

## REPORT TO THE STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>16 July 2014</b>
<b>Application Number</b>	<b>14/03118/OUT</b>
<b>Site Address</b>	<b>Hawkeridge Business Park Land North and South of Mill Lane Hawkeridge Westbury BA13 4LD</b>
<b>Proposal</b>	<b>Formation of new business park (Class B1, B2 and B8) access and associated works</b>
<b>Applicant</b>	<b>HPH Ltd</b>
<b>Town/Parish Council</b>	<b>HEYWOOD</b>
<b>Electoral Division</b>	<b>ETHANDUNE</b>
<b>Grid Ref</b>	<b>386397 153201</b>
<b>Type of application</b>	<b>Full Planning</b>
<b>Case Officer</b>	<b>Jemma Boustead</b>

### **Reason for the application being considered by Committee**

This application is being considered by the Strategic Planning Committee as it is for is a large scale employment development which has wider strategic implications and raises issues of more than local importance. The Division member, Councillor Jerry Wickham has also requested that this application and the following application for the related development, be considered by the committee.

### **1. Purpose of Report**

To consider the application and recommend approval

### **2. Report Summary**

The main issues to consider are:

- Technical Issues
- Principle
- Impact upon the character and appearance of the area
- Archaeology
- Flood Risk & Drainage
- Land Contamination
- Agricultural Land Classification
- Impact on the Grade II Listed Building
- Ecology
- Impact upon neighbouring amenity

- Highway
- Air Quality Management Area
- Public Rights of Way
- Renewable Energy
- Other
- Section 106 Legal Agreement

### **3. Site Description**

The site of the proposed Hawke Ridge Business Park is situated within the important A350 corridor route near to the employment sites of West Wiltshire Trading Estate and the White Horse Business Park. The site is located approximately 1.5km north of Westbury, 100 metres east of the West Wilts Trading Estate and 2km south of the A350/A363 junction near Yarnbrook. It is bounded by Hawkeridge Road to the west (B3097) and the railway line is to the east with agricultural land to the north and south. The site measures approximately 14.3 hectares and is currently agricultural fields surrounding the main buildings of Hawkeridge Farm. Mill Lane divides the site into two areas, running broadly east to west through the middle of the site and connects the site to Hawkeridge Road. The farmhouse at Hawkeridge is listed (grade II).

### **4. Planning History**

No relevant planning applications.

There are other current applications within the immediate vicinity. These include:

14/04586/PNCOU – Rigg Construction: Prior Approval of proposed Change of Use from B1(a) use to C3 (Dwellinghouse) – Prior Approval not Required 23/06/14

W/13/01111/FUL & W/13/01112/LBC – Hawkeridge Farmhouse - Demolition of existing extension and part demolition of existing barn. 2 new single storey extensions to house and new extension to barn. Demolition and replacement of existing garage. 2 x new dormer windows, replacement windows, internal alterations, new access track and landscaping. These applications are yet to be decided.

### **5. The Proposal**

This outline application is for a mix of B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses. The means of access to the site is to be determined at this time with all other matters (landscape, siting, design) being left to the reserved matters stage.

The application site has the capacity to accommodate 45,250 sq metres of new employment floor space and when fully developed could cater for up to 1,438 full time jobs.

## **6. Planning Policy**

### West Wiltshire District Local Plan

C1 - Countryside Protection, C35 - Light Pollution, C38 - Nuisance, R11 - Footpaths and Rights of Way

### Emerging Wiltshire Core Strategy (eWCS)

Core Policy 2 Delivery Strategy

Core Policy 32 Westbury Community Area

Core Policy 41 Sustainable Construction and low carbon energy

Core Policy 55 Air Quality

Appendix A Development Template for Land at Mill Lane, Hawkeridge, Westbury

### Other

Topic Paper 7 - Economy

Wiltshire Car Parking Strategy

Leisure and Recreation Development Plan Document

The Wiltshire Workspace and Employment Land Review (2011)

National Planning Policy Framework 2012 (NPPF)

Planning Policy Guidance 2014 (PPG)

PPS 5 (Planning for the Historic Environment) Historic Environment Planning Practice Guide

Planning (Listed Buildings and Conservation Areas) Act 1990

## **7. Consultations**

HEYWOOD PARISH COUNCIL (Parish for the site) – Object for the following reasons:

Concerned about the time restriction as there was a wealth of information for Councillors to absorb which has been frustrating and difficult. Employment land is unnecessary, speculative and not required. It is premature as the allocation has not yet been adopted. Under the new rules adopted in March 2014 on prematurity Wiltshire Council is able to resist such an application. Outline application is not appropriate. The allocation of employment land in Westbury has not been adequately justified. There is adequate employment space available on the Northacre Trading Estate as well as the White Horse Business Park where there are long term vacancies. New development is supposed to be restricted in the open

countryside and will only be approved in exceptional circumstances. The highway infrastructure is substandard and the proposal will exacerbate this. The weight restriction should be formalised on The Ham. Insufficient information has been given regarding archaeology. More ecology surveys should be requested. Inadequate information has been provided regarding the public footpaths. Is it acceptable to put a footpath in a flood zone?

If approved the site should be allocated for B1, have adequate transport facilities, pedestrian access at the roundabout, restriction on height and density of development, have adequate perimeter planting and landscape buffers

WESTBURY TOWN COUNCIL (adjacent parish) - If permission is to be granted, Westbury Town Council expects conditions that ensure that the high quality design and the landscaping, as set out in the draft Core Strategy, are enforceable, and that the overall development focuses on B1 use, and any B2 or B8 uses form only a minor part and are ancillary to the B1 use. Effectively, the intended high quality design should address the concerns of neighbours in terms of how the development fits into the landscape.

NORTH BRADLEY PARISH COUNCIL (adjacent parish) - Whilst we understand that this application does not fall into North Bradley Parish, Councillors do feel that this proposed development might affect traffic in Yarnbrook. The Parish Council of North Bradley therefore are exceedingly concerned about the additional traffic this proposal would create on the A350 corridor & Yarnbrook roundabout and would suggest consideration be given to another access via the A36.

WEST ASHTON PARISH COUNCIL (neighbouring parish) – Object for the following reasons:

Core Strategy has not been approved and therefore it is premature, B2 and B8 uses will not bring high numbers of new jobs. The Westbury Trading Estate is an undeveloped environment with empty and semi-derelict corrugated premises in need of significant renovation. The site is 3 miles from Westbury and therefore people will not be able to walk to it. It will create more commuter traffic where there are existing traffic problems. The railway bridge in Westbury has a 7 ½ tonne weight limit. Development sees the removal of all hedgerows which the Core Strategy states should be retained. Hawkeridge Farm is Listed Grade II of which part of the listing is its setting. The bat survey is not conclusive.

WILTSHIRE COUNCIL ARCHAEOLOGY OFFICER – No objection subject to a condition regarding further archaeological work to be undertaken

WILTSHIRE COUNCIL PUBLIC PROTECTION OFFICER – No objection subject to conditions regarding lighting and noise levels

WILTSHIRE COUNCIL CONSERVATION OFFICER – No objection subject to

conditions regarding mitigation requirements

WILTSHIRE COUNCIL DRAINAGE OFFICER – No objections, Further work would require consent under separate legislation

WILTSHIRE COUNCIL LAND CONTAMINATION OFFICER – No objection but request informative regarding gas testing

WILTSHIRE COUNCIL ENVIRONMENTAL HEALTH OFFICER- No objections subject to conditions

WILTSHIRE COUNCIL RIGHTS OF WAY OFFICER – As this is outline we are unable to comment on the impact on public footpaths however we do think that they should remain on the site

WILTSHIRE COUNCIL SPATIAL PLANS & ECONOMY OFFICERS – Support the proposal – the eWCS allocates this site as a strategic employment allocation to which the Core Strategy Inspector has not raised any concerns in any of his procedural letters to Wiltshire Council. Therefore the eWCS is considered to carry significant weight when assessing the planning application. There are several documents that support the proposed development and location and there are no other suitable sized plots available in Westbury. The proposal will also facilitate the expansion of Wiltshire Businesses and could attract inward investors resulting in the potential creation and safeguarding of jobs in the region.

WILTSHIRE COUNCIL CLIMATE CONTROL OFFICER – Approve subject to a condition requiring a Sustainable Energy Strategy to be submitted with reserved matters application

ENVIRONMENT AGENCY – No Objections subject to conditions and informatives regarding flooding, surface water drainage,

NATURAL ENGLAND – No objection and agree with Wiltshire Council Ecologist conclusions. We welcome the additional survey and are satisfied that the proposed mitigation should be sufficient for the low level use of the site by bats.

NETWORK RAIL – No objections to the proposed scheme

WESSEX WATER – No objections subject to conditions regarding foul water,

WILTSHIRE FIRE & RESCUE – request a contribution of £21,849.60 to support the provision of Wiltshire Fire & Rescue Service related infrastructure

## **8. Publicity**

The application was advertised by a site notice, press advert and neighbour notification letters. The deadline for any correspondence was 27<sup>th</sup> June 2014.

111 letters of objection have been received and the issues raised are as follows and have been summarised:

#### Principle

- There is great local opposition to the development – this is the wrong site
- The Wiltshire Core Strategy has not been approved and due to the discussions at the hearing it cannot be assumed that the proposal will be accepted without an amendment. This is premature
- If this application is approved it should be for B1 uses with very small amounts of B2 and B8 as they will not bring high numbers of new jobs
- There are 109 acres of available land within 8 miles of the site. The Hawk Ridge site is not urgent and not required
- The Core Strategy states that the buildings should be green, the developer makes no reference to this requirement
- The wrong place for industrialisation - the site has views of the White Horse which will be lost
- Westbury needs to build tourism and leisure facilities
- We need to safeguard agricultural land – we need to become self sufficient
- The site is too far from the M3/M4 without a solid linking road network.
- The West Wilts, White Horse Business Estates and Northacre Park have many vacant or flattened plots.
- Proposal does not provide any benefit and there is no need
- There is a need for a green buffer area between villages and towns to preserve their identity
- Westbury does not have an adopted town plan
- Application should be re-advertised as a departure and the Secretary of State should be informed.
- This is green field land – need to build on brownfield first
- The site has no services and all the infrastructure has to be installed and built whereas other alternative sites have these services close to hand.

#### Impact on Character and Appearance of the Area

- There will be loss of historical ancient hedgerows which is in contradiction to the Hedgerow Regulations 1977
- Where will the surface water go
- The geophysical survey should be completed before a decision is made
- The proposal will ruin a beautiful landscape

#### Impact on Grade II Listed Building

- Part of the Grade II Listing is its setting and it should not be surrounded by overshadowing buildings.

#### Impact on Neighbouring Amenity

- Development ignores the fact that residents live in Mill Lane. The 8 families that live on Mill Lane will lose their quality of life by noise, smell and light pollution, noise from increased traffic and now face 24 hours noisy factories within 30 metres of their homes
- There are people living right in the middle of the estate
- Surface Water issues with the brook which already struggles and impacts on neighbouring gardens
- Loss of privacy to residents of Mill Lane due to overlooking buildings
- Air Quality Issues

## Ecology

- The badger site to the North Side of the site is known to be active
- There is a large tree to the south east of the site which is home to breeding buzzards which is not mentioned by the developer
- The bat survey is not conclusive and does not protect bats which are protected under EU law.
- Bat flights and roosts will be disturbed
- Damage to wildlife and protected species
- Proposal will lead to a loss of rural amenity and a reduction in biodiversity

## Highways

- The site is too far from Westbury for people to walk or cycle and therefore will create more commuter traffic. It is estimated that a further one million cars will be created by this development.
- There is no footpath and is a known dangerous road for pedestrians and cyclists.
- The Transport Assessment is trying to provide a sustainable transport justification for an unsustainable development
- The railway bridge has a 7 ½ tonne weight limit
- Yarnbrook roundabout is seriously overloaded already
- Public footpaths are well used
- The historic location of the footpaths should remain for future generations to appreciate the medieval routes
- Diverted public footpaths will be in the flood zone which will be impassable for several months a year
- The developer should pay for road and footpath/cycle improvements in the S106
- At the existing bus stop I feel like I am taking my life in my hands as the lorries hurtle past at 50mph
- Will cause major traffic and pedestrian safety issues
- Inadequate road network to carry an extra 1500 people to work
- With a gap of 45 min in the bus timetable in the morning peak, the bus service will not make much of a contribution and rail travel will only be helpful with an improved bus service
- Traffic links are poor in the area

## Other

- Why have the developers planted trees
- Request to extend the public consultation by 3 weeks due to the volume of material that is required to be reviewed.
- Owners are purely looking at money
- The solar farm was a much better idea

The Hawk Ridge Action Group also objected to the application for the following reasons (also summarised):

- Planning Application was not available for inspection for 8 days after the consultation date had started and the documents were not on the web until 12 days after the start of consultation which means that comments have had to be hurried and interested parties have not had an opportunity to gather their full views meaning the process is biased towards the applicant. Some documents were not available until 8<sup>th</sup> April.
- The planning application is premature and seeks to prejudge the report of the Core Strategy Inspector examining the Wiltshire Core Strategy. The draft plan that includes this site as a strategic allocation must not be taken as confirmation of its adoption and therefore the application should be considered under the West Wiltshire District Plan
- The application is a departure application and should be re-advertised as such and the Secretary of State should be informed.
- Wiltshire Council has already set a precedent for deciding this type of application as 12/03594/FUL was refused in Gastard.
- There is currently over 108 acres of available industrial land and sites within an 8 mile radius of Hawk Ridge and 60 acres within a 3 mile radius which demonstrates that there is a very large bank of available sites. There is also 10 acres of brown field sites available on the West Wiltshire Industrial Estate which should be developed before green field sites.
- The development would create further over supply of allocated industrial land which may lead to the deterioration of existing industrial areas.
- The applicant does not own all of the land – a former part of Mill Lane is not registered to HPH. Certificate B should therefore be resubmitted.
- The application is too large to be dealt with as an outline application.
- The site is not sustainable as the infrastructure does not exist, site is remote from any town centre, employees will not be able to travel to work by public transport, no direct access to Westbury for pedestrians and cyclists.
- Traffic report is inaccurate and out of date. We conducted our own survey and found four times the amount of traffic. Wiltshire Council should conduct an independent traffic survey
- The application does not provide any mitigation for noise and vibration to nearby residential properties
- Ecology report is inaccurate, unfinished and wrong as there is no mitigation strategy for bats including foraging. The ecology report requests that Hark

Ridge Farm Buildings should be investigated and this has not been carried out. No study has been submitted regarding slow worms.

- Hawkeridge Farmhouse is Grade II Listed, the surroundings of which have not changed since 1987. To surround the farm with Industrial buildings up to 9 metre in height (eaves level) is unacceptable.
- Insufficient attention has been given to archaeology as not all investigations were completed and should be.
- The relocation of footpaths is within a flood plain and is unacceptable as they are used regularly. The current routes should be retained and the development designed to accommodate them.
- The developer offers no S106 schemes other than those directly connected with the development. As part of this the Council should ensure that there are pavements along the B3097 and improvements to Hawkeridge junction and Dursley Road junction. The developer should also contribute to the local community especially those residents in Mill Lane.
- The developer and Wiltshire Council have not engaged with the local community as is required under the NPPF.
- Mill Lane is a residential area and the scale of buildings should be limited and no building should be constructed within 250 metres of a residential property and with an eaves level the same height as the residential properties. Privacy should be retained and windows should be treated as a reserved matter.
- With this objection letter, further information was also received including UK and Regional Market Update, available land within 8 mile radius of Mill Lane, Land Registry details, press details, bat study, pictures and comments on the Design and Access Statement, Transport Statement, Noise and Vibration Assessment, Planning Statement, Archaeological Evaluation Field Work Report, S106 Heads of Terms.
- Not enough time given to assess additional bat survey. A challenge will be mounted regarding the lack of time for consultation
- No request has been received from Hawkeridge Farm to access barns so that an appropriate and full bat survey can be carried out. The Council does therefore not have the appropriate information to make a recommendation
- No mitigation for bats at Hawkeridge Farm in the parameters plan.
- The councils assessment under the Habitats Regulations 2010 is not attached and therefore cannot be considered

## **9. Planning Considerations**

### **9.1 Technical Issues**

The site has been advertised as a departure from the policies of the adopted development plan (in this case the West Wiltshire District Plan (1<sup>st</sup> alteration) and will if recommended for approval need to be referred to the Secretary of State solely because the proposal may include more than 5,000 square meters of office space outside of a town centre.

Concerns have been raised through the public consultation process regarding whether an outline application is the correct application for this particular

development. An outline application seeks to establish whether the principle and nature of a proposed development would be acceptable to the Local Planning Authority before a fully detailed proposal is put forward. As the end users are not known at this stage, an outline application is regarded as the most appropriate means of establishing whether the principle of the development is acceptable. Whilst concerns have been raised that the Developer and Local Planning Authority have not engaged with the local community, the onus lies on the developers, who have held several public consultation meetings prior to submitting this application. The requirements of the NPPF have therefore been met.

Objections have also been received raising concerns regarding the consultation process being flawed. The Planning Practice Guidance states that *the time period for making comments will be set out in the publicity accompanying the planning application. This will not be less than 21 days, or 14 days where a notice is published in a newspaper.* With regards to this particular application the initial consultation period was open for 32 days which is much longer than the statutory requirement and as such is considered to be appropriate. Subsequently due to the Local Planning Authority receiving new updated reports (Transport Assessment, Landscape Report, Parameters Plan) there was a further public consultation period for 21 days (including a press advert and site notice) to allow further comments on these items. The expiry date of this process was 30<sup>th</sup> June 2014.

The applicant has confirmed that they own all of the land outlined in red on this application and therefore the location plan does not need to be resubmitted.

The emerging Wiltshire Core Strategy (eWCS) will eventually replace those within the extant local plan and is at an advanced stage. Between May and July 2013, a series of public hearing sessions took place. In December 2013, the Core Strategy Inspector's 10<sup>th</sup> procedural letter to the Council outlined six issues that he required the Council to address by undertaking further work. In February 2014, the Council submitted a suite of further evidence base documents to the Inspector.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. If the relevant Core Strategy Policies have been examined by the Examiner, and the Examiner has not raised any concerns in respect of those policies, then Sec 38(5) suggests that the most recent policy to be "*adopted, approved or published*" should be the policies applicable to determination of the application. Given that Paragraph 14 of the NPPF requires the "*presumption in favour of sustainable development*" and Paragraph 186 states "*The relationship between decision-taking and plan making should be seamless*" if the Examiner for the eWCS has not identified any concerns with the relevant policies in the emerging Core Strategy, then it seems that they are the "*most recent*" policies against which this application is to be determined. In addition, the

Local Planning Authority has advised the Core Strategy Inspector that this application has been submitted.

Reference in the objections is made to a decision made by the Council on a planning application at Gastard (12/03594/FUL). This application was not refused on prematurity grounds but refused for the following reason: *By reason of its scale, massing and external appearance, the proposed building would not respect the character and distinctiveness of the rural locality and landscape. As such the proposed development would be contrary to the provisions of Policies C3 and NE15 of the adopted North Wiltshire Local Plan.*

It is important to note that the Strategic Planning Committee approved a planning application in the Northern area on 30<sup>th</sup> July 2013 for an employment allocation in the Core Strategy (13/00308/OUT – Land at Showell Farm, Patterdown Road, Chippenham).

In sum, the Council is fully entitled to take a view on this application, and can advise the Secretary of State, if it so wishes, that it is minded to grant the application. The Secretary of State has the option to either intervene and call a public inquiry, and make the decision himself or to allow the Council to determine the application in accordance with its wishes. Alternatively the Council can refuse the application without reference to the Secretary of State.

## **9.2 Principle**

The site is not allocated for development in the ten year old West Wiltshire District Local Plan, the site lies in the open countryside where development is not permitted unless it encourages the diversification of the rural economy of there is an overriding justification or benefit to the local economy. However the eWCS allocates this site as a strategic employment allocation to which the Core Strategy Inspector has not raised any concerns in any of his procedural letters to Wiltshire Council. Therefore the eWCS is considered to carry significant weight when assessing the planning application.

Paragraph 7 of the NPPF states that one of the dimensions that give rise to the need for the planning system to perform is an economic role: *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is*

*available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

The NPPF goes on to state in Paragraph 19 that *The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on*

*the need to support economic growth through the planning system and also states in paragraph 20 that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.*

The Wiltshire Workspace and Employment Land Strategy identifies Westbury as having the scope to become a more significant employment location. Topic Paper 7 (Economy), which supports the Wiltshire Core Strategy, summarises the employment land needs for Westbury: *'The Roger Tym Employment land review identifies that 8.3 ha of employment land should be identified at Westbury. The study also identifies that Westbury is located on the main strategic transport route of the A350. It also identifies that most warehousing employment currently exists at Westbury (and Corsham) and that self containment of Westbury is not as great as at other settlements in Wiltshire. Between 2005 and 2011 Westbury was a main location where business premises (industrial, warehousing and office space) has been let outside of Salisbury, Devizes and Trowbridge and is the only other settlement that has let both industrial, warehousing and office space over that period. The study identifies that Westbury is likely to attract demand for new space. The Future Employment Needs in Wiltshire study that looks specifically at job forecasts on a former district basis identifies that the largest amount of employment land should be identified in the west Wiltshire area (compared to north and east Wiltshire). Consultation responses to the Wiltshire Core Strategy Draft (June 2011) identified that Westbury could accommodate more land than that identified in the draft (around 18 ha).'*

Topic Paper 7 concludes that: *'It is therefore considered that Westbury should accommodate around 18 of employment land due to its position on the A350, that demand exists for employment land in Westbury, greater self containment should be achieved. However some of this may need to be phased depending on the outcome of further landscaping work*

Core Policy 2 of the eWCS makes provision for at least 178 ha of new employment land between 2006 and 2026 across Wiltshire. This will be delivered in a sustainable way that prioritises the release of employment land. Land at Mill Lane, Hawkeridge, Westbury is identified as a proposed strategically important employment allocation for 14.7 ha of employment land within the eWCS at Core Policy 2. Development of sites allocated under Core Policy 2 is to be supported in accordance with the Area Strategies and requirements in the development templates at Appendix A of the eWCS

The Area Strategy for Westbury (eWCS Core Policy 32) identifies specific issues to be addressed in planning for the Westbury Community Area (paragraph 5.163). One of these is to maintain and enhance the strategic employment role of Westbury. The proposed strategically important employment allocation at Hawkeridge will provide for a mix of uses and a much needed expansion to the employment base in the area. This development will be expected to deliver high quality landscaping and

environmental standards in accordance with the development template set out in Appendix A of the eWCS

The Wiltshire Workspace and Employment Land Review (2011) described the site as deliverable for B1/B2/B8 uses, and describe its commercial attractiveness as good stating that the site would form a natural extension to West Wiltshire Trading Estate and has reasonable transport linkages. It goes on to say that an advantage of Hawke Ridge Business Park is that it could be delivered in the short term (as acknowledged by the 2011 Wiltshire Workspace and Employment Land Study) and could cater for businesses with an immediate relocation or expansion requirement. This deliverability could be advanced further by the developers securing Growing Places Infrastructure Funding where negotiations are currently at an advanced stage.

The Swindon and Wiltshire Strategic Economic Plan (SEP) which has recently been submitted to Government for approval, recognises the A350 as a key economic artery through the west of Wiltshire and is one of three priority growth zones. The SEP reports that there are strong prospects for employment growth in Swindon and Wiltshire forecasting 30,000 additional jobs to be created between 2010 and 200 and in the last year jobs were created in the A350 corridor at a rate three times faster than that for the rest of Wiltshire

In terms of demand, the 'Wiltshire 100' programme of direct engagement with many of the county's leading employers indicates an ongoing level of property activity in spite of the recent economic downturn. Within the past 18 months or so, direct contact with around 70 leading businesses has identified at least 15 with plans to expand or relocate within the county which are imminent or will commence within the next 12-18 months, and 10 having relatively made growth investments or moves. Within the last couple of years, the following substantial acquisitions have taken place in the A350 West Wiltshire region:

- Welton Bibby and Baron – relocated to Westbury
- DTR VMS – relocated to Trowbridge
- Herman Miller – relocating to Melksham
- Hitachi Capital – relocated to land adjacent to the White Horse Business Park at North Bradley, Trowbridge

These recent examples total over 40 acres and demonstrate demand for large scale premises within this area.

The site subject of this application could provide an employment location whereby the main infrastructure is in place before any deals are agreed with potential occupiers. This has proven to be successful on other sites in Wiltshire (Solstice Park in Amesbury, Crusader Park in Warminster) where once the basic infrastructure was in place, significant occupiers have developed or are developing on site. If readily available employment land is not in place then there is a risk that some of Wiltshire's strategically significant employers (e.g Wiltshire 100 businesses) could look for expansion solutions outside Wiltshire. This issue is the same for inward investors

whereby if Wiltshire does not have a range of 'oven ready' employment sites available, then the county could be overlooked in favour of alternatives elsewhere. Currently there are no 'oven ready' employment sites of sufficient size in West Wiltshire and Hawk Ridge could become a strategic platform for economic growth along the A350 corridor. Although the eWCS is yet to be adopted, the site is clearly required to help meet the identified employment need and would help to provide jobs for the increase in housing that is planned for Westbury.

Many of the objections received refer to sufficient employment land already available within the immediate area to cater for future demand. However at the time of writing this report five sites are currently available (Estates Gazette Property Link) with the largest site measuring 4.4 hectares in the Westbury area. None of these sites are considered to be capable of bringing large businesses to the region or the re-location of existing businesses who want to expand within the region.

In short, studies have demonstrated that there is a clear identified need for large scale employment land in this part of Wiltshire, close to the A350 route. This site could help meet that need. Westbury is also in need of further employment to balance the additional housing currently being built and planned for the town and to provide employment opportunities for local residents.

A development template for Land at Mill Lane, Hawkeridge, Westbury, set out at Appendix A of the eWCS sets out the following key objectives for the proposed strategically important employment site allocation:

- *To provide 14.7ha new employment land for a mix of B class uses through a high quality business park which will provide a much needed expansion to the existing employment base in the area*
- *The strategic employment role of Westbury, Trowbridge and the surrounding area will be maintained and enhanced*
- *Complement and extend the range of employment opportunities already available at the West Wiltshire Trading Estate*
- *The development will facilitate improvements to public transport between the site, West Wiltshire Trading Estate and Westbury*
- *This development will deliver high quality landscaping and environmental standards*

The development template also outlines a series of infrastructure requirements that development of this site will be required to meet which include, *foul drainage to be via a new pumping station, surface water to be controlled by sustainable urban drainage systems, reinforcement of electricity network, a sustainable energy strategy for the site (in accordance with Core Policy 41), area within floodzone 2 and 3 will be used for a diverted footpath route to enhance biodiversity of the area and*

*incorporated into the landscaped area of the site and screened from development as far as possible, habitat surveys, masterplan to include sensitive edge treatment of hedgerows (5 metre buffer), allow existing hedgerows to grow taller and wider to reduce the visual impact, careful consideration to be given to the scale and massing of any proposals to avoid visually intrusive buildings, avoid the use of reflective surface finishes and consider the use of green/brown roof coverage to reduce visual impact on views from higher ground, archaeology watching brief will be required, appropriate mitigation measure to reduce the impact upon the setting and views of the Grade II Listed Building Hawkeridge Farm which is located at the centre of the proposed employment strategic site and Land at Mill Lane, Hawkeridge*

### **9.3 Impact upon the character and appearance of the area**

The proposal will undoubtedly have an impact upon the character and appearance of the area as an employment site will replace the agricultural fields that are present. Important to note however is that the site is relatively contained by the existing railway line that runs on the eastern and southern sides.

The impact the proposal would have on the character and appearance of the area is considered to be significantly reduced through the limitations on the proposed parameters plans which sees large amounts of planting proposed. The proposal does see the removal of two existing hedgerows which cross the site but again these are considered to be offset by the additional planting elsewhere. The applicant has commenced advanced planting to certain areas of the site, predominantly adjacent to the Hawkeridge Farm and the dog kennels (planted at their own risk) which will have the chance to grow before any construction commences on site. This advanced planting has been considered by the Council's Landscape Officer to be a vital part of the landscape and visual assessment mitigation.

The Design and Access Statement considers that the most significant impacts on visual amenity will be felt at the residential properties along Mill Lane, Hawkeridge Farm and the private dwellings on the southern edge of Hawkeridge. The provision of perimeter planting zones and the substantial block of woodland planting along the northern edge of the proposed development are considered to screen views of the proposed development whilst retaining the rural setting of the dwellings. Limits on the heights of buildings (10 metres to eaves) are proposed through the submitted parameters plan which will help mitigate the impact of the proposal when viewed from existing residential properties.

When viewing the site from elsewhere, the proposal would predominantly be seen in conjunction with the existing Industrial estate that lies 100 metres away and not as a isolated greenfield development.

This application does not look at the detailed design of any buildings and their individual landscaping measures as these are to be left to the reserved matters stage but as part of the outline application a material palette has been suggested

which will ensure that there is an emphasis on neutral tones and colours which is considered to be appropriate. The design template in Annexe A of the eWCS requests the roofs of the proposed buildings to be dark which can be also be conditioned on any approval as was successfully achieved at the Marlborough Business Park on the edge of Savernake forest and within an area of outstanding natural beauty.

In conclusion, the proposal will have a material adverse impact upon the character and appearance of the area, as would be expected when developing an employment site on a green field area, but this impact will be significantly ameliorated due to the proposed planting, limited building heights and material palette. It is also considered that the need for such an employment area which has been identified by various reports in the principle section of this report outweighs this impact.

#### **9.4 Archaeology**

The proposed development site has been subject to a previous application and a geophysical survey and trial trench evaluation were carried out in 2011. The results revealed that the most significant archaeological remains appear to be in the north eastern part of the development site, reflecting medieval and subsequent post-medieval settlement. The National Planning Policy Framework (2012) has a number of policies concerning the Historic Environment, in particular policy 141 states *Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.* Due to the limited preservation of the remains, an archaeological watching brief is considered necessary for that part of the site (identified in figure 1 of the Archaeology Summary Report) and as such should form a condition to any approval. This is in accordance with the development template within the eWCS.

Concerns have been raised by objectors that not all investigations were carried out. However the Council's archaeologist is satisfied with the information that has been submitted as part of this application.

#### **9.5 Flood Risk & Drainage**

Paragraph 103 of the NPPF states: *When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment*

The submitted Flood Risk Assessment states that the majority of the site is located within Flood Zone 1 (a low probability of flooding). However the lower lying land adjacent to the Bitham Brook and eastern boundary is located within Flood Zone 2 and 3 (medium to high probability of flooding). Any future buildings are not proposed

to be located within Flood Zone 2 or 3 and therefore the overall risk of flooding both on the development site and the wider catchment area is low.

The Environment Agency have raised no objections to the proposed development but have requested conditions regarding ground levels and a surface water run-off scheme both of which are considered to be appropriate. Wessex Water have also raised no objections to the proposed development subject to a condition regarding a foul water drainage strategy which again is considered to be appropriate.

### **9.6 Land Contamination**

The Environmental Health Officer has confirmed that there is no land of a potentially contaminative nature associated with the proposed site and the ground investigation submitted with the application also comes to this conclusion. However an informative would be required on any approval requiring a completed ground gas risk assessment to be carried out on the site to confirm whether any gas ground mitigation would be required for the development.

### **9.7 Agricultural Land Classification**

Paragraph 112 of the NPPF states that *local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land*. The majority of the site is mainly Grade 3 with some poor quality Grade 4 flanking the Bitham Brook to the north-east. As no Grade 1 or 2 land is affected it is considered that there would be no justifiable grounds for refusing planning permission based on loss of no “best and versatile” agricultural land.

### **9.8 Impact upon the Grade II Listed Building**

The NPPF deals with determining planning applications that affect heritage assets in paragraphs 128 to 135. Paragraph 132 sets out that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be”*. Significance is defined in the NPPF *“as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”*. It goes on to note that *“significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and notes that substantial harm to or loss of designated heritage assets of the highest significance, including SAMs and Grade I & II\* Listed Buildings should be wholly exceptional”*. The *“setting of a designated heritage asset is defined in the Framework as the surroundings in which a heritage asset is experienced”*.

Paragraph 133 goes on to note, that *“where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or*

loss”.

Paragraph 134 says that “*where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*”.

In *Bedford Borough Council v Secretary of State for Communities and Local Government and NUON UK Ltd* [2012] EWHC 4344 (Admin), it was accepted that substantial harm is an impact which would have such a serious effect on the significance of an asset that its significance was either removed altogether, or very much reduced.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*

PPS5 has been superseded by the NPPF but the PPS5 practice guide is still valid and is due to be replaced by a good practice guide which has not yet been published. The PPS5 Practice Guide states that *the design of a development affecting the setting of a heritage asset may play an important part in determining its impact. The contribution of the setting to the historic significance can be sustained or enhanced if new buildings are carefully designed to respect their setting by virtue of their scale, proportion, height, massing, alignment and use of materials. This does not mean that new buildings have to copy their older neighbours in detail, but rather they should together form a harmonious group.*

Hawkeridge Farmhouse is Grade II Listed and was listed in 1987. The listing description does not include anything regarding the setting but this could purely be because of the age of the listing and therefore the wider setting of Hawkeridge Farmhouse should not be ignored. It is considered that the scheme will not result in the loss of any features of historic or architectural interest as the building remains unchanged but that the proposal would alter the setting of the Grade II Listed Building. The immediate setting (the curtilage of the Grade II Listed Building) is not considered to be as affected as the wider setting (agricultural landscape) but the proposal sees substantial planting around the perimeter of the site and as part of the application the parameters plan shows that buildings are to be kept to a maximum eaves height of 10 metres, alongside a control of lighting to safeguard the setting of the listed building. This landscaping buffer has been considered by the Conservation Officer to give a sense of separation needed between the listed building and the new development either side. It is therefore important to ensure that the landscaping scheme is robust and planted before the construction phase begins. It is important to note that planting has already been started on site by the applicant (at their own risk)

to allow new hedges to grow to a suitable height before any development commences on site. The material palette submitted with the application (within the Design and Access Statement) has an emphasis on neutral tones and colours which will also help to reduce the harm to the heritage asset.

Further information is required regarding the material palette which can be subject to a condition of any approval but in conclusion it is considered that the proposed development by reason of the substantial planting, limitations on buildings heights and lighting adjacent to the historic building and when taken with the material palette, the development would lead to a less than substantial harm to the setting of the Grade II Listed Building. The development would also bring about significant public benefits in terms of employment and businesses to the area which when looking at paragraph 134 of the NPPF is considered to outweigh the harm to the setting of the Grade II Listed Building.

The proposal is therefore considered to have an impact upon the wider setting of the Grade II Listed Building but it would not remove the setting of the Grade II Listed Building all together due to the immediate setting (which is not within the ownership of the applicant) being retained. The impact the proposal would have on the wider setting of the Grade II Listed Building has not been considered to be significant and the public benefits of the scheme are considered to outweigh this impact. The proposal is therefore considered to comply with the eWCS and advice contained in the NPPF, PPG, PPS5 practice guidance and the Planning (Listed Buildings and Conservation Areas) Act 1990

Concerns have been raised regarding English Heritage incorrectly locating the Grade II Listed Building. It was confirmed at the examination of the eWCS that the Local Planning Authority had correctly identified the Grade II Listed Building.

## **9.9 Ecology**

The site is in close proximity to the Picket and Clanger Wood Site of Special Scientific Interest (SSSI). Natural England have confirmed that they are satisfied with the proposal being carried out in strict accordance with the details submitted with the application and would therefore not impact upon the SSSI.

The proposal sees the loss two internal hedgerows. Whilst this is regrettable, some loss is essential for the development to commence and this loss would be compensated by advance planting which would greatly increase the area of vegetation compared with the existing situation and would have no consequence for the wider landscape of the site.

Bat surveys were undertaken in July, August and September 2013 and May and June 2014 (Bat Activity Report, Keystone Ecology, June 2014). Overall the amount of bat activity on the site was low. Bats were more commonly recorded in the northern half of the site but the automatic detector also recorded low numbers of

bats along the boundary adjacent to the disused railway line.

Two species of bats were recorded on the site, greater horseshoe and barbastelle. Both species were recorded in low numbers. Another species, Bechsteins bat, are difficult to distinguish from the other 4 species using bat detectors. The Wiltshire Council Ecologist has made an assessment of the application under the Habitats Regulations 2010 and this identifies the risks presented to those bats which are features of the Bath and Bradford on Avon Bats SAC (greater and lesser horseshoe bats and Bechstein's Bats). As long as light levels at key areas of perimeter vegetation do not exceed existing base line levels and an appropriate buffer is retained between hard development and perimeter vegetation, it will be possible to conclude that the development would have no likely significant effect on the SAC. Discussions with the developer suggest these limitations are achievable and they are shown on the site Parameters Plan (Rev C) and therefore it is considered to be acceptable to condition these requirements. The development is unlikely to have significant effects on barbastelle bats and no roosts have been recorded in the Westbury area but this species is known to travel considerable distances from its roosts. It is therefore very unlikely that a roost of this species would be affected by the Hawkeridge development.

Although each bat species has its own ecological niche, impacts to other species recorded at the site and the farm house would be broadly similar to those identified in the Habitats Regulations Assessment. Avoidance measures would ensure there would be no direct harm caused to any bat species, and compensation planting would ensure that the foraging resource would be increased overall. While lighting within the development may be attractive to some bat species, some would still be able to move through the landscape using the unlit green corridors along the railway line and Bitham Brook. Bats may also be encouraged to use the development site itself by incorporating bat roosting features in suitable buildings and including native planting along internal access roads and around development plots. Conditions would be needed to secure all mitigation if recommended for Approval.

Although no evidence has been found of dormice in the hedgerows, the measures being put forward to safeguard habitat for bats would also encourage this species in the future.

The Ecological Appraisal (Keystone Ecology, August 2013) demonstrates that the risk of great crested newts occurring on the site is relatively low largely due to the unsuitable habitat on site and also due to the remoteness of ponds with the potential to support this species. Nevertheless newts may still occasionally occur on the site and it would be important to ensure that construction works protect the hedgerows which provide the most likely areas of shelter. Protection of hedgerows is covered in the Site Mitigation Strategy (Keystone Ecology, November 2013) and the Precautionary Working Method Statement – Great Crested Newts and Reptiles (Keystone Ecology, December 2013) demonstrates that it would be possible to

ensure the Habitats Regulations 2010 are not breached in relation to this species. The consultant has recommended offset gully pots and dropped kerbs for access roads within the site and on individual plots and these would need to be applied consistently across the site.

There are several disused badger setts which would not be directly affected by the development. Under the Badgers Act 1992, disturbance to badgers must be avoided and therefore the status of these and potentially new setts would need to be re-assessed annually or before the start of any part of the development including reserved matters applications. This is not something the council can condition as it falls under separate legislation.

Due to the extensive area of habitat with potential for breeding birds that will be cleared, a condition should be used to avoid clearance during the bird breeding season unless checks are made by an ecologist just before removal.

In conclusion it is considered that the proposal would not have a significant adverse impact upon ecology to justify a reason to refuse the application.

Concerns have been raised regarding the ecology report being inaccurate, unfinished and wrong as there is not a mitigation strategy for bats including foraging. The ecology report requests that Hark Ridge Farm Buildings should be investigated and this has not been carried out and that no study has been submitted regarding slow worms. Also of concerns was that the Habitats Record undertaken by Wiltshire Council not being available and therefore the consultation process should be started again. The Wiltshire Council Ecologist is satisfied with the information that has been submitted and is of the opinion that it is sufficient for the Local Planning Authority to make a recommendation. The applicant is also not required to conduct a bat survey on land that is not owned by them. The Wiltshire Council Ecologist has viewed a bat survey undertaken by Hawkeridge Farm for their own application and this demonstrated that the associated farm buildings are being used by common pipistrelle bats, long eared and possibly greater horseshoe bats for roosting and these have been taken into consideration when making a recommendation on this application. The Habitat Assessment undertaken by the Wiltshire Council Ecologist does not form part of the consultation process as it is purely a requirement under separate legislation. The Local Planning Authority are therefore not obliged to consult on such matters.

### **9.10 Impact upon neighbouring amenity**

Policy C38 of the Local Plan relates to nuisance and states:

*Proposals will not be permitted which would detract from the amenities enjoyed by, or cause nuisance to neighbouring properties and uses. Consideration will be given to such issues as any loss of privacy or overshadowing, levels or types of traffic generation, the storage of hazardous materials, the generation of unpleasant*

*emissions such as odour, fumes, smoke, soot, ash, dust or grit, the extension of existing unneighbourly uses and the creation of an untidy site. Development will not be permitted if the amenities of its occupiers would be affected adversely by the operation of existing or proposed neighbouring uses.*

The NPPF states that planning policies and decisions should aim *to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.*

The closest noise sensitive residential receptors to the site are Hawkeridge Farm which is located in the centre of the site, Hawkeridge Mill to the east of the site and Hawkeridge Village to the north. Additionally a railway runs along the eastern boundary and dog kennels are situated near the railway line which is north east of the site.

The Environmental Health Officer has stated that there is the potential for a loss of amenity on noise grounds and lighting and therefore has recommended conditions regarding noise levels measured at sensitive receptors, a lighting assessment to be submitted to overcome glare, spillage and intrusion, construction times and no burning to take place on the site during construction all of which are considered to be appropriate.

A Noise and Vibration Assessment was submitted with the application which the Environmental Health Officer has considered to be appropriate and as such should be conditioned to any approval.

Objectors have requested that there should be no building within 250 metres of a residential property and that eaves levels should be the same as a residential property. The details (use, location, design, height etc) of any future buildings and whether there will be an impact (noise, overlooking, overshadowing) on any residential properties will be assessed when an application has been submitted and will be tested against the relevant policies.

The proposal is therefore considered to comply with Policy C38 and advice contained in the NPPF.

### **9.11 Highway Impact**

The revised Transport Assessment acknowledges that the site is not well provided in terms of pedestrian access and is not particularly close to the main residential areas of Westbury. However there does not appear to be any available land in order to achieve these pedestrian routes. The NPPF states in paragraph 32 that *All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take*

*account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

It is clear that access cannot be achieved for pedestrians because of the constraints on the B3097 and therefore the proposal fails this part of the above guidance but the proposal does have the potential to reduce high levels of out-commuting from Westbury by focusing on cycling, buses and shared car use. The proposal does facilitate a cycle access to the north end of the site frontage with Hawkeridge Road and there are two existing bus stops adjacent to the site. A framework travel plan is attached to the Transport Assessment, however a full travel plan will need to be submitted for each future occupier which can be achieved via a condition to any approval.

Access to the site is proposed to be via a new roundabout junction at the existing Link Road/Mill Lane junction. The roundabout has been considered by the Highways Officer to be of a compact design, can accommodate the largest vehicles likely to be in use locally, is in accordance with the necessary design standards and will have capacity to accommodate forecasted traffic increases to 2023. The proposed roundabout will require the re-siting of the north side bus stop to avoid blocking the junction and included as part of this application is the upgrading of the existing shelters with waiting information in both directions.

Vehicles at present travel quickly along this stretch of road causing near incidents with large vehicles/lorries pulling in and out of the industrial estate. The introduction of a roundabout in this location would slow the existing traffic making it safer for vehicles to pull out and pedestrians to cross the road to use the bus stops.

Mill Lane is proposed to be diverted and partially stopped-up to accommodate the new access road which is proposed to split just beyond the roundabout to serve both north and south parts of the site. Mill Lane will be locally diverted to take access from the northern site access road. This internal arrangement will require a stopping up order under a separate section of the Planning Act to address the changes proposed to Mill Lane which is outside of the scope of this application

The impact of the development on the local road network as been assessed in the Transport Assessment and notes that certain junctions will reach capacity by 2023. It is therefore considered appropriate to ensure that the additional works to the A363/B3097 junction and the Haynes Road/Station Road roundabout are required in

order to make the development acceptable which can be achieved through a S106 Legal Agreement. It has been considered that the impact the proposal would have on the Yarnbrook roundabout will be modest and therefore the Highways Officer has not requested any further improvements.

It is important to note that car parking cannot be defined through this outline application because the use and size of individual buildings is not known. However, B1 uses would require significantly more parking than B2 and B8 uses and subsequently would potentially generate more vehicle movements. It is therefore appropriate at this stage to limit the amount the B1 land use to 12,000 square meters and the total floorspace shall not exceed 45,520 square meters on site.

The site is located where safe pedestrian routes are not able to be provided alongside the road. However the highway benefits (introduction of a roundabout adjacent to the site, improvements to other road junctions, re-location of bus stops, sign improvements & cycle improvements) alongside the economic benefits of the proposal are considered to outweigh the concerns regarding pedestrian routes. Also in accordance with Paragraph 32 of the NPPF the proposal would not result in a severe residual cumulative impact that is the only justification on highway grounds for refusal. The Highways Officer and Network Rail have raised no objections to the proposed development and therefore the proposal is not considered to have an adverse impact upon highway safety.

Objectors have raised concerns regarding the accuracy of the traffic report as the Hawkridge Action Group conducted their own survey and found four times the amount of traffic. They are also of the opinion that Wiltshire Council should conduct an independent traffic survey. The Highways Officer has assessed the information submitted by the Hawk Ridge Action Group and has confirmed that the Transport Assessment submitted by the Applicant and on which the officers have based their assessment has been revised and there is no data to substantiate the claims that the traffic figures within this document which were undertaken on an independent basis are wrong.

### **9.12 Air Quality Management Area (AQMA)**

Core Policy 55 states: *Development proposals which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. Mitigation measures should demonstrate how they will make a positive contribution to the aims of the Air Quality Strategy for Wiltshire and may include:*

- i. landscaping, bunding or separation to increase distance from highways and junctions*
- ii. possible traffic management or highway improvements to be agreed with the local authority*

- iii. abatement technology and incorporating site layout / separation and other conditions in site planning*
- iv. traffic routing, site management, site layout and phasing*

Wiltshire Council declared an AQMA along part of the A350 in Westbury (Haynes Road and Warminster Road) in 2001. The Air Quality Assessment submitted with the application states that there will be a minimal impact on the AQMA as a result of this development and the Environment Protection Officer agrees with the submission.

### **9.13 Public Rights of Way**

Policy R11 of the local plan states: *The protection, enhancement and use of the public rights of way system will be sought. Where appropriate, extensions and improvements to the network will be sought as part of development proposals.* This is supported by paragraph 75 of the NPPF.

There are several public rights of way that run across the site (WEST6, HEYW7 & HEYW8). It is proposed to divert these footpaths to the edge of the site so that users do not have to walk through the middle of an employment area but can instead walk through landscaped areas as required by the development template (Appendix A of the eWCS). It is important to note that the planning process is not able to approve the diversion of these public rights of way (a separate process is required) and as part of this application there is no loss of any public right of way. When the location of buildings on the site is known the developer can apply to the Rights Of Way Team who will assess whether the diversions are acceptable. If the proposed routes are not acceptable then a diversion order would not be made and the development would have to be built around them.

Concerns have been raised regarding whether it is appropriate to re-locate public rights of way to floodzone areas. This is common practice on large sites and is not a reason to refuse the application.

### **9.12 Renewable Energy**

The development template in Appendix A of the eWCS states that a sustainable energy strategy (SES) should be submitted for the site in accordance with Core Policy 41. However a SES requires buildings to be designed and constructed in an environmentally sustainable manner and as this is an outline application the details of buildings are not known. It would therefore be appropriate to ensure that any future applications should submit a SES for each building which can be controlled via a condition to any approval.

### **9.13 Section 106 Legal Agreement**

The PPG states that planning obligations obligations mitigate the impact of otherwise unacceptable development to make it acceptable in planning terms (eg by

necessary road improvements). Obligations should meet the tests that are set out in the NPPF. These are that they must be:

- *Necessary to make the development acceptable in planning terms*
- *Directly related to the development; and*
- *Fairly and reasonably related in scale and kind to the development*

The Wiltshire Council Highways Officer has deemed that the following requirements are appropriate and meet the tests highlighted above:

- Completion of a S278 Agreement with the highway authority for the provision of a new site access roundabout at the junction of Mill Lane and Link Road with the B3097 Hawkeridge Road
- Two existing bus stops on Hawkeridge Road near Mill Lane to be relocated in agreement with the Local Planning Authority and upgraded to include shelter, seating and time table information alongside raised kerbs for low-floor buses prior to the occupation of any building on site
- A contribution of £15,000 towards a Signposting and Wayfinding Strategy for Westbury to include the Hawk Ridge Business Park, to be payable to the Local Planning Authority prior to the occupation of 10,000 sqm of the development.
- Provide carriageway remarking works at the A363/B3097 junction and the West End/Hayes Road/Station Road roundabout prior to first occupation of the site.
- The S106 Legal Agreement will also need to include any necessary monitoring fees

The Fire and Rescue Service have requested a sum of money however there is not a policy within the local plan to request such monies and therefore it would be inappropriate of the Local Planning Authority to do so. It should also be discounted as it is not in the development template.

Objectors have stated that the developer offers no S106 benefits other than those directly connected with the development. As part of this the Council should ensure that there are pavements along the B3097 and improvements to Hawkeridge junction and Dursley Road junction. The developer should also contribute to the local community especially those residents in Mill Lane. As stated in section 9.11 it is not possible to provide pavements and the junctions that have deemed to require further works by the Highways Officer have been stated above.

#### **9.14 Other**

There is a further planning application running alongside the application subject of this report for a foul pumping station in accordance with the development template provided in Annexe A of the eWCS.

## 10. Conclusion

In summary it is considered that the proposal put forward would help provide for the employment needs identified in the eWCS for this area and for residents of the growing town of Westbury on a site that can be developed without significant adverse impacts. The site is closely associated in visual terms with the existing trading estate and the landscaping proposed would help mitigate the landscape impact on a site that is not in any protected area. The proposal would not have a significant impact upon the setting of the Grade II Listed Building and the less than substantial harm that could result to the setting of this building is offset by the public benefit created by the provision of employment land for businesses and potential inward investors to the county. Importantly the site could also cater for businesses with an immediate relocation or expansion requirement to the benefit to the public and the local economy.

The proposal complies with the proposed allocation of the site for employment use in the eWCS and with up to date national guidance that post dates the West Wiltshire Local Plan and as such is recommended for Approval.

**RECOMMENDATION: Defer and Delegate to the Area Development Manager to advise the Secretary of State that the Council is minded to grant outline planning permission subject to the conditions set out below, and subject to the prior completion of a Section 106 Legal Agreement to secure the planning obligations set out in section 9.13 of this report. The Area Development Manager to issue the planning permission on these terms if the Secretary of State advises the Council that he does not wish to determine the application himself.**

### CONDITIONS

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 3 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

The scale of the development;  
The layout of the development;  
The external appearance of the development;  
The landscaping of the development;  
The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed uses are acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same classes, having regard to the circumstances of the case.

- 5 The floorspace occupied by Class B1 (a) and (b) land uses, as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended), shall not exceed 12,000m<sup>2</sup> and the total floorspace shall not exceed 45,520m<sup>2</sup>, unless otherwise agreed in writing by the local planning authority.

REASON: In order to ensure that traffic associated with the development can be satisfactorily accommodated on the road network.

- 6 All soft landscaping as shown on Parameters Plan Rev C shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation

of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. All hard and soft landscaping shall remain in perpetuity.

REASON: To ensure a satisfactory landscaped setting for the development, to protect the setting of heritage assets and existing important landscape features and to manage biodiversity.

- 7 Other than the site access roundabout and associated works, no other development on the site hereby approved shall be commenced until the roundabout access works on Hawkeridge Road and the alterations to Mill Lane have been completed in accordance with drawing number IMA-13-051-005A received by the local planning authority on 19th March 2014. Access to the properties served by Mill Lane shall be secured at all times during the works.

REASON: In order to ensure that a satisfactory access is provided to serve the site, and the existing properties accessed from Mill Lane

- 8 There shall be no vehicular access points to the site other than via the proposed roundabout on Hawkeridge Road, and a cycle access point to the north of the roundabout. The existing agricultural access to the site north of Mill Lane shall be closed to all traffic before the commencement of development.

REASON: In the interests of highway safety

- 9 Prior to the commencement of the development a Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include, inter alia, details of the proposed routing of lorry traffic to and from the site, on-site facilities to ensure that detritus from the site is not transferred onto the highway, road sweeping proposals, and construction lorry and worker traffic minimisation proposals. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of highway safety.

- 10 No development shall commence on site until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority. The proposal shall then be carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

- 11 No development shall commence on site until an Ecological Mitigation Plan demonstrating how the commitments for ecological protection, mitigation and management measures will be implemented in accordance with the

Site Mitigation Strategy (Keystone Ecology, November 2013) and details of when vegetation will be removed has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details

REASON: In the interest of ecology.

- 12 No development shall commence on site until a Landscape and Ecology Management Strategy setting out the management aims and objectives of the site, ownership and management responsibilities and a five year long term management plan to ensure planting meets the objective of maximising habitat for bat SAC species in perpetuity has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interest of landscape management and ecology

- 13 No development shall commence on site until details of a foul water drainage strategy and a timetable including appropriate arrangements for the agreed points of connection and the capacity improvements required has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream properties.

- 14 No development shall commence on site until a site lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include detailed measurements of existing light levels across the whole site and details of proposed lighting installation in communal areas. The development shall then be carried out in accordance with the approved details.

REASON: In the interest of ecology

- 15 The development hereby approved shall be carried out in strict accordance with the Parameters Plan Revision C received by the Local Planning Authority on 23rd June 2014.

REASON: In the interest of neighbouring amenity, to protect the setting of heritage assets and ecology

- 16 There shall be no development, groundraising or other alteration on land with an existing ground level of 47.51mAOD or below. This land shall remain undeveloped and shall form unobstructed open space with associated landscaping.

REASON To minimise impact on the fluvial floodplain and flood risk to the

surrounding area.

- 17 Any Development and associated works shall be carried out in accordance with all the recommendations of the, undated (noise measurements carried out in July 2013), Entran Noise and Vibration Assessment for land at Hawkeridge submitted as part of planning application ref 14/03118/OUT  
REASON: In the interest of neighbouring amenity

- 18 No burning shall take place on site during the construction phase.

REASON: In the interest of neighbouring amenity

- 19 Demolition or construction works shall not take place outside the hours of 08:00hrs to 18:00hrs Mondays to Fridays and from 08:00hrs to 13:00hrs on Saturdays and at no time on Sundays or Bank Holidays.

REASON: In the interest of neighbouring amenity.

- 20 Prior to the occupation of any building on site, evidence that all building services, plant and fixed machinery are sited and designed to achieve a Rating Level LArTr of 30dB between the hours of 07:00 hrs and 23:00 hrs and Rating level LArTr 25db (subject for the scope of BS4142 for low background noise and therefore the rating level) between the hours of 23:00hrs and 07:00 hrs as measured at the nearest noise sensitive receptor shall be submitted to and approved in writing by the Local Planning Authority. Measurements and assessments shall be carried out in accordance with BS4142.1997. The development shall be carried out in accordance with the approved details.

REASON: In the interest of neighbouring amenity

- 21 No building or component thereof shall be constructed on site until details and samples of the materials to be used for the external walls, windows and roofs of that building have been submitted to and approved in writing by the Local Planning Authority. The Development shall then be carried out in accordance with the approved details.

REASON: In the interest of the visual amenity, the impact upon the character and appearance of the area and to protect the setting of heritage assets

- 22 No building shall be constructed on site until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating positions, design, materials and type of boundary treatment to be erected and soft landscaping. The boundary treatment shall be completed, before the buildings are occupied, in accordance with a timetable agreed in writing by the Local Planning Authority and the soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from

weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 23 No building shall be constructed on site until there has been submitted to and approved in writing by the Local Planning Authority, a sustainable energy strategy statement including how details of provision for sustainable energy of the building will be achieved. The buildings shall then be carried out in accordance with the approved details.

REASON: In the interest of renewable energy

- 24 No building shall be constructed on site until there has been submitted to and approved in writing by the Local Planning Authority a transport assessment relating to the particular use including details of car and cycle parking spaces. The buildings shall then be carried out in accordance with approved details

REASON: In the interest of highway safety and in order to ensure a satisfactory level of provision of operational car and cycle parking within the site, and to support sustainable travel.

- 25 No building shall be constructed on site until details of the estate road, internal roads, footways, footpaths, cycle routes, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, access gradients, car parking and street furniture, and a phasing plan for provision of such works have been submitted to and approved by the local planning authority. No building shall be first put into use until the approved items serving that building have been carried out in accordance with the approved details. .

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner and at an appropriate time whilst protecting ecological concerns

- 26 Prior to the occupation of each and every building on the site, operational parking required for that site shall be provided in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.

REASON: To ensure adequate provision is made for loading, offloading and site storage of commercial and heavy goods traffic.

- 27 No development shall commence on each individual plot until details of the storage of refuse including recycling facilities, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development serving that plot shall not be first brought into use until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

- 28 No building shall be occupied until a lighting scheme for the associated plot has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be so designed as to control glare, spillage and intrusion and include details of lighting appliance positions, lux plots showing effects of proposed lighting in combination with other approved developments. All schemes should comply with guidance issued by the Institution of Lighting Engineers for an E2 Zone and be in accordance with the Parameters Plan received by the Local Planning Authority on 23rd June 2014, section 6.3 of the Design and Access Statement and section 5.16 of the Site Mitigation Strategy (Keystone Ecology, November 2013) received on 19th March 2014. The development shall then be carried out in accordance with the approved details.

REASON: In the interest of neighbouring amenity and ecology

- 29 No development shall commence on each individual plot until a detailed surface water run-off limitation scheme for each plot, phase or parcel of land, together with supporting calculations, has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

REASON To prevent any increased risk of surface water flooding associated with the development.

- 30 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Context Plan, Site Location Plan, Topographical Plan 866/6113/1A, Topographical Plan 866/6113/1B, Topographical Plan 866/6113/2, Topographical Plan 866/6113/3 received on 19th March 2014

IMA-11-078 - 028A, IMA-13-051-005A received on 19th March 2014

Parameters Plan Rev C received on 23rd June 2014

REASON:

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

- 1      INFORMATIVE: The developer should be aware that any reserved matters application should include detailed scheme of measures to minimise noise generation due to traffic arising from the development. The road networks and loading area of each unit shall also be located and designed to minimise impact to noise sensitive dwellings.
  
- 2      INFORMATIVE: When discharging the condition regarding surface water run off the Environment Agency will expect the following:
  - A clearly labelled drainage layout plan showing the pipe networks and (where appropriate) any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes;
  - A manhole schedule;
  - Model runs to demonstrate that the critical storm duration is being used;
  - Confirmation of the appropriate discharge rate (where appropriate), with any flow control devices indicated on the plan with the rate of discharge stated;
  - Calculations showing the volume of attenuation provided and that parity on rate and volume of runoff will be achieved, demonstrating how the system operates during the 1 in 100 critical duration storm event;
  - The run-off from the site during the critical 1 in 100 year storm plus an allowance for climate change must be contained (must not be permitted to run un-attenuated overland to areas off site) within the site and must not reach unsafe depths on site. If there is any surcharge and flooding from the surface water drainage system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used.
  - An appropriate allowance for climate change should be incorporated into the scheme in accordance with NPPF;
  - Where infiltration forms part of the proposed storm-water system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365. Seasonal ground water level fluctuations should be assessed to gain appropriate base level for any soakaways (base must be at least 1m above ground water level).
  - Specification of how the scheme will be maintained and managed after completion.
  
- 3      INFORMATIVE There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

- 4       INFORMATIVE Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed (permanent or temporary) works or structures in, under, over or within 8 metres of the top of the bank of the Bitham Brook, designated a 'main river' at this location. The need for Flood Defence Consent is over and above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Daniel Griffin on 01258 483421.
- 5       INFORMATIVE Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: - the use of plant and machinery - oils/chemicals and materials - the use and routing of heavy plant and vehicles - the location and form of work and storage areas and compounds - the control and removal of spoil and wastes. The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.
- 6       INFORMATIVE: It is important for the applicant to note that if the development is to be connected to the existing water main in Link Road, an application should be submitted to Wessex Water. Non domestic supplies required for fire fighting or commercial use will require an assessment with network modelling subject to design requirements. Wessex Water would recommend the use of storage tanks where the network capacity is not available or where off site reinforcement is necessary to provide the stated demand. For further information please contact Wessex Water on 01225 526000 or at [www.wessexwater.co.uk](http://www.wessexwater.co.uk)
- 7       INFORMATIVE: It is important for the applicant to note that if surface water is proposed to be discharged into a nearby ditch/watercourse, then an application for land drainage consent would also be required.
- 8       INFORMATIVE: It is important for the applicant to note that details of the ground gas risk assessment for the site confirming whether any ground gas mitigation is required for the development. This should be submitted to the Environmental Health Team at Wiltshire Council prior to any works commencing on site
- 9       INFORMATIVE: The developer will need to ensure that any alterations to Mill Lane are in accordance with legal requirements, and any areas of Mill Lane to be stopped up or subject to changed status will be required to have a formal stopping-up order made under the provisions of s247 TCPA 1990 before development commences. A legal agreement under the provisions of s278 Highways Act 1980 shall be completed with the Council in relation to the access works prior to any access works being undertaken.
- 10      INFORMATIVE: There are public rights of way crossing the site, intended to be diverted; the appropriate legal procedures for diversion, both temporary and permanent shall be followed.

- 11 **INFORMATIVE:** Car and Cycle parking spaces shall be provided on the site in accordance with the Wiltshire Transport Plan LTP3 2013-2026 Car Parking Strategy and Cycle Strategy respectively or such standards contained in any superseding document.