

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	9 th August 2017
Application Number	16/06790/FUL
Site Address	Land at Methuen Park, Chippenham
Proposal	Proposed erection of 66 dwellings, formation of access road, open space, landscaping and associated works.
Applicant	Greensquare Group Ltd and Ashville, Calne, Ltd
Town/Parish Council	Corsham
Ward	Corsham Town – Cllr Whalley
Grid Ref	
Type of application	Full Planning
Case Officer	Charmian Burkey

Reason for the application being considered by Committee

The application is reported to the Committee in view of the electoral boundary changes, which directly affect the application site (transferring from Corsham CP to Chippenham CP) and the fact that the Chippenham Town Council is supportive of the proposed development.

1. Purpose of Report

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

2. Report Summary

The key issues in considering the application are as follows:

- Loss of employment
- Urban design
- Trees
- Landscape
- Drainage
- Infrastructure – s106 agreement

11 letters of objection have been received.

Chippenham Town Council supports the application.

Corsham Town Council does not object but raise some concerns.

3. Site Description

The site is located on the western fringe of Chippenham within the south western corner of Methuen Park which is an established business park and Principal Employment Area as designated in the Core Strategy and CP35.

The site is rectangular in shape and is 1.3ha in area, relatively flat with the A350 at a lower level to the south-west. Easton Lane is to the south-east with a significant hedge forming the boundary. The remaining 2 sides are bounded by existing employment development.

The site is currently rough grassland, although there are 2 hardstanding areas which have been used for informal parking (permitted by N/05/00984/FUL).

On the opposite side of Easton Lane is the residential development allocation known as Hunter's Moon, the planning application for which was recently considered and resolved to be granted planning permission by the Council's Strategic Planning Committee on 21/06/17 (16/12493/FUL refers).

4. Relevant Planning History

N/03/2047/FUL - three 3-storey office buildings (capable of sub-division) and associated parking and landscaping – permission.

N/05/00984/FUL – temporary gravel parking area (44 cars) for over flow parking for Wincanton site (12-18 months) – permission.

N/06/02083/S73A – variation of time limit condition 1 of N/03/02047/FUL (permission).

15/06248/PREAPP- Proposed residential development (approx 60 dwellings) – not supported.

5. The Proposal

The proposal is in full for 66 dwellings with access via Methuen Park and, following comments from the Council has been revised. The layout is essentially a long cul-de-sac with houses fronting the access road as it goes into the site and tandem parking and then dwellings fronting the road with parking in front. Within the site, to the north of the access road pairs of semi detached houses are sited perpendicularly. There is a block of flats proposed in the south west corner.

6. Planning Policy

Wiltshire Core Strategy

CP57 - Ensuring High Quality Design and Place Shaping.

CP35 - Existing Employment sites.

CP41 Sustainable Construction and Low Carbon Energy.

CP60 – Sustainable Transport

CP61 – Transport and Development.

Chippenham Site Allocations Plan.

North Wiltshire Local Plan 2011 (saved policies)

CF3 – Provision of open space.

NPPF

Core Principles – para 17.

Delivering Sustainable Communities para 22.

Section 7 Requiring Good Design paras 56 and 58 in particular

7. Consultations

Corsham Town Council - Do not object but express concern about density, the quality of the street scene and bin storage.

Chippenham Town Council - Continue to promote developments on brownfield land and would not object to housing on this site subject to proven evidence that the land has been widely advertised for employment use for some considerable time and there has subsequently been no interest. The Council is aware that this specific site has remained underdeveloped for some years (20+) and would respectfully expect there to be strong evidence based case for refusing the application, rather than basing any refusal on a land classification made some years ago. The Town Council would not object to this application subject to the above and appropriate design considerations and respect for the character of the area.

Highway Engineer - No objections.

Education - Identify a requirement for 17 primary school places at a cost multiplier of £16979 = £288643. Secondary school places will be funded via CIL.

Archaeology - No comment.

Public Art - Request a public art contribution figure (based on £300 per dwelling) for this site would be £69,300 for 231 dwellings and we would expect that no more than 10% of this figure to be spent upon the production of a public art plan. We would welcome discussions on how best to integrate public art and design in the public realm for this development.

Drainage Engineer - Wessex Water response indicates connection proposals to their system shown in application are acceptable to them but note that they have highlighted approval of LLFA required.

- FRA 2.4 does not mention that the southern part of the site adjacent to West Cepen Way falls within the area shown to have high ground water flood risk issues – however 3.5 covers level of ground water found as part of ground investigations – it should be noted that date of investigation not given and during 2016 the ground water levels have been low compared to other years thus results need to be considered in relation to this issue
- FRA 5.1.1 states a separate drainage strategy report had been commissioned – included as appendix to FRA
- FRA 6.5.2 states storm drainage system designed to cater for 1 in 100 plus climate change but does not state cc %
- DSR 4.1.3 states that a pumping station will be needed to allow connection to existing public foul sewer, unless ground raising is allowed to achieve a gravity connection – if pumping station is required then no dwelling can be located within 15m of the pumping stn due to potential noise/smell/vibration issues – note that separate layout drawings (and those in DSR) do not show any pumping station!
- DSR states site investigation shows soakaway disposal as being unlikely to be viable for the site thus proposes (DSR 4.2.7) a Qbar restricted flow post development of 5.2 l/s – report states WW willing to accept this rate into their storm sewer
- DSR 4.2.8 states storage required on site for such a Qbar rate – need to use 40% cc level
- DSR 4.2.10 mentions SK02 for 1 in 100 attenuation in 2 locations
- DSR 4.2.11 raises issue of WW adoption standards only accepting storage tanks meeting 1 in 30 storm (as set out in SFA 7th) rather than the 1 in 100+cc – this appears to be a change in WW position as prior to April 2014 WW would consider adoption of tanks to 1 in 100+cc provided tank was of an adoptable type – this needs clarification with WW (have left message with WW for call back to discuss)
- As stated above the layout in DSR does not include a pumping stn – will ground raising be allowed? – if not shown layout will need to be altered
- DSR drainage layout for foul and even worse for storm is very convoluted and appears to be an attempt to fit within house layout with flows/pipework doubling back on itself where a more appropriate site layout would simplify the drainage

Drainage team is not supportive of the layout/drainage proposed within the FRA/DSR but does support the development of the site with housing with the drainage conditions as previously identified in original consultation response.

Strategic Programmes Manager (Economic Development) – Detailed consultation response is considered within the “Loss of employment” section set out below. However, they may be summarised as:

There is significant and compelling evidence for the retention of this plot as employment land:

- There is clear evidence of the prospects of the land being used for employment
- The evidence provided in the responses from Economic Development indicates a severe shortage of readily available employment land in Chippenham
- There is no evidence that the land is unviable
- There is a high likelihood of the land being taken up for employment use
- There is significant and compelling evidence of market interest.

Early Years Learning - Have not requested a contribution.

Public Protection - Have assessed the submitted Noise Report and are satisfied that the proposed mitigation measures (building envelope treatments/acoustic fence) are apt for the development. NOTE: revised plans have now removed the acoustic fence to the A350 boundary as it is not considered to be necessary (see planning considerations below).

Housing Officer - The Wiltshire Core Strategy details a requirement in the Chippenham Community Area for a 40% affordable housing contribution to be delivered in line with its Core Policies 43, 45 and 46 where there is demonstrable need for new affordable housing. We confirm that there is demonstrable need for affordable housing in this community area and note that the proposed scheme layout does indicate a 40% on site Affordable Housing contribution - with a mix of sizes and tenures ie: 26 affordable units (14 x Affordable Rent and 12 x Shared Ownership homes) which would be acceptable. Completed affordable dwellings are required to be transferred to a Registered Provider, approved by the Council, on a nil subsidy basis and secured via a S106 Agreement - and the Local Authority will have nomination rights to the affordable dwellings. This proposal is being put forward in association with GreenSquare - a member of the Council's Registered Provider/Housing Association Development Partnership.

Landscape Officer - Raises no issues in relation to the likely far reaching landscape or visual effects or impacts likely to arise from the proposed residential development of this site. His concerns relate to the poor relationship to adjoining site context resulting from the proposed layout. Despite its central location the small area of open space provides poor quality public amenity. The connecting cycleway/footpath which passes through this space is poorly designed and fails to provide a clear and legible route through and connecting development to onward destinations and fails to provide adequate amenity. Proposed landscaping around the site's perimeters and that proposed within the development layout is inadequate to integrate the site into its surrounding context and fails to provide an adequate level of amenity. His opinion is that many of these issues arise from the proposed over development of the site. Landscaping treatment to the A350 is not suitably incorporated. He proposes that a reason for refusal should centre on the failure to meet the requirements of WCS, 'Core Policy 51: Landscape' and 'Core Policy 57: Ensuring high quality design and place making' in NPPF context. Full comments are available on line.

Urban Design Officer – Full comments on the originally submitted plans are available in full on line (which amounted to an objection), Revised plans have now been received which substantially alter the layout and design of the properties. The revised plans are considered in detail within planning considerations section below.

Spatial Plans Team – The detailed comment is available online, but can be summarised as: Wiltshire Council places a priority on delivery of land for employment and significant job growth in Chippenham and Para 5.45 of the Wiltshire Core Strategy states that there is currently a shortfall of suitable land for employment growth in the town.....failure to provide sufficient land could lead to loss of local employment.

The strategic importance of Chippenham and the A350 is reflected in the Swindon and Wiltshire Strategic Economic Plan. Methuen Park is designated as a Principal Employment Site and is home to headquarters of numerous strategically significant businesses, several with overseas ownership or global reach. Reference to CP35 which seeks to retain employment land.

Ecology - No comment.

Arboricultural Officer - Note that there is an established hedgerow with trees located along the eastern boundary of the site. These trees are protected under Tree Preservation Order 145 confirmed on the 14th June 1990. There are concerns with regard to the proposed site layout shown on the Proposed Site Layout Block Plan Drawing No. P101/D. The building orientation of plots 19 to 38 show the rear elevations of houses and garages backing onto Easton Lane with small gardens, some measuring under 4 metres in length. This proposed layout would place unnecessary pressure on this hedgerow to be cut back or removed to establish larger gardens. The hedgerow is an important feature as it acts as a wildlife corridor and helps screen the proposed development from Easton Lane. The removal of this hedgerow would have a detrimental effect on the surrounding area. The comments made by the Urban Design Officer dated 21st February 2017 are re-iterated in that:-

The proposed reduction in the depth and removal of the existing hedgerow/hedgerow margin (by comparison of 001 Rev A & 002 Rev A - Tree Constraints Plans which shows existing site survey with plan 780-01 C 'Landscape Proposals'). This is along the boundary with Easton Lane from around 5 metres deep to around 1.5 metres deep and with the removal altogether of around 30 metres of hedgerow to this boundary at the north end of the site, and similarly the reduction in depth along the boundary with the A350.

This current proposal also places protected trees which are situated within this hedgerow under unnecessary pressure due to their orientated to the site. These trees will come under pressure to be reduced or removed by potential homeowners due to them being situated to the east of the development. Light issues and encroachment of branches will become a common problem, which is unacceptable.

There is an objection to this proposal in relation to hedgerows and trees.

8. Publicity

11 letters of objection have been received raising the following concerns:

- Parking issues and traffic.
- Question housing on office land
- Access is required from and to Easton Lane
- Local company has commented that the site would be suitable for their expansion plans, allowing the creation of more skilled jobs and it should not be lost to housing.
- Swindon and Wiltshire Local Enterprise Park object to the application stating that well connected employment sites are of major importance and Methuen Park provides high quality employment land with good road and rail access. They wish to retain it as employment land. SWLEP strategic plan stresses the importance of Chippenham due to its position in the Swindon/M4 corridor and its role as a gateway to the A350 corridor. Preserving good quality employment land at Chippenham is of strategic importance to SWLEP.

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. In this case, the Wiltshire Core Strategy forms the relevant development plan for the application area along with guidance in the NPPF (as set out above).

Loss of Employment

The application plot of land is located on and forms part of Methuen Park, one of Wiltshire's highest quality business parks, which is of considerable importance to the local economy. Inappropriate development on this business park (such as residential) could harm the vitality of the employment site and its occupiers. The site is located in Chippenham (identified in the WCS as a principal settlement), which has been identified by Wiltshire Council and the Swindon and Wiltshire Local Enterprise Partnership (SWLEP) as a priority area for investment and economic growth.

Government, the SWLEP, and Wiltshire Council are all investing in improving infrastructure in Chippenham via the Local Growth Deal. The Local Growth Deal Programme acts as a key enabler to drive innovation and accelerate economic growth. Over £10m is being invested in improvements to the A350 Chippenham Bypass, the latest phase includes dualling and also upgrading the Chequers roundabout (next to Methuen Park). In addition to this, funding has also been allocated to improve Chippenham Station, and Junction 17 of the M4. These projects, which all commence works this year, will support driving innovation and accelerating economic growth, therefore provision of employment land in this location is fundamental to achieve these objectives. Given the massive investment in infrastructure to enable economic growth it would be highly inappropriate for the application plot of land to be allocated for anything other than employment.

Methuen Park is home to the headquarters of numerous strategically significant businesses, several with overseas ownership or global reach. Wiltshire Council's Economic Development (ED) Service recognises the strategic importance of high value businesses to the economy and community and invests resource into close working to help ensure their ongoing presence and growth. This includes regular dialogue to better understand their business priorities - giving them (and their global owners where appropriate) confidence to continue to invest locally as opposed to competing alternative locations. Priorities raised with the ED Service include maintaining the image/integrity of commercial environments (which residential encroachment is seen to dilute), and ensuring a sufficient supply of employment land and premises to support ongoing investment and jobs growth.

The shortage of employment land and premises causing difficulties to businesses in the Chippenham area remains a theme in approaches to the ED Service. The application plot of land is the only readily available site in Chippenham that can accommodate local businesses or inward investors right now (see Whitmarsh Lockhart letter). The applicant has attempted to identify a number of alternative sites; however none of these will be available to cater for businesses in the short term.

This shortage of land and premises in Chippenham has also been identified by local commercial property agents, who have commented on the proposals:

"There has been a well-documented and steady drain of companies from Chippenham as they could not find the space to expand"

“The chronic shortage of second hand accommodation in the commercial property market in Chippenham, together with the lack of available land supply of freehold plots, has resulted in a migration of companies away from Chippenham to other locations”

“If Methuen Park is removed from the market for residential development the actual ability to buy a freehold site as at 2017 for commencing development later on this year or early next year would be zero”

“There is a very serious shortage of available employment land in the Chippenham area and there is also a serious shortage of industrial and warehouse units.”

“While there is some land allocated for employment use, it is not readily available as in some cases significant infrastructure is required to access and release it; and in other cases the land is held by residential developers who are holding onto it in the hope of getting a residential consent.”

Wiltshire Council asked local commercial property agents Whitmarsh Lockhart to provide information on demand, supply, and take-up. Their response can be found along with the submitted material from the ED Service. Their conclusions for the application plot of land are as follows:

“My considered opinion is that Wiltshire Council does not have the latitude to allow existing employment sites in Chippenham to be transferred to residential use at this particular point in the property cycle”

Wiltshire Council has an employment led Core Strategy and places priority on the delivery of land for employment and job growth in Chippenham. Loss of this plot of land within an established business park could lead to loss of jobs and certainly is against what the Core Strategy seeks to promote. CP35 in particular seeks to retain employment land and to address out commuting. Core Policy 35 of the Wiltshire Core Strategy includes the following requirement related to change of use:

v. There is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy both currently and in the long term. It must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions.

The applicants have supplied some evidence of marketing but what has been provided does not contain valid evidence that the site is no longer viable for its present or any other employment use. The application plot of land is commercially attractive, and has no identified constraints. There is clearly a very strong prospect of the plot being used for employment based on growth, examples of investment and development elsewhere, and the number of enquiries received by the Council and commercial property agents. There is no evidence that the application plot of land is unviable, or has little likelihood of being taken up for employment uses.

The application plot of land could accommodate a variety of 'B' use occupiers. However, recent correspondence with the applicant indicates a reluctance to explore uses other than B1a:

“Methuen Park is principally a business park locality comprising offices and, near the frontage, retail and A4 uses. Given that the neighbouring uses are office occupiers, the only commercial use this site is suited to is B1a and not manufacturing or heavy engineering uses which would cause undue disturbance”

The application plot of land forms part of an employment site, therefore it can accommodate employment uses other than B1a, for example B1b, B1c, and B8 uses. The ED Service would therefore advise the applicant to explore other employment generating uses. This admission by the applicants also clearly demonstrates that they have not addressed Core Policy 35 as outlined above.

Along with the potential loss of employment land, two other key concerns include; the impact on the vitality of Methuen Park and its occupiers, and if approved the precedent this would set. The inappropriate release of employment land for residential uses could create a domino effect in the area, and ultimately cause lasting damage to the local economy.

This application plot of land is of significant importance to the Chippenham and Wiltshire economy and as such should be protected for employment purposes. The Economic Development Team therefore objects to this application (as have the SWLEP, the Chamber of Commerce, and local businesses). The land should be retained and protected for employment uses to protect the vitality of the Business Park and support future business growth.

There is significant and compelling evidence for the retention of this plot as employment land:

- There is clear evidence of the prospects of the land being used for employment
- The evidence provided in the responses from Economic Development indicates a severe shortage of readily available employment land in Chippenham
- There is no evidence that the land is unviable
- There is a high likelihood of the land being taken up for employment use
- There is significant and compelling evidence of market interest

Urban Design

The originally submitted layout was considered to be of a poor quality of design and amenity. The layout did not comply with CP57 in that it did not create a strong sense of place which uses the site's characteristics to its best advantage.

However, following negotiations with the applicant, revised plans were submitted which have been amended to reduce the width of the road to a shared surface and significantly reducing the dominance of tarmac.

The dwellings which back onto Easton Lane have been redesigned and the layout altered so that there is some relief of built form and design. The houses have window arrangements, which although on the rear/side are designed so as to read as more of a primary frontage.

Easton Lane has a very attractive rural character and the changes to design are considered to help preserve that without merely being “flat” elevations of little interest.

It is understood that that in the event of the Committee resolving to grant planning permission, the applicants are willing to offer a contributions towards off-site public open space provision, which would make up for a deficient quantum of on-site POS demonstrated on the submitted plans.

It is considered that these alterations now make the layout and design of houses compliant with CP57 of the Wiltshire Core Strategy and the advice in section 7 of the NPPF.

Trees

There is an established hedgerow along the Easton Lane boundary which also contains a group TPO. The revised plans now show the RPAs of the TPO trees in this hedge and the hedge itself, and that the fence along this boundary is to be a 1.8m high chain link fence set on the garden side of the hedge. This will allow the rural character of the hedge to be fully maintained without the urbanising effect of a close boarded fence.

Concern has been expressed by the tree officer that the short gardens will put pressure on the hedge to be removed. The majority of the hedge is outside the site boundary and ownership.

It is considered that the trees and hedge could be adequately protected by way of planning conditions.

Landscape

The site is set within the context of existing buildings and once the Hunter’s Moon site is built-out there will be little impact in landscape setting terms. The POS, which was originally criticised for its location and size has been increased and divided into 2 parcels. Originally it was one parcel of 347 square metres and now it is 2 parcels of 141 square metres and 368sqm. However, this is significantly short of the required level of 3798 square metres. Saved policy CF3 of the North Wiltshire Local Plan 2011 requires on site provision or provision nearby by way of an off-site contribution, secured through a S106 agreement. There is currently no nearby scheme to contribute to. The proposal is therefore contrary to saved policy CF3 and Technical Services have stated that they are prepared to defend a reason for refusal based on this under provision on site.

The proposed landscaping around and within the site is of lower quality than would normally be expected, but the site sitting with in an industrial estate and the retention of the hedging and changes to boundary treatment in that location are considered to balance the lower overall landscaping, which could be conditioned for further enhancements.

Critically, revised plans now omit the previously proposed 2.3m high acoustic fence along the boundary to the A350, since a revised Noise Report prepared by the applicant confirms it would not now be necessary in the context of build techniques to be used for those

properties fronting the road (which could be secured by planning condition in the event of the Committee resolving to grant planning permission). The Council's Environment Health officer was not specifically requesting an acoustic fence in this location and its presence was, in any event, considered to be a significant alien feature along this boundary (indeed, it can be noted that existing residential development facing the A350 have post and rail fencing without issue). The omission of the acoustic fencing is considered to be an improvement to the proposed development in this *gateway to Chippenham* location.

It is considered the introduction of this stark fence would introduce an unacceptably alien feature into this visually important location and be contrary to CP57 of Wiltshire Core Strategy.

Drainage

The layout of the site as submitted is lacking in detail in respect of drainage and what information there is indicates that the drainage layout will be very convoluted and quite possibly inadequate. The response also points out that flow rates will be difficult to achieve without altering levels or putting in a pumping station. The applicants have submitted revised plans showing that they have elevated the levels to generate the required flow. The Council's drainage engineers have not been able to comment upon the detailed explanation in time for this report and will therefore be reported as late observations.

Infrastructure - S106 agreement

The development would generate need for contributions and terms secured by way of an agreement under S106 of The Act in respect of: education; affordable housing; public art and refuse collection. In light of the recommendation for refusal in other respects, the absence of a signed s106 agreement must comprise a separate reason for refusal.

10. Conclusion

The proposal has been amended since its first submission which has removed, to a satisfactory level, issues to do with design. However, the principle of the development of an allocated employment site is still fundamentally contrary to policy CP35 of the Wiltshire Core Strategy which seeks to retain employment land.

The proposal itself makes a significant under provision for Public Open Space on the site and there are no nearby available sites for an acceptable of site contribution. The proposal is thus contrary to saved policy CF3 of the North Wiltshire Local Plan 2011. There is currently no mechanism in place to secure other required contributions to affordable housing, education, waste and recycling, public art and for the ongoing maintenance of the POS shown on site making the proposal contrary to CP3, CP43 and CP45 of the Wiltshire Core Strategy.

11.Recommendation

The recommendation is for REFUSAL for the following reasons:

- 1) The proposal would lead to the loss of a major employment allocation of land, which is part of the strategic objective set out in the Wiltshire Core Strategy to deliver a thriving economy to provide a range of jobs in Wiltshire with dependence on retaining the availability of and enhancing existing employment sites. The loss of this site would also be contrary to the aims of the Wiltshire Core Strategy which seeks to protect Wiltshire's most sustainable and valued employment areas by applying policies to favour employment uses on these sites. The proposal would therefore be contrary to the aims of the Wiltshire Core Strategy and to Policy CP35 of the Wiltshire Core Strategy and the advice within section 1 of the NPPF in particular.
- 2) The application does not satisfactorily demonstrate through a robust and comprehensive marketing exercise that its retention is no longer warranted. This would be contrary to the employment led emphasis of the Wiltshire Core Strategy and the requirements of CP35 of that document together with advice in Section 1 of the NPPF.
- 3) The proposal does not make provisions to secure contributions to affordable housing; education; public art; waste collection and re-cycling; the ongoing provision and maintenance of open space. The application is therefore contrary to Core Policies 3, 43, 45 of the Wiltshire Core Strategy and saved policy CF3 of North Wiltshire Local Plan 2011.

INFORMATIVE: The applicant is asked to note that reason for refusal 3 may be overcome via the entering into an agreement under s106 of The Act to deliver the necessary infrastructure to make the development acceptable in planning terms.