

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	23rd April 2014
Application Number	12/03594/FUL
Site Address	Octavian Eastlays Gastard Wiltshire SN13 9PP
Proposal	Proposed above ground specialist storage facility, parking and external landscaping
Applicant	Octavian Wine Services
Town/Parish Council	Corsham
Ward	Corsham Without & Box Hill
Grid Ref	388101 167619
Type of application	Full Planning
Case Officer	Simon Smith

Reason for the application being considered by Committee

Under the Council's Scheme of Delegation Specific to Planning, Councillor Tonge has requested this application be considered by the Northern Area Planning Committee to enable the consideration of traffic issues and potential impact upon the surrounding communities.

1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Report summary

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

- Principle of development
- Visual impact of proposal
 - Existing situation
 - Impact
- Transportation and highway safety
 - *Village traffic survey*
- Ecology
- Impact on residential amenity

The application has generated 37 letters of objection from residents. Corsham Town Council object to the application on the grounds of impact on residential amenity, ecology and highways.

3. Site Description

Known as Eastlays Mine, a former stone mine and military munitions store, the application site is located South West of Gastard village and Chapel Knapp. The site is accessed from the B3353 Goodes Hill, the road linking Gastard/Chapel Knapp to the North and Whitley to the South.

Some 17Ha in size, the application site is located on rising ground, close to a ridge line that crests close to Chapel Knapp. The focus of development sits within an artificially created topographic bowl predominantly created by spoil from past mine workings. Several above ground buildings exist within the site, servicing the substantial underground workings, used for wine storage.

Octavian Wine Services specialise in the long term storage of fine wines. At some 27m (90ft) depth, the conditions found within the underground mine workings, are found to be ideal to achieve optimum temperature and humidity for storage. Although predominantly taking place below ground in the significant mine workings, the entire site (both above and below ground) is an established employment site benefitting from a B8 use class (ie. wholesale warehousing and distribution centres).

The site is located outside of any Settlement Framework Boundary defined in the adopted North Wiltshire Local Plan 2011, therefore by default being part of the countryside in planning policy terms. The site is not part of any defined landscape designation.

4. Relevant Planning History		
Application Number	Proposal	Decision
12/02170/FUL	Office extension and repositioning of security building	Permission 26/09/12
12/00751/SCR	Screening opinion as to EIA required for storage building	EIA not required
11/02340/FUL	Erection of single storey security building; single storey garaging and archive building; single storey extension to warehouse building to provide staff facilities and car port	Permission 01/09/11
11/02584/FUL	Single Storey Extension to Existing Main Building	Permission 21/09/11
11/02339/FUL	Erection of a Single Storey Visitor Reception Building	Permission 01/09/11

5. Proposal

The Octavian Wine Services business operates a business at the Eastlays site comprising some 90,000sqm underground storage with 1700sqm of above ground floor space. Octavian operate a separate above ground facility at Colerne, designed to replicate the conditions found underground at the Eastlays site. It is understood that Octavian Wine Services, and the Eastlays site in particular (marketed as “Corsham Cellars”), is of international renown in the fine wine investment industry.

The applicant has confirmed that the demand for storage space at their facilities is increasing and it is therefore proposed to expand their capacity at the Eastlays site. Accordingly, the proposal is to construct a 6,200m² of B8 warehouse building, providing space for a minimum of 300,000 cases of wine. Undeniably, the building would be substantial in size, with a maximum height of 11.0m above ground level. Length would be some 132m and width 70m at their maximum. The building would be of a typical warehouse design and appearance, fitted with an external powder coated cladding system in an effort to provide some visual relief to its largely unbroken massing.

The applicant currently employs 105 people at the Corsham site, 35 at the Colerne site, with the development expected to generate an additional 25 jobs;

6. Planning Policy

North Wiltshire Local Plan 2011 Policies:

C3 (general development control policy)
C4 (business development)
BD5 (rural business development)
NE15 (landscape character)
NE9 (protection of species)

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

7. Consultations

Corsham Town Council – Resolved: that the application be refused for the following reasons:

- (i) The high visibility of an industrial building within a rural setting close to a Conservation Area
- (ii) Concerns over noise created by the compressors, air handling units and traffic on site
- (iii) Concerns over increased traffic movements on the B3353
- (iv) Loss of established woodland and impact on wildlife
- (v) The proposals are contrary to Policies BD4, BD5, NE15, NE20 and Core Policy C3 of the North Wiltshire Local Plan 2011.

Melksham Without Parish Council – Outside MW parish.

Highway Officer – Considers that the any traffic generated by this proposal would not represent a significant increase and neither would its use of the existing access. Full and detailed commentary from the Highway Officer forms basis of “Transportation and highway safety” section of this report.

Landscape and Design Officer – Raises concerns, but does not believe a reason for refusal based on landscape impact would be reasonable.

Council Ecologist – Following receipt of additional information and commitments from the applicant, raises no objections to the proposed scheme subject to the imposition of planning conditions.

Environmental Health Officer – No objections subject to conditions.

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

37 letters of objection received from local residents. Main relevant planning issues raised:

- Impact upon amenity and living conditions of nearby residents

- Impact of such a large building on the rural landscape
- Design and overwhelming mass of the building is entirely inconsistent with the character and feel of rural area
- Light and noise pollution generated by increased activities
- Impact upon farming activities on surrounding land – especially from light pollution and use of road currently shared by applicant and adjoining agricultural business
- Increase in traffic accessing site would cause highway danger
- B3353 Goodes Hill is narrow and not suitable for industrial traffic
- Traffic survey carried out by Gastard community found actual situation on roads exceeds that stated in applicant's "Transport Statement"
- Traffic generated by proposal would exceed that generated by previous MoD and quarrying activities carried out on site
- Small amount of new employment generated does not justify such a large impact
- Plenty of alternative industrial premises locally, more suitable than this rural and isolated location.

9. Planning Considerations

Principle of development

The application site is located outside of any Settlement Framework Boundary, as defined within the adopted North Wiltshire Local Plan 2011. As such, in planning policy terms the site is regarded as open countryside. In this context, Policy BD5 of the adopted North Wiltshire Local Plan 2011 is applicable.

Criterion (ii) to Policy BD5 does envisage that the principle of new business development to be acceptable where it :

"Involves limited new building located within or well related to an existing group of buildings which respects local building styles and materials, and is in keeping with its surroundings;"

In particular, Policy BD5 also requires new business development to be in itself "limited". For the purposes of assessing the visual impact of the proposal, this requirement is considered to have broadly the same aim as the requirement to be "well related" to existing buildings, but perhaps with the added component of an assessment of the appropriateness of the scale of development to the settlement in which it sits. In the absence of any real definition within the Local Plan, it is left to individual interpretation as to what "limited" is, and whether a proposed development is "in keeping with its surroundings".

Also positively framed, Criterion (iii) Policy C4 of the adopted Local Plan states as follows:

"New business development, which promotes a diverse and robust economy, whilst having regard to the environmental impact, will be granted planning permission subject to...(iii) Proposals in the open countryside, including the re-use of rural buildings, will only be allowed if they are in keeping with surroundings and exhibit potential to sustain the local rural economy."

Paragraph 28 of the NPPF underpins Local Plan policy by reiterating that:

"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;"

Clearly, in this instance there is an existing business building on the site and all levels of policy make it clear that planning decisions should allow flexibility for business in rural locations to grow

on their existing site. In allowing for such expansions, increased employment opportunities for local residents and the local rural economy will flow.

As is evident, planning policy does not offer *carte blanche* in respect of new business development. Indeed, it is unequivocal in stating that the relative success or failure of a proposed expansion must rest upon more detailed considerations such as the appropriateness of its form, scale, highway safety, impact upon residential amenity, as well as any potential impact upon vitality of nearby town and village centres. Indeed, the presumption in favour of development set out in the NPPF only exists where that development can be proved to be sustainable. In essence, such matters are considered below.

Visual impact of proposal

Existing situation

The site lies within countryside NE15, within 'Landscape Character Area 10 –Corsham Rolling Lowland' of the *North Wiltshire Landscape Character Assessment*, outside any settlement boundary. The site is surrounded by agricultural land. The site was a former quarry, before being used by the MOD. The MOD buildings have long since been demolished, although evidence of foundation slabs and rubble, mounds and bunds are evident around the site. The wider unoccupied part of the former quarry/MOD site has been abandoned for many years, and much of it has been colonised by scrub and trees to form a largely wooded site.

The existing above ground development at this site is modest in scale and reasonably discrete in the local landscape context, despite its elevated topographical location. This is largely due to the existing perimeter woodland blocks, which provide visual screening and filtering functions. The limited height of the existing buildings in combination with surrounding rolling topography and existing vegetation absorb existing development into the wider landscape. As a result, views into the site and of the existing built form are limited; substantially screened in summer, and filtered in winter, with the exception of the orange glow of external lighting, which highlights the presence of development in this rural countryside location, especially during the winter months

Impact

It is undeniable that the building is of substantial scale and, despite the topographic bowl within which the Eastlays site sits, it will undoubtedly be visible in the landscape. Precisely because of the likely impact of the proposal, concerns have been raised by the Council's Landscape & Design Officer and series of iterative submissions made by the applicant.

In an effort to shield views of the building, a revised landscape framework plan was submitted. This illustrates the changes to areas of scrub clearance (to accommodate increased areas of calcareous grassland creation/management) and proposed areas of woodland reinforcement proposed. The revised plan incorporates additional field boundary tree/hedgerow belt planting between the proposed development site and Chapel Knapp to the North-West boundary along the route of FP1, which follows the Northern boundary of the site. Some additional tree planting within hedgerows along the south eastern boundary corner along the route of FP13 is also proposed. Existing made ground and mature planting to the South of the site is considered to be effective in its screening of the new building.

While welcoming the additional planting because of the support and enhancement it provides for the local landscape character, the Council's Landscape & Design Officer rightly points out that it is likely to be at least 15-20 years before any new planting begins to help break up views of the upper building elevation and roof/ridgeline (a considerably longer period than is contended by the applicant). In the short and medium terms, therefore, a good proportion of the building will be visible, with it being more prominent in winter.

The visual impact of the proposed building will therefore be harmful to the landscape. However, the Council's Landscape & Design Officer has acknowledged that the harm will be localised and

limited to certain visual receptors and viewpoints, namely: the Green at Chapel Knapp, Boyds Farm, Boyds Farm Cottages, The Plough Cottage, and the Public footpaths north of Green Road within the identified Zone of Visual Influence (as set out in the submitted assessments). Whilst from these locations it will be possible to gain various broken and part views of the upper, north, and west building elevations and respective roof lines, such views will not be possible from greater distance. Going further the proposed landscape mitigation is judged by the Landscape Officer to be well considered and will, over time, reduce and minimise harmful landscape and visual effects and contribute to strengthening local landscape character.

Objectively, the proposal might still be considered to result in a dramatic visual alteration. However, this is a situation that would, to one degree or another, result from most proposals for development being considered against Local Plan Policy BD5, which of course is a policy worded precisely to at least allow consideration of proposals to expand existing businesses in the countryside. In the context of an effect that is acknowledged to be localised (and not all pervasive to the wider landscape) and one that will diminish in time, the justification to refuse planning permission on this basis becomes less compelling.

Transportation and impact upon highway safety

The proposal is for 6200m² of additional storage to supplement the existing 90,000m² of underground storage. This represents a 7% increase in storage area. There are currently 105 employees. A Transport Statement has been submitted and this has stated that existing commercial vehicles average 23 arrivals a day, comprising a mix of vans and HGVs. Current peak period flows are 38 vehicles inbound and 31 vehicles outbound comprising predominantly private cars.

The applicant suggests that the increase in storage area will create 20 additional jobs and that commercial vehicle arrivals will increase by up to 25%. Applying these increases to the existing flows it would result in an additional 6 commercial vehicles per day, less than one per hour, and up to 8 additional cars in each peak. Taking these calculations, the Council's Highway Officer has concluded that these are insignificant increases in the context of existing traffic.

A further assessment was undertaken using the TRICS database. This resulted in higher additional flows than suggested above. However, the categories used for this calculation relate to general warehousing which, as the Council's Highway Officer points out, generate far higher levels of traffic than the somewhat specialist long term wine storage use which exists on this site. This is borne out by the current levels of traffic generation which are significantly lower than would normally be expected from 90,000 m² of warehousing. In view of this, the Council's Highway Officer concludes that there is no reason to doubt the credibility of the increases predicted by the applicant.

Objectors have suggested that the existing junction of the access road with 83353 is dangerous. However, it is factually the case that there have been no recorded injury accidents within the last ten years related to the junction. The Council's Highway Officer does note that although visibility to the south is less than ideal, he does not consider the junction to be inherently dangerous, as demonstrated by the accident record. In view of the clear advice of the Council's Highway Officer based on the demonstrable evidence available, it must be concluded that the increased traffic generated by the proposed development will not result in a significant increase in risk to other road users.

Village traffic survey

It is understood that the local community conducted a traffic survey on Thursday 25th July and Monday 29th July 2013. Along with other representations received from local residents, the results of the survey have been forwarded to and evaluated by the Council's Highway Officer.

Comparing the traffic count data with the figures quoted in the summary table of the main representation received (from Wooley & Wallis Chartered Surveyors acting on behalf of a nearby

neighbour), the Highway Officer finds it difficult to understand how the figures in the summary table are calculated, as these are higher than the traffic count would suggest. In addition the am period has been taken as 1½ hours as against the one hour used in the Transport Statement. This makes comparison in the morning peak difficult and conclusions potentially misleading.

The table below compares the two figures from which it can be seen that in both peaks the traffic count produces similar figures to those in the Transport Statement submitted by the applicant.

	Inbound			Outbound			Total	
	Traffic Count (1½ hrs)	Hourly Equivalent	Transport statement	Traffic Count (1½ hrs)	Hourly Equivalent	Transport statement	Traffic Count (HE)	T S
Am Peak	46	31	38	4	3	4	34	42
Pm Peak	6	N/A	1	24	N/A	31	30	32

The other issue to be considered is the number of service vehicles. Here there is a significant difference between the Transport Statement and the village count (46 movements v 70av). However the village count indicates a large number of light vans and it may well be that a number of these are not service traffic as identified by Octavian. Some may even have been used by employees to travel to work.

The Council's Highway Officer reaches a clear conclusion on this matter. The traffic survey conducted by the local community does not alter the Highway Officer's view that any traffic generated by this proposal would not represent a significant increase and that the access to the site is suitable. There is no reason to diverge from his clear conclusions.

Ecology

The application site is not part of any defined sensitive ecological area. Over time, however, habitats have developed on the site since the cessation of quarrying and military activity which include broadleaved woodland scrub, calcareous grassland and tall herb. Elements of these habitats would be lost as a result of development and it is therefore necessary for the scheme to include measures for compensatory habitats.

The mitigation strategy for the site has been amended. Compensation for loss of BAP habitat types ('Mixed Deciduous Woodland' and 'Calcareous Grassland') and now includes significantly greater proportion calcareous grassland. Such grassland can be more quickly restored / created than planting new deciduous woodland, thereby reducing the temporal magnitude of the habitat loss. The calcareous grassland at this site is also considered to be of greater value than the woodland stands, therefore greater biodiversity gains could be achieved through grassland creation than woodland planting.

Unfortunately, significant areas of vegetation removal would be required in order to create the required areas of compensatory grassland, thereby reducing the screening effects when the new building is viewed from the surrounding countryside. Due to the variable geology and soil conditions on the site, grassland creation is most likely to be successful on areas of higher ground (where it generally already occurs), however removal of vegetation from these areas is likely to have the greatest loss of screening function. This tension has not been lost on Council Officers and considerable time has been spent on achieving an optimal balance between these competing factors.

Impact on residential amenity

Given the size of the warehouse building, it is understandable that concerns have been raised by local residents regarding the potential for increased activity on the site to have an impact upon amenity and living conditions. In particular, Boyds Farm, the closest residential property some 300m – 400m to the north of the site and the grouping of houses at Chapel Knapp a little further to the North East.

B8 warehouse type activities are not expected to generate noise and disturbance to the same degree as a more general industrial B2 use class. Nevertheless, it is natural to assume that a building of this size, containing large quantities of an expensive commodity, will necessitate security lighting and static plant (mainly air conditioning). However, in the context of planting and the topography of the site, which will eliminate overt impacts, it is considered that the imposition of suitably worded planning conditions can adequately control such features so as to avoid any unacceptable impacts upon residential amenity.

In view of the scale of development, it is considered relevant and reasonable to impose a planning condition controlling the construction phase of development.

The Highway Officer's conclusion that traffic increases would be minimal also renders traffic based disturbance minimal. Specifically, noise from the activity of unloading and reversing alarms can be addressed via planning conditions.

The Council's Environmental Health Officer has concluded similarly.

Other matters

Concerns have been raised locally in respect of the potential effect the development would have upon private rights of way across Green Road (which is the site access and leads to the adjoining farm) are precisely that, a private matter. There is no evidence that the proposed building, being self contained on the applicant's land, would somehow prejudice the farming activities on surrounding land.

Attention has been drawn to a legal agreement dating from 1976 between previous owners of the application site and to which Wiltshire County Council was party (at the time not being the Local Planning Authority for matters other than minerals and waste development). Amongst other matters, that agreement identifies land (which includes the application site) upon which no thing should be stored. As drafted, it is unclear whether the agreement relates to external, internal or underground storage. If either of the latter two, it is likely that the provisions of the agreement has been breached for many years. In any event, the judgements and conclusions set out in this report would not necessarily be incompatible and it is possible for an application to be submitted seeking a modification to that agreement if it is felt to present an impediment to the implementation of a planning permission.

It has been suggested that the application should have been submitted complete with a Heritage Asset Statement type document. Whilst Boyds Farmhouse is a Listed building and there is a Conservation Area designated for part of Gastard, both are some distance from the application site. As assessed elsewhere in the report, the proposal would have a minimal impact upon the setting of such heritage assets and a formal statement of such, as advised in the NPPF, is not considered mandatory in this instance.

10. Conclusion

The proposed building is substantial in scale. It is undeniable that the top part of the development will be visible in the landscape in the short and medium terms. However, the visibility, and therefore the impact is be localised as approaching the site along Goodes Hill, with overt views not

being possible at greater distance. In the longer term, the mitigation offered by the proposed landscape and planting scheme will be complete.

The landscape and ecological mitigation packages now proposed offer an acceptable balance between compensation of grassland habitats and planting to aid screening.

Any traffic generated by this proposal would not represent a significant increase and neither would its use of the existing access

Due to the specialist nature of the business, the proposed development would not generate a significant number of jobs when compared to the scale of building to be built. However, it is nonetheless the case that Octavian Wine Services is a locally centred company with international standing which is demonstrably contributing to the local rural economy. Whilst it is likely that the unique conditions offered by the underground workings mean the company would not wish to relocate, planning policy at all levels does insist that proposals for new business development should be granted planning permission when considered to be sustainable.

In the absence of unequivocal and convincing reasons to refuse planning permission, the recommendation must be to grant planning permission.

11. Recommendation

Planning Permission to be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans and documents subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. No development shall commence until details of the proposed and existing levels across the site (including details of the finished floor levels of all buildings hereby permitted) have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the details so approved.

Reason: In the interests of securing a satisfactory form of development that minimises impact upon the locality and listed buildings.

4. No new lighting whatsoever shall be installed at the site (including any lighting to be fixed to the building hereby granted planning permission) until full and complete details of such have been submitted to and agreed in writing by the Local Planning Authority. Such details shall include lux plans to demonstrate current and proposed light levels across the entire site and beyond and shall clearly set out how such lighting will be maintained and minimised in the future. The lighting installed in complete accordance with the details so agreed and shall remain in that condition thereafter.

Reason: In the interests of securing development that does not present an unacceptable impact upon the living conditions of nearby residents nor adversely impact upon the ecological value of the area.

5. Prior to the commencement of development, full and complete specification and details of all fixed plant to be installed on the site (including any plant to be installed on the building hereby granted planning permission). Details shall include, but not be limited to, all air conditioning and ventilation equipment to be installed at the site and shall come complete with proposed measure to limit their operating noise and times of operation. Development shall be carried out in complete accordance with those details so agreed.

Reason: So as to limit ensure new fixed plant to be installed on the site does not pose an unacceptable impact upon the amenity and living conditions of nearby residential occupiers.

6. Prior to the commencement of development full and complete details of the proposed external materials to be used in the construction of the new building shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those detail so agreed.

Reason: For the avoidance of doubt and to secure a suitable form of development that respects the character and appearance of the listed buildings and surrounding locality.

7. No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other item shall be stacked or stored outside any building on the site without the prior approval in writing of the local planning authority.

Reason: For the avoidance of doubt and to secure a suitable form of development that respects the character and appearance of the listed buildings and surrounding locality.

8. During the construction phase of development no machinery shall be operated, no process shall be carried out and no delivery shall be taken or dispatched from the site outside of the following hours; Mon-Fri 07:30 to 18:00, Saturday 08:00 to 13:00, nor anytime on Sundays or public holiday.

Reason: In the interests of ensuring that the construction works do not unacceptably impact upon the amenities of nearby residential occupiers.

9. Based upon the details already submitted, prior to commencement of development, a Landscape, Ecology and Arboricultural Management and Monitoring Plan (LEAMMP) shall be submitted to and approved in writing by the local planning authority. The LEAMMP shall include:

- a. details of any relevant up to date ecological surveys;
- b. drawings clearly showing all landscaped areas and semi-natural habitats including mature trees to be managed under the LEAMMP;
- c. any capital works such as habitat creation, tree / shrub planting, bat / bird boxes etc as informed by the submitted Ecological Impact Assessment;
- d. ongoing management prescriptions for semi-natural habitats and maintenance schedules for all landscaped areas clearly setting out timescales and responsibilities

- e. approach to management of all mature trees based on their ecological interest and an arboricultural protocol for carrying out tree works; and
- f. a schedule of ecological monitoring work and plan review.

Upon commencement of development all capital works shall be carried out to the agreed timescales and all areas identified in the LEAMMP shall be managed in full accordance with the agreed prescriptions in perpetuity. All monitoring reports shall also be made available to the local planning authority.

REASON: In the interests of securing a form of development that does not unnecessarily impact upon protected species and their habitat and so as to reach an optimal balance between visual screening and habitat compensation.

Additional ecology and landscaping conditions to be added

