

<b>Date of Meeting</b>	<b>21<sup>st</sup> February 2018</b>
<b>Application Number</b>	<b>17/12043/FUL</b>
<b>Site Address</b>	<b>Land at Methuen Park, Chippenham</b>
<b>Proposal</b>	<b>Proposed erection of 66 dwellings, formation of access road, open space, landscaping and associated works.</b>
<b>Applicant</b>	<b>Greensquare Group Ltd and Ashville, Calne, Ltd</b>
<b>Town/Parish Council</b>	<b>Corsham</b>
<b>Ward</b>	<b>Corsham Town – Cllr Whalley</b>
<b>Grid Ref</b>	<b>390276 172102</b>
<b>Type of application</b>	<b>Full Planning</b>
<b>Case Officer</b>	<b>Charmian Eyre-Walker</b>

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

The application is being heard by Committee in view of the previous decision of the Northern Area Planning Committee for determination.

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

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

#### **2. Report Summary**

13 letters of objection have been received.

Corsham Town Council does not object.

Chippenham Town Council welcomes the increase in affordable housing.

#### **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 (N/05/00984/FUL) .

On the opposite side of Easton Lane is the site known as Hunter's Moon, recently (18/12/2017) granted consent as a hybrid application (16/12493/FUL).

#### **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.

16/06790/FUL – Proposed erection of 66 dwellings, formation of access road, open space, landscaping and associated works – refused at Northern Area Planning Committee.

#### **5. The Proposal**

The proposal is in full for 66 dwellings with access via Methuen Park. 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. The boundaries are a 1.8m high chain link fence to the south west boundary, and to the eastern boundary to Easton Lane.

#### **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 201 (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.

Chippenham Town Council welcome the affordable housing.

Highways comments are awaited

Education identify a requirement for 17 primary school places at a cost multiplier of £17,545 which equals £298.265. Secondary school places will be funded via CIL.

Archaeology has no comments.

Waste and Refuse comments are still awaited.

Public Art request a public art contribution figure (based on £300 per dwelling) for this site would be £19,800 for 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 support subject to conditions.

Economic Development have given a full response (available on line) and forms the section on Planning Considerations. It can be summarised as:

As application 17/12043/FUL is very similar to application 16/06790/FUL, many of our comments submitted previously are still very much relevant (see comments on the planning portal - <http://unidoc.wiltshire.gov.uk/UniDoc/Document/Search/DSA.865747>). These are summarised below and updated where appropriate:

- Methuen Park is one of Wiltshire's highest quality and best located business parks. The application plot of land is located on the business park and therefore forms part of this important employment site. Inappropriate development on this business park (such as residential) could harm the vitality of the employment site and its occupiers.
- The application site is identified as a principal employment area and is supported and safeguarded in accordance with Core Policy 35 of the adopted Wiltshire Core Strategy. The Core Strategy states that principal employment areas should be retained for employment purposes to safeguard their contribution to the Wiltshire economy and the role and function of individual towns.
- The Chippenham area has been identified by the Swindon and Wiltshire Local Enterprise Partnership (SWLEP) as a priority area for investment, and has been allocated over £30m from Government (as part of the Growth Deal programme) in the last few years to drive innovation and accelerate economic growth. The level of importance the SWLEP has placed on Chippenham is evident in the Strategic

Economic Plan (SEP). The Growth Deal programme of investment acts as a key enabler to drive innovation and accelerate economic growth in Swindon and Wiltshire, therefore provision of employment land in this particular location is fundamental to achieve these objectives (especially as substantial Government funding is being targeted on improving the A350 route immediately adjacent to Methuen Park).

- Methuen Park is home to the headquarters of numerous strategically significant businesses, several with overseas ownership or global reach. Wiltshire Council's Economic Development 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 business park currently suffers from parking and congestion problems, especially at peak times of the day. This is further evidenced by the comments Wiltshire Council received on this planning application from business park users. The application proposals could further exacerbate the parking problems and negatively impact on the vitality of this significant employment site. The recent below photos highlight the parking problem in the business park.



- The previous submission generated an unusually strong response to a planning application from the business community. The amendments provided in the current submission do not address the key issues raised in representations previously made. Still no business has written to support the application, and no business has withdrawn its former representation, despite a number of them being contacted with details of the amendments.

Early Years Learning will not be requesting a contribution.

Public Protection comment on air quality that further work on predicted N02 levels with and without the development. They request provision of ultra low energy vehicle infrastructure

and are keen to see some form of physical mitigation at this development upon its completion (This could be controlled by way of condition).

An interpretative ground investigation report has been submitted which describes ground gas monitoring that has been undertaken to date, although its concluding rounds were not available at the time of the report. A standard land contamination condition would be required on any approval.

It is noted that on the boundary of gardens to the A350, garden compliance has been set at LAeq1hr55dB, which is considered could give rise to serious annoyance, day time and evening. Details of an acoustic barrier need to be submitted. This can be controlled by way of planning condition.

Housing state that they note this is a revised application following 16/06790/FUL and state:

Should this site now be considered suitable for a residential development in this location we can advise that the requirement in respect of affordable housing would be as follows: 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 can confirm that there is demonstrable need for affordable housing in this community area.

This revised application actually increases the level of affordable housing proposed from the required policy level of 40% to 50% (33 dwellings in a mix of Affordable Rented and Shared Ownership tenures with unit sizes ranging from 1 bed flats to 4 bed houses) which would be acceptable in order to reflect the current demonstrable need and is, therefore, supported by the Housing Enabling Team.

Completed affordable dwellings are required to be transferred to a Registered Provider, approved by the Council, on a nil subsidy basis, secured via a SI06 Agreement and the Local Authority will have nominations 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 - and they are aware that a SI06 Agreement would be required to secure the required planning contributions including nomination rights to the affordable dwellings.

Landscape Officer has not responded on this application, but previously stated on the almost identical application ( 16/06790/FUL) that he 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 though 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.

Council's Urban Designer comments as follows:

Wiltshire Core Strategy Core Policy CP57, Building for Life 12 (3<sup>rd</sup> Edition) is a government endorsed industry standard for well designed homes and neighbourhoods.

The layout is fundamentally the same as the 16/06790/FUL layout and has thus not addressed the previous concerns. The points raised can be summarised as follows:

- The back to back distances between 46-54 and 57-64 are as low as 14m when the accepted guidance is that such distances should not be below 20m.
- Poor amenity space...for example plots 19-26 have inadequate space. BFL 12 recommends that amenity space is at least equal to the footprint of the dwelling and has rear access.
- Blank or essentially blank flanks of houses fronting streets or their corners, which does not accord with BFL 12.
- The blank flank walls are exacerbated by the driveways to the sides with a footpath sandwiched in between ( eg plot 56). BFL 12 recommends avoiding location driveways on street corners or other prominent locations.
- Plots 19-36 back onto the street (Easton Lane) which BFL says should be avoided.

### Spatial Plans Team

Their response is available in full on line, but can be summarised as :

Chippenham is identified as a Principal settlement in the Core Strategy and is a pivotal location in both the M4/Great Western main line corridor and the A350/trans-Wilts corridor. The site is located within the A350/Trans-Wilts crescent and in this respect it relates to the priority objectives of the SEP and accords with the economic led approach to development at Chippenham.

Methuen Park is identified as a Principal Employment Site in Wiltshire Core Strategy Core Policy 10 and according to Core Policy 35 Principal Employment Areas should be retained for employment purposes to safeguard their contribution to the Wiltshire economy and the role and function of individual Towns. The importance of the site has been confirmed by the Council's Economic Development team who in their response to this proposal have said the site is particularly important as an employment site because of its access to the M4 and railway services and because it is the only employment land immediately available in Chippenham.

The strategy for Chippenham is based on delivering significant job growth. New employment land is being identified as part of the strategic sites allocations in the emerging Chippenham Site Allocations Plan and as part of speculative development including Hunters Moon. However it is also important that existing sites including Methuen Park be retained for employment purposes in order to prevent existing and prospective employers moving elsewhere.

Although the proposed site will deliver affordable housing, it is surrounded by other employment uses and will be isolated from other facilities. There are already close to 700

new affordable homes in the pipeline for Chippenham. This will increase as sites such as Rawlings Green and the remainder of the SW Chippenham are granted planning permission. This site at Methuen Park should be retained as an employment site.

Ecology has no comments.

Tree Officer ..Comments awaited on this application, but previously commented as follows 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.

Technical Services Officer: objects on the grounds of under provision of on site POS. The site generates a requirement for 2525sqm of open space and 309sqm of equipped play space, but the site only provides a total of 688 sqm , divided into 2 areas of 257sqm and 431sqm.

## **8. Publicity**

13 letters of objection (from employees and employers in Methuen Park) have been received raising the following concerns:

- Parking issues and traffic.
- Question housing on office land
- Access is required from and to Easton Lane.
- Business land is required in Chippenham
- Loss of green space.
- Suitability of housing next to the soon to be dualled A350.

- Cars park on pavements meaning that walking anywhere is difficult.
- No schools nearby so all children will need to be driven.
- Unrelated to other housing ...essentially in a commercial area and thus unsuitable.
- In sufficient marketing ..a local company would be interested in the space.
- Only readily available piece of land left in Chippenham.
- The evidence should be commercially analysed.
- The use of a Traffic Regulation Order would penalise the existing business park users.
- No safe cycle route is proposed

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 have all commenced works, 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.



Application 17/12043/FUL has attracted 13 letters of objection from neighbouring businesses and their employees (an increase in objections when compared to 16/06790/FUL), with no-one from the business community writing in support. These companies employ approximately 300 staff between them, the large majority of whom rely on private cars and on-site parking at the business park. The concerns raised are fully in line with the objections lodged against 16/06790/FUL (refused), indicating that the issues raised then have not been addressed by this application.

Methuen Business Park is home to a number of high value businesses recognised as of strategic significance to the local economy and community. The Economic Development Service has a dedicated programme of dialogue to reinforce the message of support for the presence and growth of these companies, often against competing alternative options within property portfolios. If the views of these companies and their employees are perceived to have been ignored, and the concerns raised become reality or worsen, then these issues could be a negative factor in future investment decision making. A recent potential inward investor specifically raised the parking issue as an impediment to securing a lease. As one of the objectors summed it up: *“this plan does nothing but disrupt and prevent future growth for business within Chippenham..... is supporting businesses in Chippenham no longer important?”*

The large number of inaccuracies in the applicant’s supporting material, like with the previous application demonstrates poor local knowledge of supply and demand in Chippenham. The applicant’s material has failed to provide accurate information for all three supply areas (office, industrial, and employment land). The applicant details a large number of properties and sites that are not available. As this information provided is not accurate, the applicant’s forecasts and conclusions are also not accurate and cannot be relied upon. Wiltshire Council’s Economic Development team, contacted local property agents, and local business representing organisations clearly have greater understanding of the local commercial property market, and all are consistent with their commentary and recommendation to protect the application site for employment uses (see comments below).

*“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.”*

*“There is an increase in businesses struggling to find suitable premises in which to expand and consequently an increase in businesses looking for premises outside of the county. We understand the challenges around available employment land, planning and the developers coupled with the pressure on the need to build residential housing to meet the needs of the community, however this remains a serious barrier to growth for a number of businesses and*

*presents a risk to the continued prosperity of the County and the availability of good employment opportunities”*

*“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”*

*“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”*

*“The shortage of employment land and premises causing difficulties to businesses in the Chippenham area remains a theme in approaches to the ED Service”*

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 applicant’s submitted material has failed to provide an accurate representation of supply and demand in Chippenham. The material has also failed to demonstrate that there is no reasonable prospect of the site being used for employment purposes.

The evidence provided by the Economic Development team indicates a severe shortage of industrial supply in Chippenham. Only 3 units were currently being marketed on Estates Gazette, two of which are under offer. When compared with availability of industrial stock at the time of the submission of 16/06790/FUL, there is now significantly less available, demonstrating the strong requirement to retain the application site for employment uses. The numerous responses by the Economic Development Team and the commentary provided by

commercial agents clearly and consistently indicate that there is demand and a shortage of industrial stock. Despite this evidence the applicant has decided to continue to pursue housing for this plot of employment land. One can only conclude the applicant is either incapable or unwilling to develop this site for employment uses.

The applicants have supplied some evidence of marketing but what has been provided does not contain valid evidence that the site is not viable for employment use. The application plot of land is commercially attractive, and has no identified constraints. The material submitted by the applicant fails to demonstrate that there is no long term requirement for this site for employment uses. The evidence submitted in this response and the severe shortage of existing stock clearly demonstrates that the application plot of land is required for employment uses.

The applicants are aware that Wiltshire Council have commissioned an updated Employment Land Review (ELR). The application plot of land has been included in this updated ELR, which considers site deliverability. To gain an understanding of employment sites the appointed consultant team have been contacting landowners and site promoters. The consultant team have attempted to contact Ashville on numerous occasions, however to date Ashville have not acknowledged or responded to these enquiries. Attempts to contact Ashville were made on the 3 October 2017, 9 October 2017, and the 18 December 2017. This lack of engagement from the site owners raises concerns with the Economic Development team. If the site owners indeed believe their site is unviable, surely they would have engaged in this Review process and provided their evidence.

The stark reality is that if a business required a site to build a new facility in the short term, the application plot of land is the only site available in Chippenham. 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, 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 and workspace 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 Council Urban Design Officer considers that the development represented a poor quality of design and amenity. The layout does not comply with CP57 in that it does not create a strong sense of place which uses the site's characteristics to its best advantage. It is also contrary to much of the advice in BFL12.

The dwellings which back onto Easton Lane were redesigned and the layout altered with application 16/06790/FUL so that there is some relief of built form and design. The houses have been designed to try and "face" Easton Lane, but that hasn't been effectively carried through with many elevations having vent pipes running up the elevation. Easton Lane has a very attractive rural character and whilst the original changes to the design are considered to have helped these elevations read better, it is still considered that the design effectively "turns its back" on Easton Lane to the detriment of the local character and contrary to CP57 and advice in the NPPF section 7 in particular. Notwithstanding this comment, this was not used as a reason for refusal of 16/06790/FUL and would thus be difficult to introduce now.

The layout, although similar to that considered last time and not refused on design grounds, is considered to be poor in that back to back distances are only 14m in some locations, where the guidelines (and standard accepted) are 21m. This will lead to inevitable overlooking and loss of privacy. There have been some amendments to the layout which now mean that plots directly back to back each other, which did not happen to such an extent in the submission considered under 16/06790/FUL. Again, this was not a reason for refusal previously and would therefore be difficult to sustain now, however should be noted as a poor layout with insufficient amenity and privacy.

The site does not provide sufficient on site POS and this is also a symptom of there being too many houses on this relatively small parcel of land. The overall design is cramped and is likely to create a poor living arrangement for occupants. This is not outweighed by the provision of a higher level of affordable housing ( see section below).

## Affordable Housing

The fundamental change from the previous application is that the proposal is now for 50% affordable housing. It is **key** however, to note that this is not possible to condition or agree by way of a S106 agreement in that the policy requirement is for 40% only. Any uplift in that amount would not be reasonable to request or control by way of any legal obligation. It would merely be at the behest of the applicant and is offered in the form of a small section in the design and access statement. It can be given very little weight in the determination of the application and permission could lead to no more affordable housing than was offered last time, which is policy compliant at 40%, but resulting in substandard on site POS provision and a poor layout as stated above.

Provision of 40% affordable housing on this site is policy compliant and expected. No weight can be given to the offer of a further 10% because that can be removed by the applicant at any time and the Council would have no control over that.

## 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.

Overall 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 Hunter's Moon is developed out there will be no impact in landscape setting terms. The POS, which was originally criticised for its location and size has been increased from the 16/06790/FUL level and divided into 2 parcels. Originally it was one parcel of 347 square metres and now it is 2 parcels of 257sqm and 431sqm. However, this is significantly short of the required level of 3525 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 previously stated that they are prepared to defend a reason for refusal based on this under provision on site. Their comments on this application are awaited but it is anticipated that their view will remain the same.

The proposed landscaping around and within the site is of lower quality than would normally be expected, but the site sitting within 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.

### Public Open Space

The proposal generates a requirement for 3525sqm of POS and 309sqm of equipped play space. The on site provision is 688sqm which is substandard. It could be argued that the reason that the site can support a high level of Affordable Homes is that more than the usual site area is being used for housing.

Permission has recently been granted in hybrid form for Hunters Moon (the site opposite on Easton Lane). The approved masterplan for that site indicates that employment will be directly opposite, with a through road crossing Easton Lane into Methuen Park. The proposed housing would therefore be surrounded on 3 sides by industrial type development, the 4<sup>th</sup> side being the A350. The masterplan for Hunters Moon shows a more spacious style development with the higher land as POS. It has been suggested that this could be used by the residents of the proposed development, but there is no guarantee that this land would come forward in a timely manner and thus cannot be counted upon. The reason for refusal as set out in the POS section is therefore sustained.

## Drainage

Unlike the previous application the Drainage Strategy Report (DSR) is suggesting a gravity connection for the foul system – however this will rely on being allowed to raise ground levels within certain parts of the site – if LPA do not allow the ground raising then it is likely that a pumping station will be needed to get all foul flows to the public system – this means a loss in available development area as a 15m wide clearance zone would be required around any pumping station.

National criteria calls for no increase in storm water discharge from a site, however locally the council look for betterment (in region of 20%). DSR says that the infiltration testing showed negligible infiltration

The DSR states the calculated value of Qbar (greenfield rate) and intention to design system based on that with 40% climate change in line with latest EA guidance for climate change – whilst this would give a reduction for the longer return period storms it would not give any improvement for more frequent storms and the DSR suggests splitting the required attenuation units into 2 areas – however as there may be issues over adoptability of the units further consideration will need to be made during any design (or application for doc of any condition)

The Drainage engineer concluded that more work on the design may be required, but that can be adequately controlled by condition.

## Public Protection Matters

The matters raised by public protection can largely be controlled by way of planning condition. The matter of an acoustic fence to protect the amenities of residents along the A350 boundary was discussed within the determination of 16/06790/FUL and it is not considered that this issue cannot be overcome by way of design or further information.

An update on this will be presented in late observations.

## Lack of S106 agreement

The development would generate need for payment of monies and terms secured by way of a S106 agreement for education; affordable housing; public art and refuse collection. This has not been secured and is a further reason for refusal.

## **10. Conclusion**

The proposal is considered to fail in that the principle of the development of an allocated employment site fundamentally contrary to policy CP35 of the Wiltshire Core Strategy which seeks to retain employment land.

The layout and design is considered to be very poor giving substandard amenity and privacy. Although this was not a reason for refusal of a very similar application (16/06790/FUL), it should be noted.

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 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 applicants have expressed a willingness to make off site contributions to POS and to enter into discussion about other requirements, so that this reason could fall away)