

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	11 May 2016
Application Number	15/10446/FUL
Site Address	Whitehall Garden Centre, Corsham Road, Lacock, Wiltshire, SN15 2LZ
Proposal	Redevelopment of Whitehall Garden Centre for New and Replacement Buildings to Facilitate the Re-ordering of the Site, Including Parking Areas and Landscaping.
Applicant	Mr P Self
Town/Parish Council	LACOCK
Electoral Division	CORSHAM WITHOUT AND BOX HILL – Cllr Dick Tonge
Grid Ref	391171 169053
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application has been brought to the Strategic Planning Committee in accordance with the Planning Scheme of Delegation, as the proposal amounts to 'large scale major' development comprising over 10,000m² of floor space.

1. Purpose of Report

To consider the above application and recommend that planning permission is GRANTED subject to a legal agreement and conditions.

Lacock Parish Council has confirmed that no objection is raised in respect of the application.

Nine letters of objection have been received from local residents and the local branch of CPRE.

2. Report Summary

The main issues in considering the application are:

- Principle of development
- Impact on local retail and town centres
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highway safety and parking
- Impact on site drainage
- Impact on ecology

3. Site Description

Whitehall Garden Centre is a substantial enterprise located to the immediate West of the A350 junction at Lacock. It is located outside of the village's Conservation Area in undesignated open countryside, and is flanked by sparsely-distributed series' of properties along the neighbouring Corsham Road and Notton Lane. The garden centre has developed over around 40 years from the original nursery to become a substantial enterprise now including a farm shop, restaurant, pet section and various other seasonal, wearable and home ware products. The current site reflects this incremental growth of the business with a number of buildings of various styles and conditions, including those benefiting from temporary planning permission.

Whilst the site is in a prominent location on the main Chippenham/Melksham Road the existing buildings are largely screened from view by trees and landscaping that surround the site. A similar arrangement screens the site from the neighbouring properties along the Corsham Road, although noise and, in particular, light emissions from the site are detectable from the immediate environs within this characteristically quiet and dark area.

4. Planning History

There is a substantial planning history to the site, including a number of temporary permissions. However the key applications for the permanent refurbishment and extension of the garden centre are as follows:

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|----------------|--|
| N/07/02255/FUL | Erection of Replacement Buildings and New Buildings, Alterations of Vehicular Access, Parking & Servicing Areas; Re-Ordering of Outside Display Areas, Circulation Areas and Amenity Areas - Withdrawn |
| N/08/00826/FUL | Erection of Replacement and New Buildings; Alterations to Vehicular Access, Parking and Servicing Areas; Re-ordering of Outside Display Areas, Circulation Areas & Amenity Areas (Revised Application following Withdrawal of 07/02255/FUL) – Approved with conditions |
| N/12/00542/S73 | Erection of Replacement and New Buildings; Alterations to Vehicular Access, Parking and Servicing Areas; Re-ordering of Outside Display Areas, Circulation Areas & Amenity Areas (Renewal of 08/00826/FUL) – Approved with conditions |

5. The Proposal

Having already obtained and subsequently renewed planning permission for the consolidation and extension of the whole complex under the 2008 and 2012 applications respectively, the current scheme represents a considerable further re-working and expansion of the site. From the current 10,617m² of retail space, the current proposals seek to increase this to 22,578m² (including outdoor sales), together with associated landscaping, car parking and other engineering works. This exceeds the previously consented increase in floorspace to a total of 21,760m², permission for which remains extant. It is proposed to re-level the site through a process of cut-and-fill to achieve a consistent height of +55 above

ordnance datum, with a view to reducing the visual impact of the scheme and enabling more inclusive and consistent circulation.

In terms of design and layout, the existing main building is to be retained and refurbished, together with the adjacent large temporary barn to the northeast, in which an indoor play area is to be created. With the removal of several temporary buildings to the south and west, new buildings are to be arranged as a series of large 'barns' with a central thoroughfare leading to a defined entrance to the core garden centre. The vernacular style of buildings is to make use of traditional materials such as stone, slate, clay tiles and timber, paired with more modern renders, zinc and profile cladding, and mostly adopts traditional proportions with intermittent glazing and roof features. A large outdoor sales area is to be accommodated within a newly-landscaped section at the southeast corner of the site, overlooked by the retained tea room. The mixture of retail space is set out in the supporting information and, briefly, includes a substantial proportion of traditionally non-'garden' provision; including two restaurants, farm shop, wearables, pets/aquatics, seasonal/Christmas displays and concession units to be occupied by other retailers, in addition to the aforementioned play area and tea room.

The principal access to the site is to remain, albeit with minor improvement works to the junction with the Corsham Road to enable safer pedestrian access/egress. What is currently the northeast customer car park is to be reallocated as controlled staff parking, providing 70no. spaces and 3no. disabled bays. The larger existing customer car park is to be resurfaced and extended, and is to be accessed by an upgraded access along the northwest boundary, which will also serve as a 'stacking' facility between car park and highway at peak times. Beneath the large southern part of the site, subterranean tanking facilities are to be used to harvest rainwater runoff for watering plants, restricting flows into the neighbouring brook, which is to remain the effective means of discharging surface water. An overflow parking area is to be sited adjacent at the far southwest of the site. Deliveries are to be directed to a new controlled compound to the immediate north of the new buildings, with only customer collections taking place at the southwest end of the complex.

6. Local Planning Policy

The following policies of the adopted Wiltshire Core Strategy are relevant:

- Core Policy 11 (Spatial strategy; Corsham Community Area)
- Core Policy 38 (Retail and leisure)
- Core Policy 50 (Biodiversity and geodiversity)
- Core Policy 51 (Landscape)
- Core Policy 57 (Ensuring high quality design and place shaping)
- Core Policy 58 (Ensuring the conservation of the historic environment)
- Core Policy 60 (Sustainable transport)
- Core Policy 61 (Transport and new development)
- Core Policy 62 (Development impacts on the transport network)
- Core Policy 64 (Demand management)

Additionally, saved Policy NE14 (Trees and the control of new development) of the North Wiltshire Local Plan 2011 applies.

Paragraphs 14 & 17 and Sections 2 (Ensuring the vitality of town centres), 4 (Promoting sustainable transport), 7 (Requiring good design), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are also relevant.

7. Summary of consultation responses

Lacock Parish Council – no objections

Highways – no objection, subject to conditions and suitable off-site works

Environmental Health – no objection, subject to conditions

Landscape – no objection

Rights of Way – no objection

Drainage – no objection, subject to conditions

Ecology – no objection

The retail impacts of the proposal have been considered by an independent consultant on behalf of the Council and their findings are discussed later in this report.

8. Publicity

The application was advertised by local press, site notice and neighbour notification.

Eleven letters of objection were received, including one on behalf of the North Wiltshire and Swindon Branch of CPRE.

Summary of key points raised:

- Adverse impact on local traffic/highways (9 references)
- Adverse impact on town centres (4)
- Loss of amenity due to noise (3)
- Principle of further expansion (2)
- Inadequate parking (2)
- Landscape impact (1)
- Light pollution (1)

Four further comments have been received, raising concerns variously in respect of the loss of outdoor play facilities, relative lack of garden retail, parking arrangements and site drainage.

225 letters of support have been received, several of which originate with commercial suppliers to Whitehall and which include one made on behalf of the Wessex Chambers of Commerce.

Summary of key points raised:

- Increase in local employment
- Knock-on benefits for other businesses
- Improvement to appearance of the site
- Increased accessibility, particularly for mobility-impaired visitors
- Improved parking provision

Cards originally circulated by Whitehall and returned signed indicating general support for the scheme, although not identifying any specific material considerations, have been recorded as a petition comprising in total 870 signatures.

9. Planning Considerations

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

Principle of development:

The principle of redeveloping and extending the Whitehall site has been accepted previously under both the 2008 application and its subsequent renewal in 2012, the latter of which remains extant. This fallback position is a material consideration, although one is mindful that the amount of non-garden retail permitted was controlled strictly by legal agreement, and it is not proposed to maintain these restrictions through the current proposals. The site is acknowledged to have become a rather labyrinthine array of extensions and temporary buildings/structures with little coherence and, despite its relative containment so as to avoid long-distance visual impacts, offers little aesthetic value to the immediate area. Despite this, Whitehall remains a popular destination and one at which visitors often seem to spend an extended period, no doubt aided by the offer of free parking and on-site eating facilities. A comprehensive redevelopment is therefore supported in principle as a means of rationalising the current operation and obviating any perpetuation of the piecemeal approach to development previously adopted.

Impact on local retail and town centres:

As an essentially out-of-town retail enterprise, the proposal warrants careful consideration in respect of the effect of expansion on the vitality and viability of local town centres, particularly as the site lies roughly equidistant from the market towns of Corsham and Melksham and the higher order settlement of Chippenham. Traditionally, the garden centre has performed a function complimentary to the retail/leisure offer of Lacock, which naturally comprises of smaller, independent units operated in close conjunction with the Abbey and historic village as a tourist destination, rather than competing directly. Whilst the proposal will certainly increase local employment opportunities, the impact of prospective increase in non-gardening-related sales in particular on local town centres must be assessed in accordance with Core Policy 38 and the sequential test set out at Paragraphs 24 and 26 of the National Planning Policy Framework. Paragraph 27 of the NPPF states that where an application fails

to satisfy the sequential test or is likely to have significant adverse impact on local centres, it should be refused.

The application is accompanied by a Town Centre Uses Assessment (CBRE, October 2015), which asserts broadly that the proposals should be treated as a whole and not disaggregated into their component elements (e.g. garden centre, retail, leisure, restaurants, etc), relying upon the decision of the Secretary of State in the Rushden Lakes retail and leisure development (appeal ref APP/G2815/V/12/2190175). However, that decision differs in a number of ways, particularly in that the appeal Inspector and latterly the Secretary of State concluded that policies in the adopted Local Plan were out of date, so that Paragraph 14 and the policies in the NPPF took precedence. By contrast, Core Policy 38 explicitly includes 'extension' in respect of assessing impact, it is not out of date and is not contrary to the NPPF. Given that the increase in retail floor space is, substantively, additional diversification to non-garden centre uses, this approach is inappropriate in this instance. The Rushden Lakes proposal was also aligned to several policies of the Local Plan that were not out of date, including securing inward investment, weighing in favour of the scheme.

In light of the above, additional information decoupling the 'garden centre' uses from the remaining retail and contained in a Supplementary Town Centre Uses Assessment has been assessed by an independent consultant instructed by the Council, whose consideration and conclusions on likely retail impacts of the development are contained in a separate report. This report broadly addresses two questions, namely:

- a) Whether the proposal satisfy the sequential test as set out at NPPF Paragraph 24;
and
- b) Whether it has been demonstrated that the proposal will not have a significant adverse impact on local town centres, as required by NPPF Paragraph 26 and Core Policy 38

Paragraph 27 of the NPPF states that *"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact [on the vitality and viability committed or existing town centres] it should be refused"*

a) The report identifies that the scope of the sequential assessment undertaken has been restricted to town centre and edge-of-centre sites, with no consideration of edge-of-town sites that may offer a more accessible location for the proposal. This is particularly pertinent as the substantial garden centre element is unlikely to be suited to either of the former. Notwithstanding this, the report notes that the garden centre is already well established in its present location and that the fallback position that it already benefits from planning permission for an alternative expansion must be borne in mind. The Council is not immediately aware of any other suitable and available sites that are better suited to the proposed development and, mindful of the significant investment in the A350 corridor and the good transport links to Chippenham, Melksham and Corsham in particular, it is not considered that an objection could be sustained on grounds of more suitable alternative sites. Partially because of these transport links, however, the proposals must be carefully scrutinised in terms of their impact on the retail offer of nearby town centres.

b) The key findings of the report are that as a cumulative result of particular circumstances and aspects of the scheme the proposals could have a significant adverse impact on the viability and vitality of local town centres, particularly in relation to Chippenham, Melksham and Corsham, but potentially also Trowbridge and Warminster due to the sub-regional reach of a facility of this nature. As explained in the report, this is due principally to a combination of the scale of development; the range and scale of non-gardening goods that could be sold; the makeup of existing retailers at the aforementioned towns; and the prospect of subsidiary/concession businesses attracting a greater customer base by floor area. Together these factors could create a substantial shift in diversion of spending away from established town centres, particularly with limited restriction on the sale of smaller goods typically associated with the town centres where they account for a substantial proportion of the retail offer.

In respect of the proposed food hall and farm shop, the report raises some concern that the broad classification of this element leaves scope for a range of retailers. For instance the space could be operated by Whitehall itself, sourcing specialist and small-scale local produce much as it presently operates, or could be taken on by a chain food retailer more likely to provide every day shopping items. The latter would certainly encourage additional visits for day-to-day food shopping, particularly given its position on a key commuting route, and thus compete more directly with several town centre and edge-of-centre food retailers. As this falls outside the scope of control afforded by planning conditions, this risk must be given appropriate weight in the balance of considerations.

In respect of the above, therefore, it is considered that without appropriate conditions the development could have a significant adverse impact on the vitality and viability of existing town centres. In particular, the report recommends controls in respect of the unrestricted sale of comparison goods, both in terms of scale and location, together with limiting the number, amalgamation and subdivision of concession units within the scheme. Suitable measures can be employed by planning condition, provided these go sufficiently far as to avert any significant adverse impact in practice. The Council has been guided by the consultant's recommendations in this regard.

Impact on the character and appearance of the area

The local area, although not subject of any landscape designation, is characteristically 'rural' and of reasonably high amenity value, appreciable to a greater extent due to the decent provision of public footpaths surrounding the site. The submitted Landscape and Visual Impact Assessment (LVIA) follows a standard methodology to provide a comprehensive assessment, matching the area's resilience to change with the degree of impact from the development. The Council's Landscape Officer has considered the submission and has advised that the visual containment of the site in terms of short, medium and long-range views is such as to preclude any significant adverse impact on landscape character. The substantial tree boundary that encloses the site is to be retained such that, although the overall bulk of the complex is to increase, the consistent scale of new buildings will not appear prominently in the landscape. The use of recessive-coloured roof materials together with an appropriate scheme of lighting – discussed later – should secure a marginal reduction in glimpse views and periodic light spill that are currently the only medium and long-range visual impacts of the complex. Overall, it is considered that the proposals are consistent with Core Policy 51.

Due to its relative containment, it is not considered that the proposal will adversely affect the character or appearance of the Lacock Conservation Area, the boundary of which actually extends as far as the opposing side of the A350. Although the rural setting of the village contributes to its historic context, the main road forms an abrupt boundary to this, such that land on the opposite side is to an extent divorced from the historic village. Although some properties on the Notton Lane are of some considerable historic merit, taking the above into consideration and when using the current appearance of the site as a starting point the development cannot be said to adversely affect their setting. Although the expansion will undoubtedly attract additional traffic, this has to be seen in the context of the A350 as a key arterial route; any overflow to Lacock would likely come in the form of linked tourism when those from further away visit both the garden centre and village as a single 'day out'. This would be supported broadly by policy and Lacock is already equipped for this through facilities such as the large National Trust car park, minimising any risk of harm to character through increased traffic and on-street parking.

The issue of lighting and the potential for spill warrants particular consideration in this instance, especially given the site's general visual containment in other respects. At present, the use of coloured lighting in conjunction with Christmas displays – when deciduous tree cover is most limited – together with the location of the service yard on the visible southern side of the site gives rise to a degree of light pollution that is readily apparent in the characteristically dark landscape. The need to protect intrinsically dark landscapes from such pollution is explicitly recognised at Paragraph 125 of the NPPF and notwithstanding the relative lack of ecological justification for containment of lighting it is considered essential to secure a good standard in this respect. Accordingly, the applicant has supplied lighting specifications that indicate the concentration of illumination within the site parameters.

This has been reviewed by the Council's Environmental Health Officer, who supports the aspiration to illuminate the site to a level equivalent to E1 of the Institute of Lighting Professionals standards, normally considered appropriate to areas such as National Parks and AONBs. This stringent standard is considered appropriate in this instance due to the immediate proximity of the Lacock Conservation Area and characteristically dark rural nature of the site's setting. A condition is recommended to secure the implementation and testing of the lighting scheme within a reasonable timeframe of the facility's operation in order to ensure standards are achieved and to enable any necessary improvements to be made.

Impact on Heritage Assets

The application has also been considered in respect of its impact on the setting and significance of designated heritage assets. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses, whilst S72 includes such provisions for Conservation Areas. The House of Lords in the South Lakeland case decided that the "statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved."

As discussed above, despite the site's proximity to the boundary of the Lacock Conservation Area the proposal will not have any significant effect on the setting of this designated

heritage asset due to the substantial buffer formed by its enclosing landscaping and the intervening main road. The nearest listed buildings at White Hall Farmhouse (Mons Lane), The Old Rectory (Cantax Hill), Notton Lodge and associated outbuildings (Notton Lane), and cottages at Wick Lane – all of which are Grade II-listed – fall outside a 150m radius of the site. Due to the degree of enclosure of the site, no significant change to the significance or settings of these buildings will be experienced.

The only nearby listed structure is the Grade II-listed historic milestone standing adjacent to the A350/Corsham Road junction to the immediate East of the application site, which dates from the early C19th. This will maintain its functional relevance, which is the key to its historic significance, and experience no physical change or re-settling as a result of the works. The setting and importance of the junction as a key crossroads between Corsham, Lacock, Melksham and Chippenham will be essentially unaffected by the proposals and therefore it is considered that this heritage asset will be preserved. Accordingly, no harm as a result of the development is anticipated in relation to Sections 66 and 72 of the Act.

Impact on residential amenity

It is understood that the hosting of temporary and one-off events at Whitehall, including Christmas ice skating, funfair and temporary film crew compound has previously created a high likelihood of conflict between the garden centre's commercial aspirations and the residential amenity of immediate neighbours. Whilst these may have been allowed through permitted development rights the proposed development presents an opportunity to incorporate provision for temporary elements such as the ice rink into the physical fabric of the site. In all other respects, it is considered that the intensity of use of the site will not vary materially from the existing in terms of the actual effects experienced by neighbours, although annoying effects such as on-street parking on peak weekends are likely to be diminished by a better-managed arrangement on-site.

The Council's Environmental Health Officer has commented to the effect that due to its indicative siting within the central area of the site, where it is largely enclosed by the northern and southern building ranges, the ice rink is capable of appropriate incorporation without representing a likely noise nuisance to neighbouring receptors. However, there is a paucity of detailed information in respect of this element, including weeks/hours of intended operation and any acoustic specification, such that conditions will be necessary to ensure technical details are acceptable.

With regard to extraneous temporary uses usually sited in the car park, however, it is agreed by the Officer that in the absence of any clear information in this regard it is appropriate to take a precautionary approach and withdraw permitted development rights altogether. This will enable the Local Planning Authority to consider individually the merits of any additional uses of this land, in order to ensure proactive control of uses with the potential to harm the residential amenity of neighbouring properties, some of which are located closer to this part of the site than any other.

Impact on highway safety and parking

The scheme seeks to continue to rely upon the site's existing access onto the Corsham Road for all vehicular movements. As it is anticipated that use of the A350 as a main transport route will only intensify with time – and the Council is investing considerably in improvements in this regard – it is entirely appropriate that new accesses onto this route should be avoided wherever possible in accordance with CP62. The Lacock junction is already controlled by 3-way traffic lights and provision is made within the unilateral undertaking for the re-timing of these to provide adequate capacity for traffic using the Corsham Road junction. It is possible that these changes could be made in tandem with a reassignment of lanes to improve the safety of the junction however such changes should be pursued separately through the Corsham Community Area Transport Group, a sub-group of the Area Board, as not related directly to the proposed development.

The Council's Highways Officer has assessed the scheme and is satisfied that the submitted Transport Assessment deals appropriately with the anticipated increase in traffic relative to the re-ordering and expansion of the enterprise previously agreed, provided that suitable off-site highways works are secured by a separate legal agreement, as was previously the case. This includes provisions for waiting restrictions to be introduced on the Corsham Road, should these prove to be necessary; this matter is addressed more fully below. Overall, the Highways Officer has no objection to the proposals, subject to the aforementioned legal agreement and conditions to secure the provision of access and parking prior to re-opening and their appropriate maintenance thereafter.

The parking provision is adequate with, as now, a combination of formal parking areas and an overspill parking area. The "front" car park will be reserved for staff parking, reducing congestion in this area which can at peak times otherwise overflow on to Corsham Road, making provision for a 'stacking' arrangement along the access road within the site when required. The main pedestrian entrance to the development will be adjacent to the principal car park, some 250m from Corsham Road which will make the use of the car parks more convenient than parking on Corsham Road; this is not the case at present. It is appreciated that recent problems with parking on Corsham Road have been a particular concern especially in the run-up to Christmas and it is considered that the rearrangement of the site in the manner proposed will help reduce this problem.

Impact on site drainage

Core Policy 67 requires a degree of betterment to all development impacting on site drainage, taking into account a climate change buffer of 10-30% above measured input rates. As the scheme has significant drainage implications both in terms of the additional hard surfacing/built form on site and the planned installation of managed rainwater harvesting/re-use facilities, it is critical to consider the net change in terms of runoff. Surface water runoff will continue to discharge from the site directly to the adjacent By Brook, in respect of which extant planning permission already exists for an attenuation facility at the southwest corner of the site (12/00974/FUL refers). In this instance, the management of surface water is to maintain peak runoff rates to the brook as they currently stand – a maximum of 12l/s – despite the increased movement of water across the site itself.

The Council's Drainage Engineer has commented to the effect that it will be necessary to define betterment, as required by Core Policy 67, to establish whether this should apply in absolute terms or simply not exacerbate an existing arrangement. Whilst an improvement in

actual runoff rates has been sought, this has proved difficult to achieve although ostensibly possible by the simple enlargement of the proposed storage tank to be situated at the southern end of the site, providing increased storage during wetter spells. Nonetheless, it is acknowledged that the proposed managed arrangement represents a considerable improvement relative to the unrestricted Greenfield runoff rate (estimated 36l/s) and is, independently, adequate in respect of protecting areas downstream from flooding when factoring in even a 30% uplift to account for climate change. As such, it is considered that the proposals satisfy Core Policy 67.

Impact on ecology

The County Ecologist has been consulted on the application and has confirmed that due to the reasonably low capacity of the existing site to support species, any adverse impact on local biodiversity can be controlled by condition. It is noted that the trees that enclose the site are to be protected and retained, and these provide the most valuable habitat, although these include a significant proportion of non-native species and have limited ground flora, so are not considered to qualify as BAP / priority habitat. Whilst the removal of woodland blocks is unfortunate given that opportunities may have existed to shape the development around the existing landscape fabric the County Ecologist considers that, on balance and in light of the fallback position in terms of its removal, an objection on ecology grounds could not reasonably be sustained.

Loss of the woodland blocks will result in the loss of nesting / foraging habitat for birds and foraging habitats for bats, however given the limited quality of these habitats and their semi-urban context, they are considered unlikely to support any notable species or assemblages. The site is located outside of the Core Areas for the Bath and Bradford Bats SAC and therefore the proposals are not considered to have any likely significant effects which would require appropriate assessment under Regulation 61 of the Habitats Regulations.

Legal obligations

As with the 2008 permission and its subsequent renewal, determined in 2013, the development is expected to secure the costs associated with the following off-site elements by legal agreement, in this instance via a signed Unilateral Undertaking:

- Implementation of a parking restriction on Corsham Road and/or Notton Lane;
- Adjustment of phasing/timing of the traffic light controls at the Corsham Road/A350 junction;
- Alterations to the junction between Notton Lane and Corsham Road, together with any associated signage;
- Making of an Order for the imposition of a speed limit on Notton Lane.

The substantial element of the development comprising the main garden centre and associated comparison sales is liable for the payment of contributions under the adopted Community Infrastructure Levy (CIL) Charging Schedule 2015 if qualifying as a '*retail warehouse*'. This will be calculated on the basis of the net increase in floor area at a rate of

£175/m². The smaller, independently operated concession units would be charged at nil rate in accordance with the Schedule.

10. Conclusion

The proposal relates to the comprehensive redevelopment and expansion of a well-established enterprise and local employer. The development would enhance the retail offer in this rural location, removed from town centres, and would create additional employment. It would result in cosmetic improvement to the site and a marginal improvement in local landscape impacts. Access, circulation and parking arrangements are satisfactory and seek to address pre-existing problems, whilst drainage works will offer a slight betterment relative to the existing situation. There will be no significant implications for trees, biodiversity or the enjoyment of local rights of way and heritage assets. It is considered that in their uncontrolled form, the proposals would likely have a significant adverse impact on the vitality and viability of local town centres, contrary to adopted local and national planning policy. However, appropriate conditions can be used to mitigate the most acute conflicts with existing retail provision and guard against future changes adversely affecting vitality and viability, reducing the development's impact from 'significant adverse' to 'minor adverse' in respect of local town centres. Taken on balance with the other material considerations discussed above, it is considered that overall the proposed development is acceptable in planning terms.

RECOMMENDATION

That planning permission is GRANTED subject to a legal agreement and the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

P01 rev B - Proposed Site Layout Plan
P02 rev B - Proposed Roof Plan
P04 rev A - Proposed Elevations - Sheet 1 of 3
P05 rev A - Proposed Elevations - Sheet 2 of 3
P06 rev A - Proposed Elevations - Sheet 3 of 3
P07 rev A - Site Sections - Sheet 1 of 5
P08 rev A - Site Sections - Sheet 2 of 5
P09 rev A - Site Sections - Sheet 3 of 5
P10 rev A - Site Sections - Sheet 4 of 5
P11 rev A - Site Sections - Sheet 5 of 5

Received 20 October 2015

P13 - Designated External Storage Areas

Received 27 April 2016

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

- 3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 4 No external stonework shall be constructed on site, until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

- 5 No render shall be applied to any building or walls on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

- 6 No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 7 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- * location and current canopy spread of all existing trees and hedgerows on the land;
- * full details of any to be retained, together with measures for their protection in the course of development;
- * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- * finished levels and contours;

- * means of enclosure;
- * car park layouts;
- * other vehicle and pedestrian access and circulation areas;
- * all hard and soft surfacing materials; and
- * minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 8 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the buildings 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 first use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 9 No part of the development hereby permitted, including demolition works associated with the preparation of the site, shall commence on site until the new access to the highway has been constructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved access shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 10 No part of the development hereby approved shall be brought into use until the parking areas as shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details, including the provision of controlled accesses as detailed. These areas shall be maintained and remain available for their respective uses at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 11 No part of the development hereby approved shall be first brought into use until the areas allocated for deliveries and servicing have been laid out in accordance with the approved plans. These area shall be kept clear of obstruction and shall not be used other than for the parking of vehicles and deliveries in connection with the operation of the development hereby permitted at all times thereafter.

REASON: To ensure that adequate provision is made for servicing and loading/unloading within the site in the interests of highway safety.

12 Notwithstanding the submitted details, no installation or use of an ice rink or other ice skating facility shall take place until full details including:

- (a) siting of the rink;
- (b) proposed means of enclosure;
- (c) hours of operation;
- (d) any additional lighting;
- (e) any sound or amplified music system; and
- (f) means of limiting noise and light spill

have been submitted to and approved in writing by the Local Planning Authority. Any such facility shall be operated in full accordance with the approved details at all times whenever in situ thereafter.

REASON: In order to secure the creation of an area free from intrusive levels of noise and activity, in the interests of local amenity.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), excepting temporary development associated with the construction of the development hereby approved, no development within Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification) shall take place anywhere within the site.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for temporary development of the land.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no mezzanine or other form of internal floor to create a first floor level shall be constructed in the development hereby permitted.

REASON: In the interests of town centre vitality and viability, in order to enable the Local Planning Authority to consider individually whether planning permission should be granted for additional floor space.

16 No subdivision or amalgamation of any kind shall take place within the areas marked 'Building 1', 'Building 2', Building 3 Units B, C & D independently or 'Building 4'.

REASON: In the interests of protecting the vitality and viability of town centres and to enable the Local Planning Authority to consider individually whether planning

permission should be granted for an alternate mix of retail units on the site.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), Building 6 as indicated on drawing ref. P01 rev A (Proposed Site Layout Plan) shall be used solely for purposes within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(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 use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class, having regard to the circumstances of the case.

- 18 Notwithstanding the submitted plans, retail of comparison goods falling outside the definition of 'gardening items' as set out at the 'range of goods' subsection to Paragraph 3.3 of the submitted Supplementary Town Centre Uses Statement (CBRE, February 2016), namely:

garden furniture; barbecues, chimineas, fire pits and associated tools and fuel (such as coal, coke, briquettes, firewood, charcoal and peat); natural and artificial Christmas trees and related goods including decorations; motorised tools and equipment (such as electric drills, saws, sanders and hedge cutters, garden tractors, lawnmowers, cultivators, chainsaws and water pumps); garden tools (such as wheelbarrows, watering cans, hoses, spades, shovels, rakes, forks, scythes, sickles and secateurs); hand tools (such as saws, hammers, screwdrivers, wrenches, spanners, pliers, trimming knives, rasps and files); ladders and steps; hardware and fittings for the garden (such as chains, grids, stakes and hoop segments for fencing and bordering); fencing panels and associated materials for garden security and decoration; natural and artificial flowers and foliage, plants, shrubs, bulbs, tubers, seeds, fertilizers, composts, garden peat, turf for lawns, specially treated soils for ornamental gardens, horticultural preparations, pots and pot holders; garden and outdoor activity clothing and footwear; gifts for home and garden; pets and smallholding animals and associated foodstuffs; veterinary and grooming products including veterinary and grooming services; cat litter, collars, leashes, kennels, birdcages, fishing and reptile equipment; aquatic and pond goods and similar products associated with fish; spas, swimming pools and related products.

shall be restricted solely to Building 4 - Areas C, D & I; Building 1; and Unit 3A, as marked on drawing ref. P01 rev A (Proposed Site Layout Plan) only and shall not be displayed or sold in any location elsewhere on site.

REASON: In the interests of protecting the vitality and viability of town centres.

- 19 No display or sale of clothing items shall take place outside of the areas marked 'D' and 'H' within Building 4 as marked on drawing ref.P01 rev A (Proposed Site Layout Plan). Clothing sales shall be restricted to such items that are directly associated with and ancillary to gardening or other similar physical outdoor activity as agreed by the local planning authority.

REASON: In the interests of protecting the vitality and viability of town centres.

- 20 No display or sale of items defined as convenience goods shall take place outside of the area marked 'Building 1' on drawing ref. P01 rev A (Proposed Site Layout Plan). Building 1 shall be used solely for the sale of convenience goods and/or retail falling

within the definition of 'gardening items' as set out at the 'range of goods' subsection to Paragraph 3.3 of the submitted Supplementary Town Centre Uses Statement (CBRE, February 2016) and for no other purpose whatsoever.

REASON: In the interests of protecting the vitality and viability of town centres.

- 21 No materials, goods, machinery, equipment, skips, crates, containers, waste or any other item not on retail display shall be deposited or stored outside the areas outlined on drawing ref. P13 (Designated External Storage Areas) or in excess of the maximum heights indicated on the aforementioned plan.

REASON: In the interests of the appearance of the site and the amenities of the area.

- 22 The delivery and despatch of goods to and from the site shall be limited to the hours of 0700 and 1900 on Mondays to Fridays, 0800 and 1800 on Saturdays, and at no time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 23 There shall be no customers/members of the public on the site outside the hours of 0700 and 2200 from Mondays to Fridays, 0800 and 2200 on Saturdays, and 1000 and 2000 on Sundays and Bank or Public Holidays.

REASON: To ensure the creation of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 24 Other than that detailed in the approved scheme of lighting, no additional external lighting shall be installed on site. The development hereby permitted shall not be first brought into use until a method statement for the monitoring of light emissions post development from the site has been submitted to the LPA. The assessment shall be designed in order to demonstrate that the proposed scheme of external lighting achieves the criteria for Environmental Zone E1 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012.

Prior to the date three months from the date on which the development has been first brought into use the agreed programme of monitoring shall have been carried out in full and the results submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 25 The development hereby permitted shall not be brought into use until the areas for shopping trolley storage as indicated on plan ref. P13 (Designated External Storage Areas) have been laid out in full and brought into operation. The approved areas shall thereafter be maintained in operation in accordance with the approved details.

REASON: In the interests of the character, appearance and amenities of the area.

- 26 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, with a discharge limited to 12 l/s and full details with program of how the site will be developed to ensure the flow rate from the site will not be exceeded (especially during construction) and includes a maintenance regime has been submitted to and approved

in writing by the Local Planning Authority. Once the development hereby approved is implemented, no surface water shall be discharged offsite until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 27 No development shall commence on site until a scheme for the discharge of foul water from the site, including any identified capacity improvements required to the public foul sewer system to take any increase in pumped discharge rate, has been submitted to and approved in writing by the Local Planning Authority. Once implemented, the development hereby approved shall not increase its discharge rate until foul water drainage including any capacity improvements to the public system has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 28 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment; and
- i) hours of demolition and construction, including collection of waste and deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the demolition and construction phases.

INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE TO APPLICANT:

The applicant is reminded of the need to obtain separate Land Drainage Consent for any drainage works comprising the extinguishment and/or creation of new outfall points at the adjacent watercourse.

INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

INFORMATIVE TO APPLICANT:

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way adjacent to the site, temporarily or otherwise.

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT:

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.