scheme has been revised since its original submission in December 2011, the notable changes came in 16 July 2012 when the following was submitted:

Architectural Drawings

- Proposed Masterplan- 31086 PL003 Rev G
- Culvert Works Plan – 31086 PL004 Rev D
- Proposed Store Plan- 31086 PL005 Rev C
- Proposed Mezzanine Plan – 31086 PL006 Rev C
- Proposed Roof Plan- 31086 PL007 Rev C
- Proposed Store Elevations- 31086 PL008 Rev D
- Long Sections Existing and Proposed – 31086 PL009 Rev D
- Proposed Site Elevations 1 of 2– 31086 PLOIO Rev D
- Proposed Site Elevations 2 of 2– 31086 PLOIIRev D
- Artist's Impression Overhead – 31086 PL012 Rev D
- Artist's Impression Eye Level- 31086 PL013 Rev E

Landscape Drawings

- Tree Protection Plan – 40093_LP(90)001 Rev D
- Landscape Masterplan – 40093_LP(90)002 Rev D
- Landscape Plan: Food Store Site- 40093_LP(90)003 Rev E
- Planting Plan Sheet 1 – 40093_LP(90)004 Rev F
- Planting Plan Sheet 2 – 40093_LP(90)005 Rev F
- Typical Boundary Sections 1 – 40093_LP(90)006 Rev D

- Eastern Elevation: Existing and Proposed- 40093_LP(90)009 Rev A
- Typical Boundary Sections 2- 40093_LP(90)019 Rev A
- Visualisation B: Proposed Development with Proposed Landscaping after 5 Years Growth – 40093_LP(90)015 Rev A & 40093_LP(90)020 Rev A

The revised drawings sought to address the further comments raised by both the Urban Design and Landscape officers. The principal changes are set out below:

- The most significant change to the scheme is the intended removal of the proposed Petrol Filling Station (PFS) from the site. This has therefore enabled further space for additional car parking provision for the store, together with a substantial amount of additional landscaping which will be provided along the edges of the new entrance road into the site.
- As a result of the removal of the PFS from the site, an additional 12 car parking spaces have been provided for customers to the foodstore. The overall total of proposed car parking spaces for the store has therefore now been increased from 274 up to 286.
- Additional timber cladding has been added to the eastern (rear) elevation of the foodstore above the proposed service yard, together with an adjustment of the timber cladding to be applied to the northern elevation so as to help further blend the development with its surroundings and the local landscape.

Vehicular access to the site will be provided via a proposed roundabout in the location of the existing Filands B4014 /A429 Crudwell Road T-junction,

In terms of pedestrian accessibility to the site, footways on the southern side of B4014 Filands and the western side of A429 Crudwell Road connect the site with the local residential catchment areas. The proposed A429 site access roundabout will have dropped kerb and pedestrian refuge islands for crossing into the development site.

Public transport to the site is covered via Services 31 and 93 which currently pass the site. It is anticipated that these routes will be diverted into the site to serve the on-site uses.

The *applicant* considers the following benefits will be derived from the application:

- The provision of a new foodstore in Malmesbury will introduce genuine choice and competition for the residents of the town and the surrounding rural area. In addition, a new foodstore in this location will reduce the need for residents of Malmesbury having to travel to other towns such as Cirencester, Tetbury or Chippenham in order to be able to carry out a weekly food shop.
- Moreover, the development of the foodstore will act as a catalyst to help bring forward the further employment units proposed at this designated employment site by providing a fully serviced development site.
- The design of the new store is sensitive to its environment and sits comfortably in the landscape, providing areas of new planting and vegetation. It incorporates a large number of sustainable features and aims to achieve a BREEAM 'Very Good' rating.
- The proposal also includes significant highway improvements including a new access roundabout at the A429 (Crudwell Road) and B4014 (Filands) junction, which will greatly improve the safety of this junction whilst facilitating appropriate access to the application site and enhancing the infrastructure for Malmesbury
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6. Planning Policy

National Planning Policy Framework (NPPF) –In particular the sections relating to 'ensuring the vitality of town centres and paragraphs 24, 26 and 27

North Wiltshire Local Plan 2011- in particular:

- C2 – Community Infrastructure
- C3 – Development Control Policy
- BD1 – Employment Land
- NE15 The Landscape and character of the countryside
- R4 – Proposals outside town centre primary and town centre secondary areas

Wiltshire Core Strategy Submission Draft document July 2012

7. Consultations

Malmesbury St Paul Without Parish Council "We write to inform development services that our Council supports this application. Many residents have expressed the wish to see a supermarket in our Parish. It is considered that the supermarket would benefit residents on a financially restricted budget, not only in our Parish, but the nearside town of Malmesbury, and the countryside beyond.

This supermarket would reduce the need for commuting to nearby towns for supermarket shopping. The highways safety afforded by a roundabout at this junction A429 is welcomed, and would have been impossible without the redevelopment of this site. This site is situated in a rural area of the country, where there is a high dependency on cars, and competitively priced supermarket petrol would be widely welcomed.

A supermarket on this brownfield site would enhance the ambience of the area. The 200 full and part time jobs, together with the possibility of further employment possibilities on the site. The Council also commented that at its February meeting welcomed the application and went on to consider planning concerns and observations together with possible S106 conditions as follows:-
The roundabout would be welcomed, and requested to be as large as possible for traffic clarity of approach; That for pedestrians walking to the store, a pavement be established on the east side of the A429 between the BP garage and the store site. (A cycleway would also be welcomed.) If the pavement is not possible then the safety of Milbourne pedestrians crossing the A429 at the BP garage, and back again to the store needs full consideration; For Community Involvement, a parish notice board in our current logo style near the store entrance would be appreciated; An

environmental contribution to our planned Cowbridge-Malmesbury cycleway in our parish, would be appreciated.

Observations and Concerns - The tall trees lining the A429 should be retained to completely reduce the visual impact of the store here in the countryside, and already agreed to be retained to the north of the site overlooking Charlton Park. If they are diseased then they should be replaced with like semi mature evergreen trees. Site lighting should be of low intensity and subdued in the car park etc, to minimise the visual impact. Consideration might be given to covering the walkway from the bus stop to the store for inclement weather conditions."

Malmesbury Town Council Object: The Council conclude that need for the application superstore has not been demonstrated as required by PPS 6 and North Wiltshire Local Plan Policy R4. Regarding PPS 4 Policy EC15 requiring a sequential "town-centre-first" test of site selection, we are unconvinced. Regarding PPS 4 Policy EC16.1(d) on town trade impact, we consider that the applicants' assessment is unconvincing and incomplete. Regarding PPS 4 Policy EI0.2 (e) on local employment, we believe the application may have a negative effect. We do not find North Wiltshire Local Plan Policy BD2 (ii), which safeguards existing business uses, to be satisfactorily countered. The sustainability profile is arguably negative against PPS 4 Policy EIO (a), (b) and (d) and North Wiltshire Local Plan Policies C3(vi), CI(i), CI(ii) and CI(iv).

Malmesbury Town Council believes that the application should be refused in accordance with PPS 4 Policy EI7.

Charlton Parish Council object on grounds of adverse economic impact on High Street and tourism; increased traffic through Charlton – even a small increase would compound existing problems; and lights and noise pollution

Malmesbury St Paul Without Residents Association: Object on grounds of prematurity due to the progress being made on the Neighbourhood Plan; Significant detrimental effect on High Street; no conclusive evidence of the need for further convenience store development; do not believe there will be any linked journey trade.

Malmesbury Civic Society: object to Application for a Supermarket on the Garden Centre site. The site lies well over a kilometre from the Town Centre and is remote from the main residential areas. The site, of course, is not in Malmesbury but in the adjacent and independent parish of St Paul's Without.

Transport Assessment shows part of Reed's Farm within 800m "walking" range. This area, however, does not have paved access to the site, only a right-of-way across agricultural land with stiles, mud and cattle to negotiate. The minimal number of cycle places indicates that even the applicants do not consider this a likely way of shopping. Only car access is therefore practical.

It is claimed that the site selection conforms to the "sequential approach" of PPS4. That approach shows that an out of town such as this is, in general terms, the least desirable option. The effect on non-food retail within the town will be negative to a degree which will be manifest only after the irreversible event. In a recent retail study of Wiltshire, Malmesbury's shopping centre, principally but not exclusively the High Street, was shown to have higher than average occupancy of its retail premises. The establishment of such a store, far from being "complementary" will have a lasting, harmful effect on the character and essence of the town.

We are at the stage of implementation of the Localism Bill and Malmesbury has been selected as a Front Runner to generate a Neighbourhood Plan. To commit to such a major change to our local facilities at this time is therefore manifestly wrong. While the Applicants have promised commitment to s106 for footways,etc., we must ensure that major retail changes serve the town and not vice-versa.

There is a speculative claim that the site will seed industrial development. This is too nebulous to be considered, and any jobs created by the store itself must be offset against loss of employment

in independent town centre retailers, the Garden Centre and existing Service Station. The possible improvement in junction A429/B4014 is too small a carrot to offset the overall harm to the town's character and natural development.

Spatial Plans – *The spatial plans team provided initial advice in April 2012 which concluded:*

“In summary the key factors are:

- Both sites are technically out of centres sites.
- Land at Avon Meads is sequentially preferable as it is well related and more accessible to the town centre.
- The GVA retail advice suggests that the Waitrose proposal on land at Avon Meads could function as an edge of centre site.
- There are no sequentially preferable sites in the town centre. Land at Avon Meads is sequentially preferable to the land at the Garden Centre. The Sainsbury's proposals on land at the Garden Centre therefore fail the sequential test.
- The retail advice suggests that the Waitrose proposals at Avon Meads would not have significant impact on the town centre and that any impact that does result will be outweighed by the potential for 'linked trips'.
- A further consideration with the location of the garden centre site is that it is an extant local plan allocation for employment that is being proposed to be taken forward in the core strategy. Whilst employment allocations should not be retained for the sake of it, in this case the location is not sequentially preferable for retail development and remains a good location for employment development.
- Both proposals are premature of the Wiltshire Core Strategy and the process for identifying specific sites for development.
- Specific sites for development, including retail, could be identified through the Malmesbury Neighbourhood Plan. There is a clear appetite to do this.
- Allowing this proposal could predetermine the location of retail development in the town and reduce the ability of local community to input into the allocation of specific sites in Malmesbury.
- However if land at Avon Meads is the only sequentially preferable site then consideration should be given to whether there is any justification for allowing the site to come forward ahead of the neighbourhood plan. The retail advice suggests that the Waitrose proposal on land at Avon Meads could meet retail need in a manner that is complimentary to the existing town centre function and this could bring significant benefit to the town. However this must be balanced against other site specific considerations such as the strong objection to development on the site because of the impact development would have on the historic setting of the Conservation Area and Abbey.
- In conclusion, my opinion would be that land at the Garden Centre is not sequentially preferable for retail development, it would be likely to lead to a negative impact on the town centre, and it is therefore contrary to policy.”

(The advice goes on to comment on the Waitrose proposal: “Land at Avon Meads could function as an edge of centre store and bring significant benefit to the town as it will meet retail need and potentially claw back trips for convenience shopping to other towns, in a location that has the potential for linked trips to the town centre and where impact on the function of the town centre is minimised. Ideally a site for retail should be brought forward with the local community through the neighbourhood planning process, but if this is the only sequentially preferable site, then consideration should be given to the benefits the proposals on land at Avon Meads could bring to the town. This must however be weighed up against site specific factors such as the landscape and urban design objection to development on this site. In my opinion this would need to be resolved if consideration was to be given to the site coming forward prior to the identification of a site in the neighbourhood plan.

Should you be minded to permit the development on land at Avon Meads it is essential that any proposal is complimentary to the existing uses in the town centre. GVA suggest that this could be achieved on land at Avon Meads by ensuring the car park is available for those using the town centre for linked trips, appropriate signage, way marking and linkages and the exclusion of, for

example, a coffee shop, pharmacy, post office and extensive range of non food shopping – see GVA retail advice for further information.”)

Wiltshire Council Highways:

“The Transport Assessment is accepted and I am satisfied that the proposal will *not* have an unacceptable effect on the surrounding highway network. The proposed roundabout at the site access is to an acceptable design.

I have looked in detail at the effect on the adjacent property, “Inglenook”, and am satisfied that access to that property is safely maintained. The tracking diagrams supplied show that the access can be used by all appropriate vehicles. Visibility at the two accesses is marginally changed but no more so than could be done by the degree of trimming of the adjacent hedge. In addition it must be remembered that traffic turning left from the main road will now have to be prepared to stop at the roundabout rather than having a free run and thus average approach speeds are likely to be lower. Visibility from the accesses to traffic circulating the roundabout is significantly better than that currently available to the left turning traffic and with the permitting of the right turn from the main road, left turning traffic off the main road is likely to be reduced. I do not consider that the effect on the access to “Inglenook” is significantly adverse to warrant further investigation of possible revised junction arrangements.

A statement has now been submitted addressing the policy issues raised in my previous response. I consider that the statement adequately addresses those policies and that an objection in respect of either of those policies is not appropriate. I have not identified any issues relating to the internal layout. I have examined the submitted information relating to the petrol station usage and am satisfied that its use will not cause queuing back onto the main access road (the petrol filling station has now been omitted from the scheme). Adequate provision has been made for bus services to access the site.

I notice that comments have been made about the lack of pedestrian routes to the store. There are footways along the roads from the residential areas although not to current width standards. The splitter islands on the roundabout will offer suitable informal crossing points for pedestrians. It would not be reasonable to request Sainsburys to improve all the existing footways although a requirement to provide a formal crossing on A429 should a demand be demonstrated within 3 years of opening would not be unreasonable.

The public transport contribution of £80,000 pa for 3 years has already been identified and, subject to a legal agreement to secure this and the possible provision of the pedestrian crossing, there is no highway objection to this application.”

Urban Design

Full version of the officers comments is available on the file – summary reported here)- *Comments on originally submitted details*: The proposal introduces buildings and areas of hardstanding that are of a substantially larger size and scale than present on the existing site or adjoining countryside. The proposed white cladding panels to the foodstore covering the ‘higher sided’ east elevation, and the north elevation, together with what appears to be a light coloured pitched roof covering will present a starkly contrasting colour in the landscape. These colours will emphasise the uncharacteristic bulk of the building, adversely affect the landscape setting; and will not respect the more traditional finishes and muted colours characteristic of the area which are consistent with the approach taken to analogous ‘farm’ buildings in the landscape.

In this context there is scope for suitably reducing the visual impact of the proposed buildings on the countryside, reflecting the intrinsic local character and distinctiveness. Suitable design approaches that Sainsbury’s have proposed and implemented on their developments elsewhere appear to be:

- A continuation of the proposed timber cladding around the building: The proposals have

introduced elements of timber panels as a response to the public view expressed in the applicant's pre application consultation. It is assumed the panels are natural timber that will tone down through weathering to a silver grey that will more readily blend with the tones of the boundary planting and local landscape. The recent Sainsbury's at Dawlish would appear to be largely clad in timber;

- Changing the remaining white cladding and roof to a non reflective mid grey: This is the approach Sainsbury's appear to have taken with their proposal for a similar sized foodstore at Marsh Lane, Hayle, Cornwall.

- Introducing significant use of natural stonework into the development: This would appear to have most benefit if incorporated as 'field' walling along the more open and public east boundary facing the A429 and as a creative design element to the wall face of the prominent Petrol Filling Station (PFS) Kiosk and Employment Uses alongside the site entrance reducing the uncharacteristic white cladding and extensive glazing respectively.

The artist impression drawing 31086 PL013-A indicates bushes of limited height being maintained along the A429 boundary replacing the existing tree screen and hedgerow. This will result in the expansive area of car parking/hardstanding and PFS being on full view. This does not respect or enrich the local character and distinctiveness of the area. Providing a similar tree screen at the northern end, and introducing a significant element of stone field height walling, and stone facings to buildings along this boundary would be an appropriate treatment to reduce the impact of the proposed car parking (while allowing the foodstore to be readily apparent in the background) and relate the development to the intrinsic rural character of the area.

It should be possible for the proposed foodstore with its first floor mezzanine to visually respect this local setting. In its public setting along the boundary with the A429 the proposed form of the Employment Use building conveyed by the equal length wings at the site entrance presents a readily apparent and uncharacteristic bulk, out of scale with the character of the area. A possible approach may be to express the form of the overall building as two or more linked rectangular buildings with one of the wings appearing subservient e.g. a significant drop in roof height.

Final comments on the revised proposals will be reported at Committee meeting.

WC Landscape Officer

Full version of the officer's comments is available on the file – summary reported here)-
Comments on originally submitted details:

The proposed development site '*Garden Centre, Malmesbury*' is identified as Employment Land (BD1) in the North Wiltshire Local Plan 2011. The site is relatively small rural employment site with direct access off the A429 Crudwell Road and which is surrounded on all sides by 'Countryside'.

The south eastern boundary of the designated Cotswold Area of Outstanding Natural Beauty is located approximately 2km to the West of the development site. The close proximity of the AONB indicates the outstanding quality and national significance of landscape character and scenic quality of nearby countryside. 'Malmesbury Abbey' is located approximately 1.2km to the south west of the site. The abbey is a significant heritage asset (Scheduled Ancient Monument) and a prominent local landmark feature and visitor attraction located within the historic core of Malmesbury. Charlton Manor House (Grade I Listed Building) and its associated historic Park Estate are located to the north and east of the development site and are important features of local landscape character.

I am concerned that the information submitted is inadequate to allow the full visual impact of this proposed development to be properly understood. I currently believe that the proposal will be far more prominent within the landscape than the submitted artist's impressions and the Landscape and Visual Impact Assessment imply and conclude. The current proposal represents a standard design solution with little or no design consideration for local vernacular or local character. I

suggest that the scheme needs to be better screened by reinforcing and widening the existing perimeter vegetation, with appropriate tree and woody shrub species to provide an effective visual screen to the countryside to the north and east, while the southern and western boundaries should be further strengthened to obscure built form and soften visual transitions with countryside. At the moment the layout does not allow sufficient space for a landscape scheme of this nature to be incorporated.

I am particularly concerned that the formal Leyland Cypress hedge is being relied upon to provide the entire landscape transition and buffer along the northern boundary with open countryside beyond. The resulting longer term visual impact and harm to local landscape character could be significantly reduced if more space is allowed to enable an appropriate and effective landscaping scheme to be included within the development site.

North Wiltshire Local Plan 2011 saved policies CI, C3, C4 & NE15 require that new development respects, promotes or maintains the quality of the natural environment and is in keeping and sensitive to the character of the local landscape and countryside. There is in my opinion a clear opportunity to provide a more sensitively designed scheme set within a strengthened landscape framework to reduce visual impact and better respect local character.

Final comments on the revised proposals will be reported at Committee meeting.

WC Archaeologist

This location has the potential to be archaeologically sensitive. Although there are no known archaeological sites or features within the proposed red line area itself, there is an extensive Roman settlement located immediately to the east of Marsh Farm. This site was identified and surveyed in 2001. I would advise there is a need here for archaeological evaluation to be undertaken prior to the determination of any planning application on this site. Depending on what is found during the evaluation, there may also be the subsequent need for further archaeological work to be done by condition.

Further information was submitted in the form of an archaeological assessment and no features of archaeological significance were discovered, partly because the site appears to have been largely disturbed in recent times. No further archaeological work is required.

WC Public Protection (Environmental Health)

Air Quality: With regard to the Mitigation of Construction Impacts contained in Section 5.8 of the report, I would recommend that these measures be required by attaching a suitably phrased condition to any consent.

With regard to the Traffic assessment, Section 5.9.1 states that the modelling has concluded that *'some residential properties will exceed the Air Quality Objective for Nitrogen Dioxide....and these areas have already been identified within the existing Air Quality Management Area (AQMA)'*. There are then recommendations for Cycle Hoops, Green Travel Plans etc. These statements do not correlate with the Traffic Assessment in Section 5.5 or the Conclusions in Section 6.0 and so I can only assume that this is a major 'typo'? I would expect the Applicant/White Young Green to confirm this and re-submit para. 5.9.1 for completeness, as I do not believe there are any air quality objective exceedances nor an AQMA in this area.

Land Contamination/Geotechnical reports: There are no major contamination issues, however in order to ensure that the conclusions and recommendations contained in the reports be instigated, I would recommend that a condition be attached to any approval.

Lighting: I have no 'lighting' concerns, however, for completeness I would recommend that a condition be attached to any approval, requiring compliance with the submitted scheme.

With regard to fixed plant associated with the Food Store, the Noise Consultant- White Young Green(WYG) has proven that building services plant and the biomass boiler can meet criteria of - SdB and -10dB respectively when assessed ('worst-case') in accordance with BS4142:1997. I would therefore recommend that an appropriately worded conditions be attached to any approval.

With regard to delivery noise associated with the Food Store, I have several adverse comments with the noise assessment regarding 'night-time' deliveries in particular. It is common practice to use BS4142:1997 for such an activity, which is a 5 minute assessment, but WYG have only used the BS8233:1999 guidelines, plus the Night Noise Guidelines for Europe(2009), which I feel is wholly inappropriate and in no way reflects the subjective impact of a night-time delivery. The source data for the 'night outside' on page 9 infers that WYG have assumed that there will be 1 delivery per night, 7 days a week, 365 days per year, whereas the delivery Night Noise Assessment on page 24 assumes that up to 6 deliveries per night may take place. In my opinion, this situation cannot be so 'open-ended', nor do I feel this is a correct assessment method for 'short-lived', impulsive disturbance during the night. The application form states that the Food Store opening hours are typically 07:00 to 22:00hrs Monday to Saturdays and 10:00 to 16:00hrs on Sundays/Bank Holidays and there is no mention of night-time deliveries. I am satisfied that any delivery at night would lead to an unacceptable adverse noise impact on nearby residential amenity and can only recommend that a condition be attached to any approval restricting night time deliveries.

WC Ecologist

Having reviewed the available information for the site, it appears to be of relatively limited ecological value at present with the exception of:

- *Bat roosts* and foraging areas on the eastern boundary of the site. These feature have been retained within the masterplan, therefore there are no direct significant impacts anticipated. Lighting could have indirect effects, although this could be addressed through a sensitive lighting scheme.
- *Several species of breeding bird are present*, however these are relatively common suburban species and most would continue to use the site. The extended phase 1 report includes recommendations for carefully timed removal of suitable vegetation and erection of bat boxes as mitigation.
- *Small numbers of slow worm* are present, however the extended phase 1 report includes recommendations to move the animals to a safe receptor.
- Although the over development of the site has resulted in scheme is a rather disappointing sterile scheme for biodiversity, I have no ecological grounds for objection and recommend that any permission granted be subject to two suitably worded conditions to secure to following:
- The recommendations of the extended phase 1 report should be implemented in full in order to protect breeding birds and reptiles.
- A sensitive lighting scheme should be submitted to the LPA demonstrating that bat roosts and foraging areas would not be adversely affected by light spill from the development.

Wessex Water

Petrol interceptors may be required to prevent contaminated flows polluting downstream discharges into land drainage systems. Petrol interceptors must be located on private drainage system to prevent polluting discharges into the public sewer system. New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

Environment Agency – No objections subject to conditions

WC Rights of Way Officer – No objection

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation. The applicants also carried out their own consultation and publicity exercise ensuring a high level of awareness of the proposals. The Malmesbury Neighbourhood Steering Group have engaged the community in discussion/consultation about retail provision in general.

165 letters of support received - summary of key relevant points raised:

- Brownfield site
- Highways improvements/safer junction with B4014/A429
- Generate employment
- Need for safe pedestrian access to site
- Cheaper shopping
- Good location
- Insufficient products available in town/ proposal will bring improved choice. Co-op not sufficient.
- Will prevent shoppers leaving Malmesbury to use stores elsewhere – stores are 20 minutes away from town
- Will bring competition
- Support, but need to protect butchers and bakers in town centre
- Products more affordable and greater selection than Waitrose
- Store needed to support residential growth
- There are no sites available within town centre

305 letters of objections received - summary of key relevant points raised:

- Adverse impact on Malmesbury High Street – shops and garage
- Adverse impact on junction of B4014 and A429 – safety and congestion
- Loss of garden centre
- Increase in traffic in locality
- Only accessible by private car
- Environmental impact due to the increased use of private car/ not within walking distance of town/residential properties
- Unlikely to bring trade to town centre
- Too large, wrong place
- Not sustainable development
- Site allocated for business
- Not a real brownfield site
- Impact on landscape and grade 1 listed house
- Overdevelopment of the site
- Disconnected from town centre
- Design and scale of store
- Major entrance to town
- Premature to neighbourhood planning process
- Adverse impact on access and amenity of neighbouring dwelling (Inglenook)
- Adverse impact on village shops
- Waitrose preferable – smaller; easier walking distance from town and homes.

Co-Op stores : Pegasus Planning on behalf of Co-op stores recommend that both applications be refused as they will have an adverse impact on the Town Centre contrary to current planning policy. They recommend that the outcome of the Neighbourhood planning process should establish the need for and location of any foodstore

9. Planning Considerations

The principle of retail development.

This section looks at the acceptability of retail development on this site.

The adopted North Wiltshire Local Plan 2011 (2006) provides the current statutory local level planning policy for North Wiltshire. The site lies outside the framework boundary and is therefore in countryside in policy terms. The plan defines the primary and secondary shopping retail frontage of Malmesbury town centre . Policy R4 only allows retail proposals on the edge or outside the defined town centre shopping areas when certain criteria are met. These criteria are that:

- I. There is a need for the development.
- II. It can be demonstrated the sequential approach has been followed.
- III. Proposals do not individually or cumulatively undermine the vitality of the existing centre.
- IV. The proposal is accessible by a range of walking, cycling and public transport.

Criteria I is no longer specifically contained within national policy. However criteria ii-iv and are reflected in the requirement to provide sequential and impact assessments.

With regards to future planning policy, the Wiltshire Core Strategy Pre-submission Document has been submitted to the Secretary of State for independent examination. It is proposed that the Wiltshire Core Strategy will supersede all the Structure Plan policies which are relevant to Wiltshire, and that it will also replace a number of the policies in the North Wiltshire Local Plan. Paragraph 216 of the NPPF indicates that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. In regard to retail the proposed core policy 38 requires all retail uses that are not within primary and secondary retail frontages to be accompanied by an impact assessment. It also requires such proposals to meet the sequential approach.

The site lies outside the defined development framework. It is a largely previously developed (brownfield site). Whilst occupied by a garden centre it is allocated in the North Wiltshire Local Plan for employment uses. The Pre-Submission Core Strategy also includes a strategy for each community area including Malmesbury. These strategies identify issues and considerations, as well as housing and employment requirements and the site is also allocated for employment uses (an approach that is supported in the draft Malmesbury Neighbourhood Plan). In regard to retail one consideration in the Core Strategy is:

“there is little capacity for additional convenience retail provision in Malmesbury. However, there has been market interest and as many residents from the town travel outside of the community area to shop, there may be scope for an appropriate scale of supermarket development at Malmesbury during the plan period, providing this contributes towards strengthening the town centre, be of high quality design and sensitive to the historic environment”.

It is acknowledged therefore that whilst there is little capacity for convenience retail use in the town there could be greater capacity if retail expenditure were clawed back from supermarkets in other towns such as Chippenham and Cirencester.

Core Policy 38 ('Retail and leisure') of the pre-submission draft Core Strategy sets out that "All proposals for retail or leisure uses on sites which are not within a Primary or Secondary Retail Frontage, including extension of existing units, must be accompanied by an impact assessment which meets the requirement of national guidance and established best practice, and demonstrates that the proposal will not harm the vitality or viability of any nearby centres. All such proposals must also comply with the sequential approach, as set out in national guidance, to ensure that development is on the most central site available."

In determining retail proposals the North Wiltshire Local Plan Policy R4 is still relevant (in that it accords with the NPPF policies in relation to the sequential test and assessment of impact). Policy R4 states that retail proposals outside of defined town centre shopping areas will only be permitted where: the sequential test has been followed and there are no other sequentially preferable sites; the proposal does not undermine the vitality and viability of the existing centre; and the proposal is accessible by a range of means.

The Council instructed consultants GVA (in January 2012) to prepare an independent review of two applications for new foodstore proposals in Malmesbury. A full report was received from GVA dated 27th March 2012. A full version is publicly available on the website. The report concludes in terms of 'need' that:

"we consider there is a case for a larger food store in Malmesbury in order to; increase market share and establish more sustainable convenience shopping patterns; provide additional choice and competition to the existing Co-op Stores; and provide an improved main food shopping offer."

And in terms of sequential test that:

"we consider that the Waitrose site could function as an edge of centre location in PPS4 terms with appropriate conditions. In any event, policy EC5.2 of PPS4 would suggest differentiating between out of centre proposals. The preference should be given to sites which are well served by choice of transport and which are closest to the centre and have a higher likelihood of forming links with the centre. In these circumstances, we consider that Waitrose would be regarded as a sequentially preferable site in the circumstances of Malmesbury."

And in terms of impact on the town centre:

"In these circumstances, while neither proposal is likely to result in the closure of the town centre Co- op, or undermine the wider strength and attractiveness of Malmesbury town centre, we consider there is a material difference between the Waitrose proposals and Sainsbury's."

The report concludes with these paragraphs:

"In these circumstances having regard to policy EC17, we do not consider the Waitrose store is likely to lead to any significant adverse impact on the vitality and viability of Malmesbury town centre. The proposal will have an impact on existing convenience retailers, and to a lesser extent comparison retailers but this will be mitigated by the possibility of linked trips. In these circumstances we would recommend the Council balances this negative impact of the proposals against the additional benefits of providing choice and competition, and addressing the identified need for improved convenience retail.

We consider the Sainsbury proposals raise more significant concerns against Policy EC17. Specifically, if the Council concludes that the Waitrose proposed site is suitable for new food store development (having regard to its wider policy consideration of conservation area, listed building, access and other issues) we consider this site would be sequentially preferable to Sainsburys. As such, the Sainsbury's proposals would fail to

comply with the sequential approach which would in itself be a reason for refusal. Furthermore, at the levels of impact indicated, we consider the Sainsbury proposal would have much more significant impact on both convenience and comparison retailers in the town centre. While the store would also provide choice and competition, and generate employment and other assets, we consider the impact implications of the centre are much more significant, which would shift the planning balance.”

It is clear from the above that the Council’s consultants (GVA) consider that the Waitrose application would be unlikely to lead to any significant adverse impact on the vitality and viability of Malmesbury town centre – (subject to comments discussed in the following report and is sequentially preferable to this application site.). Furthermore, at the levels of impact indicated, the Council’s consultants consider the Sainsbury proposal would have much more significant impact on both convenience and comparison retailers in the town centre. While the store would also provide choice and competition, and generate employment and other assets, they consider the impact implications of the centre are much more significant.

The applicants responded to the conclusions of the GVA and spatial plans comments and conclude:

- There is identified potential for and benefit to be had in providing for a new large foodstore in Malmesbury.
- Neither of the current proposals is assessed to have a significant adverse effect on the town centre since they would not result in the closure of the existing Co-op nor undermine the wider strength and attractiveness of the town centre.
- Whilst the Waitrose site is undoubtedly closer to the town centre, if, as seems likely, it is considered to be unsuitable to accommodate the development of a foodstore for conservation and visual impact reasons, it is evident that no site has been identified which can be considered sequentially preferable to the Sainsbury’s proposal.

Accordingly, the applicants argue, the Sainsbury’s proposal may be regarded as being compliant with prevailing retail planning policy. However, The Council are advised that the impact of the Sainsburys store on the High Street is likely to be significant and despite the heritage and landscape objections raised in relation to the Waitrose store, officers conclude that on balance the Waitrose proposal site is preferable (although no formal decision has been made on either application).

It should be noted that since the report was commissioned and delivered the National Planning Policy Framework (NPPF) has replaced Planning Policy Statement 4 as the guidance on retail planning matters. However, Policy EC17 which is referred to in the above conclusions is reflected in NPPF in paragraphs 24 to 27:

“24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”

“26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”

The policy approach in the NPPF to assessing retail proposals, in terms of the sequential and impact assessments required, is therefore of similar effect to the previous policy in PSS4. On the basis of the assessment provided by the Council’s advisors the site of the Sainsburys proposal is not sequentially preferable and will have a greater adverse impact upon the town centre than the ‘competing’ application.

On this basis the application does not accord with the policies of the Local Plan or the NPPF.

The Neighbourhood Plan

The Malmesbury Neighbourhood Steering Group has recently Published for consultation ‘The Draft Malmesbury Neighbourhood Plan’. The consultation period for this document ended on 26th April. The content of the Draft Plan is important element of the Council’s consideration of the proposals and the Steering Group have committed to providing as much of the consultation responses as possible to members prior to making a decision. Members are encouraged to familiarise themselves with the contents of the whole of the Draft Plan but certain extracts are of particular relevance.

Section 3 of the Draft Plan refers to retail in the town, with the first section of the chapter dealing with the supermarket proposals. Reviewing potential sites for a supermarket was one of the key objectives identified. The Malmesbury Community Area Strategy identified in the draft Wiltshire Core Strategy suggests that there might be scope for a supermarket and initial public consultation by the MNSG:

“found that the majority of residents would support a new supermarket in the Malmesbury area (70% for, 30% against). However the majority would not support a supermarket if it had a negative impact on Malmesbury High Street (58% against, 42% for). So while residents want a new supermarket they also want to protect Malmesbury’s High Street shops.”

Having identified that there is both a need and support for a supermarket in Malmesbury the MNSG reviewed a number of sites and came to the conclusion that the most appropriate site is the site subject of this application:

“The Avon Mills (Land SE of) site is the preferred site out of five potential supermarket sites that were assessed in the MNSG site selection process. That process involves rating sites by reference to criteria for location, access, buildability, conservation and environment that address issues 5 to 8 above. That site selection process was endorsed by the MNSG Community Engagement.

We know that this site is available for development because it is the subject of a planning application

60% of respondents to the Community Engagement agreed with our preliminary ratings of five supermarket sites which placed this as a preferred site.

While other supermarket sites are being investigated, at the time of publication of this draft, the above site is both preferred and deliverable.”

As such the Draft Neighbourhood Plan includes a policy (Policy 6) to the effect that “*Permission will be given to develop a supermarket on the Avon Mills (Land SE of) site*”

The Draft Plan goes on to list requirements for the proposed supermarket: Including 218 car parking spaces; pedestrian and cycle links to and within Malmesbury Town Centre; Measures to minimise the impact on views and heritage setting; Measures to minimise the impact on Neighbours; Measure to minimise the of all the Avon Mills buildings, St John’s Street and the Lower High Street. And in order to integrate the store with the Town Centre financial contributions will be sought for: a shuttle bus into town; support for a ‘Town Team’ to manage the development of Malmesbury’s retail economy; Improvements to identified sites in the town to enhance its retail performance.

The Draft Neighbourhood Plan has made excellent progress as a frontrunner project. The work carried out by MNSG has been invaluable in seeking local views, identifying issues and proposing solutions. Wiltshire Council acknowledges the valuable work that has been done. However, it is also acknowledged that until the Plan is finally adopted it is considered to carry little weight in planning terms. Whilst the decision on the Filands residential planning appeal is currently the focus of some dispute between the appellants and the Secretary of State, the Inspectors comments are of some relevance to the weight that can be given to the Draft Neighbourhood Plan.

An assessment of the response to the Draft Neighbourhood Plan is not yet available. Officers will update Members at the Committee meeting when more detailed information is available.

Both the retail assessment and the Neighbourhood Plan carried out assessments of alternative locations including the Sainsburys application site and other potential development sites in and around Malmesbury. However none were found to provide the a site so well located in relation to the town centre and allowing for a size of store that would meet locally identified need.

Both the GVA retail assessment and the Draft Neighbourhood Plan identify benefits from a supermarket proposal on the Waitrose site. One of the key benefits for that site is the potential for linked trips and that the store will complement to the town centre. There is considered to be little potential for linked trips from the Sainsburys proposal.

Prematurity

The issue of prematurity in the context of the emerging Core Strategy and the Neighbourhood Plan has been raised by a number of parties. The NPPF, in particular paragraphs 14 and 216, provides the approach required when a LPA is progressing a new draft plan. The issue of prematurity is capable of constituting a potential form of harm to be considered in a decision-making process; it is another material consideration to be weighed in the balance.

The Council needs to consider whether this application is premature and if so what the consequences are. Members will be aware of a disputed Inspectors report relating to an appeal at Filands in relation to residential development. Whilst that decision is still in dispute the conclusions reached in terms of prematurity reflect the approach adopted elsewhere by the Inspectorate and the Secretary of State in planning appeals and reflects the policy approach of the NPPF . In this respect the Inspector’s approach at paragraph 90 is useful:

“I have considered whether allowing the development proposed now would have such a negative community effect, through prematurity, as to prejudice the ability of any future adopted [draft CS or NP], to influence the siting, location or phasing, of new development either within the wider district as a whole or as regards this market town in particular. But I have concluded that there are no such significant negative effects sufficient to outweigh the presumption in favour of sustainable development.”

Given that both draft Core Strategy (in proposing that additional retail development is required) and the DNP (by proposing this site for a food store) give strong indications of how the Council and community see retail development progressing there are considered to be no significant negative effects sufficient to outweigh the presumption in favour of sustainable development. Therefore officers consider that it would not be justifiable to refuse planning permission simply on the basis that the proposal is premature.

Wiltshire Council, in agreement with the applicants had intended that the application should only be reported to the Area Planning Committee after the consultation period on the draft Neighbourhood Plan had closed. The application was scheduled to be determined at the April 24th meeting. However, the consultation period was subsequently extended to take account of the Easter break and only ended on 26th April (two days after the April NAPC). It was recognised by Officers, members and the applicants (and the neighbourhood Plan Steering Group and other third parties) that it would be more appropriate to determine the application after the consultation period, so the application was rescheduled for this Committee.

Some objectors have argued that no decision should be taken on these applications until the Neighbourhood Plan is finalised and adopted. The Council has in the past indicated that it may favour that approach. However, it is clear that both the development control process (administered by the Council) and the policy formulation work undertaken by the Neighbourhood Plan steering Group has progressed to a stage whereby conclusions on key issues – relevant to both the Waitrose and Sainsbury's applications – can be made having regard to the overarching national policies set out in the NPPF.

Impact on landscape

The Council's landscape officer raised concerns about the impact of the proposal upon the landscape particularly in respect of the transition between the built form of the new store and associated buildings and the immediate countryside. The applicants have supplied additional information and made changes to the layout, landscaping and the design of the buildings. Further comments are awaited from the landscape officer in this respect and a further update will be given on this aspect at the Area Planning Committee.

Design

The Council's Urban design Officer made some detailed comments regarding the design of the site and the buildings. He was particularly critical of the materials to be used (suggesting the colours and materials used could be more muted to better reflect the rural setting). As detailed above (see 'The Proposal') the applicants made a number of changes to the overall layout (omitting the petrol filling station for example), landscaping and the design (notably changes to materials) of the buildings. Further comments are awaited from the Urban Design Officer with regard to these proposals and a further update will be given on this particular aspect at the Area Planning Committee.

Loss of Employment Land

Policy BD1 (Employment Land) of the North Wiltshire Local Plan 2011 states: "About 150 ha of land is made available for business development (Use classes B1, B2 and B8 uses) within the period 1991 to 2011." And with specific reference to named sites it states: "Development shall be permitted for business development (Use Classes B1, B2 and B8) on the following allocated sites, and outstanding allocations (from Adopted 2001 Local Plan): (*amongst others*) Garden Centre, Malmesbury (3.9 ha)"

The pre-submission draft of the Wiltshire Core Strategy states that one of the main issues for Malmesbury is the "diversification of the employment base which will help to strengthen the local economy and reduce out-commuting. A more flexible approach to allow economic development on the edge of the town will be considered, providing the scale of development is appropriate and sensitive to the historic environment". Core Policy 13 of the draft Core Strategy establishes that:

“The following Principal Employment Areas will be supported in accordance with Core Policy 35:

5 ha of employment land will be provided, including....Land at Garden Centre, Malmesbury -Saved North Wiltshire District Plan allocation- 4 ha”

Core Policy 35 (Existing Employment Sites) sets out that existing employment sites will be retained.

“Wiltshire’s Principal Employment Areas (as listed in the Area Strategies) will be retained for employment purposes within use classes B1, B2 and B8 to safeguard their contribution to the Wiltshire economy and the role and function of individual towns. Proposals for renewal and intensification of the above employment uses within these areas will be supported.”

The draft Malmesbury Neighbourhood Plan specifically supports the continued allocation of the ‘garden centre’ site for employment uses under the objective to “identify new sites for employment in addition to those already identified in the draft Wiltshire Core Strategy Feb 2012” it refers to the policy that “two sites have been already been identified for business development in the draft Wiltshire Core Strategy (Reference 2). They are: a 1 hectare site behind Persimmon; (and) a 3.9 hectare site on the Crudwell Road currently part occupied by the Garden Centre.”

The allocations in the North Wiltshire Local Plan 2011 and carried forward in the draft Core Strategy and supported by the draft Neighbourhood Plan amount to 3.9 hectares. The application proposal provides for around 1.5 hectares of ‘commercial’ uses in outline only, only the supermarket element of the proposals provides detailed information (0.55ha for B1 use classes; 0.63 ha for Builders Merchants; and 0.33 ha for B1 Use classes). The outline proposals would be 2.5 ha short of the current allocations. Whilst there is an argument that retail development will generate employment, this is not the only purpose of what the allocation is seeking to achieve (the policy seeks diversification and strengthening of the economic base of the town).

As the application fails to meet the requirements under the retail policies current applicable (as explained above) there is no overriding reason to accept the reduction in potential employment provision by reducing the allocated employment site by nearly two thirds.

The application proposals do not comply with Policy BD1 of the NWLP 2011, the emerging policies of the draft Core Strategy or the draft Malmesbury neighbourhood Plan.

Residential impact

As has been noted there are a number of residential properties located in close proximity to the site. Some of these have raised concerns regarding the impact of the proposal upon residential amenity. It should be remembered when assessing the impact of the proposals on these properties that the site is already part developed and well used – it is not an unused or ‘greenfield’ site. The existing uses generate activity, noise and disturbance associated with commercial and retail businesses. It is reasonable to assume that the existing uses may seek to expand or intensify these activities over time. In addition the site is allocated for business uses both in the Local Plan and the Core Strategy. This illustrates that some additional building and commercial activity is envisaged to continue on this site for the future.

Clearly the implementation of a food store alongside other B1 and B2 uses will intensify the use of the site. Highways Officers have commented on the impact on the local road network and the safety of the highways improvements proposed and found this to be acceptable. The Council’s Public Protection team have assessed the impact from lighting and noise, and subject to conditions have found this to be acceptable. The visual impact of the proposals upon the character of the countryside and public views is being carefully assessed by both the urban design officer and landscape officers.

Undoubtedly the outlook for nearby residents will change, but Officers consider that if all other aspects of the scheme were found to be acceptable, suitable conditions could be applied to ensure that any adverse impact upon residential amenity could be minimised, such that a refusal on this ground could not be justified.

Ecology

The Council's principal Ecologist has advised that the site has limited ecological value at present with the exception of *Bat roosts* and foraging areas on the eastern boundary of the site; *several* relatively common suburban *species of breeding bird; and small numbers of slow worm*. He confirms that there are no ecological grounds for objection and recommends that any permission granted be subject to suitably worded conditions to ensure that the extended phase 1 report should be implemented in full in order to protect breeding birds and reptiles and that a sensitive lighting scheme should be submitted to the LPA demonstrating that bat roosts and foraging areas would not be adversely affected by light spill from the development.

Archaeology

No features of archaeological significance were discovered, partly because the site appears to have been largely disturbed in recent times. No further archaeological work is required.

Highways

The highways officer is satisfied that the proposal will not have an unacceptable effect on the surrounding highway network and that the proposed roundabout at the site access is to an acceptable design.

A neighbouring property located at the junction of the A429 and B4014 (Inglenook) has raised concerns regarding the impact of the proposed roundabout and associated highways works on the access to the property. The objectors commissioned and submitted their own independent traffic assessment. This was thoroughly reviewed by the Council's highways officer who confirmed that he was satisfied that access to that property is safely maintained.

It would not be reasonable to request Sainsburys to improve all the existing footways although a requirement to provide a formal crossing on A429 should a demand be demonstrated within 3 years of opening would not be unreasonable.

The public transport contribution of £80,000 pa for 3 years has already been identified and, subject to a legal agreement to secure this and the possible provision of the pedestrian crossing.

Subject to a suitable legal agreement and conditions officers have raised no highway objection to the application.

10. Conclusion

There is an acknowledged need for additional retail floorspace in Malmesbury.

The site is located some 1.2 km to the north of the established town centre, where the Council would normally seek to locate new retail floorspace. It is however widely accepted that significant retail floorspace is unlikely to be accommodated within or immediately adjacent to the defined town centre shopping area for Malmesbury. The town's historic hilltop setting means that there are few sites that could be considered suitable for such development. However, the site of this application is located well beyond the town centre and beyond the framework of the town, on the eastern side of the A429. The applicants agree that the majority of the stores customers will be car bound, although they have made provision for access by other modes of transport (through cycle parking and offers to improve access by public transport). There is considered to be little opportunity for linked trips, certainly by anyone on foot, due to the distance between the site and the town centre and the difficulty of the route (not least crossing the A429). If this were to only site

that was available for the location of a store then it may be possible to take measures to mitigate some of these issues, and the applicants have set out some of these mitigations in their application. However, there is considered to be a sequentially preferable site (that is a site closer to the town centre with the possibility of enabling linked trips on foot). The Waitrose application was submitted a short time after the Sainsburys application and both applicants have engaged with local residents and groups. The Malmesbury Neighbourhood Plan Steering group looked at a number of potential sites around Malmesbury and considered that the Waitrose site was the most acceptable. The application fails the sequential test and is therefore contrary to Policy R4 of the Local Plan and the National Planning Policy framework. Whilst neither is yet formally adopted the policies of the pre-submission draft of the Core Strategy and the draft Neighbourhood Plan support this approach.

The 3.9 ha site is allocated for employment use (Policy BD1). The proposal would provide around 1.5 ha of employment uses. The retail store would provide additional employment, but it is not considered that retail uses would diversify or strengthen the local economy in the way the policy envisages.

The impact of the store on the landscape has been assessed by the Council's Urban Design and landscape officers. They have yet to comment on whether the amendments received address all their concerns although they have informally acknowledged that the increase in landscape planting and amended use of materials will have some overall benefit. An update on this situation will be given at the Committee.

Other technical issues have been discussed in the report and have been satisfactorily resolved (highways, ecology, archaeology, residential amenity)

11. Recommendation

Planning Permission be REFUSED for the following reasons:

1. "The proposed development will result in the creation of a food store in an out of town location some 1.2km from the existing Malmesbury shopping area. The proposed foodstore is considered to have an adverse impact upon the vitality of the existing town centre. The site is not sequentially preferable. The application does not comply with Policy R4 (Proposals Outside Town Centre Primary and Town Centre Secondary Areas) of the North Wiltshire Local Plan 2011; the retail element of the National Planning Policy framework (in particular paragraph 27; Policy 38 of the pre-submission draft Wiltshire Core Strategy and the policies in the draft Malmesbury Neighbourhood Plan."
2. "The 3.9 ha (approximate) site is allocated for B1 and B2 employment uses in the North Wiltshire Local plan and this allocation is continued in the pre-submission draft of the Wiltshire Core Strategy and is supported through the draft Malmesbury Neighbourhood Plan. Around 2.4 ha of the site will be given over to non-employment based uses, namely retail. A retail use does not comply with the long term aims of the current or emerging planning policies in local documents. The application is contrary to the requirements of Policy BD1 (Employment Land) of the North Wiltshire Local Plan 2011; Core policies 13 and 35 of the pre-submission draft Wiltshire Core Strategy and the objectives of the draft Malmesbury Neighbourhood Plan"

Further advice regarding the impact on the landscape and visual appearance will be reported at the Northern Area Planning committee and may result in additional reasons for refusal.

