

# PLANNING COMMITTEE

19 June 2008

## Planning Applications for Determination

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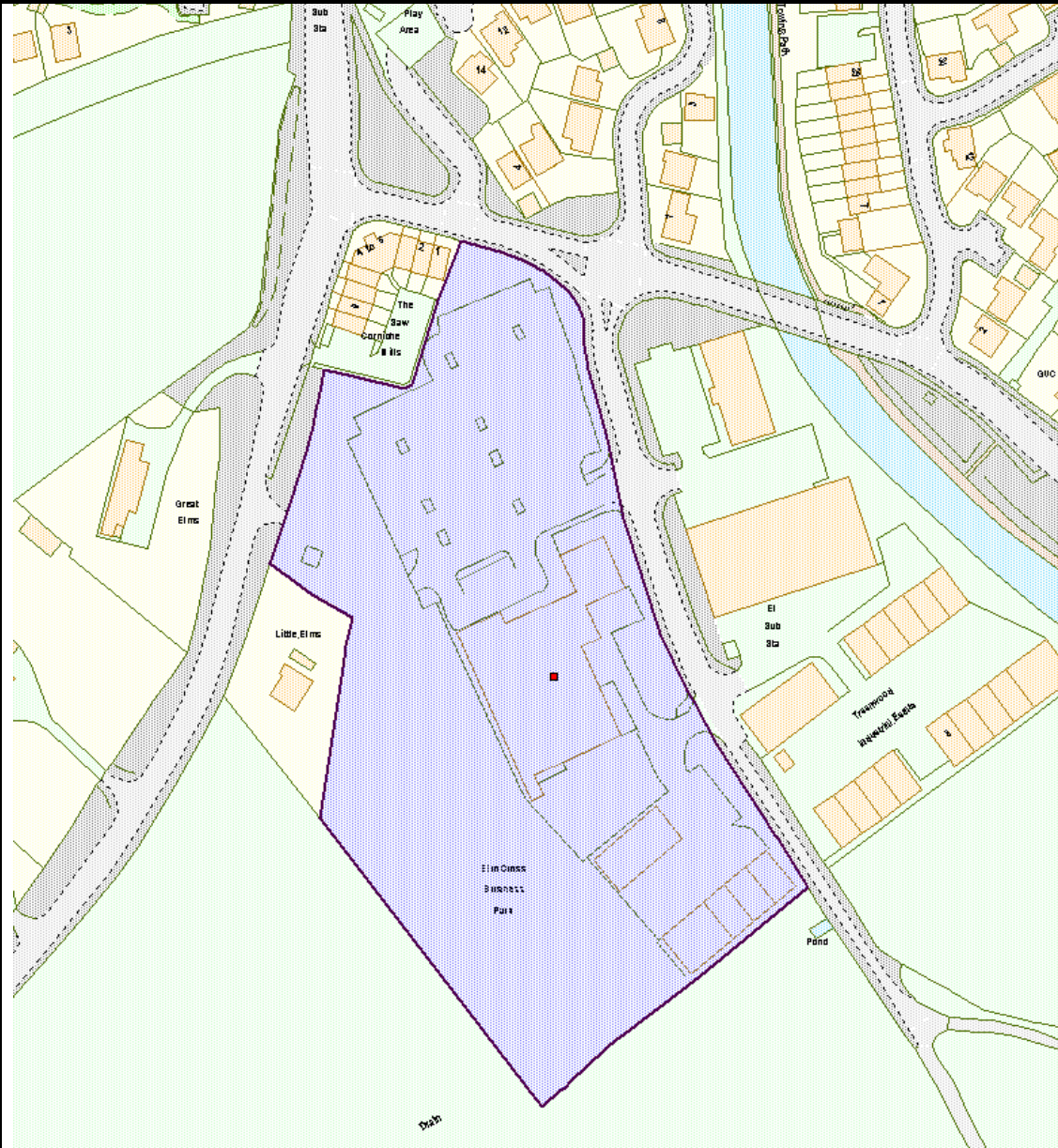
# PLANNING COMMITTEE

19 June 2008

ITEM NO: 01

APPLICATION NO: 08/00794/FUL

LOCATION: Sainsburys 29 Elms Cross Shopping Centre Rowden Lane Bradford On Avon Wiltshire



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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655  
Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**01 Application: 08/00794/FUL**

**Site Address: Sainsburys 29 Elms Cross Shopping Centre Rowden Lane  
Bradford On Avon Wiltshire**

Parish: Bradford On Avon Ward: Bradford On Avon South  
Grid Reference 382530 159736  
Application Type: Full Plan  
Development: Six new trolley bays within store car park  
Applicant Details: Sainsburys Supermarkets Limited  
Sainsburys 29 Elms Cross Shopping Centre Rowden Lane  
Bradford On Avon Wiltshire  
Agent Details: White Young Green Planning  
FAO L Neal Ropemaker Court 12 Lower Park Row Bristol BS3  
2SP  
Case Officer: Ms Margaretha Bloem  
Date Received: 13.03.2008 Expiry Date: 08.05.2008

**JUSTIFICATION FOR RECOMMENDATION:**

**The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.**

**RECOMMENDATION: Permission**

**COMMITTEE REPORT**

**APPLICATION DETAILS**

This application was deferred by Committee on the 29th May 2008 in order to negotiate the removal of the 2 shopping trolley bays closest to the highway. The agent confirmed in a letter dated 4 June 2008 that the specific location and number of trolley bays in the car park is essential and they are not prepared to omit the two units fronting the site.

This application is brought to Committee because the Bradford on Avon Town Council objects contrary to your officer's recommendation.

This application is for the six new trolley bays within the store car park. This application is retrospective. The units are placed on various locations within the car park. The covered trolley bays are 2.48 metres wide, 4.7 metres long and 2.7 metres high. The units consist of aluminium frame, glass sides and a polycarbonate roof. A trolley logo will be on the roof end panel.

**SITE VISIT / STATUTORY SITE NOTICES**

Site visited and site notice displayed on 18.03.2008.

## **CONSULTATIONS**

*Parish/Town Council* : BRADFORD ON AVON TOWN COUNCIL: Refuse. We note yet again a retrospective application which the Town Council regrets. The number of trolley bays is excessive and their visual impact unacceptable where located close to the road. The two bays to the north and east sides should be omitted.

*External* : Highways – No objection is raised

*Internal* : N/A

*Neighbours* : No written objections received.

## **NEGOTIATIONS / DISCUSSIONS**

N/A

## **CONSTRAINTS**

Town Policy Limits

## **POLICIES**

West Wiltshire District Plan 1st Alteration 2004 - Policies: C31a, C38; SP3.

## **RELEVANT PLANNING HISTORY**

07/03402/FUL - Revisions to approved car park layout, demolition of existing dwelling "Little Elms" and re-contouring of this site together with the deposit of excavated spoil on adjoining agricultural land, all in association with the previously approved store extension (consent ref 07/00363/FUL) - Granted

07/00363/FUL - Extension to provide additional retail sales floorspace, new back-up floorspace, new entrance lobby, customer toilets and extension to car park - Granted

## **KEY ISSUES**

Impact on public amenity and highway safety.

## **OFFICER APPRAISAL**

Covered trolley bays are associated with supermarket car parks and are not an alien feature. The positions of the trolley bays are carefully chosen to serve the whole of the car park in an effective and convenient way. It is not considered that the amount or size of the proposal is excessive nor that the location would harm the character of the area.

There are no highway objections to the proposal.

## **RECOMMENDATION**

For the reasons stated above planning permission is recommended.



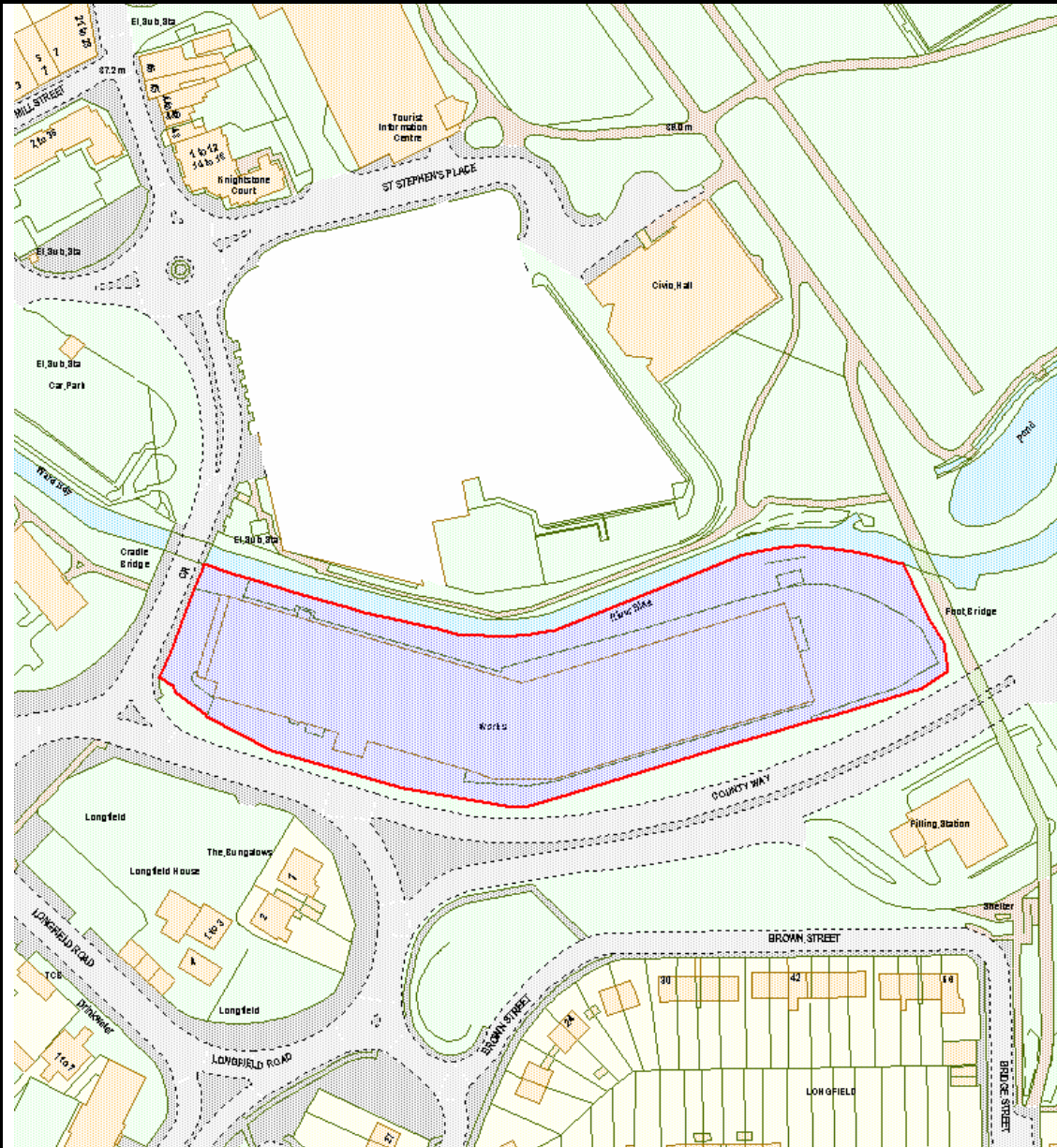
# PLANNING COMMITTEE

19 June 2008

ITEM NO: 02

APPLICATION NO: 08/00255/OUT

LOCATION: Former Peter Black Toiletries Mortimer Street  
Trowbridge Wiltshire



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SLA: 100022961

**02 Application: 08/00255/OUT**

**Site Address: Former Peter Black Toiletries Mortimer Street Trowbridge Wiltshire**

Parish: Trowbridge Ward: Trowbridge East

Grid Reference 385696 157592

Application Type: Outline Plan

Development: The demolition of the existing building and redevelopment of the site for a mix of uses including a food store, cafes, bars and restaurants, a hotel, residential apartments and associated access, car parking, landscaping and the ecological enhancement of the River Biss

Applicant Details: Parkridge Developments And Waitrose  
C/o Holmes-Antill Home Farm Barn Loughborough Road Prestwold Loughborough

Agent Details: Holmes-Antill  
FAO Ben Holmes Home Farm Barn Loughborough Road Prestwold Loughborough

Case Officer: Mr Kenny Green

Date Received: 23.01.2008 Expiry Date: 23.04.2008

**JUSTIFICATION FOR RECOMMENDATION:**

**The proposed development conforms to the Development Plan and the legal agreements and the conditions attached to it overcome any objections on planning grounds.**

**RECOMMENDATION:**

**The application be referred to the Secretary of State for Communities and Local Government under the requirements of the Town & Country Planning (Shopping Development) (England and Wales) (No.2) Direction 1993.**

**Upon the Secretary of State remitting this application to the Local Planning Authority for planning permission, it can then be granted at a future date in the event of the Development Control Manager being satisfied as to the prior agreement of legal agreements concerning the following matters:-**

**\* That the occupier of the foodstore shall not already be present in the town of Trowbridge;**

**\* A 30% affordable housing contribution provided, with 83% of this percentage to be provided on site for rented accommodation and 17% to be provided as a commuted sum for off site provision (the mix of the units shall be subject to further negotiation involving the Council's Affordable Housing Enabler).**

**\* An education contribution towards the provision of 8 primary places (currently costed at £11,356 each) and 6 secondary places (currently costed at £17,351 each), totalling £194,954, as required by Wiltshire County Council;**

**\* A financial contribution towards the enhancement and maintenance of a local children's play area to make up for the public open space shortfall;**

**\* A financial contribution, a transport phasing plan and provision of accessibility improvements generated by the proposal. These shall include public transport improvements, enhanced linkages between the site and the town centre, the future provision of a foot bridge over the River Biss, variable message signing to the car park, a servicing management plan, and a car park management plan.**

**\* The provision of a foot bridge crossing over the River Biss, following further negotiations with the District Council, the Environment Agency and the owners of the St. Stephen's Place site.**

**The Development Control Manager shall also secure confirmation from the highway authority that all highway and transportation issues have been resolved to their satisfaction following the completion of the required modelling and assessment work.**

**The Development Control Manager shall also secure confirmation that any conditions required by the highway authority in the light of further assessment work are added to the decision notice.**

**The Development Control Manager shall be satisfied, following consultation with Wessex Water, that there is adequate capacity in the existing system to service the proposed development. In the event that reinforcement work is required, written confirmation from Wessex Water shall be secured prior to the production of the decision notice.**

**The Development Control Manager shall be satisfied, following consultation with the Environment Agency, that all flood risk handling, water conveyance and storage measures are satisfactory. In the event that additional work is required, written confirmation from the Environment Agency shall be secured prior to the production of the decision notice.**

**The Development Control Manager shall be satisfied that the requirements are in compliance with all the relevant Development Plan policies.**

**The Development Control Manager be authorised to issue the decision notice on completion of the above.**

**Condition(s):**

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

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.



2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

3 Approval of the details of the design and the external appearance; ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

4 The gross internal area of the food store hereby permitted shall not exceed 2712 metres square. The net sales and display areas (defined as all areas used for the display and sale of goods, including floor spaces used for checkouts, customer circulation and customer services, but excluding entrance/exit lobbies, customer toilets, any cafe and automated teller machines) shall not exceed 1657 metres square, of which not more than 75% of the net sales and display area shall be used for the sale of convenience goods.

REASON: In order to protect the vitality and viability of the town centre.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies SP1 and SP3.

5 No part of the net sales and display area (defined as all areas used for the display and sale of goods, including floor spaces used for checkouts, customer circulation and customer services but excluding entrance/exit lobbies, customer toilets, cafe and Automated Teller Machines (ATMs)) of the foodstore hereby permitted shall be given over to any dry cleaning services, key cutting, shoe repair, photographic, or pharmacy services dispensing medicines by prescription or post office counter services.

REASON: In order to protect the vitality and viability of the town centre.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies SP1 and SP3.

6 That prior to the commencement of any development on the site, the developer shall undertake the following:-

1. A site investigation and risk assessment for chemical contamination;
2. Provide a remediation plan and report where applicable upon the discovery of any chemical contamination on the site;
3. Remediation validation works setting out the measures for maintenance, further monitoring and reporting to the satisfaction of the Council as planning authority.

The site investigation works shall be carried out in line with the main procedural requirements of BS 10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice. The requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment, the Environment Agency R\_D Publication 20 - "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

For the avoidance of any doubt, should the applicant/developer make changes to the above listed assessments, remediation plan and/or the remediation report following its acceptance, further written approval would be required before the development hereby approved is brought into use.

REASON: In order to safeguard human health.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy C38

- 7 Deliveries and servicing to the foodstore hereby permitted shall be limited to the hours of 0700 - 2300 hours Monday to Saturdays, and 0900 - 1800 hours on Sundays and Bank Holidays.
- REASON: In order to safeguard the amenities of the area in which the development is located.
- POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy C38.
- 8 Whilst in the servicing and delivery yard, any delivery vehicle's engine, including lorry and van engines, shall be switched off during loading and unloading.
- REASON: In order to safeguard the amenity of the area.
- POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy C38.
- 9 That during the construction phase, no plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays, or at any time on Sundays or Bank Holidays
- REASON: In order to safeguard the amenity of the area.
- POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C36 and C38.
- 10 The design of all the residential units shall minimise the exposure of habitable rooms to levels of road traffic noise in or above NEC B, as defined in Planning Policy Guidance Note 24 - Planning & Noise. Where habitable rooms are exposed to noise levels in category B or above, a scheme shall be submitted to and approved by the Local Planning Authority before the commencement of any works on site, to ensure that internal noise levels comply with the guidance given in BS8233:1999. The works shall be undertaken in accordance with these approved details.
- REASON: In order to safeguard the amenities of the area in which the development is located.
- POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy C38.
- 11 An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -
- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005;
- A schedule of tree works conforming to BS3998;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the sitting of the service and piping infrastructure;

A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas to be constructed using a no-dig specification;

Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and

Details of all other activities, which have implications for trees on or adjacent to the site.

Upon approval:

The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and

The whole scheme shall be subsequently retained.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

POLICY: West Wiltshire District Plan - First Alteration June 2004 - Policy C32.

- 12 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.

The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres outside the group canopy.

Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.

The fences shall not be removed without the consent of the Local Planning Authority until the whole of the development is complete

REASON: To ensure that existing trees of value are adequately protected.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C40.

- 13 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 14 Prior to the commencement of any work on the site, details of all security measures including CCTV proposed for the development shall be submitted to and approved in writing by the Council, as planning authority, and the works shall be carried out in full accordance with the approved details.

REASON: To the interests of public safety.

- 15 Details of the hours of operation for all proposed uses on the site shall be submitted to and approved in writing by the Council as Planning Authority prior to development commencing on the site.

REASON: In the interests of protecting the amenity of the area

- 16 The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow the archaeologist to observe the excavations and record items of interest and finds.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C16.

- 17 No development, hereby permitted, shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C14 & C15.

- 18 Prior to the commencement of the development hereby permitted, further ecological surveys, investigating and recording details of all protected species and their habitats, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority (following consultation with the Environment Agency). Development shall then only be carried out in accordance with the approved details.

REASON: In the interests of natural species which have statutory protection.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C7 \_ C9.

- 19 Details of lighting for the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase of the development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35.

- 20 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of any bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

For the avoidance of any doubt, any oil storage facility of 200 litres or more must include a bund and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001").

[Site occupiers intending to purchase or install pollutant secondary containment (bundling) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity. Pollution Prevention Guidance 2 (PPG2) provides advice on ground storage of oil].

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 21 All surface water drainage from impermeable parking areas and hardstanding for all vehicles shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

For the avoidance of any doubt, detergents entering oil interceptors may render them ineffective. A closure valve is therefore necessary to be installed at the oil separator outlet so as to contain any pollution material (in the event of an emergency).

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 22 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall utilise Sustainable Drainage Principles and shall not result in an increase in the rate and / or volume of surface water discharge to the local land drainage system. The works shall be undertaken in accordance with the approved details.

REASON: To ensure that the development can be adequately drained.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.

- 23 Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C7, C9\_ U4.

- 24 No part of the development hereby permitted shall take place until a construction stage plans have been submitted to and approved in writing by the Local Planning Authority. The plans will need to agree the routing and timing of construction traffic, together with identifying the need for any temporary traffic orders that may be necessary. These works shall be undertaken in accordance with these approved details.

REASON: in the interests of highway safety.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies H4 and SP3.

- 25 A Travel Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the retail phase of the development. The Travel Plan shall include measures to minimise vehicle movements to the foodstore and a timetable for implementation, and shall be implemented in accordance with the approved scheme.

REASON: In pursuit of sustainable transport objectives.

- 26 Details of public art features shall be submitted to and approved in writing by the Council as planning authority and be implemented prior to the completion of the built development.

REASON: In order to promote public art within the development.

- 27 No development shall take place until a schedule of the materials and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C31A.

- 28 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas for each phase of the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.

REASON: To ensure that the development harmonises with its setting and provides clearly defined linkages to and from Trowbridge Town Centre.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A and Planning Policy Statement Planning Policy Statement 6 - Planning for Town Centres.

- 29 Details of the existing and the proposed land levels across the site, illustrated by means of spot heights, contours and sections across the site, and demonstrating the relationship between the proposed development and the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details. There shall be no land raising unless approved under the terms of this condition.

REASON: In the interests of proper planning of the area.

- 30 Details of all the associated storage areas for wheeled refuse bins for all the on-site uses shall be designed so as to minimise their impact on the appearance of the street scene, which shall be submitted to and approved in writing by the Council as planning authority. The approved storage area shall be provided prior to the buildings on the relevant phase of the development being first occupied and shall be maintained as such thereafter.

REASON: In the interests of the appearance of the street scene.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C31A.

- 31 Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations associated to the hot food take-away outlet hereby granted outline permission. Prior to any commencement of work on site, details of the equipment to be used to provide acceptable levels of ventilation and filtration and at the same time limit noise and air pollution, shall be submitted in writing and be approved in writing by the Local Planning Authority. All equipment shall be installed in accordance with the approved details and in full working order to the satisfaction of the Local Planning Authority for the lifetime of the development.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.

- 32 Details of pollution prevention shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase of the development. The scheme shall only be carried out in accordance with the approved details which should cover the following:-

1. Site security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillage events will be dealt with
4. Containment of silt/soil contaminated run off
5. Disposal of contaminated drainage, including water pumped from excavations
6. Site induction for workforce highlighting pollution prevention and awareness

For the avoidance of any doubt, any invitation for tenders for sub-contracted works must include a requirement for details of how the above listed elements will be implemented.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C7, C38 \_ U4.

- 33 The development hereby permitted shall not be commenced until foul drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority (following consultation with Wessex Water). The works shall be undertaken in accordance with the approved details.

REASON: To ensure that the development can be adequately drained and to prevent pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1a.

- 34 That no building or land use shall be brought into use unless and until adequate sewerage infrastructure is in place to receive foul water discharges to the satisfaction of the Local Planning Authority (following consultation with Wessex Water regarding the availability, location and adequacy of the treatment facilities).

For the avoidance of any doubt, contaminated drainage or trade effluent should be directed to the public foul sewer provided that adequate capacity is available for additional flows.

REASON: To ensure that the development can be adequately drained and to prevent pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1a.

35 Details of inspection manholes shall be provided and clearly identified on the foul and surface water drainage systems in accordance with a scheme to be submitted to and approved by the Local Planning Authority (following consultation with Wessex Water and the Environment Agency).

REASON: In enable discharges from individual premises or buildings to be appropriately inspected and sampled.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy U1A

36 That prior to the commencement of works of site, a flood plan (including a suitable warning and emergency/evacuation procedures) with a flood resilience scheme showing details on flood risk handling, flood water conveyance and compensatory flood storage shall be submitted to and approved in writing by the Local Planning Authority (following consultation with the Environment Agency)

REASON: To ensure that there is appropriate level of flood risk handling

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy U3

37 That prior to the commencement of works of site, a scheme providing vehicular access to and along the left bank of the River Biss (at any and at all times throughout the year) shall be submitted to and approved in writing by the Local Planning Authority (following consultation with the Environment Agency)

REASON: To ensure that there is adequate access provided to to enable the Environment Agency to maintain the River Biss and implement works to reduce flood risk in the locality.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C9\_ U3

38 That prior to the commencement of works of site, a revised landscape strategy clarifying the proposed treatment of the riverbank shall be submitted to and approved in writing by the Local Planning Authority (following consultation with the Environment Agency)

REASON: To rectify the irregularities shown within the revised FRA which states that the existing riverbank habitat would be retained despite it being re-profiled to accommodate the walkway.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C7, C9 \_ C32.

39 That for the avoidance of any doubt, the finished ground floor levels shall be set no lower than 36.7 metres above ordnance datum level to provide 300mm freeboard on the 1 in 100 year (after predicted climate change) flood level to the satisfaction of the Local Planning Authority (following consultation with the Environment Agency)

REASON: To ensure that there is appropriate level of flood risk handling

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy U3

**Note(s) to Applicant:**

1 The developer is advised that should any protected species or habitats be found following the required additional ecological survey work, Natural England and the Wiltshire Wildlife Trust should be contacted so as to accord with the Wildlife and Countryside Act 1981.

2 The developer is advised to contact Wessex Water to arrange points of contact onto the public water and sewerage system/apparatus.



- 3 The applicant/developer is advised to adopt a trolley management system to restrict the removal of trolleys from the site (and in particular prevent access for trolleys to the River Biss) which should be submitted to and approved by the Local Planning Authority.
- 4 The applicant/developer is advised that all wastes must be stored in the designated areas, which are isolated from surface drains.

If storing or treating waste from a contaminated area of the site, a waste management licence may be required. Skips should be covered to prevent dust and litter being blown out and rainwater accumulation should be regularly inspected and replaced when full.

If controlled wastes are to be utilised for construction purposes, the developer must register the activity with the Environment Agency. Waste from the development must be re-used, recycled or otherwise disposed of in accordance with waste management legislation and in particular the Duty of Care. Further guidance can be obtained from <http://www.environment-agency.gov.uk>

Any movements of hazardous waste from the site must be accompanied by hazardous waste consignment notes.

The Environment Agency must be notified immediately following any incident likely to cause pollution.

All waste oils must be collected and contained prior to disposal in an approved manner. All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway.

Vehicle loading or unloading bays and storage areas involving chemicals, refuse or other polluting matter must not be connected to the surface water drainage system.

All wash down and disinfectant waters must be discharged to the foul sewer with the prior approval of the sewerage undertaker.

Areas designated for the storage of food waste skips must be sited in areas draining to the foul sewer, particularly if a compactor is to be used on the site.

The site must be drained by a separate foul and surface water drainage system, with all clean roof and surface water being kept separate from the foul water. Only clean uncontaminated surface water from roofs and un-trafficked paved areas should be discharged to any controlled watercourse.

All foul drainage, including contaminated surface water run-off, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with a connection to a watercourse.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee at the discretion of the Development Control Manager because of its significance to the regeneration of Trowbridge.

This is an application for outline planning permission for the redevelopment of an irregularly shaped site which was the former Peter Black Toiletries site located at Mortimer Street / Cradle Bridge in Trowbridge. Under this application, the applicants seek to establish the principle of demolishing the existing vacant industrial unit which forms part of a site measuring just over 1 hectares and redevelop it for a mix of uses comprising a food store (Waitrose – who are the joint applicants), cafes, bars and restaurants, a hotel, 46 residential apartments, associated access

improvements which would involve works to the public highway with improved access junctions and visibility, car parking provision, landscaping which would include plans to ecologically enhance the River Biss.

In addition, within the planning submission, a footbridge is indicatively highlighted as a potential future feature to assist permeability to and from the site.

As an outline application, the Council can only assess the principle of the redevelopment of the site. However, in this particular case, the applicants wish to de-reserve the access, the layout of the ground floor of the buildings as well as the landscaping of the site. An indication of the likely scale and massing of the scheme, as well as the appearance of the buildings are provided within the associated design and access statements.

Should the Council, as planning authority be minded to approve the outline application, a further Reserved Matters application would be required to satisfy the remaining outstanding (reserved) matters.

Members will acknowledge (having recently determined a similarly major planning application at land to the north east of County Hall, in early March of this year) the importance of regenerating this part of Trowbridge, and how important it is for the Council to take a holistic approach to the redevelopment of several inter-connecting sites that have come forward for possible redevelopment.

The redevelopment proposal would essentially comprise the provision of three blocks ranging in heights (scaling from approximately 7.2 metre (principally 2 storeys) for the supermarket which would be erected at the eastern end of the site. The building scale would increase westwards to about 18.6 metres (6 storeys) to accommodate the hotel and multi-storey car parking. The height of the building would then scale down to about 15.6 metres then 9 metres. At the western corner of the site, a 6-storey apartment block is proposed measuring about 18.6 metres above ground floor level.

It should however be noted that the proposed design above the ground floor level is submitted for indicative purposes only. As is the massing study plan.

The site runs parallel to the River Biss and is located to the south of both the River Biss and the former Tesco site, which is also vacant, disused land. To the south of the site and beyond the public carriageway, there are mainly residential properties of mixed character.

To assist Members, the table below outlines the indicative scale of the proposed development which has been collated from the submitted supporting material:

|  |  |
|--|--|
| Residential                                      | 46 flats and maisonettes are proposed  |
| Hotel  | 60 beds proposed   |
| Supermarket                                      | A Waitrose superstore measuring about 1657 square metres of net internal floor space   |
| Restaurants, cafes, bars,<br>Hot food takeaway   | >1600 square metres  |
| A2 uses (financial and<br>Professional services) | 1657 square metres of internal floor space   |
| Car parking spaces                               | 260 spaces are proposed. However, the allocation required for disability spaces, light goods vehicles/public carrier vehicles; motorcycles and bicycles are not known at this stage. |
| Employment Creation                              | >200 part-time and full-time positions.  |

As a comparison, the approved planning application (at the March Committee) associated to land to the north east of the County Hall, which is considered to be in close proximity to this site, had 5 blocks ranging in height from 22 to 25 metres.

The application was submitted in January this year following pre application discussions. Since then, there have been further negotiations on various issues involving several officers of both the District and County Councils.

## The Design

The design has evolved following consultations with officers of the Council, and the applicants hope that the design of the group of blocks will create a high quality landmark development for this important part of the town. As with the approval of the mixed use development on land to the north-west of the site, it is hoped that the application proposals would stand the test of time. The submission puts forward a development scheme with core development principles which have been much debated with the aim of creating a balanced mix of uses, with integrated car parking and the creation of a new active River walkway.

It is further submitted that the development would have positive spin offs for Trowbridge as a whole. With Waitrose being firmly behind the scheme, the development should complement and enhance the role of the town centre, and encourage the regeneration of the surrounding area, and notably, the St. Stephen Place site.

The applicants further submit that the land use mix and the layout design are consistent with development plan policy, commercial requirements and the characteristics of the site and its context. The applicants also argue that the redevelopment of this site, the Waterside scheme and Castel Place / St Stephens Place would contribute significantly to the regeneration of the southern gateway to Trowbridge town centre and to Trowbridge as a whole.

The analysis of the site and surrounding area identifies the accessibility and prominence of the site as key factors that inform the development of the site. The applicants stress that the development proposal has evolved from the recognition of maximising “the connectivity of the site with the immediate and wider area and to encourage travel to the site by foot and cycle. The integration of car parking within the built form, the pedestrianisation of the majority of the site and the inclusion of Waitrose and other active uses will contribute to achieving this. This mix of uses and layout proposed will encourage linked trips and minimise the trend for single shop shopping trips” (page 20 – Design and Access Statement).

## Transport Assessment and the Means of Access

A Transport Assessment (TA) has been prepared by IMA Transport Planning and has been submitted in support of the application. It should be noted that the Assessment has been subject to extensive discussions with the County Council Highway Authority.

The TA examines the accessibility of the site by modes other than the private car, the suitability of the proposals in terms of helping to reduce the length of car journeys and the traffic impact on the local highway network.

The TA concludes by saying that “the site is exceptionally well located in terms of accessibility by a range of modes of transport. In particular it is well-connected, by established pedestrian routes, to primary retail area to surrounding residential and employment areas, to bus services and the rail station. As such, and in accordance with national transport and planning policy, the site is extremely well-located to accommodate retail uses which attract a large number of people”.

The means of access to the site is not reserved. Alterations are proposed to the County Way carriageway as well as making alterations to County Way to form the main access to the proposed multi-storey car park and a separate service access serving the proposed Supermarket.

The access to the scheme is proposed via a new signalised junction on County Way. The TA has demonstrated that the means of access and the improvements to the County Way / Mortimer Street junction operate satisfactorily during peak hours and that the scheme would have no detrimental affect upon the free flow and operation of the public highway.

Along with the planning submission, the following documents have been provided to assist with determining the application:-

1. Planning Statement
2. Design and Access Statement
3. Landscape Report
4. Retail Statement
5. Transport Statement
6. Ecological Assessment
7. Flood Risk Assessment
8. Site Investigation
9. Archaeological Report
10. Consultation Statement.

The above documents have been reviewed and assessed by officers of the District and County Council as well the statutory and non-statutory consultees.

### Landscaping

The applicants propose to clear the River Biss of all the overgrown vegetation and open up what will become a riverside walk, which would link the east and west sections of river walks in Trowbridge. Alders, a variety of shrubs and aquatic and marginal planting would be provided along the River Biss Boulevard, which would be formed on a split level using naturally durable hardwood.

A River Biss Ecological buffer would be provided consisting of alders, willows, hazels, hawthorns, blackthorns and rowans; along with an extensive range of shrub, wildflower and aquatic planting.

Along County Way there would be a line of street trees (species:- London Plane) which would compensate for the loss of the London Planes as part of the redevelopment of the land to the east of County Hall (planning reference 07/03734/OUT) and also give pedestrians protection from the traffic. In addition, a holly and hornbeam hedgerow along the retail frontage would be planted. The ground materials along the County Way frontage shall be formed from concrete paving slabs.

The proposed central piazza would be surfaced with high quality paving slabs with a linear paving feature of recycled glass paviors. Two rows of pleached (decoratively sculpted) trees, a semi mature Ash, bench seats and planter beds would provide a welcoming visual interest to what would be an important public space.

Throughout the scheme, appropriate lighting would be installed.

### **SITE VISIT / STATUTORY SITE NOTICES**

The site has been visited regularly since the application was submitted (23.01.2008). The site notice was displayed on a nearby lamp post on 25.01.2008. Following receipt of revised plans, another site notice was displayed on the same lamp post on 14.03.2008.

### **CONSULTATIONS**

TROWBRIDGE TOWN COUNCIL: No objections raised but raises the following comments:-

“1. The Town Council, as operator of the Town Council CCTV system requests that the development should provide for a number of public realm CCTV cameras throughout the development which should be linked to the Town Centre scheme to allow co-ordinated monitoring and a contribution towards new and existing cameras overlooking the site for provision, upgrading, maintenance and ongoing monitoring; and,

2. The development should not be occupied until a suitable foot/cycle bridge linking the site directly to the park, across the River Biss is completed. This should not be dependent upon any agreement with the owner of the St. Stephen Place site”.

*External:*

COUNTY HIGHWAY AUTHORITY:-No objections raised subject to further modelling and assessment work, and add the following comments:-

“Whilst there remain outstanding technical issues to resolve through further modelling and testing work, based on the assessments undertaken to date I believe that there are no insurmountable transport difficulties associated with the proposed development”.

Should Members be minded to approve this outline application, it is recommended that authority be delegated to the Development Control Manager to issue permission subject to:-

1. Confirmation from the highway authority that all highway and transportation issues have been resolved to their satisfaction following completion of the continuing modelling and assessment work;
2. Any conditions required by the highway authority in the light of the future assessment work, subject to the District Council being satisfied that the requirements are in compliance with the relevant Circular advice;
3. Inclusion of a legal agreement of physical works and/or financial contributions as required by the highway authority upon conclusion of the further assessment work, subject to the District Council being satisfied that the requirements are in compliance with the relevant Circular advice

COUNTY LIBRARY MUSEUMS & ARCHIVES (ARCHAEOLOGY): No objection subject to the imposition of a relevant condition requiring a watching brief during the initial stages of construction to record any archaeological features which may exist given the proximity to the River, where features or finds relating to early human occupation may be uncovered.

COUNTY EDUCATION AUTHORITY: We note that 46 units (to be flatted) are proposed, with a mix of 26 2 bed units and 20 1 bed units proposed. The 1 bed units are exempt from any assessment as far as any contributions are concerned. However, the 26 2 bed units would generate a need for 8 additional primary places and 6 at secondary level. The designated area schools are Paxcroft Primary and Clarendon College, neither of which can accommodate the extra pupils within current permanent capacities.

As with other large scale developments, Wiltshire County Council shall seek contributions to fund a new primary school to serve this part of the town, and shall look for an aggregate contribution from the developer.

A contribution towards 8 primary places is required levied at £11,356 per place and 6 secondary places levied at £17,351 per place.

No distinction is made between flats and other types of housing for assessment purposes. However, it should be noted that 1 bed units (of any type) do not qualify to be assessed. It should also be stressed that the above figures (and indeed the assessment itself), can only be indicative at this outline stage in the planning process. As per WCC standard policy, another assessment will be made once a planning application is submitted, and reviewed if necessary at full/reserved matters stage in order to reflect the most up to date pupil forecasts, school capacities etc. and the final details of housing numbers/mix.

COUNTY PLANNING: The site is located within the outer edge of the Commercial Area Boundary of Trowbridge as defined in the West Wiltshire District Plan First Alteration (Adopted June 2004) and is partially within the Trowbridge Conservation Area. It is not allocated for any particular use. The site is identified as Parkside PS4 within the Trowbridge Urban Design Framework (November 2003), adopted as Supplementary Planning Guidance (SPG). This document states that “this should be a mixed use site comprising employment, residential and retail (A3) uses” and identifies it as a key gateway site into the town centre.

The Wiltshire and Swindon Structure Plan (Adopted April 2006) identifies Trowbridge as a Strategic Service Centre and places particular emphasis on provision of employment land to attract new economic activity and meet the needs of existing employers, and the regeneration of the town centre of Trowbridge (Policy DP3). Paragraph 4.13 recognises that significant potential exists for urban renewal within and around the town centre providing the opportunity to develop a strong and vibrant commercial centre. It also considers that the opportunities for urban renewal and town centre regeneration should play a key role in achieving the town's economic potential helping promote greater self containment.

The application includes a food store comprising 2,712 square metres gross floor space with a net sales area of 1,657 square metres. The application indicates that the intended occupier of the store is Waitrose. The location of the proposed store on the application site (subject to a bridge across the river being provided) can be regarded as being located within easy walking distance of the edge of the primary shopping area in line with PPS6 and therefore is an edge of centre site. Paragraph 3.4 of PPS6 places the onus on applicants of edge of centre retail sites to demonstrate:-

1. the need for the proposal;
2. that development is an appropriate scale;
3. that there are no more central sites for development;
4. that there are no unacceptable impacts on the town centre, and,
5. that locations are accessible.

Structure Plan Policy DP6 also reflects these requirements and requires the role of centres to be maintained and enhanced by provision for shopping development which is consistent with the town's role and promotes its vitality and viability.

A Retail Planning Statement (RPS) has been submitted in support of the application to address these matters. Of particular concern is how need and impact have been assessed. The RPS indicates that even after allowing for the proposed store that some £678,000 surplus expenditure will be available in 2012 (paragraph 3.41) and that there would be no adverse impact on the town centre. However, it is not considered that the RPS provides a robust assessment of need or impact. There appear to be a number of inconsistencies and inaccuracies within the report, which also does not contain sufficient information to enable a proper assessment of the assumptions and conclusions made. This has been raised with the applicant's Agent. Examples of areas of concern are as follows:-

- The Catchment Plan (Appendix 2) indicates that a comparison, rather than convenience goods catchment area has been used. This is considered to be too large and does not adequately take into consideration other main food shopping destinations. Melksham in particular should be excluded. As a result the population of the catchment area is too high and available expenditure to support retailing is over estimated;
- No account appears to have been taken of existing commitments or recently implemented planning permissions for extensions to existing stores including Sainsbury's at Bradford-on-Avon, Tesco and Aldi in Trowbridge, and Lidl at Westbury. Furthermore, despite Melksham being included within the catchment area, the stores at Melksham have not been included within the Assessment of Need at Appendix 3.
- The method used for the quantitative need assessment is not based on household survey data that can be used to assess existing spending patterns within a catchment area. Instead it assumes 100% retention of convenience goods expenditure within the catchment area. This is considered to be an unreasonable assumption and does not take into consideration the influence of other significant centres such as Chippenham or Frome.

Notwithstanding the above, recent consideration by the County Council of the application for the former Usher's Brewery site in Trowbridge (application ref. 07/01911/OUT), which involved considerable discussion on retail matters, indicates that it is unlikely to be possible to adequately demonstrate quantitative need for further food retailing within Trowbridge. Furthermore, it is

recognised that West Wiltshire District Council has received advice from their retail consultants, DPDS, who has also concluded in considering the Usher's Brewery application and this application, that "neither applicant has demonstrated a quantitative need for the proposed developments in PPS6 terms" (Retail Proposals in Trowbridge, DPDS Consulting Group, March 2008).

While in principle the redevelopment of this site for the type of uses proposed in this application would undoubtedly have regeneration benefits for Trowbridge, in particular for the southern part of the town centre, there is concern given the lack of demonstrable need about the Class A1 retail element of this proposal. If there are overriding reasons why the District Council considers that a new food store should be permitted at Trowbridge despite the lack of demonstrable need, then it would be appropriate in these circumstances to consider whether the other non determined food store proposal on the former Ushers Brewery site would provide a more acceptable location. This is discussed below.

Both proposals relate to edge of centre sites. The Usher's site is located to the north of the town centre and the Peter Black site is located to the south. The Usher's site offers the potential to achieve a better distribution of main food retailing destinations around the town centre providing a more sustainable pattern of land uses in line with Policy DP1(3) of the adopted Structure Plan. The Peter Black site would mean that the proposed Waitrose store would be located in close proximity to the existing Tesco store, whereas the Usher's site would provide a new food retailing location providing the surrounding residential areas with the opportunity to access a new food store by foot or bike. The Usher's site also benefits from town centre bus services that stop close to the site.

In terms of having a positive impact on the town centre, the Usher's site has considerable potential to encourage linked trips with the Primary Retail Frontage (PRF) due to its close proximity provided that improvements to facilitate linkages and encourage pedestrian movements across Church Street can be secured. However, the Peter Black site is not as well connected in PPS6 terms to the PRF due to the current state of the St Stephen's Place site and distance. Although it is recognised that this situation could change, at present there appears to be little confidence of this happening.

It is understood that the redevelopment of the Peter Black site including a retail food store could compromise the ability of the Usher's site to attract a retail anchor to the northern part of the town. This is due to the level and type of retail and town centre development committed elsewhere, particularly to the south of the town centre. Trowbridge does not have unlimited ability to attract investment and regeneration proposals will therefore need to be considered in a balanced way. However, equally it will be important to consider what other potential uses could be delivered on the Peter Black site if a food store on part of the site is not found appropriate.

Also, it may be worth noting that paragraph 2.44 of PPS6 in referring to the sequential approach to site selection considers that where alternative sites have similar locational characteristics in terms of the sequential approach that "local planning authorities should give weight to those that best serve the needs of deprived areas". The Usher's site forms part of one of the two areas in Trowbridge that are in the top 20% most deprived areas in England, whereas the Peter Black site is within an area in the top 40% most deprived in England.

Finally, the application site relates to the re-use of employment land. The Structure Plan, while recognising the need to regenerate Trowbridge, also places significant emphasis on the importance of making provision for employment to ensure balanced growth of the town. There does not appear to have been any consideration given to the potential to incorporate employment uses appropriate to a town centre location on this site, such as Class B1 business use. Such uses would be in line with the SPG relating to this site and Structure Plan Policy DP4 that seeks to ensure that adequate provision is made for economic development. The District Council may therefore wish to consider whether a mixed use scheme incorporating employment uses would be more appropriate for this site.

In conclusion, therefore, while this proposal has the potential to secure the regeneration of a disused site, the County Council has concerns about its re-use in part for a food store. As with the Usher's proposal there is no actual demonstrable need for additional convenience floor space. The critical issue is therefore to what extent either proposal could improve or contribute to the improvement of the town centre, or at least not have a negative impact. There are advantages and disadvantages to both schemes but on balance for the reasons set out above the location of the Usher's site is considered to offer greater potential. However, given that neither application is supported by a substantive retail need case, the District Council must be satisfied that there are other adequate overriding considerations if they are minded to permit either application.

**ENVIRONMENT AGENCY:** The Environment Agency reports that following the review of the revised FRA dated May 2008 (Rev D No. 07034) they are assured that the flood risk issues can be dealt with at the detailed design stage by condition.

Therefore the holding objection has been removed providing planning conditions are attached to any approval requiring the following:-

1. Floor levels be set no lower than 36.7 metres above ordnance datum level to provide a 300mm freeboard on the 1 in 100 year (after predicted climate change) flood level;
2. A flood resilience scheme be submitted for the written approval by the Council;
3. A flood plan including suitable warning and emergency/evacuation procedures be submitted for the written approval by the Council;
4. A compensatory flood storage scheme be submitted for the written approval by the Council;
5. A surface water drainage scheme be submitted for the written approval by the Council;
6. A scheme providing access to and along the left bank of the River Biss be submitted for the written approval by the Council;
7. Another protected species survey is carried out to ascertain the presence and habitat of water voles along the riverbank be submitted for the written approval by the Council;
8. Clarification on the treatment of the riverbank (where no new gabions should be installed) be submitted for the written approval by the Council;

**WESSEX WATER:** Network modelling is required to determine whether there is adequate capacity in the existing system to serve the proposed development. In the event that reinforcement of the system is required, to ensure adequate supplies, the developer would be expected to contribute towards the costs. In the event that there are any changes to the existing road layout as part of the scheme, existing water mains may be affected. If this is the case, Wessex Water's Development Engineer should be contacted to agree an acceptable diversion and protection.

As far as surface water drainage is concerned, there is an existing brick storm drain sewer crosses the site and this can be abandoned as part of the development. Flows from the new development should be discharged direct to the River Biss, with the approval of the Environment Agency.

As far as foul drainage is concerned, an existing foul sewer, laid within the existing public storm sewer, crosses the site. The sewers, storm and integral foul, must not be built over, or close to. It is noted from the Flood Risk Assessment that the existing foul connections to the public sewer are intended for re-use. However, there are proposals to divert the sewer so that new connections can be made. For the avoidance of any doubt, diversion of the foul sewer must be completed and commissioned before any other site work is started. This assumes that the storm sewer has been abandoned and replaced with new storm drainage piped directly to the River Biss, as above.

**ENGLISH HERITAGE:-**No objections to the revised scheme.

**WILTSHIRE POLICE:-** No objections raised but request that crime reduction and safety aspects are fully addressed at this stage to avoid anti social behaviour in the future. To reduce the risk of anti social behaviour, all the associated car parks should be designed and built to keep crime to a minimum. Consideration should be given to Safer Parking compliance which can be reviewed at the safer parking website <http://www.saferparking.com>



Trowbridge already has an existing CCTV network and this scheme could be utilised and enhanced to incorporate security measures in the detailed scheme. Further investigations would be needed assess the capacity of the system.

Permeability to the site should be kept to a minimum to avoid unnecessary trespass. Due to the nature of the site and the evening economy this will be an important issue. However, with appropriate lighting and CCTV coverage, this should not be an issue of concern.

WILTSHIRE WILDLIFE TRUST:-No objections subject to the imposition of conditions setting out the ecological protection measures.

#### DPDS CONSULTING GROUP RETAIL PLANNING ADVICE:-

The differing views of the County Council policy planning officer and those of this Council's officers indicate how finely balanced this scheme is in terms of any retail benefits it will bring to Trowbridge and the surrounding area.

The application at the former bottling plant at Ushers Brewery for a mixed use scheme which includes a Sainsbury's store has added to the complexity of determining this application. As a consequence, the Council commissioned an independent retail report by DPDS Consulting Group (who have advised the Council on retail planning matters in the past). The report was commissioned to look at the impacts of both schemes and to make a comparison between them.

DPDS have concluded that:

"Need. In summary, we conclude that there is no quantitative need for either proposal. We also conclude that there is not a qualitative need in the sense that Trowbridge is losing shoppers to other centres because of the lack of a quality foodstore. This is an entirely separate matter from qualitative issues with regard to the comparison goods offer. A "quality" foodstore would not attract significantly more shoppers to Trowbridge because the shoppers who would prefer a "quality" store are currently largely using the existing food stores".

"A Sainsbury or Waitrose store may help to counteract the image of Trowbridge as a value orientated shopping centre and make it easier to attract quality comparison goods retailers, but this effect should not be over-estimated. The image of Trowbridge will only alter significantly if, and when, the comparison goods offer improves".

"Despite the lack of need, either proposal would introduce a new major retailer into the town and significantly widen the choice for shoppers in accordance with the objectives of PPS6".

"The Council should not try to distinguish between the two applications on the basis of the occupier, since this could not be controlled".

"Scale. The proposals are appropriate in scale to role and function of Trowbridge.

"Sequential Test. It is generally accepted that there are no more central sites available. Both are, in terms of PPS6, edge-of-centre and one cannot be preferred to the other on sequential test grounds. However, one site may be preferable in terms of other material considerations and particularly with regard to the impact (positive or negative) on the town centre".

"Impact. Neither proposal would seriously negatively affect the vitality and viability of the town centre retail area. This would also be true of both sites being developed for food stores. In addition there would be regeneration benefits from the proposals".

"Overall. The avoidance of doubt, although the needs test is under review, it is too easily to say what the results of that review will be. The indications of the Department of Communities and Local Government thinking from its evidence to the Competition Commission, is that the needs test would still apply to these sites because they are not contiguous with the primary retail function. However, we consider only limited weight should be given to the review at this stage".

“In determining these applications the Council has to consider what weight it should give to the different policy tests. In view of the lack of adverse impact and possible benefits to the vitality and viability of the town centre we consider that the Council should give greater weight to this than to the lack of need in this case. The purpose of the need and sequential tests is to protect town centres from out-of-centre competition. Where proposals would not harm a town centre, or benefit them, the test must have less relevance and the general objectives to provide a wide range of shops and facilities could reasonably be given greater weight”.

“If that view is taken the arguments would apply equally to allowing both applications because it becomes impossible to say that there is a need for one but not two. Furthermore, the cumulative impact of both is unlikely to be detrimental to the vitality and viability of the town centre”.

“However, to grant planning permission to both would be likely to create a situation where neither progresses, or there is a long delay. One or other or both sites are likely to remain vacant, creating a negative view of the town and contrary to the regeneration aims of the Council and community. There would be planning commitments which are unlikely to come forward but cannot be discounted and we do not believe this to be in the interest of good planning in general, or the regeneration of the town”.

“We recommend that the Council does permit one proposal but not both. We have therefore undertaken an assessment of each of the sites. Planning decisions have to be made in accordance with the Development Plan unless material considerations indicate otherwise and we will start with the planning policy”.

“Planning Policy. The former Peter Black site is not allocated for any particular use but as a former employment site. It is subject to policy E5 which states that the loss of existing employment land will only be permitted where there is an adequate supply of genuinely available land and premises and such proposals are compatible with neighbouring land issues [that does] not give rise to, or continue, existing traffic or environmental problems. We cannot comment on the availability of the employment land supply, but former employment use is clearly not a total bar on retail development of this site. We do however note that although the proposal would generate retail jobs on this site, the store would not generate additional expenditure and there are likely to be job losses elsewhere in Trowbridge. Consequently, the Council should not give great weight to this argument”.

“Retail Impacts. The benefit of either of the proposals for the town centre arises primarily through the generation of linked trips. The Bottling Plant site was regarded as suitable for retail development with good links to the town centre by the First Secretary of State in his 2004 decision. That proposal did contain measures to improve the links including an active frontage on Manvers St to link the site with the primary retail area which are not part of the present proposal. We have expressed our concerns about the lack of visibility from the centre and legibility of the link. Nevertheless it is an easy walk which store is likely to generate a substantial number of linked trips.

“The Peter Black site is much less connected to the town centre, and the walk is either convoluted via the park or multi-storey car park, or via a very secondary commercial frontage. Both routes involve a walk past the St. Stephens Place site, which is uninviting. This situation is however, likely to change”.

“The distance to the primary frontage is greater than for the Bottling Plant site and with the smaller size of store, the Peter Black site is likely to attract fewer linked trips and provide a lesser benefit to the town centre in the current situation”.

“However, the benefits from the Bottling Plant site development would be concentrated on the northern centre edge of the primary shopping area and the entrance to the Shire’s Shopping Centre. Our assessment is that this is the strongest part of the centre at present and it is the southern edge of the town centre which is more in need of improvement. The Bottling Plant site proposal would tend to exacerbate this situation”.

"The link from the Peter Black site to the town centre can be expected to be improved in the future, particularly with the redevelopment of St. Stephens Place and the Waterside leisure development. The southern part of the town centre would benefit significantly from the Waterside Leisure development if it goes ahead. The development of the Peter Black site might encourage the development of the St. Stephens Place site. The expectation of greater footfall in that part of the town would tend to encourage a retail or other commercial use. However, the decision to go ahead on that site will depend far more on straight commercial considerations and the presence of a food store on the adjacent site is unlikely to be a major factor in that decision. The permitted scheme has not proceeded and is, in our view, unlikely to do so in that form now. Few developers would want to proceed with a retail scheme designed 4 years ago. The form of any development on the St. Stephens Place site and the way it will be linked to the town centre is, in our view, too uncertain at this stage to be given significant weight. Bearing this in mind, we believe that any benefits of the Peter Black site to the more general regeneration of the southern town centre is insufficient to outweigh the planning policy framework, which favours the Bottling Plant site or the benefits to the northern part of the town centre that that development would provide".

"To some extent these arguments were rehearsed at the earlier Inquiry, in relation to the St. Stephen's Place site. Although we do not agree with Inspector that the development of the site will take place because there was quantitative capacity, she also concluded that proposals at that time were at an early stage with many issues to be resolved and therefore concluded that the application at that stage should not be given significant weight".

"This report has been concerned only with the retail planning issues and we are aware that other considerations are also relevant. However, in terms of those matters on which we have been asked to comment, we conclude that the proposal for the Ushers Bottling Plant site is preferable to the development proposed on the former Peter Black site. We also conclude that planning permission should not be granted for both schemes."

After a challenge tabled by the abovementioned applicants at the April Committee meeting (dated 17.04.2008) at which point the Council was set to determine the planning application at the Ushers Brewery site, DPDS were asked for a response on the issues (criticisms) that they raised.

They concluded "We were asked to compare the merits of the two sites in terms of their impact on the town centre as well as considering the impact of both (originally conceived by your colleagues as likely to be negative) but there is no reason why the superiority of design of one over the other should indicate the grant of planning permission. Our recommendation that only one should be permitted was because, if both were permitted, we considered that there would be a serious risk that one or other, or both of the schemes, would not go ahead and that this would delay the development of derelict sites and the provision of other uses which the Council wished to see. This risk arises from the lack of expenditure in the catchment area to support two additional stores, competing for the same sector of the convenience market, in the context of two well-established and popular brand outlets.

"However your Council also has to have regard to its position at any subsequent appeal if it refused planning permission...I should perhaps made it clearer in my report that there is no need for the applicant on the Conigre site to demonstrate a need for the development because of the retail allocation in the Local Plan, whereas those on the Peter Black site are required to do so".

## OTHER STATUTORY CONSULTEES

*Internal:*

REGENERATION OFFICER:-This is a very challenging site to develop in isolation (from St. Stephen's Place) given the constraints imposed by its linear nature, proximity to the River Biss and the sewer. Against these factors, the applicant deserves credit for having put together a credible scheme.

The development of this site is supportable in regeneration terms – it being a high profile derelict brownfield site on one of the key gateways into Trowbridge the development of which would significantly improve the physical appearance of the town and contribute to its overall regeneration.

The proposals are consistent with the Urban Design Framework for Trowbridge in terms of design, massing, form etc and are welcomed for their attempt to engage with the River Biss and create an active frontage along it (in terms of A3 uses).

The engagement of Waitrose in the application is positive and their presence would I believe improve the quality of the town's convenience retail offer while generating wider consumer choice.

Notwithstanding any other issues and taken on their own merit, I am of the view that the proposals are supportable and consistent with the aims and aspirations of Transforming Trowbridge.

[Following the review of the County Council's policy consultation response, the Regeneration Manager identifies the following key issues:-]

### Brownfield Regeneration

The site is situated at a high profile location at one of the key gateways to the town (Cradle Bridge). It currently presents a highly visible image of dereliction at a key location in Trowbridge, an image that runs entirely contrary to the District, County and Town Council's aspirations for the town:

The aspiration to raise the profile, built environment quality and economic vitality of Trowbridge to a level commensurate with its status as the County Town of Wiltshire (Transforming Trowbridge Delivery Plan - 2007).

Given the constraints of the adjacent river and highway as well as the sewer, the development of this site was always going to be challenging. Clearly, for the site to be developed/regenerated there is a need to generate value and against the backdrop of a downturn in the residential market, the greatest value is likely to be achieved from a large floor plate retail development as a key element of a mixed use development, of the type proposed by Parkridge/Waitrose.

The delivery of the Vision for Trowbridge is a high priority for the District Council and its partners and the delivery of a major regeneration scheme on the Peter Black site will give the public, stakeholders and potential investors increased confidence in the town which in itself will create an environment where further development is likely to be attracted.

Moreover, there is the self-evident benefit that the delivery of a development on the site will see the regeneration of an unsightly and economically unproductive brownfield site to a visually engaging, vibrant commercial development.

### Quality of Offer

The development of a mixed use scheme, incorporating major convenience retail and A3 uses, will add significantly to the range and quality of choice in Trowbridge which currently has a limited offer, significantly lower than would be expected of a County town) and make a major contribution to the vitality and viability of the town centre through the potential for linked trips with other retail and leisure destinations.

### Synergies

The proximity of this development to the Waterside scheme has a number of regeneration benefits:

The redevelopment of the Cradle Bridge site would make a significant contribution to the regeneration of the southern edge of the town centre which is currently economically under active and of poor environmental quality and which is being partially addressed by the Waterside scheme. The build out of Cradle Bridge will complete the regeneration of this high profile southern boundary.

The two developments will link across Cradle Bridge providing a synergy of complimentary land uses – commercial and leisure at the Waterside site and convenience retail and residential at the Peter Black site, which could create the possibility of linked trips.

The Waterside scheme provides a further link to the town centre and the new Shires Gateway comparison retail development, thereby ensuring that these new developments do not exist in isolation from each other and the traditional town centre.

This would further strengthen the potential for linked trips and taken as a whole, the redevelopment would make a significant contribution to producing a coherent, legible, connected and vibrant town centre.

The redevelopment of the Peter Black site is recognised as being a vital and integral element in delivering this aim.

Both schemes (Waterside and Peter Black) view an engagement with the River Biss as a central element to their layout, design and overall offer. The approved Waterside scheme will create a fully accessible and landscaped route along the River Biss from the town centre leading to Cradle Bridge. The Parkridge scheme will continue and connect with this route and provide a high quality and accessible riverside walk linking back into the town park and the town centre, thereby completing riverside access from the town centre to the southern edge of town.

#### River Biss

A key element of the Parkridge proposals is the improvement of access to and the River Biss and its environment. A3 uses would actively engage with the river, positioned at either end of the mixed block fronting onto the Biss with a new twin decked riverside walkway being provided.

This would run from Cradle Bridge (where a pedestrian crossing will link with the river on the Waterside development side of Castel Street) to a new crossing point which would take people back to the town park with its route through to the historic centre.

Ecological improvements and robust landscaping are also proposed to make for an attractive riverside walk.

These proposals are entirely consistent with the policies and aspirations of the Council and its partners. The Urban Design Framework SPG for Trowbridge puts considerable emphasis on the significance of the River Biss and the opportunities it presents to become a focal point for development and access improvements in the town. It suggests that development should actively engage with the river and incorporate new opportunities for public access and environmental improvements.

It is apparent from the Parkridge proposals that these principles are central to the development and as such, they are warmly welcomed. It should also be noted that in partnership with SWRDA, the Council is working towards a Public Realm Design and Improvement Plan for the River Biss which will become an SPG later in the autumn of 2008.

While it does not possess much material planning weight at present, Parkridge have actively engaged with the development of this document and have demonstrated a willingness to adopt the emerging design principles for the public realm throughout their scheme. It is therefore submitted that the scheme would be consistent with the River Biss SPD when it is adopted.

## St. Stephen's Place

The Cradle Bridge site abuts the former Tesco site at St. Stephen's Place, located to the north. This site is entirely derelict and despite the best efforts of the Council has stubbornly remained undeveloped (despite a recent but now lapsed planning approval for a retail-led scheme) for a number of years. The development of the right scheme at St. Stephen's Place is viewed as being critical for the regeneration of Trowbridge and in connecting major development sites at the town's southern edge (namely the Waterside and Peter Black sites) with the historic town centre.

The importance of this site is further demonstrated by the recent Cabinet decision to pursue a CPO (compulsory purchase order) for the site, which should enable the Council to catalyse its regeneration into an economically and environmentally productive use.

The Parkridge development overlooks the derelict St. Stephen's Place site, which presents a highly unattractive and uninviting vista from the proposed riverside walkway and the residential and A3 uses.

Parkridge have indicated a willingness to link the two sites by a foot bridge, something the Council views as being critical in delivering connectivity and increasing the likelihood of linked trips to the town centre.

It is submitted that the Cradle Bridge site has the potential to "unlock" the development of St. Stephen's Place in a way that has not been previously possible and thus, notwithstanding its synergies with the Waterside scheme, it may have a critical role to play in delivering the comprehensive regeneration of the town centre.

## Conclusions and Recommendation

The Parkridge application proposals offer a range of strong regeneration benefits which can be summarised as follows:

- The regeneration of a high profile derelict brownfield site
- Diversifying the retail and leisure offer of Trowbridge
- Positive relationship with the Waterside Development
- Increased opportunity for linked trips to the Waterside scheme and the town centre
- Delivering the aspirations of the Trowbridge Urban Design Framework in terms of design quality and engagement with the River Biss
- Delivering the aspirations of the emerging River Biss SPD
- Creating the potential and rare opportunity to "unlock" the redevelopment of the St. Stephen's Place site
- Make a major contribution to the overall regeneration of Trowbridge and delivering the longstanding "Vision for Trowbridge"

On the basis of the overwhelming regeneration benefits of the Cradle Bridge scheme to the town centre as a whole, the application is fully supported.

**URBAN DESIGN AND CONSERVATION ASSISTANT:-**No objections raised in terms of the principle of the proposed uses and the layout.

**AFFORDABLE HOUSING:-** A 30% affordable housing should be provided at nil subsidy. This 30% should be broken down into 83% of units to be provided on site for general needs rented accommodation and 17% to be provided as a commuted sum for off site provision of shared ownership. The mix of these units should be discussed further along with identifying which Registered Social Landlord (RSL) would be most appropriate for the site.

**ENVIRONMENTAL HEALTH:-**No objections subject to the imposition of conditions.

TREE AND LANDSCAPE OFFICER: The application in its current form is unacceptable in tree and landscape terms and would be contrary to Local Plan policies C32 and C40.

The access off the roundabout into Mortimer Street will remain a main route into Trowbridge's centre. This should be a point of invitation or conclusion. Instead the area will be visually open, exposing hard and modern buildings. While I have no issues with any new build using modern construction methods and materials, I do strongly object to the limited use of trees to soften them.

Over the years Trowbridge, has been developed using many different styles. In the past, no regard appears to have been given to retaining the former tree-based character, and as a consequence, many trees have been lost.

An updated Arboricultural Method Statement (AMS) should include tree protection and tree management requirements for all trees to be retained both on and off-site.

In order to overcome the above concerns, the western edge of the site requires further attention by pulling back the building from the highway and new trees planted around the western boundary to be continued around to the River Biss and along the walkway from Mortimer Street.

HOUSING SERVICES: - Given the substantial housing need in Trowbridge (in the region of 726 households) there is a priority need. Given that the scheme proposes in excess of 25 residential units, there should be 30% affordable housing provided at nil subsidy.

This 30% should be broken down into 83% of units to be provided on site for general needs rented accommodation and 17% to be provided as a commuted sum for off-site provision of shared ownership. The mix of these units can be discussed / agreed at a later stage following any outline grant of planning permission.

*Neighbours:*

2 letter of support in favour of the application was received listing the following grounds:-

1. The scheme has been designed well as it totally fits in with the Urban Design Framework on the basis of it having a high quality public realm designed through the provision of parks, open spaces, bridges, public art and regular market/civic assembly spaces; the provision of housing, offices, retail and other mixed use development; and it is felt the development would create a new town character and enliven and add vitality at different times of the day.

2. The potential of Waitrose coming into Trowbridge is a massive coup, which demonstrates that the town is moving in the right direction. The town badly needs another supermarket or even two to compete with Tesco and Asda. Tesco has a monopoly on the town due to the higher end products it offers. To bring Waitrose in as well, is an opportunity which should not be missed.

3. The proposed ecological enhancement to the River Biss is welcomed. Opening up this area of the river to the public will fully develop its potential which would have great benefit for the town. A bridge across the river is considered important however to fully open this development up, allowing access to and from the park and also St Stephens Place. The bridge would provide an exciting linked development to the north and the town centre as a whole.

4. The applicants have a good track record with developments and through its commitment to the town with the Shires Gateway they can be trusted to deliver a good scheme.

5. The road layout and transport issues have been studied closely and no objection is raised. Most of the congestion is caused by customers of Tesco entering and exiting County Way. This proposal would alleviate the congestion by taking customers away from Tesco. As long as a new bus stop is created (perhaps at Cradle Bridge), access to the site by pedestrians would be achievable, which would again assist with reducing congestion.

2 letters of objection were received raising concerns about the application for the following reasons:-

1. There is not enough provision for parking.
2. The town already has two large stores (Asda and Tesco). The town could probably support a third store, but not a fourth.

## **NEGOTIATIONS / DISCUSSIONS**

The application has been the subject to regular discussions and meetings both prior to and following the submission of the application at the end of January 2008.

## **CONSTRAINTS**

Affects character of the Trowbridge Conservation Area  
Affects the setting of a Listed Building

## **POLICIES**

### Regional Spatial Strategy (RPG10)

|       |   |
|-------|---|
| VIS1  | Expressing the Vision                   |
| VIS2  | Principles for Future Development       |
| VIS3  | Achieving the Vision                    |
| SS2   | Regional Development Strategy           |
| SS3   | The sub-regional strategy               |
| SS6   | Other designated centres for growth     |
| EN4   | Quality in the Built Environment        |
| EC6   | Town centres and retailing              |
| HO1   | Levels of housing development 1996-2016 |
| HO3   | Affordable housing                      |
| HO5   | Previously developed land and buildings |
| HO6   | Mix of housing types and densities      |
| TRAN1 | Reducing the need to travel             |

### Wiltshire Structure Plan 2016

|     |  |
|-----|--|
| DP2 | Infrastructure                                     |
| DP3 | Development Strategy                               |
| DP4 | Housing and Employment Proposals                   |
| DP6 | Hierarchy of Shopping Areas                        |
| DP7 | New Housing at Towns and Main Settlements          |
| DP8 | Affordable Housing                                 |
| DP9 | Use of previously developed land                   |
| T6  | Transport - Development Management                 |
| T8  | Heavy Goods Vehicles Parking                       |
| HE2 | Other Sites of Archaeological or Historic Interest |
| HE7 | Conservation Areas and Listed Buildings            |

### West Wiltshire District Plan 1st Alteration

|      |                                    |
|------|------------------------------------|
| C7   | Protected Species                  |
| C9   | Rivers                             |
| C15  | Archaeological Assessment          |
| C17  | Conservation Areas                 |
| C23  | Street scene                       |
| C25  | Shopfronts                         |
| C31a | Design                             |
| C32  | Landscaping                        |
| C33  | Recycling                          |
| C34a | Resource Consumption and Reduction |
| C35  | Light pollution                    |
| C37  | Contaminated land                  |



|     |  |
|-----|--|
| C38 | Nuisance   |
| C40 | Tree planting  |
| E5  | Loss of Employment Floorspace                        |
| H1  | Further housing development in towns                 |
| H2  | Affordable housing                                   |
| H4  | Brownfield allocations                               |
| H24 | New housing design                                   |
| R4  | Open Space in new housing developments               |
| SP1 | Out of Centre Shopping                               |
| T9  | Bus services   |
| T10 | Car parking  |
| T11 | Cycleways  |
| T12 | Footpaths and bridleways                             |
| LE1 | Leisure and Entertainment                            |
| S1  | Education  |
| TC2 | Traffic Management and Pedestrian Priority           |
| TO3 | Hotels, Guest Houses and Self Catering Accommodation |
| CF1 | Community Services                                   |
| U1A | Foul water disposal                                  |
| U2  | Surface water disposal                               |
| U4  | Groundwater Source Protection Areas                  |
| I1  | Implementation                                       |
| I3  | Access for everyone.                                 |

#### Supplementary Planning Guidance

Design Guidance – Principles (adopted July 2004).

Residential Design Guide (adopted November 2005).

Affordable Housing (adopted July 2004).

Open Space Provision in New Housing Developments (adopted Aug 2004).

Urban Design Framework (adopted Sept 2004).

Trowbridge Town Centre – Conservation Area Character Assessment (adopted Feb 2006).

The Emerging Wiltshire Strategic Flood Risk Assessment (WSFRA) the draft report of which was prepared by Scot Wilson and published in Oct 2007.

West Wiltshire Community Strategy 2004-2014.

West Wiltshire District Council Corporate Plan 2005-10.

#### National Planning Policy Guidance / Statements:

PPS1 Delivering Sustainable Development

PPG3 Housing

PPS6 Planning for Town Centres

PPG13 Transport

PPG15 Historic Environment

PPG16 Planning and Archaeology

PPG17 Sport and Recreation

PPG23 Pollution Control

PPG24 Noise

PPS25 Planning and Flood Risk

### **RELEVANT PLANNING HISTORY**

Lengthy planning history relating to warehouse extensions and associated works, none of which are considered relevant as far as this application is concerned.

### **KEY ISSUES**

Key to the determination of this application is whether the proposal complies with development plan policy and whether there are any material considerations to outweigh policy. The main issues in this application are -

- planning policy - regeneration and retail issues,
- flood risk and ecological interests;
- highways and transport issues;
- character and appearance of the area and how the proposal relates to the Listed Buildings and Conservation Area;
- amenity;
- contaminated land;
- affordable housing;
- education contributions;
- public open space and landscaping;
- ecology; and,
- sustainability

## **OFFICER APPRAISAL**

### Planning Policy - Regeneration and Retail Issues

The mixed-use redevelopment of the former Peter Black site would make good use of a vacant brownfield site located close to the town centre. This edge of centre site will, when redeveloped represent a logical and cohesive extension to the town centre of Trowbridge and it is submitted that the proposals would follow the aspirations of the adopted UDF and the Development Plan.

It is also argued that the loss of the existing, but vacant employment floor space would be compensated by the creation of new mixed-use employment.

As with the application site located to the north east of County Hall, which obtained permission at the 6th March planning committee, this site is considered to be a key vacant regeneration site located near to the town centre which will contribute jobs predominantly in the retail and hotel sectors. It is recognised that the proposal would not contribute any B1 uses (offices), but there would be new employment created on a vacant brownfield site. It should also be noted that given the length of time the site has lay vacant/derelict, the Council must recognise that there may not be the market demand for such employment land.

The dereliction of a site near to the town centre is a material consideration, and if, as there appears to be, no demand to utilise it for employment use, the Council must acknowledge the market conditions, and assess potential for alternative uses. In this regard, the UDF for Trowbridge outlines that the site could be developed for alternative commercial uses, and these should be given due consideration.

Local Plan Policy E5 stresses that “applications involving the loss of existing employment floor space, including proposals for retail development, will only be permitted where the following criteria are satisfied:

- (i) there is an adequate supply and mix of genuinely available land and premises elsewhere in the locality for employment uses;
- (ii) such proposals are compatible with neighbouring land uses and do not create bad neighbour uses; and,
- (iii) such proposals do not give rise to, or continue existing traffic or environmental problems”.

Notwithstanding the conclusions reached by DPDS in respect of the retail assessment, it is submitted that the proposals appear to accord with the over-riding objectives of the Trowbridge Urban Design Framework, which sets out the following key aim:-

“Trowbridge needs to attract new leisure facilities, shops, and businesses. Developers are needed to invest in the town, and both public and private sector organisations should be encouraged to base themselves here and develop Trowbridge as an attractive and economically successful county town”.

Following the completion of the Retail Assessment by DPDS and its review, one could argue that there is no actual demonstrable need for additional convenience floor space in Trowbridge. However, the Council is tasked with looking at the bigger picture in terms of facilitating regeneration in Trowbridge, and Members will be well aware that application proposals on sites in or near to town centres are subject to a long list of policy assessments, some of which have competing objectives (as the policy context list above details), and in such areas, the Council needs to consider what the critical issues are and decide what degree of weight needs to be attached to the contribution the proposal would make to the improvement of the town centre, as well as consider any negative impacts.

Notwithstanding the concerns raised by the County Council policy planning officer, this site is recognised as being a high-profile derelict brownfield site on one of the key gateways into Trowbridge town centre, located near to other key regeneration sites; and it is argued that redeveloping the former Peter Black site, could encourage and facilitate further regeneration development in the surrounding area, including the St. Stephen Place site (located on the northern side of the River Biss). There is little doubt that the development would significantly improve the physical appearance of the town and contribute to its overall regeneration.

Rather than look solely at the “need” for a food store, the Council must look at the bigger picture and recognise the mixed-use development proposals put forward by Parkridge/Waitrose and embrace a high quality development that would bring a major retailer to the town (that is not currently represented in West Wiltshire) and reinvigorate a site that has remained derelict for the past 7 years.

Whilst the County Council planning policy officer’s reservations are duly acknowledged, your officers submit that the regeneration of this site is key to the future success of the town. Your officers agree with the applicant’s agent in identifying the site (along with the Waterside scheme and the St. Stephen’s Place site) as being inter dependant, and from the details provided, the scheme should be a highly sustainable, high quality properly integrated development that should contribute greatly towards the regeneration of the southern part of Trowbridge town centre.

The continued priority placed by the Council on redeveloping the St. Stephen’s Place site is of material importance and your officers submit that this proposal would have more positives than negatives.

It must be recognised that the irregularly shaped site is not a straight forward site to redevelop. The River Biss - to the north and County Way - to the south set challenging constraints in terms of delivering a scheme that satisfies policy objectives promoting a mixed-use redevelopment that stacks up financially (from a development finance perspective) and overcomes infrastructural difficulties and satisfies ecological interests.

In the 2007 publication “Can Retail Development Prime Wider Regeneration?” by the Centre for Urban and Regional Studies at the University of Birmingham a case study concluded that “retail development can prime wider regeneration, but only as [part of a wider framework that incorporates other types of development such as suitable and adequate transport provision, housing development, education and health facilities and a range of employment opportunities...and that effective partnership working is critical in bringing about wider regeneration opportunities” (Town & Country Planning Vol. 76. No. 9 pp 316-317).

Whilst acknowledging the conclusions reached by the consultants DPDS and the County Council policy view, your officers submit that there are “adequate overriding considerations” to support this proposed mixed-use redevelopment of the former Peter Black site which would facilitate further regeneration in the immediate locality and to Trowbridge as a whole, which is seen as of critical importance both at a macro and micro planning level. Had this application been solely for a food store, the recommendation would have been different. The proposed mix of uses is considered acceptable which would offer the local population of Trowbridge and West Wiltshire as a whole more shopping options as well as a 60 bed hotel. Ultimately and notwithstanding the conclusions reached by DPDS, the market will decide whether there is any demand or need for another food store in Trowbridge.

Development Plan policy TO3 states that proposals for a new hotel, guest house or other serviced and self catering accommodation for visitors within the built up area of Trowbridge will be permitted provided that it is limited in scale, design, siting and materials of any buildings are sympathetic to the character of traditional buildings in the area. At this outline stage, the finishing materials are not subject for consideration, but having thoroughly assessed the indicative plans, it is submitted that the development would not harm the amenities enjoyed by occupiers of adjoining properties.

The highway authority reports that through appropriate modelling, the transport issues can be resolved so that the development is readily accessible by foot, bicycle and public transport. The highway authority reports that the development makes adequate provision for car parking and access, and after lengthy negotiations, the Environment Agency concludes that the development would not harm the natural environment including the water environment nor be subject to an inappropriate level of flood risk provided that adequate infrastructure and flood risk management is confirmed.

At this stage it is only possible to confirm that the application site represents an appropriate sustainable location for hotel development. Other considerations will be addressed at the reserved matters stage. Given its location it would potentially be well served by public transport. The design of the proposal will be addressed at the reserved matters stage.

Whilst the formation of another food store would add further competition (which is not material grounds to refuse a planning application), the mixed-use development should not have any significant negative connotations (providing all the above listed assessments are followed through with the implementation of appropriate mitigation measures where applicable).

The combined impact of the various proposals in the UDF on Trowbridge town centre and surrounding towns in the catchment area was assessed in a study by Roger Tym and Partners in September 2004. In summary, the study concluded that in the light of loss of trade and employment since 1990 the town centre is fragile and needs to renew itself. The comparator towns of Warminster, Westbury and Devizes all grew strongly during this period. Furthermore the study concludes that the combined planned development sites in the UDF, including the former Peter Black site is needed to ensure that Trowbridge does not fall further behind compared with neighbouring economies in the sub region. There is virtually no impact on the other towns in West Wiltshire and minimal impact on any other centre.

Trowbridge is a town which has a population of around 35,000 and represents the largest urban area within its sub region. Typically sub regional centres such as Trowbridge can be expected to have a catchment area of a 15-20 minute drive time for convenience goods and up to 30 minutes for comparison goods and commercial leisure. The 30 minute drive time catchment has a population of 363,000 but this includes most of Bath as well as Chippenham, Melksham, Devizes, Westbury, Warminster, Frome and Radstock/Norton. The precise catchment population and spending available will depend upon the relative size, range and attractiveness of facilities within competing centres within these isochrones. Higher order commercial centres such as Bath, Bristol and Swindon will have a greater sphere of influence whereas centres lower in the commercial hierarchy will have more limited catchments. When an individual centre has a particular facility or commercial advantage not offered elsewhere, the typical pattern can be distorted, but this is rarely of much overall significance.

#### Flood Risk and Ecological Interests

Following the submission and review of the revised FRA (revision D - dated May 2008), the Environment Agency is satisfied that all flood risk issues can be dealt with at the detailed design stage and by planning condition. Given this assurance provided by the Environment Agency, your Officers are also satisfied that flood risk mitigation can be addressed by the discharging of relevant conditions.

Planning Policy Statement 25 (PPS25) sets out the Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall. In the light of the scale of the proposed development, the existing uses and the planning history of the site.

PPS25 confirms that flooding and its impact on the natural and built environment are material considerations. It clarifies the sequential test that matches types of development against their vulnerability to degrees of flood risk and emphasises the need to carry out flood risk assessments.

As far as the sequential test is concerned, officers have previously given a written undertaking to the applicants stipulating that there are no other sites in Trowbridge capable of accommodating the proposed development. Your officers are satisfied that there are no sequentially preferable sites for the purposes of PPS25. In reaching this conclusion, your officers referred to the emerging Wiltshire Strategic Flood Risk Assessment, in accordance with advice from the Environment Agency.

The application site is identified as being within EA Flood Zone 2 and partially in Flood Zone 3 (West Wiltshire Sources of Fluvial Flooding Figure 3a). In accordance with advice in PPS25, Appendix D, it is recognised that within Flood Zone 2, developers and local authorities should seek opportunities to reduce the overall level of flood risk on these areas through the layout and form of the development, and the appropriate application of sustainable drainage techniques. In this regard, the applicants have fully considered the level and implications of flooding on the site (through the publication of a flood risk assessment) and have concluded that the site and proposals satisfies the exception test and that the site would provide wider sustainability benefits which outweigh flood risk. The proposal would deliver a scheme to enable the river corridor to be opened up and natural flood pathways to be restored, improve water habitats and biodiversity.

The proposals are deemed to satisfy the 1 in 100 year flood event test and that the development proposals would not increase flood risk elsewhere. In addition, it should be noted that vulnerable uses (i.e. residential uses) would be provided on the upper floor levels, as well as having in built measures to protect all future occupants from the risk of flooding.

If Members are minded to grant outline permission, it is recommended that the approval should be subject to planning conditions regarding surface water management, flood risk handling and flood water conveyance and storage and the provision of sustainable drainage systems.

#### Highways and Transport Issues

At the time of the preparation of the report, highways issues in respect of the site had not been fully resolved to the satisfaction of the Highways Authority. There remains a need for additional work to be undertaken and this is summarised in the consultation response from the County Highways Authority set out above.

Whilst this is less than satisfactorily, the highways authority has at least recognised that a solution to highways issues will ultimately be able to be found to accord with PPG13 and the associated Development Plan policies.

In the circumstances, and as was the case with the application at land to the north east of County Hall (reference 07/03724/OUT), it is recommended that should Members agree with the recommendation, permission be granted at a future date, following the satisfactory completion of highway modelling and assessment work.

## Impact on Listed Buildings and the Conservation Area

The proposed scheme would have a positive impact on the adjacent Conservation Area. The indicative scale, massing and range of building blocks would complement the indicative redevelopment that was approved for the Waterside scheme at land north east of County Hall in March 2008. In addition, the proposals would not have any detriment impact on the setting of listed buildings neighbouring the site.

## Amenity and Access

Redeveloping the riverside, which is identified as an important natural corridor is in need of ecological enhancement, offers great opportunities through the creation of a boulevard to provide a pleasant public space. The ecological enhancements and the future provision of an important foot bridge would create an important link between Cradle Bridge, the park and the Shires Shopping Centre.

From the details provided, the site would be developed with a lot of attention attached to amenity issues. A robust planting scheme is proposed along with an interesting mix of public realm details, which would create an inviting public space. If the scheme can be accommodated within the town centre CCTV system, the site should also be a safe and secure area.

It is also submitted that with the redevelopment of the land to the north east of the County Hall, the further enhancement of the riverside would create a new focal point for the town and help reconnect the river with the town centre, aspects which the UDF identifies as current weaknesses.

## Contaminated Land

An initial site investigation has revealed limited levels of ground and water contamination and concluded that as the residential use would not be provided at ground floor level, there is no direct exposure pathway or human health risk.

That said, it is recommended that a planning condition be attached to any grant of planning permission requiring additional groundwater sampling and if applicable, a detailed quantitative risk assessment.

## Housing

The application site is an appropriate location for residential development. It is a sustainable brown field site where guidance and policy at all levels states that housing development should be concentrated.

The proposal will make provision for 46 flatted residential units in the first phase. No reference is made to the provision of affordable housing within the planning submission, but the applicants agent was made aware of the need for affordable housing provision at an early stage in the planning process, and should Members be minded to agree with the recommendation, this issue could be dealt with through a S106 Legal Agreement, to be signed off by the Development Control Manager.

## Education Contributions

The lack of capacity at the local designated schools (i.e. Paxcroft Primary and Clarendon College) means that a new school is required to meet the growing demand for school places, and as with other approved residential schemes, the developers will be subject to making a financial contribution towards school places. In this particular case, 8 primary places and 6 secondary places are required at an estimated levy of £172,242. If Members are minded to approve the application, this shall be covered by a S106 legal Agreement.

## Public Open Space and Landscape provision

Development Plan policy requires an appropriate provision of public open space for proposals of ten or more dwellings. In this case, the provision of open space has been considered in the context of the requirements of the Trowbridge UDF. This places particular importance on the improvement of the walkways on either side of the River Biss. It should be noted that similar public space analysis was given to the approved mixed-use redevelopment of land to the north east of County Hall, which was accepted by the planning committee on 6 March 2008 in respect of application reference 07/03734/OUT.

However, given the lack of any proposed formal or informal children's play facilities within the site (which would not be ideally suited to a mixed-use development site in any case), it is recommended that if the application is approved, the developer should make a contribution towards the improvement of local existing facilities, which should be secured by a S106 Legal Agreement.

It is noted that the Council's Tree and Landscape Officer is not completely satisfied about the amount of proposed tree planting to be planted around the western edge of the site along Mortimer Street and alongside the riverside. In his report, he recommends that the flatted building be pulled back further from the highway to enable additional tree planting. However, it is submitted that there would be sufficient compensatory tree planting provided along County Way (which would make up for the loss of the London Plane trees which would be lost through the approved development on land located to the north east of the County Hall (under planning reference 07/03734/OUT)). It is further submitted that the associated ecological enhancements along the riverside with a robust native tree and shrub planting scheme on the northern side of the site would create a vibrant boulevard and attractive public space.

Whilst the desire for additional tree planting around the western edge of the edge is fully understood, the Council must appreciate the wide range of competing objectives on this site, which is physically difficult to develop due to its long narrow shape. The western edge of the site has been carefully designed which reflects a frontage that was adopted on the waterside proposal, and it is submitted that in combination, the two sites would create an attractive entry to the town centre off County Way.

The applicant's agent further submits that there are specific physical (the Cradle Bridge structure) and technical (Environment Agency access requirements to the broad walk) reasons as to why tree planting cannot continue around the western edge of the site.

## Ecology

The ecological survey undertaken by Faulks, Perry, Culley & Rech in January 2008 is accepted by the Wiltshire Wildlife Trust, who agree with the recommendations to undertake further badger, bat and water vole surveys (prior to the commencement of any works on site) to establish whether any protected habitats would be affected by the development proposals.

Several planning conditions are recommended in the interests of protecting species, enhancing biodiversity and securing robust environmental controls (e.g. through the formulation of an environmental management plan).

## Sustainability

The application proposal will deliver sustainable development in the following key respects. It will result in significant regeneration of a town centre site. It will improve conditions for pedestrians by upgrading the environment around the River Biss and linkages between the town centre and County Hall.

The proposed commitment to achieving Level 3 of the Code for Sustainable Homes is supported, and in so doing, it will comply with the requirements of Policy C34 which requires energy efficiency.

## Conclusion

This proposal represents an important stage in the process of regenerating this previously developed site. It is acknowledged that as an outline application much of the detail of this proposal is yet to be determined (as far as the detailed design and external appearance of the buildings are concerned). However, the proposal has been subject to lengthy negotiations which has led to the submission of a set of proposals which are consistent with the principles of the Development Plan policy and the Trowbridge UDF and while there are matters of detail which need to be resolved, there are no material considerations which have been identified to outweigh this policy consideration. The regeneration arguments in favour of the proposal are strong and your officer's recommend that authority be delegated by Members to the Development Control Manager to secure this vital development for Trowbridge.

For the avoidance of any doubt, outstanding issues can be addressed by relevant conditions and legal agreements and if they cannot, then the Development Control Manager will bring the report back to the Planning Committee with a revised recommendation.

## **RECOMMENDATION**

That the Development Control Manager be authorised to issue the decision on completion of a Legal Agreement and the resolution of issues outlined in the recommendation.





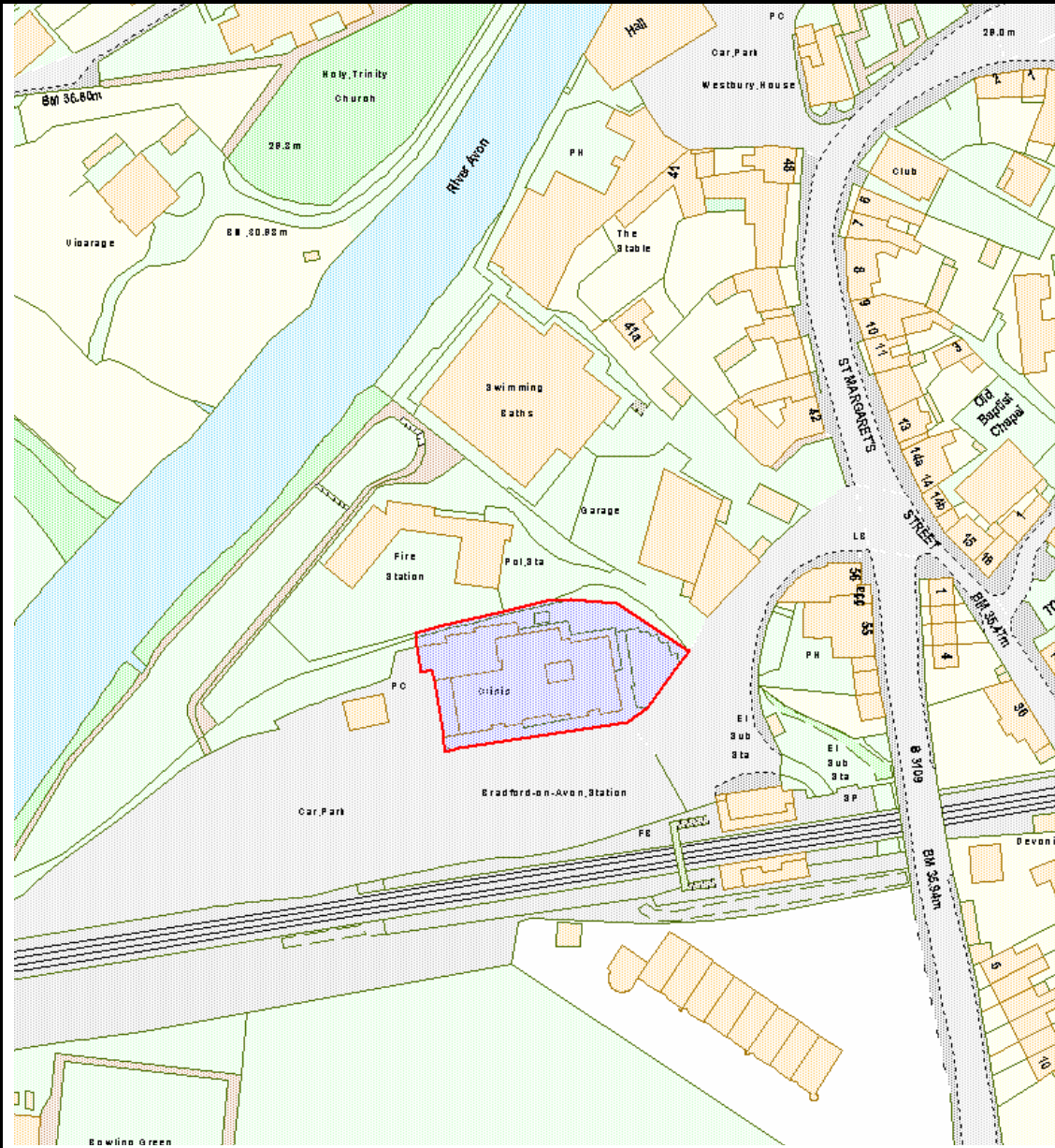
# PLANNING COMMITTEE

19 June 2008

ITEM NO: 03

APPLICATION NO: 08/01149/FUL

LOCATION: The Health Centre Station Approach Bradford On Avon Wiltshire BA15 1DQ



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SLA: 100022961

**03 Application: 08/01149/FUL**

**Site Address: The Health Centre Station Approach Bradford On Avon  
Wiltshire BA15 1DQ**

Parish: Bradford On Avon Ward: Bradford On Avon South  
Grid Reference 382466 160712  
Application Type: Full Plan  
Development: Two storey extension and first floor extension to existing health centre (renewal of 01/01263/FUL)  
Applicant Details: Dr's Gough, Heffer, Patrick, Wyatt, Tees, Paterson, Chisnall  
The Health Centre Station Approach Bradford On Avon Wiltshire BA15 1DQ  
Agent Details:  
Case Officer: Mr Kenny Green  
Date Received: 14.04.2008 Expiry Date: 09.06.2008

**JUSTIFICATION FOR RECOMMENDATION:**

**The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.**

**RECOMMENDATION: Permission**

**Condition(s):**

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 No development shall take place until proposals for the landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels.

Upon approval:

\* The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

\* all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

\* the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and

\* the whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C32 and C40.

3 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

4 To enable the Local Planning Authority to ensure that these integral and essential features of the development are in existence when they are needed, the parking spaces shown on the approved and certified plan, together with any access thereto, shall be provided concurrently with the development to which they relate.

REASON: To ensure that appropriate parking spaces are provided for the development.

5 In the interests of highway safety, prior to the use of the proposed extension a 2m wide footway shall be provided across the site frontage, within land forming part of the public highway.

REASON: To safeguard pedestrian safety.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to the planning committee because the Town Council objects to proposals contrary to your officer's recommendation.

This is a full planning application seeking to renew planning permission granted under 01/01263/FUL (at the planning committee meeting dated 14.02.2002) for a two-storey extension and first floor extension to the existing health centre in Bradford on Avon Station car park.

As with the previous (approved scheme), the applicants wish to split the development into two phases. The first phase would consist of constructing the two-storey building on the eastern side of the health centre. The second phase would comprise the first floor extension over the facility.

The two-storey extension will contain on the ground floor an entrance and waiting area, a chiropodist room, together with an administrative room and interview area. The first floor will provide an office for Social Services and a Manager. This part of the site currently contains a small parking area for 8 vehicles which will be replaced with a parking area for 6 vehicles at the front of the building. Three small trees will be removed in the process.

A new pavement link from the back of the surgery to the pavement further to the east will be provided in front of the car park.

The first floor extension will be over the rear portion of the existing facility and will contain additional office space plus rooms for the District Nurses and Health visitors together with a common room, toilets and an upper plant room.

The proposed external materials are as follows:-

Phase 1.

Ground Floor Level – Bath stone ashlar with feature window surrounds and string course.

First Floor Level – Stained hardwood horizontal boarding with cream colour render under the eaves.

A low pitched roof in stainless steel coloured non-reflective lead grey.

Coloured aluminium vertically shaped windows with solar shading louvre panels on the first floor.

Phase 2.

First Floor Level – Bath stone ashlar at the low level support. Horizontal hardwood boarding on the front and part of the sides. Cream coloured render to the rear walls.

A low pitched roof in stainless steel coloured non-reflective lead grey.

Coloured aluminium horizontal shaped windows to match the windows below with solar shading louvre panels.

Members are reminded that during the processing of the previous application, negotiated changes were made to the elevations to alter the window design, remove aluminium cladding from the external walls and replace it with render, provide a new pavement along the front of the building and enhance the setting of the building with tree and shrub planting.

In support of the application, a statement is provided by the Health Centre practice.

This statement reads as follows:-

The Health Centre is well placed to offer 'one-stop' health provision for Bradford on Avon due to its location close to the town centre, alongside the main car park and train station, and close to all bus routes. This position is unique in a town where most other areas struggle with congestion and have limited scope for development.

Options have been considered for extra building space within the tight site boundary:

- First priority is space for community nursing and Social Services, to accommodate current staff to acceptable standards and provide new childcare and mental health care services in partnership with Social Services. The required 2,050 sq. ft. two-storey extension will fit onto the remaining undeveloped site area east of the building and incorporate the necessary separate entrance, reception and first floor disabled lift access.
- The other priority is space for new services such as a nurse assessment sessions and extra consulting rooms linked to the current provision. Being a single storey building in a traditional two-storey + townscape, there is scope to add 2,580 sq. ft. first floor accommodation, to relocate general office, storage, administrative and staff support facilities close-by and release valuable ground floor for new health care services.
- A further option to maintain a single storey building was considered, by looking to acquire additional land. This style of "ribbon development" however is not suitable, placing support services at one end well away from core activities which would not be viable due to the physical constraints of the site, loss of parking and added costs involved with acquiring additional land, which would involve demolishing and rebuilding public toilets.

The visual impact of the proposed building has been looked at in context of the surrounding area. There is rising ground behind the building with mature trees in place and a distant backdrop of the hills beyond which will remain above the new two storey element. The result is that no change would be made to the skyline with a very limited view of the building from the surrounding area.

Members are further advised that following the approval of application reference 01/01263/FUL, the applicants entered into a legal agreement with Wiltshire County Council (under Section 106 of the Town and Country Planning Act 1990) relating to highway works.

## **SITE VISIT / STATUTORY NOTICES**

The site was visited and two site notices were displayed (on the western and eastern sides of the facility) on 25.04.2008.

## **CONSULTATIONS**

### *Parish / Town Council*

Bradford on Avon Town Council - Welcomes an extension to the present building however, the objection the town council made on 12.02.02 still applies. An improved design would also be desirable:-

The Town Council recommends refusal on the following grounds:-

1. It contravenes the District Plan. Policies that apply to this proposal are C18 and C19.
2. As previously stated timber boarding will require substantial maintenance and is not a good choice. Experience shows that timber boarded buildings rarely have the degree of maintenance necessary to maintain quality. Timber boarding is very much a current fashion and the design of the building is likely to appear dated in due course.
3. The fact remains that the enlarged Health Centre will be a large and prominent building and the choice of materials is of major importance. The colour, texture reflectivity and weathering characteristics are all significant in determining how the building will be seen. The information submitted to the Town Council is still not accompanied by a design philosophy or supporting statement and the architect should be asked to justify his claim of blending materials and colours with their setting. The alteration to replace the previously proposed aluminium faced panels with cream coloured render deals with only a small part of the materials question.
4. The choice and colour of materials is not considered satisfactory for such a prominent building in the centre of Bradford on Avon's Conservation Area. Additional research should be undertaken to find materials that will blend with their setting, with specific reference to colour and texture, and these materials should be of low maintenance".

Bradford on Avon Preservation Trust – Recommends refusal (in agreement with the Town council's reasoning). In addition, the Trust is deeply concerned by the proposed "stainless steel" roof, which would be visible from above".

### *External*

Highways – No objection is raised on the grounds that the Health Centre is located within the station car park and in close proximity to the town centre. It is accessible by alternative modes of travel to the private car, such as walking, cycling and public transport. The proposal would not impact on the highway.

English Heritage – Does not wish to make any representations on this occasion.

### *Internal*

Conservation Officer – This is a renewal application and therefore has no alterations to the previously approved scheme. I have no comments to add to those of my predecessor dated 13.02.2002.

[The previous comments by the Conservation Officer were as follows:-

Following the receipt of amended plans (received on 30.10.2001) some good quality planting will help to mitigate the new development proposed and in particular help to soften the impact of the phase 1 building and the views from the main road of the second phase of building. I am happier with the amended details of the windows and I feel the proportions of these reflect the architecture of this part of the building better and will allow for visual continuity between the two end parts of the scheme.

Phase 2 will then stand out as a completely different architectural concept which is bolder and more radical than the phase 1 scheme. The phase 1 windows will contribute towards producing a more intimate and domestic scale of architecture which will be very visible from the main road and there I feel more appropriate to the conservation area.

I accept that the materials in general can be justified in this instance in order to allow for a more modern approach to be taken to the design of this scheme and following the removal of the aluminium cladding to the external walls on 22.01.2002, the use of render would help give the extension a more traditional feel without compromising the contemporary design].

Neighbours – No third party representations received.

#### *Advertisement*

The application lies within Bradford on Avon Conservation Area has been publicised by site notice and press advertisement which elicited no responses.

### **NEGOTIATIONS / DISCUSSIONS**

None.

### **CONSTRAINTS**

Conservation Area.

### **POLICIES**

Wiltshire Structure Plan 2011

DP1 – Priority for sustainable development

DP4 – Housing and employment development concentration

HE7 – Development proposals should preserve or enhance the character of conservation areas

West Wiltshire District Plan 1st Alteration (2004) Policies:-

C18 - New Development in Conservation Areas

C19 – Alterations in Conservation Areas

C31A – Design

C32 – Landscaping

CF1 – Community Facilities and Services

PPS1 – Delivering Sustainable Development

PPG15 – Planning and the Historic Environment

### **RELEVANT PLANNING HISTORY**

01/01263/FUL – Two storey extension and first floor extension to existing health centre – Approved 26.06.2003.

### **KEY ISSUES**

Planning history for the site – noting the Committee's decision to approve application reference 01/01263/FUL.

Planning policy

### **OFFICER APPRAISAL**

The need for new health care related facilities in Bradford on Avon are duly noted and act as a material consideration (as they did in 2002).

This application seeks to renew a previous approval, and since the design and detailing of the proposed development has not changed, the recommendation remains supportive.

Government Guidance with regard to renewal of planning applications is that these should only be refused where there has been some material change of planning circumstances since the original permission was granted. Such as a change in the relevant Planning Policy for the area or if the proposal is materially different in any other way to the original.

Although the previous application was considered against the West Wiltshire District Plan 1996 and the current proposal is being considered against the 1st Alteration dated 2004 there have been no material changes in Planning Policy affecting this development. Furthermore, there has been no change in government guidance contained within PPG15 - Planning and the Historic Environment dated 1994 and the design is identical to that which was previously approved.

There is therefore no material change in circumstances such as Planning Policy or government guidance which would justify an alternative recommendation.

For the avoidance of any doubt, and despite the Town Council's and the Bradford on Avon Preservation Trust's objection, the development is in keeping with the Conservation Area in respect of scale, design, access, highways, parking provision and environmental considerations (e.g. landscaping).

The use of the contemporary design, using materials such as a stainless steel roof, is fully supported by officers, as it was back in 2002. The fenestration detailing would lighten the impact of the second storey element and allow for greater window reflectivity, which is fully supported. The roofing material will have a low impact and the use of the render and the timber boarding on the external walls are considered satisfactory in terms of Local Plan policies C18, C19 and C31A.

There is no presumption against modern design within the Local Plan and indeed it could be argued that modernist approaches to design should be embraced even in conservation areas to ensure that our communities remain vibrant and interesting. Your officers do not agree with conclusions reached by the Town Council or the Preservation Trust, but instead, would submit that the proposal would preserve and enhance the character and appearance of the conservation area and at the same time, allow a significant improvement in the health services delivered from the Health Centre.

It is also considered worthy of note to mention that during the processing of the previous application, the Corporate Director of the Council negotiated the changes that were ultimately approved at planning committee and stressed the importance of working in partnership to develop community health in the District and identified this proposal as fulfilling a corporate objective of the Council to deliver considerable benefit to Bradford on Avon and the surrounding area as far as health service provision is concerned.

The loss of two parking spaces is not listed as a concern.

The provision of a footpath along the site frontage would benefit pedestrian movement. The fact that the applicants have concluded a Section 106 legal agreement is duly noted.

Some additional tree and shrub planting at the site frontage and in the proposed car park will help merge the proposed extension into the townscape, and if Members are minded to approve the application, a planning condition requiring submission of a landscaping scheme would be required.

## **RECOMMENDATION**

Permission.





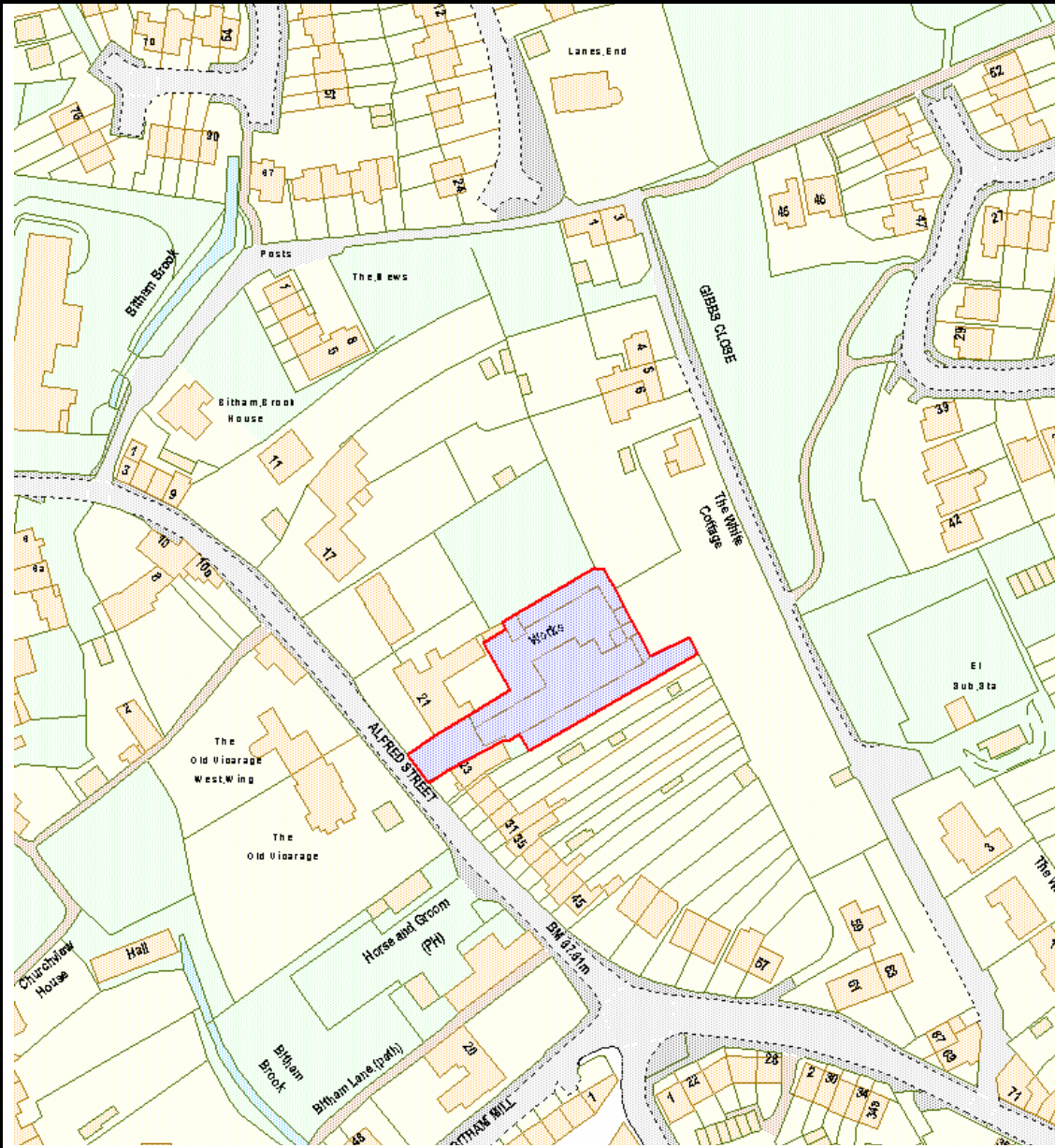
# PLANNING COMMITTEE

19 June 2008

ITEM NO: 04

APPLICATION NO: 06/03597/FUL

LOCATION: Lotz Abbott Works Alfred Street Westbury Wiltshire  
BA13 3DY



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SLA: 100022961

**04 Application: 06/03597/FUL**

**Site Address: Lotz Abbott Works Alfred Street Westbury Wiltshire BA13 3DY**

Parish: Westbury Ward: Westbury Laverton  
Grid Reference 387551 151502  
Application Type: Full Plan  
Development: Partial demolition of curtilage buildings and conversion/adaptation of retained building group, together with erection of new building to provide 8 new dwelling units  
Applicant Details: Mr C Atkinson  
C/o LPC (Trull) Trull Tetbury Gloucestershire GL8 8SQ  
Agent Details: LPC (Trull) Ltd  
Trull Tetbury Gloucestershire GL8 8SQ  
Case Officer: Mrs Judith Dale  
Date Received: 24.11.2006 Expiry Date: 19.01.2007

**JUSTIFICATION FOR RECOMMENDATION:**

**Notwithstanding highway concerns, the proposed development would preserve and enhance the character and appearance of the conservation area, ensure the retention of curtilage listed buildings, enhance existing residential amenity and would have no detrimental impact on the street scene.**

**RECOMMENDATION: Permission**

**Condition(s):**

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 3 Details of the proposed conversion of the existing buildings, including sections, full schedules of repair, full structural and construction details, external appearance and finish, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The works shall then only be carried out in accordance with those approved details.

REASON: To ensure the character and appearance of the listed building is conserved.

- 4 Details of the proposed modification to the eastern boundary wall, including sections, full schedule of repair, full structural and construction details, and means of attachment and support for any new structure or dwelling shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To ensure that the character and appearance of this listed building is conserved.

- 5 All existing materials in any part of the boundary wall which shall be repaired, dismantled or rebuilt as part of the development shall be carefully dismantled, set aside and stored in a safe place for re-use in the works to the rebuilding and repair of these walls.

REASON: To ensure that the character and appearance of the listed building is conserved.

- 6 Before any building or rebuilding of any part of the boundary wall is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing for the approval in writing for the Local Planning Authority.

REASON: To ensure that the character and appearance of this listed building in its setting is conserved.

- 7 Details of the siting, design, external appearance of all new fences, railings, gates, bollards and other means of enclosure shall be submitted to and approved in writing to the Local Planning Authority prior to their construction. The works shall then only be carried out in accordance with those approved details.

REASON: To ensure that the character and appearance of the Conservation Area is conserved.

POLICY: West Wiltshire District Plan 1st alteration 2004 - Policies C17 & C18

- 8 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 9 The parking spaces shown on the approved plan together with any access thereto, shall be provided concurrently with the development to which they relate and shall be maintained as such thereafter.

REASON: To ensure that any adequate for parking and/or services is available in the interests of highway safety.

- 10 All first floor windows in proposed unit 5 and all south-facing windows in proposed units 6 and 7 shall be obscure glazed prior to the first occupation of the relevant units and shall be maintained at all times thereafter.

REASON: In the interests of amenity and privacy.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C38.

- 11 Details of the proposed windows and/or window treatment in the existing openings in the ground floor of the proposed Unit 5 shall be submitted to and approved in writing by the Local Planning Authority before commencement of that part of the development. The development shall be carried out in accordance with those details.
- REASON: In the interests of amenity and privacy.
- POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C38.
- 12 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order with or without modification, no windows or doors, other those hereby permitted shall be added to the elevations of the development hereby permitted.
- REASON: In the interests of amenity and privacy.
- POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C38.
- 13 No development, hereby permitted, shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- REASON: To protect the archaeological heritage of the area.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C14 & C15.
- 14 Prior to the commencement of development and during the course of the development, the building shall be carefully surveyed to determine whether bats or barn owls are present. If any sign of bats or barn owls is discovered during the development, work shall cease immediately and Natural England shall be consulted further.
- REASON: In the interests of natural species which have statutory protection.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C7.
- 15 Before the development hereby permitted is commenced full details of the proposed bin storage arrangements, including any additional compound required to serve the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.
- REASON: To conserve the character and appearance of the Conservation Area.
- 16 Notwithstanding the submitted layout, details of the proposed cycle area and any structures to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.
- REASON: In the interests of residential amenity and to conserve the character and appearance of the Conservation Area.
- 17 Details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.
- REASON: In the interests of pollution prevention.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35.

18 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Classes A to E inclusive and Class G, and Part 2, Class A of the Order shall be carried out without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights on this site would be unacceptable.

19 No development approved by this permission shall be commenced until:

a) A desk study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. If the potential for significant ground contamination is confirmed then using this information.

b) A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors should be produced.

c) A site investigation should be designed for the site using this information and any diagrammatical representations (Conceptual Model). Designs should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

\* A risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and

\* Refinement of the Conceptual Model, and

\* The development of a Method Statement detailing the remediation requirements.

d) The site investigation should be undertaken in accordance with details approved by the Local Planning Authority and a risk assessment should be undertaken.

e) A Method Statement, detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtain from the Site Investigation should be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

REASON: To ensure the proposed development will not cause pollution of Controlled Waters.

20 The proposed rooflights to be installed shall be of a conservation type fixed flush with the roof finish.

REASON: To ensure that the character and appearance of the Conservation Area and the listed building is conserved.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C17 & C18.

**Note(s) to Applicant:**

1 The applicant is advised to consult with the Environment Agency with regard to a scheme for water efficiency in the interests of sustainable development.

2 The applicant is advised to consult with Wessex Water with regard to agreement to a point of connection onto Wessex system and infrastructure and for the satisfactory disposal of foul and surface water flows generated by the proposal.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee because of the Planning Officer's recommendation contrary to that of the Town Council.

The proposal is for the demolition of a number of single-storey buildings on this site, and the partial rebuilding and conversion of the remaining structures to provide 8 small residential units.

The Lotz Abbott Works is an historic industrial site, approximately 0.07 hectares located on the east side of Alfred Street. It comprises a mixture of older brick industrial buildings and more modern utilitarian structures occupying the external boundaries of the site to create a tight backland courtyard. The narrow access to the site is between numbers 21 and 23, the former a Grade II Listed building to which the application site was historically attached as the stable yard. The current premises are effectively divided into a 18 separate units, 12 of which are vacant and in varying states of repair.

The whole site is located within the Conservation Area and those buildings attached to the boundaries of the site are considered curtilage structures.

In detail:

- \* The existing single-storey stable buildings along the northern boundary are to be retained very largely as now, with internal conversion only to provide a two-bed and a three-bed unit;
- \* The single-storey industrial buildings along the southern boundary are to be converted to 3 no two-bed units, following demolition of a modern addition currently located in the centre of the site;
- \* The existing two-storey brick building occupying the extreme southeast corner of the site is to be converted to a single three-bed unit;
- \* The modern unserviceable buildings along the eastern (rear) boundary are to be demolished and replaced with two-storey brick built structure divided vertically into 2 two-bed units and linked to the existing boundary buildings with small single additions.

The access will remain unaltered and will serve 8 parking spaces within the central courtyard together with a separate cycle store area. Community space for the units will be limited to the shared areas of hard surfacing which separate the parking area on the individual dwellings.

The application is supported by a detailed Design and Access Statement, an Architectural and Historic Appraisal, a Market Feasibility Report addressing the loss of employment aspects and an Ecological Survey. It is also accompanied by an application for Listed Building Consent, details of which follow this report.

The application, original submitted in November 2006 has been the subject of extensive negotiation and revisions; for clarity therefore, the reported responses and analysis of the application refer solely to the revised scheme as now proposed.

### **SITE VISIT / STATUTORY SITE NOTICES**

Several site visits have been undertaken during the course of processing this application; site notices have been posted in 3 separate locations, 2 on the Alfred St frontage and one in Gibbs Close to the rear of the site

## CONSULTATIONS

### *Parish/Town Council :*

WESTBURY TOWN COUNCIL – “The revised plans do not overcome the committees previous objections, namely:

\* Loss of land for small industrial units without obvious alternative sites being available within the locality. (Policy E5 of WWDC local plan); also this site is within easy walking distance for local employees;

\* Grave concerns regarding highway access, safety.”

### *External :*

COUNTY ARCHAEOLOGIST: - No objection subject to a condition requiring the implementation of a programme of archaeological work before development takes place.

ENVIRONMENT AGENCY: - No objection subject to conditions requiring a desk study/site investigation with regard to contamination, and the submission for a scheme for water efficiency.

WESSEX WATER: No objection subject to agreement to a point of connection to Wessex systems and infrastructure and the satisfactory disposal of foul and surface water flows.

COUNTY EDUCATION OFFICER: - Confirms that a contribution towards education is not required.

NATURAL ENGLAND: - Originally objected to the proposal on the grounds of lack of information regarding protected species. An ecological survey has been subsequently been submitted which concludes that there is no evidence of bats on site.

ENGLISH HERITAGE: - No comment to make.

HIGHWAY AUTHORITY: - Accepts that the access road does not need to be adopted and that the proposed layout allows for Fire Engine access and turning of small service delivery vehicles; confirms that the parking provision of 1 space per dwelling is acceptable in this sustainable location; however, maintains concern over the inadequate visibility at the junction of the access with Alfred Street and the intensification in use of the sub-standard access and recommends a refusal on road safety grounds.

### *Internal :*

LOCAL PLANS: - Comments that the Market Feasibility Report originally submitted in support of the application was subject to some criticism in the previous Policy comments, although the overall level of employment provision on the site is low, and the quality of this provision is not of the highest; notes that although the buildings which are the subject of this application lie within a Conservation Area and adjoin a listed building, they are not of high intrinsic architectural or historic interest; the existing use is unsightly, and is out of keeping within this generally residential area; if the revised proposals can lead to the overall enhancement of this part of the Conservation Area, then a case can be made that this would outweigh the harm done by the loss of employment premises.

Concludes that it is a balanced judgement whether the overall enhancement of the area outweighs the policy objection to the loss of smaller employment premises. “On balance, I consider that it does, and that the policy objection is insufficient to warrant refusal.”



CONSERVATION OFFICER (FORMER): - Extensive comments have been submitted throughout the progress of this application which is not necessary to report in full. They do, however, provide a detailed historic description of the evolution of the buildings on this site and confirm “a natural separation of the agricultural and industrial uses of the building types by this courtyard area.”

With regard to the agricultural style buildings on the northern side of the site,

“the close relationship both visually and historically to the listed house would in my view provide enough justification to make these buildings worthy of retention and would be considered to be of local interest sufficient for their preservation to be supported.”

With regard to the industrial buildings on the southern side,

“The earliest building in the south east corner of the site is probably the most interesting in terms of its architectural quality and historic interest. It appears to be 19th century and may well represent part of the complex of industrial warehouses on this site prior to the later 20th century northern light sheds that have colonised the remaining areas of the courtyard. These buildings were once associated with spitfire plane manufacturing and although plain and functional architecturally, they do have a significant local historic interest. This is compounded by its original construction being attributed to the Glove manufacturing industry that was an important industry in Westbury in the 19th century.”

Commenting on the proposed residential uses,

“The uses of this site have been historically a mix of semi agricultural and industrial. Under these circumstances it would normally be appropriate to try and retain these uses within the context of the conservation area. However, I understand that the buildings are not in use to their maximum amount and are currently appearing to be semi-redundant. Whilst I am conscious of the need to preserve vitality within the Conservation Area, I am not convinced that retaining this site for employment will allow the buildings to be used to their full potential and adaptation to alternative more viable uses may help to improve and preserve the vitality of the area.

The conclusion goes on to confirm that “I am of the view that they should be retained and adapted to provide alternative accommodation.”

*Neighbours :*

In response to the revised plans, no formal letters of comment or objection have been received; throughout the processing of the application however, comments have been received and discussions had with those neighbours whose properties abut the site on the amenity issues of privacy, overlooking and overshadowing, and the character and appearance of the existing curtilage buildings.

## **NEGOTIATIONS / DISCUSSIONS**

As mentioned previously, there have been extensive negotiations and discussions over the development of the site from the original submission which was for the demolition of most of the buildings and their ‘rebuilding’ to provide 10 two-storey dwelling units on the site. The current revision is a direct response to the consultation comments received and a balanced judgement of the Council’s and Governments objectives and policies for this site.

## **CONSTRAINTS**

Conservation Area  
Grade 2 listed buildings  
Unrestricted employment site  
Existing substandard access

## **POLICIES**

Wiltshire Structure Plan 2016  
DP4, DP5, DP7, DP9, HE2 and HE7

West Wiltshire District Plan – 1st Alteration 2004  
C15, C17, C18, C19, C20, C22, C29, C31A, C38, H1, H24, E5, and T10

West Wiltshire Design Guide

PPS1, PPS3, PPG4, PPG13 and PPG15

## **RELEVANT PLANNING HISTORY**

None

## **KEY ISSUES**

Principle of residential development including the loss of employment floorspace;  
Impact on the Conservation Area;  
Impact on the character, appearance and setting of a listed building;  
Highway and access considerations;  
Design and amenity considerations.

## **OFFICER APPRAISAL**

### Principle of Development

The proposal seeks to redevelop an existing employment site located on the edge of Westbury's historic core and within 100 metres of the town centre commercial boundary for residential use. The site is a brownfield site within the town's urban area, and consequently the principle of housing development is generally considered acceptable subject to certain criteria.

Notwithstanding this general principle, the key issue raised by this application is the loss of employment land.

Policy E5 resists the loss of employment floorspace unless it can be shown that there is an adequate supply and mix of available land or premises elsewhere in the locality. A market feasibility report which accompanied the application confirms that at the time the application was submitted:

\* There was a minimum of approximately 27,000 square feet of employment floorspace for lease or rent and a minimum of 10,000 square feet for free-hold occupation;

\* There were just under 700 commercial properties in Westbury;

\* Over one-third of the Structure Plan requirements for employment land in West Wiltshire was committed/allocated within Westbury town;

\* Of the 380 sq ms of workshop, storage and office space within the application site, only slightly more than half was occupied by 4 separated tenanted companies employing only 6 staff.

This report has been criticised as being rather “global” in its approach, with no detailed analysis of the types of units available or any spatial analysis where those available units are located. Most of them are within either the West Wilts Trading or Northacre/Brook Lane Industrial Estates which are large strategic estates outside the town’s urban area, in contrast to the application site which is a small-scale urban employment site. Reference to the available units at Heywood House has also been superseded by the more recent permission to convert that premises to residential use. However, the overall conclusion that there is sufficient employment land available within the locality does strictly meet the terms of Policy E5 and might be a difficult argument to sustain in the event of any subsequent appeal on loss of employment grounds.

When also considered against the background of a cramped site, with a narrow access, limited parking and turning facilities, older buildings of a restricted layout and height which limits the type of tenant and rental that can be achieved, a pattern of non conforming uses and boundaries entirely surrounded by residential development, the loss of this site for commercial use is considered justifiable.

### Impact on Conservation Area

Conservation policies support the principle of new development in Conservation Areas providing that the development “will preserve or enhance the character or appearance of the Conservation Area”. Although this site occupies a backland position, the former Conservation Officer has provided a detailed assessment in terms of its impact on the Conservation Area as a whole. She confirms that views from Alfred Street “are limited in terms of significance to the Conservation Area”, but that

“the more important wider impact of the site is in the views from Gibbs Close..... the site is significant as it on a slightly raised area of land and provides a strong contrast visually to the general residential character of development of this immediate vicinity. The low level roofs provide an attractive feature in the Conservation Area.”

The original scheme which involved major demolition and/or raising the heights of the majority of the buildings was considered to be alien to the generally low profile of the site as a whole and was not supported due to this negative impact on the character and appearance of the surrounding Conservation Area. Negotiations have now secured a scheme which, with exception of the building along the eastern boundary, retains the current footprints and profiles, existing views into the site and therefore much of the original character of both former agricultural and industrial buildings. In this sense, the character and appearance of the area will most clearly be preserved and enhanced.

With regard to the replacement building along the east (rear) boundary, although this is larger in scale and height than the existing storey outbuildings it replaces, its proposed ridge height of 6.5 metres will still be significantly lower than the existing converted building in the southeast corner. Limited to only one part of the site, and creating a natural ‘stepping up’ of rooflines on this boundary, this new element is considered appropriate within the context of the site as a whole.

In addition to the impact of the development in terms of buildings, the proposed change of use would have considerable benefits to the character of the conservation area through the loss of heavy commercial lorries, delivery vehicles, large vans and skip lorries which currently access the site via the narrow and restricted access and general noise nuisance and activity associated with the current commercial uses.

### Impact on Setting of Listed Building

The only listed building in close proximity to the site is number 21 Alfred Street, whose site boundary now forms the northern boundary of the application site but which, historically, was the principle house to which the site formed the ancillary stable yard. The boundary walls are “listed” because of their physical attachment to the principle building and the buildings which are attached to these walls are themselves defined as curtilage structures – in the opinion of the Conservation Officer, their retention is ‘paramount’ to the interest and significance of the listed house.

The current proposal now involves no alterations to the north or south walls, except for the installation of obscure glass in the existing openings of the latter and necessary repair works to the roofs of the buildings attached to the walls. The proposed building on the eastern boundary will raise a section of the wall up by approximately 2 metres to form the rear elevation of proposed units 3 and 4 and support the hipped roof. Since this section of wall does not directly share a boundary with the Lodge, this modification has been accepted by the Conservation Officer as an appropriate alteration within the framework of PPG15.

English Heritage has been consulted on this proposal and wishes to make no comments or objections to the application on heritage grounds.

### Highway and Access Considerations

The Highway Authority's consultation response confirms an objection to the proposal on highway safety grounds. An objection to the residential conversion/use of the site has been maintained from the outset, based on what is regarded as a sub-standard access into the site due to the limited visibility where it emerges onto Alfred Street. Although the access itself is approximately 6 metres wide, a pair of stone pillars approximately 2 metres high (listed as grade II structures as part of the boundary wall to number 21 Alfred Street) effectively limits the visibility for vehicles emerging from the site.

It is recognised by all parties that this access is by no means ideal and considerable efforts have been made to address this difficult aspect of the proposal as part of the overall enhancement on the site. The starting point must be that the site has an unrestricted industrial use for what could be up to 18 separate users and uses. Although levels of usage are now comparatively low, due primarily to the inadequacy of most of the buildings for modern businesses, the existing users are a skip hire, a vending machine operation, a print works and a carpet supplier. All of these involve commercial vehicles and delivery vans, and operations both on and off site which generate vehicular activity throughout the working day.

The applicants have provided detailed information of current and proposed traffic movements based on accepted TRICS data and have submitted a case to the Highway Authority of an existing vehicle movement rate of 103 dwellings per day compared to a proposed rate of only 64. Both sets of figures have been challenged by the Highway Authority who, on the basis of its own calculations, anticipates an unacceptable intensification of use of the sub-standard access. The Authority is prepared to "accept a reduction in units to 5 which lowers the vehicle movements to an acceptable level more akin to industrial units. Please note that the parking provision must remain at a reduced level to ensure trip generation is also reduced."

While the concerns over the inadequate access are clearly shared by your officers, the following points are considered relevant:

- Irrespective of the accuracy or otherwise of submitted figures and the exact numbers of current users, the fall-back position in respect of the site as a whole would allow unrestricted numbers and types of vehicles to use this substandard access.
- Little or no account appears to have been taken of the type of vehicle currently using the access and the benefits in losing HGV vehicles, skip lorries and other large vehicles which currently have to reverse out on to the highway due to the inadequacy of turning space within the site.
- The existing stone pillars at the front of the site are listed structures and consent is unlikely to be forthcoming for their removal, either now or in the future; visibility when emerging from the site cannot therefore be 'improved'
- Any future use of the site will be equally constrained by the need to retain the buildings on site while not increasing the use of this inadequate access and maintaining a level of viability; options to fit these constraints are clearly limited

- The Highway Authority's suggestion to reduce the total number of dwellings on site will inevitably increase their individual sizes to 3/4/5 bed roomed units. This site, with its limited amenity space is clearly not appropriate for family dwellings, while larger units traditionally generate more trips because of the higher rate of vehicle ownership.

- The proposed parking area would only serve 8 vehicles which is self-limiting in terms of overall vehicle movements.

- A reduction in units to 5 family sized dwellings would presumably require a parking level of 10 spaces (2 per dwelling) – these cannot be physically accommodated within the site while still providing turning arrangements and could theoretically generate more movements than the 8 spaces now proposed.

There is no question that the highway and access considerations in respect of the proposal are of concern but as with any historic site within an established area, it requires a pragmatic approach and a balanced judgement. In this particular case, your officer considers that the wider benefits of the scheme justify support against the advice of the Highway Authority.

### Design and Amenity Consideration

With regard to the design considerations, the redevelopment scheme has been amended to retain as much of the existing building groupings as possible to ensure the historic integrity of the site. As a consequence, the design treatment has been largely predetermined by the layout, scale and appearance of these buildings and the requirement for them to retain their character and appearance on this important Conservation Area site.

The reuse of the buildings has ensured that the development will be an inward-looking courtyard proposal, largely low level, with only the 2 units on the eastern boundary presenting a new build element. As referred to in a previous section, the height and scale of this new build element is considered appropriate within the context of the surrounding site. The courtyard form will be enhanced by the removal of a modern utilitarian building currently located within the centre of the yard, to reveal the characteristic northern lights rooflines of the southern boundary buildings and to provide a shared parking and turning area. Discrete post and chains will define boundaries and the public and private spaces within the courtyard area.

The proposed new build will add variety to the already varied roofscape, and located opposite to the entrance to the site, will provide a strong focal point. It is "unashamedly modern in detailing", with a less obvious residential appearance which the Conservation Officer supports as providing "an attractive contrast to the existing converted buildings within their semi-industrial/agricultural character".

Within the converted buildings, the design treatment has taken advantage of all existing openings to reflect their original construction. Any which are to be filled in will include articulation and detail to mark the historic form of the building; where there are already windows to the side boundaries, these will be obscurely glazed to reduce overlooking of adjoining properties.

One aspect of the design which remains unsatisfactory is the scale of subdivision proposed for some of the units and the rather arbitrary creation of 2/3 bed dwellings within footprints more suitable for 1 and 2-bed units; in particular, the creation of 3-bed family units within a layout clearly inappropriate for family occupation due to the lack of amenity space and close proximity of shared car parking area. Since, however, the subsequent subdivision of residential space does not require planning permission, this is matter which can only be commented on but not ultimately controlled.

In terms of amenity and the impact on neighbouring residential properties –

- There is no doubt that the loss of unrestricted commercial uses and associated traffic to and from the site would be of considerable benefit in terms of noise, general activity and highway safety;

- The retention of the majority of the boundary buildings without significant alteration will have no material impact on the physical environments of adjoining sites;
- Some concern has been raised with regard to the conversion of the large building in the southeast corner. This occupies a “promontory” position with three elevations forming the boundary to the adjoining garden areas and with 4 windows on each storey “overlooking” these spaces. Although these windows are all currently in place, the underutilisation of this building has not raised issues of overlooking in the past but may now give rise to a sense of intrusion and loss of privacy. Obscure glazing at first floor level (compensated by roof lights above) together with the possible installation of sash windows at ground level to prevent windows opening out over adjoining land will minimise this potentially negative impact.

### Conclusion

This application represents the outcome of considerable negotiations and discussions to secure an appropriate form of development on an important Conservation Area site. Classically it has involved a number of competing objectives, including the preservation of listed curtilage buildings, the enhancement of this part of the Conservation Area and the setting of an adjoining listed building, the retention of employment floorspace, the improvement of the existing access arrangements into the site and the benefit to surrounding residential amenity. It is not possible for all these objectives to be met equally and a balanced judgement based on identified priorities has had to be made.

There is little doubt that the heritage objective and the retention of the buildings as advised by PPG15 and the Conservation Officer must be the prime consideration in this case. This cannot be easily reconciled with the needs of modern businesses or the Highway Authority’s requirements for enhanced visibility splays and reduced traffic movements, particularly when compared to a fall-back position which is potentially more dangerous than is now being proposed.

In addition to conserving and enhancing the Conservation Area (Policy C17), the development will provide a number of much needed small dwelling units on a highly sustainable site, will lead to an enhanced residential environment for neighbouring properties and would remove the need for large commercial vehicles to access this limited site in an unrestricted fashion. On balance therefore this application is recommended for permission subject to appropriate conditions.

### **RECOMMENDATION**

Permission



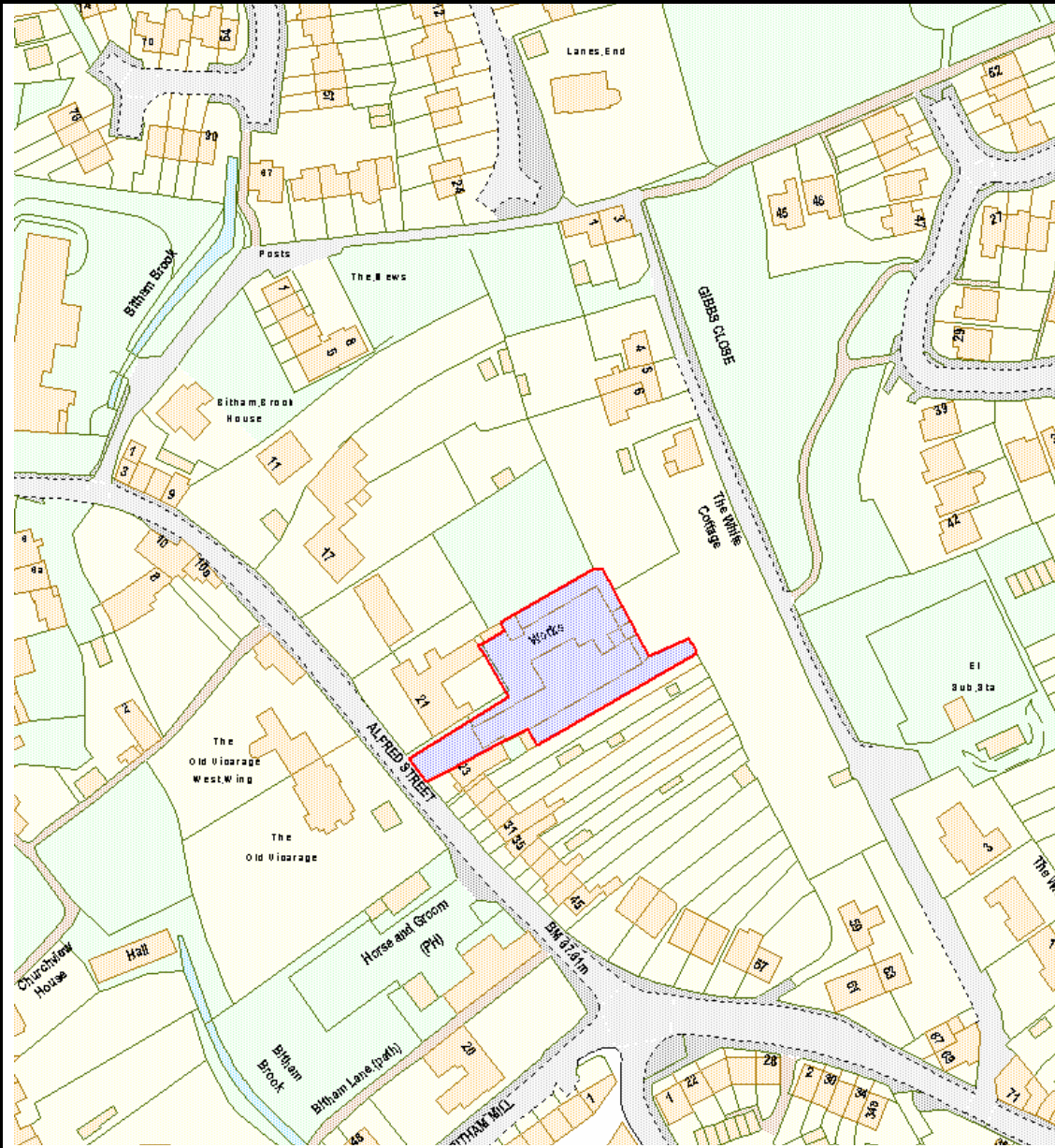
# PLANNING COMMITTEE

19 June 2008

ITEM NO: 05

APPLICATION NO: 08/01105/LBC

LOCATION: Lotz Abbott Works Alfred Street Westbury Wiltshire  
BA13 3DY



NOT TO SCALE

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SLA: 100022961



**05 Application: 08/01105/LBC**

**Site Address: Lotz Abbott Works Alfred Street Westbury Wiltshire BA13 3DY**

Parish: Westbury Ward: Westbury Laverton  
Grid Reference 387551 151502  
Application Type: Listed building  
Development: Partial demolition of curtilage listed building and conversion/adaptation of retained building grouping together with erection of new buildings to provide 8 new dwelling units  
Applicant Details: Mr C Atkinson  
C/O LPC (Trull) Ltd Trull Tetbury Gloucestershire GL8 8SQ  
Agent Details: LPC (Trull) Ltd  
FAO Mr S Chambers Trull Tetbury Gloucestershire GL8 8SQ  
Case Officer: Mrs Judith Dale  
Date Received: 11.04.2008 Expiry Date: 06.06.2008

**JUSTIFICATION FOR RECOMMENDATION:**

**The proposed development would preserve and enhance the character and appearance of the conservation area, would ensure the retention of curtilage listed buildings and would preserve the setting of an adjoining listed building**

**RECOMMENDATION: Consent**

**Condition(s):**

- 1 The works hereby authorised shall begin not later than three years from the date of this consent.

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 3 Details of the proposed conversion of the existing buildings, including sections, full schedules of repair, full structural and construction details, internal fixtures and joinery, rainwater goods, external appearance and finish, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The works shall then only be carried out in accordance with those approved details.

REASON: To ensure the character and appearance of the listed building is conserved

- 4 Details of the proposed modification to the eastern boundary wall, including sections, full schedule of repair, full structural and construction details, and means of attachment and support for any new structure or dwelling shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To ensure that the character and appearance of this listed building is conserved.

- 5 All existing materials in any part of the boundary wall which shall be repaired, dismantled or rebuilt as part of the development shall be carefully dismantled, set aside and stored in a safe place for re-use in the works to the rebuilding and repair of these walls.

REASON: To ensure that the character and appearance of this listed building is conserved.

- 6 Before any building or rebuilding of any part of the boundary wall is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing for the approval in writing for the Local Planning Authority.

REASON: To ensure that the character and appearance of this listed building in its setting is conserved.

- 7 Details of the siting, design, external appearance of all new fences, railings, gates, bollards and other means of enclosure shall be submitted to and approved in writing to the Local Planning Authority prior to their construction. The works shall then only be carried out in accordance with those approved details.

REASON: To ensure that the character and appearance of the Conservation Area is conserved.

POLICY: West Wiltshire District plan 1st Alteration 2004 - Policies C17 & C18

- 8 Notwithstanding condition 3 above, details of the elevations of all new or replacement external windows, rooflights and doors including any glazing, at a scale of not less than 1 :20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1 :2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 - Policies C27 & C28.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This is the parallel application for listed building consent to support 06/03587/FUL, a development involving the conversion of these former industrial buildings to residential use and the subject of the forgoing report.

This application is brought to Committee because of the Planning Officer's recommendation contrary to that of the Town Council.

The proposal is for the demolition of a number of single-storey buildings on this site, and the partial rebuilding and conversion of the remaining structures to provide 8 small residential units.

The Lotz Abbott Works is an historic industrial site, approximately 0.07 hectares located on the east side of Alfred Street. It comprises a mixture of older brick industrial buildings and more modern utilitarian structures occupying the external boundaries of the site to create a tight backland courtyard. The narrow access to the site is between numbers 21 and 23, the former a Grade II Listed building to which the application site was historically attached as the stable yard. The current premises are effectively divided into a 18 separate units, 12 of which are vacant and in varying states of repair.

The whole site is located within the Conservation Area and those buildings attached to the boundaries of the site are considered curtilage structures.

In detail:

\* The existing single-storey stable buildings along the northern boundary are to be retained very largely as now, within internal conversion to provide a two-bed and a three-bed unit;

\* The single-storey industrial buildings along the southern boundary are to be converted to 3 no two-bed units, following demolition of a modern addition currently located in the centre of the site;

\* The existing two-storey brick building occupying the extreme southeast corner of the site is to be converted to a single three-bed unit;

\* The modern unserviceable buildings along the eastern (rear) boundary are to be demolished and replaced with two-storey brick built structure divided vertically into 2 two-bed units and linked to the existing boundary buildings with small single additions.

The access will remain unaltered and will serve 8 parking spaces within the central courtyard together with a separate cycle store area. Amenity space for the units will be limited to the shared areas of hard surfacing which separate the parking area on the individual dwellings.

The application is supported by detailed Design and Access Statement and an Architectural and Historic Appraisal document.

## **SITE VISIT / STATUTORY SITE NOTICES**

Site Notices have been posted in 3 separate locations, 2 on the Alfred Street frontage and one in Gibbs Close to the rear of the site.

## **CONSULTATIONS**

*Parish/Town Council* : WESTBURY TOWN COUNCIL: - The Committee objected to the construction of any new dwellings because of the effect on the listed building.

*External* :

ENGLISH HERITAGE: No comment to make

*Internal* :

CONSERVATION OFFICER (FORMER): - Extensive comments have been submitted throughout the progress of this application which is not necessary to report in full. They do, however, provide a detailed historic description of the evolution of the buildings on this site and confirm "a natural separation of the agricultural and industrial uses of the building types by this courtyard area."

With regard to the agricultural style buildings on the northern side of the site,

“the close relationship both visually and historically to the listed house would in my view provide enough justification to make these buildings worthy of retention and would be considered to be of local interest sufficient for their preservation to be supported.”

With regard to the industrial buildings on the southern side,

“The earliest building in the south east corner of the site is probably the most interesting in terms of its architectural quality and historic interest. It appears to be 19th century and may well represent part of the complex of industrial warehouses on this site prior to the later 20th century northern light sheds that have colonised the remaining areas of the courtyard. These buildings were once associated with spitfire plane manufacturing and although plain and functional architecturally, they do have a significant local historic interest. This is compounded by its original construction being attributed to the Glove manufacturing industry that was an important industry in Westbury in the 19th century.”

Commenting on the proposed residential uses

The uses of this site have been historically a mix of semi agricultural and industrial. Under these circumstances it would normally be appropriate to try and retain these uses within the context of the conservation area. However, I understand that the buildings are not in use to their maximum amount and are currently appearing to be semi-redundant. Whilst I am conscious of the need to preserve vitality within the Conservation Area, I am not convinced that retaining this site for employment will allow the buildings to be used to their full potential and adaptation to alternative more viable uses may help to improve and preserve the vitality of the area.

The conclusion goes on to confirm that “I am of the view that they should be retained and adapted to provide alternative accommodation.”

*Neighbours* : Not applicable

## **NEGOTIATIONS / DISCUSSIONS**

As mentioned previously, there have been extensive negotiations and discussions over the development of the site from the original submission which was for the demolition of most of the buildings and their ‘rebuilding’ to provide 10 two-storey dwelling units on the site. The current revision is a direct response to the consultation comments received and a balanced judgement of the Council’s and Governments objectives and policies for this site.

## **CONSTRAINTS**

Grade II Listed building  
Conservation Area

## **POLICIES**

Wiltshire Structure Plan 2016  
HE7

West Wiltshire District Plan – 1st Alteration 2004  
C17, C18, C19, C20, C22, C29

PPG15 Planning and the Historic Environment

## **RELEVANT PLANNING HISTORY**

None

## **KEY ISSUES**

The key issue raised by this application is considered to be its impact on the character and appearance of the principle listed building and curtilage structures.

## **OFFICER APPRAISAL**

The assessment of the development in terms of its impact on the setting of the listed building has been given in the report to the accompanying planning application as follows:

### **Impact on Setting of Listed Building**

The only listed building in close proximity to the site is number 21 Alfred Street, whose site boundary now forms the northern boundary of the application site but which, historically, was the principle house to which the site formed the ancillary stable yard. The boundary walls are “listed” because of their physical attachment to the principle building and the buildings which are attached to these walls are themselves defined as curtilage structures – in the opinion of the Conservation Officer, their retention is ‘paramount’ to the interest and significance of the listed house.

The current proposal now involves no alterations to the north and south walls, except for the installation of obscure glass in the existing openings of the latter and necessary repair works to the roofs of the buildings attached to the walls. The proposed building on the eastern boundary will raise a section of the wall up by approximately 2 metres to form the rear elevation of the proposed units 3 and 4 and support the hipped roof. Since this section of wall does not directly share a boundary with the Lodge, this modification has been accepted by the Conservation Officer as an appropriate alteration within the framework of PPG15.

English Heritage has been consulted on this proposal and wishes to make no comments or objections to the application on heritage grounds.

## **RECOMMENDATION**

In the light of the above listed building consent is recommended to be granted in conjunction with planning application 06/03597/FUL.

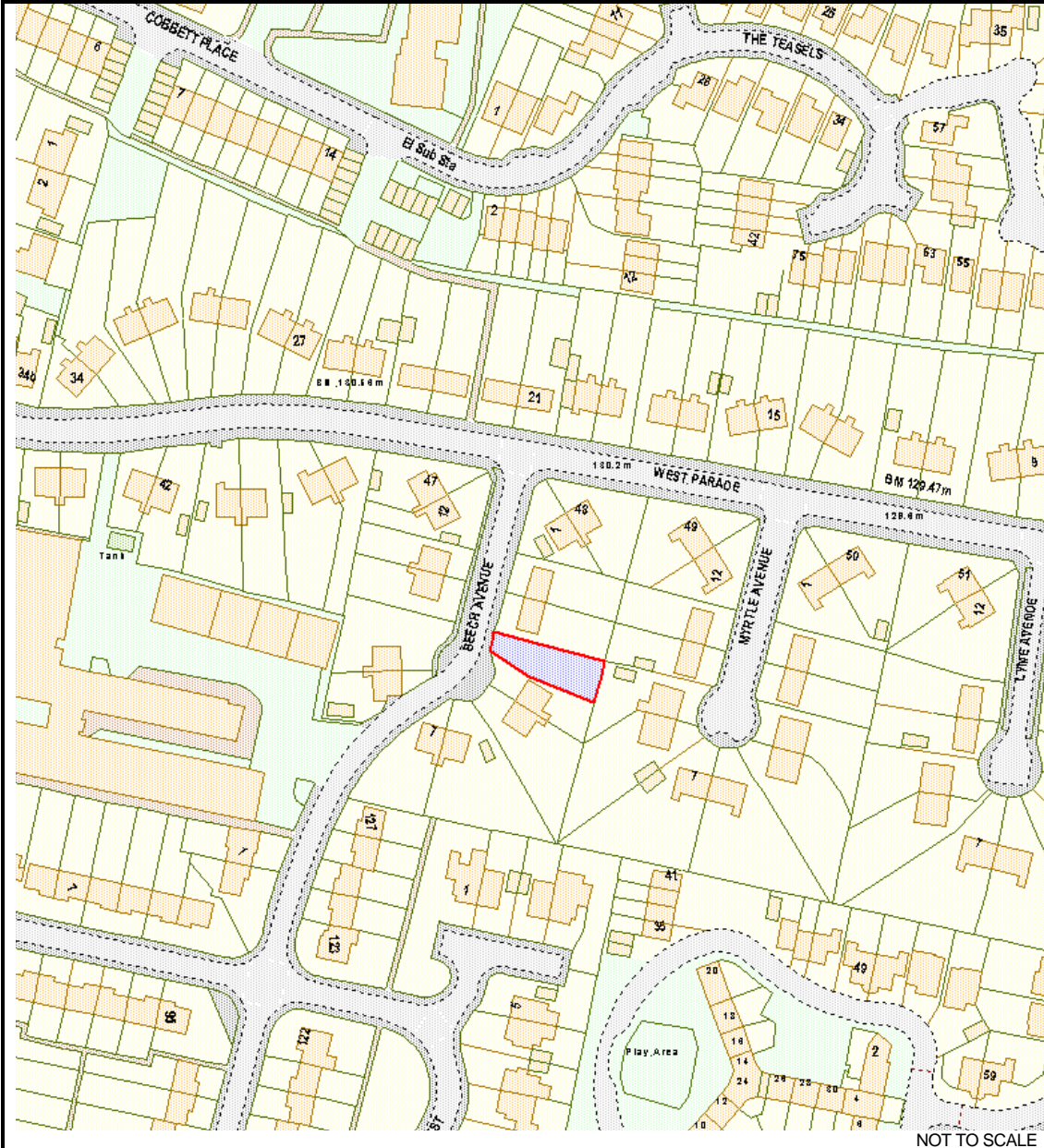
# PLANNING COMMITTEE

19 June 2008

ITEM NO: 06

APPLICATION NO: 08/01060/OUT

LOCATION: Land Adjoining 4 Beech Avenue Warminster  
Wiltshire



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SLA: 100022961

|           |                      |   |
|-----------|----------------------|---|
| <b>06</b> | <b>Application:</b>  | <b>08/01060/OUT</b>                                       |
|           | <b>Site Address:</b> | <b>Land Adjoining 4 Beech Avenue Warminster Wiltshire</b> |

Parish: Warminster Ward: Warminster West

Grid Reference 386797 144696

Application Type: Outline Plan

Development: Detached dwelling

Applicant Details: Mr L E Williams  
4 Beech Avenue Warminster Wiltshire BA12 8LX

Agent Details: Mr B L Wyatt  
26A Little London Heytesbury Warminster Wiltshire BA12 0ES

Case Officer: Mr James Taylor

Date Received: 02.04.2008 Expiry Date: 28.05.2008

**RECOMMENDATION: Refusal**

**Reason(s):**

1 The proposal fails to establish that the principle of a residential development on this site would be acceptable because the siting, scale and height as shown in the indicative plans would have a dominant impact which would be overbearing and cause loss of light to the neighbouring property to the north, significantly harmful to occupier's amenity contrary to policies H1 and C38 of the West Wiltshire District Plan 1st Alteration (2004).

## COMMITTEE REPORT

### APPLICATION DETAILS

This application is brought to committee because Councillor Keith Humpries has requested it. This is because Warminster Town Council has not had the opportunity to discuss this matter due to timing constraints and dates of meetings clashing and therefore there has been no local input. He feels that in the best interests of public representation and debate this application should be given the opportunity of being discussed by Committee.

This is an outline application for the erection of a dwelling in the side garden of 4 Beech Avenue, Warminster. All matters are reserved at this stage however indicative details of the siting and scale parameters have been submitted including indicative details of access and parking provision. The proposal has been indicated to be for a 2-storey detached dwelling with shared access and 2 allocated parking spaces.

The application site is currently the side garden and parking for the existing semi-detached property. The rear garden is enclosed by 1.5 metre fencing and a high conifer hedge to part of the rear boundary. The frontage has been laid to hard standing and access to the highway is existing. The site is located within the defined Town Policy Limits in a residential area characterised by semi-detached dwellings. The area is in part characterised by the non-uniform layout of the buildings, which are staggered and set at angles to one another.

## **SITE VISIT / STATUTORY SITE NOTICES**

The site was visited on 15 April 2008 and a site notice erected. Further 2 notification slips were delivered to the neighbours at the rear of the site.

## **CONSULTATIONS**

### *Parish/Town Council :*

WARMINSTER TOWN COUNCIL: No comments received to date (30.05.2008)

### *External :*

HIGHWAY AUTHORITY: No objection

WESSEX WATER: No comments received to date (30.05.2008)

### *Neighbours :*

No comments received to date (30.05.2008)

## **NEGOTIATIONS / DISCUSSIONS**

The application has been discussed with the agent is aware of the concerns. It has been explained that it is a finally balanced case. However your officers are unable to support the application and must therefore recommend it for refusal due to the potential for harm to the neighbouring property.

## **CONSTRAINTS**

Town Policy Limits  
Amenity

## **POLICIES**

West Wiltshire District Plan 1st Alteration (2004)  
C31a Design  
C38 Nuisance  
H1 Further Housing Development Within Towns

Supplementary Planning Document – Residential Design Guide  
Supplementary Planning Guidance on house alterations and extensions

National guidance  
PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPG13: Transport

## **RELEVANT PLANNING HISTORY**

None

## **KEY ISSUES**

The key issues to consider in this application are the efficient use of brownfield land and the impact on neighbouring amenity.



## **OFFICER APPRAISAL**

The application site is located within the defined town policy limits and therefore as long as the proposal would cause no harm to any planning interests such as the quality of the area or amenity then it is acceptable in principle. This approach is supported in Planning Policy Statement 3: Housing which encourages the more efficient use of land and increased density on brownfield sites as long as the quality of the environment is not compromised.

The proposal would make a more efficient use of land increasing density over the 30 dwelling per hectare margin indicated in PPS3 as being efficient. The site, within its own limits is capable of accommodating a dwelling, and the indicative details, although indicating a detached dwelling would be broadly in keeping with the character of the area. The area is characterised by an unusual layout and the proposal continues this arrangement, maintaining a stagger between the properties.

However it is this stagger and unusual layout of the existing built form which in part leads to the concerns regarding the impact on neighbouring amenity. Further the orientation of the site due south and in such proximity to an existing dwelling causes significant concern. The indicative proposal shows a 2-storey dwelling sited approximately 1 metre from the northern boundary of the site. The front elevation would be flush with the rear elevation of the neighbouring property to the north and it would have a depth of 8.5 metres in total, 6 metres over a 2-storey height. Given the indicative information, the scale of development proposed, its siting, orientation and relationship to the neighbouring property to the north, it would be a dominant form of development. This would lead to an overbearing impact and loss of light which would be significantly harmful to the neighbouring property.

To alter this indicative siting is likely to have a significant impact on the building's appearance in the street scene which would be harmful in this regard and as such should not be encouraged either. Further to limit the proposal to single storey would lead to a need for a larger footprint. Again this would not be in keeping with the character of the area.

## **RECOMMENDATION**

Refusal

# PLANNING COMMITTEE

19 June 2008

ITEM NO: 07

APPLICATION NO: 08/01021/FUL

LOCATION: Stephen Graver Ltd Edington Road Steeple Ashton  
Wiltshire BA14 6HP



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SLA: 100022961

**07 Application: 08/01021/FUL**

**Site Address: Stephen Graver Ltd Edington Road Steeple Ashton Wiltshire BA14 6HP**

Parish: Steeple Ashton Ward: Summerham  
Grid Reference 390736 156160  
Application Type: Full Plan  
Development: Extension to industrial building  
Applicant Details: Mr Stephen Graver  
Stephen Graver Ltd Edington Road Steeple Ashton Wiltshire  
BA14 6HP  
Agent Details: Mr H Grist  
32 Daniell Crest Warminster Wilts BA12 8NZ  
Case Officer: Ms Margaretha Bloem  
Date Received: 04.04.2008 Expiry Date: 04.07.2008

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 Policy E6 of the West Wiltshire District Plan - 1st Alteration states that the expansion of small-scale employment enterprises will be permitted provided that the scale and siting of the proposal is considered compatible with the rural character of the area. The proposal by reason of the large increase in floor area, more than doubling the size of the original building would no longer be considered as small-scale industrial development. Such large increase in size and expansion of industrial use on the edge of the village would not be compatible with the rural character of the area.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee at the request of Councillor Fortescue.

Extension to industrial building.

The extension will be 37.3 metres long and 13.36 metres wide and will be located to the south of the existing building sharing the flank wall. The proposal will have a low pitched roof with a ridge height matching that of the existing building. The roof will accommodate rooflight for daylight with a high overhead sliding vehicle door in the west side elevation, window, door and high overhead sliding vehicle door in the south elevation and a door in the east elevation.

The amended plan indicated the pitch of the roof lower than that of the main building and the reduction of the height and size of the sliding doors.

The new area will be used for the assembly of the finished good, packing and dispatching area.

The applicant confirmed that the majority of the new floorspace is proposed for storage. The business has a current output of 12 - 15 bespoke kitchens per year and the proposal is to increase this to around 20 units per year. As the bespoke kitchens is assembled on site and therefore

there is a need to have all the materials on site. Part of the other buildings on site is currently used for storage however it is necessary to store the materials in one locations with easy access and therefore storage on existing industrial parks in the surrounding area is not suitable.

The workshop currently employs 4 full time and 1 part time staff in the workshop and 3 full time and 1 part time staff in the offices. The proposal will make provision for 2 additional staff in the workshop.

No HGV's enter the site as the site does not allow sufficient access and the proposal will maintain the status quo. Approximately 1 12 -15 ton ridge lorry visit the site on an average week and the proposal will increase this to 2 or 3 visits per week. The increase in materials would most likely fill the existing lorry loads and therefore not increase the amount of traffic to the site.

The applicant put forward a plan of various buildings on the site that was demolished and indicated that the footprint of the extension compared to that of these buildings is comparatively small. The applicant also pointed out the improvement of the site and the contributions the business has made to economy of Steeple Ashton and suggested that further landscaping could form part of a condition.

## **SITE VISIT / STATUTORY SITE NOTICES**

Site visited and site notice displayed on 10.04.2008.

Revised site notice displayed 23.05.2008.

## **CONSULTATIONS**

*Parish/Town Council* : Objects to the proposal. The Councillors would like to point out that they were not in agreement with the original Planning Application 01/00954/FUL. They would also like to point out that the original Planning Application was for the use of the adjacent building for timber storage - this has now converted and let as offices. Had the original scheme been adhered too, this present proposal may not have been necessary.

The Councillors retain their concerns regarding traffic, particularly as the plan as drawn shows three large entrances which leads one to believe that large HGV's will be used to bring in/take away the made up kitchen units. These vehicles and the other extra vehicles, which are generated by the larger unit, would have to travel through the unclassified streets and surrounding roads of the village from the A350, which are unsuitable for such traffic.

The present building is a partially obscured feature viewed by many properties on the southern edge of the village and any alterations that would increase its prominence would not be desirable and as such the Councillors would not wish to see any change to the elevations or roof form the detriment of the appearance or intrusiveness of the site upon the countryside and village.

The VDS states (recommendation 11) on Commercial and Industrial Development: Further Commercial or Industrial development in the area outside the village policy limits should be permitted only if small scale and compatible with the rural character of the village. The Parish Council question whether this Planning Application would comply with the Supplementary Planning Guidance.

Furthermore the Parish Council have responded to the Core Strategy Issues and Options Paper December 2007 with the following comment: We have good reason for rejecting further development of both dwellings and business in Steeple Ashton. There is a well documented VDS that details the village. However, over and above the considerations detailed in the VDS there is an access problem. The roads approaching Steele Ashton from both north and south are inferior C class roads that do not readily accommodate HGV's and they are already busy in rush hour traffic. There are two difficult points for drivers, the junction at Ashton Common where the Trowbridge road meets the road from Hag Hill' equally the corner at the top of Common Hill is sharp and a difficult turn for HGV's and LGV's.

The Council would wish that all responses received from neighbours to the Planning Authority be taken into account prior to the determination of this Application. Steeple Ashton Parish Council would not recommend that this Planning Application be given approval.

The Councillors appreciate the revision that have been made to the roof and larger doors. However concerns remain with regard to the future of the site. Steeple Ashton Parish Council is very much concerned that this site could turn into a future industrial estate with the resultant HGV traffic through the village and adjacent roads. Comments from the previous letter remain relevant.

*External* : Environment Agency: No objection but would recommend conditions.

Highways: A previous objection was raised to the sustainability of the extending the existing industrial site however the development was permitted (06/02773/FUL), therefore it is felt that there is little point in raising the same objection to this application. The site appears to provide adequate parking provision for the proposed extension and the access into the site already accommodates the nature of traffic likely to be generated, as such I recommend that no highway objection be raised.

*Neighbours* : No comments received.

## **NEGOTIATIONS / DISCUSSIONS**

Justification was requested from the agent to justify the increase floor area, give a detailed statement on the proposed increase in: employment, vehicle movement to and from the site, processes to be undertaken in the extension as well as use of HGV's explained. A meeting was held with the applicant to understand the need of the business.

## **CONSTRAINTS**

Outside village policy limits  
Highways Implications

## **POLICIES**

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP3 Development strategy
- DP14 Housing, employment and related development in the open countryside.
- T6 Demand management
- T8 Transport provision for new development
- C5 The water environment
- C12 Agriculture

West Wiltshire District Plan - 1st Alteration 2004

- C1 Countryside Protection
- C31a Design
- C32 Landscaping
- C35 Light pollution
- C36 Noise
- C38 Nuisance
- E6 Rural Employment
- E9 Agricultural land
- T3 Transport provision for new developments
- T10 Car parking

U1A Foul water disposal  
U2 Surface water disposal  
U4 Groundwater Source Protection Areas  
I3 Access for everyone

#### National Guidance

PPS1 Delivering Sustainable Development  
PPG4 Industrial and commercial development in small firms

### **RELEVANT PLANNING HISTORY**

06/02773/FUL Conversion of former dwelling into offices and construction of extension to accommodate further offices - Granted.

01/00954/FUL Use of building for carpentry joinery and manufacture of kitchens with ancillary use of adjacent building for timber storage - Granted.

### **KEY ISSUES**

Principle of the development  
Highways implications

### **OFFICER APPRAISAL**

Policy E6 states that the expansion of small scale employment enterprises will be permitted subject to various criteria.

The floor area of the existing building is proposed to increase by 34.9% - from 347.22m<sup>2</sup> to 468.4m<sup>2</sup> and is not considered to be small scale. Although the proposal will be extended on the existing site and will not encroach into the countryside, it is considered that the size, bulk and massing of the proposal will have a harmful impact on the character of the area especially taking into account the location of the site outside village policy limits.

This small scale industrial site was granted planning permission in 2001 (01/00954/FUL). This permission related to the change of use of an existing rural building and on the basis that it is small scale with the maximum employment of 10 people. This site is not suitable for a large extension such as the proposal. It was taken into account that the proposal would remain in connection with a small scale business and limited increase in vehicular movements and staff numbers. However if the current proposal were to be approved there would be no way to ensure that the use is not intensified in the future.

The existing building is visible from the road and relatively prominent in this countryside location. The size and location of the proposed extension would increase the bulk and massing of the building that would be even more visible from the road. It is not considered that any landscaping could mitigate the visual impact.

Policy E6 also requires employment proposals in the open countryside to be satisfactory in terms of highways requirements. The proposal will include two "high overhead sliding vehicle doors" that is normally associated with HGV's. The doors have been reduced in size with the revised proposal and the applicant provided information that no HGV's can enter the site and that the company does not use HGV's in connection with the business. The Highways Authority did not raise an objection to the proposal and it is not considered that sustainability could warrant a reason for refusal.

### **RECOMMENDATION**

The proposal is considered contrary to Development Plan policy and it is not felt that conditions could address the fundamental objections to the scheme.



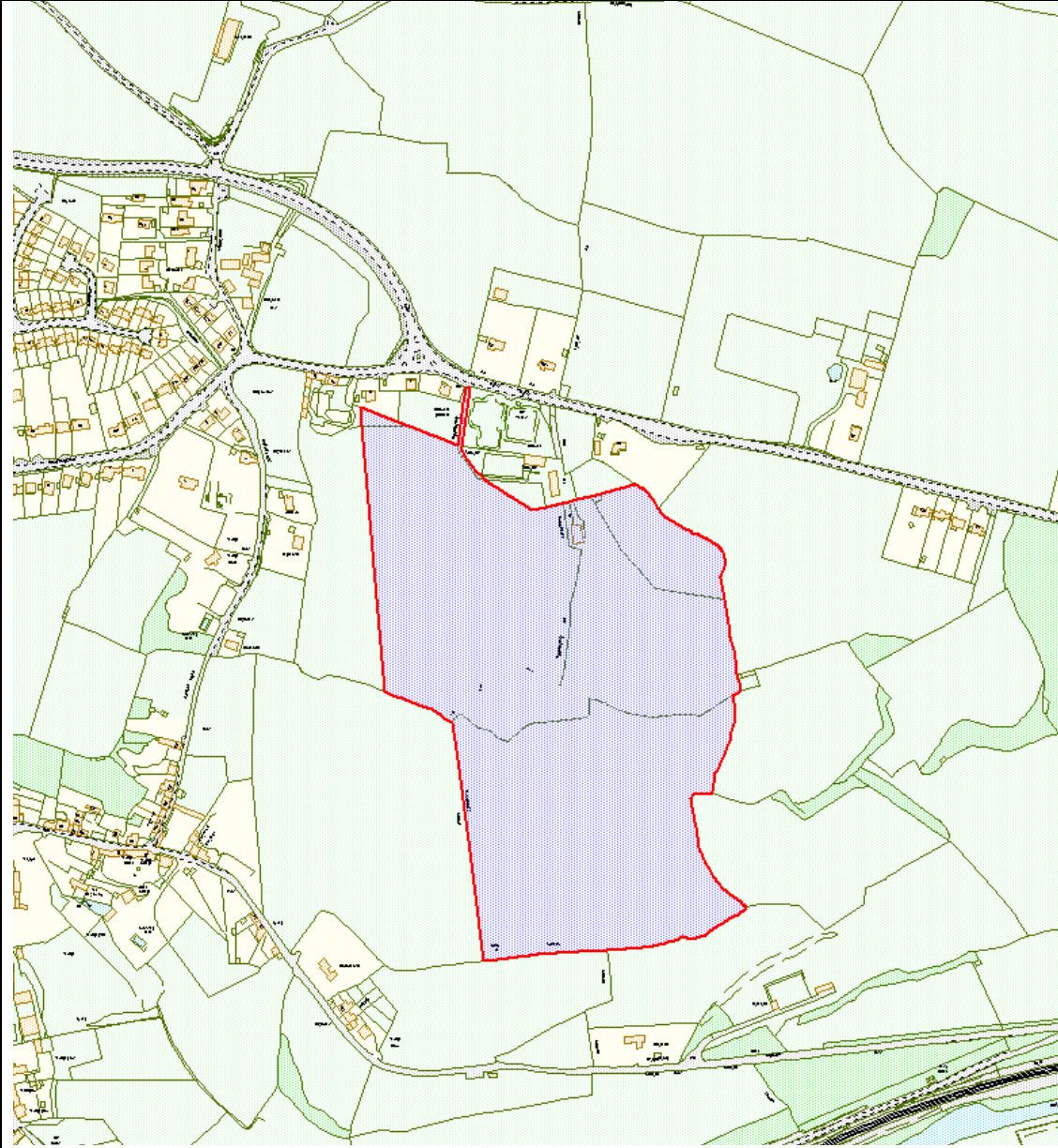
# PLANNING COMMITTEE

19 June 2008

ITEM NO: 08

APPLICATION NO: 08/00078/FUL

LOCATION: Land South East Of Hillview Farm Bradford Road  
Winsley Wiltshire



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SLA: 100022961



**08 Application: 08/00078/FUL**

**Site Address: Land South East Of Hillview Farm Bradford Road Winsley Wiltshire**

Parish: Winsley Ward: Manor Vale

Grid Reference 381018 161075

Application Type: Full Plan

Development: Change of use of agricultural land to agricultural and equestrian use

Applicant Details: Mrs Rebecca Carson  
11 Magnon Road Bradford On Avon Wiltshire BA15 1PW

Agent Details: Equine Consultancy Group  
FAO Mrs Rebecca Wilson Equine Consultancy Group Home Farm  
Westonbirt Tetbury

Case Officer: Miss Julia Evans

Date Received: 07.01.2008 Expiry Date: 03.03.2008

**JUSTIFICATION FOR RECOMMENDATION:**

**The proposed development conforms to the Development Plan and the conditions attached to it overcome any objections on planning grounds.**

**RECOMMENDATION: Permission**

**Condition(s):**

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 There shall be no erection of any buildings or structures, including any permanent jumps or exercise equipment, on any part of the site.

REASON: In order to protect the openness of the Green Belt and to conserve the landscape character of the Cotswolds Area of Outstanding Natural Beauty.

POLICY: Wiltshire Structure Plan 2016 - DP12, and West Wiltshire District Plan – 1st Alteration 2004 – Policies C2 & E10.

- 3 Only equines at livery on the site may be exercised on the land.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy E10.

- 4 There shall be no right turn of any vehicle onto the B3108 when leaving the site.

REASON: In the interests of highway safety.

- 5 There shall be no holding of equine events, equine shows, or other such equine gatherings on the site.

REASON: in the interests of highways safety.

**Note(s) to Applicant:**

- 1 You are advised that the use of the northern-most barn does not have planning permission for equine livery, and that an application should be submitted to regularise its use as stabling.
- 2 You are advised to check with the Local Planning Authority to ascertain whether further buildings, structures, and facilities on the site require planning permission.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought before the Planning Committee as the Parish Council object to the proposal and your officers recommend permission.

This is a full application for the change of use of land Southeast of Hillview Farm from agricultural land to a mixed use of agricultural and equestrian use. The application is a re-submission of a similar application submitted in 2005 (reference 05/00282/FUL), which was recommended for permission but refused by the Planning Committee for the following reason: -

“Policy E10 of the West Wiltshire District Plan First Alteration states that equestrian facilities and changes of use will be required to minimise their effect on the highways infrastructure. The number of vehicle movements generated by the site would be detrimental to highway safety by virtue of the use of the western access and its proximity to a roundabout and the conflict with right turning traffic. The proposal is therefore considered contrary to this policy.”

The current application seeks to address this reason for refusal. The following supporting information has been provided: - “As I understand it, it was not the intention of the applicant to include additional buildings on the agricultural land, and indeed the granting of planning permission to a mixed agricultural and equine use of the existing land would in no way allow additional stabling on that land. This would be operational development which would require another planning application.” They go on to state: “In terms of vehicle movements, they will be identical to those that already exist. Riding horses in the fields (that are already stabled on the holding) will quite obviously not increase the vehicular movements coming onto the site.”

The application seeks to regularise the exercising of horses over the land: it is not to regularise the stabling of horses in the northern-most barn on site. They have confirmed that there are a total of 22 horses on site, 12 of which are the applicant’s own, and ten of which are in stabled livery, and that the northernmost barn is not used for equine livery. It is also stated that the eastern access is used only for agricultural access to the land.

### **SITE VISIT / STATUTORY SITE NOTICES**

The 15.4 hectare site lies to the south of the B3108, and is currently used for livery and agricultural purposes. There are two barns on the site which are used for stabling horses, a sand exercise ring, and a new access track. These facilities are located at the northern end of the site, adjacent to Wessex Water’s reservoir. The land to the south is used for agricultural uses (including horse grazing) and for riding horses around. Part of the land is on the plateau above the steeply incised River Avon valley, with the rest on the steeply sloping valley side. Field boundaries are defined by dry stone walls and sporadic hedgerows.

The application has been advertised by a Site Notice.

## CONSULTATIONS

*Parish/Town Council* : WINSLEY PARISH COUNCIL – State “I am directed by the Parish Council to advise you that it would like to make the following observations in respect of the above mentioned planning application:

“1. This application claims to be a repeat of the previous refused application WY/O5/ 00282. That had been for "Change of use from agricultural to a mixed use including livery, ..... ". However, the current application seeks "Change of use of agricultural land to agricultural and equestrian use". Members will need to be advised whether one of those italicized terms has wider usage implications than the other.

“2. Current application drawing is not coloured and it is not clear therefore whether the application is for the whole outlined land to the south of B3108 road or solely the larger of the two outlined land areas that excludes the two access paths (in separate ownerships) and the buildings. The submitted application form certifies that nobody except the applicant was the owner of any part of the application land and that none of the application land is part of an agricultural holding. Members will need to be advised.

“3. The 18 June 04 permission (03/11938) was only relocations of livery stables into existing buildings, retention of exercise area (with fencing removed), and the new access track. There were many conditions attached, many of which have not been fulfilled. That permission was not about the larger land area at all and was not about change of use.

“4. The subsequent application (05/00282) did include the larger land area and was for change of use, but was REFUSED following a site visit.

“5. The current position seems to be that the buildings and western access track have conditional planning permission for agriculture and "livery", (not for unlimited "equestrian" use). The larger defined area south of the access path has prevailing permission for agriculture (which would cover those things to do with horses that are covered by agricultural use status).

“6. The applicant's agent asserts that there had been misunderstandings by the Parish Council which had resulted in the refusal. On the contrary, the Parish Council had sought clarifications on some particulars and, when those were received, had submitted further comments strengthening the case for refusal. The Parish Council's previous comments are applicable to this new application as follows:

“7. Previous applications for livery [and/or equestrian] use of the outer fields have been refused and lost on appeal. The reasons for rejecting spread into those areas were fully detailed in the Appeal Decision letter T/APP/F3925/A/99/1023079/P based firmly on policy, and are still valid, including:

- 7.1 Green Belt (PPG2 para 3.2). "There is only a narrow and fragile undeveloped gap between the main built-up areas of Winsley and Bradford on Avon. The site and the nearby dwellings lie within this gap and so it is important not to erode this. The increased activity associated with the business would also contribute to such erosion."

- 7.2 AONB policy. Proposal considered not "to be essential to the rural economy: it would provide a facility for horse owners and generate an income but it is not suggested that there would be any significant economic benefits to the local economy in general."

- 7.3 PPG2 Special Circumstances. " ..... there are no very special circumstances sufficient to overcome the presumption against such development. It would be contrary to national policy, Structure Plan Policy GB1 and District Plan Policy GB2."

Note: The words above between quotation marks are those of the Appeal inspector, not of the Parish Council.

"8. If the necessary regularising of use of the smaller designated area of land associated with the permission for stables relocation, exercise area and new access track (03/01938) has been properly accomplished separately, and all the conditions met, that is as far as permission should go. It is equally proper to uphold the policy objections to spreading livery or equestrian use over the whole site beyond what is permitted with the prevailing agricultural use status there. So the application should be REFUSED.

"9. If that regularising of use of the smaller designated area of land has not been accomplished previously, then that alone ought to be a separate new application, to avoid any doubt about intentions."

BRADFORD ON AVON TOWN COUNCIL – Have "no objections."

*External :*

HIGHWAY AUTHORITY: State – "From recent submitted information it is clear that this application is not to intensify the use of the site but to have permission to ride the existing horses kept on the site in the field which currently only has agricultural use permitted. Therefore, on the basis of the above, I raise no highway objection."

ENVIRONMENTAL AGENCY: State – "The Environment Agency has no objections in principle to this proposal, however, the following comments must be noted:-

"The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

"Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.

"There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches."

WESSEX WATER: State – "We have no objection in principle to this proposal, providing there is not impact on Wessex Water infrastructure.

"According to our records, there is a public water main crossing the site. Please find enclosed a copy of our supply records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

"It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. We advise that this should be agreed as early as possible and certainly before the developer submits to your Council any Building Regulations application. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site."

*Internal :*

ENVIRONMENTAL HEALTH: State – "Protection Comments: The site is located in a rural area with isolated neighbouring properties nearby. The usage proposed would not normally result in a loss of amenity for these residences. Recommendation: No objections. Conditions: None. Informatives: The applicant will need to ensure that any manure produced from the equestrian usage of the site is disposed of in an appropriate manner. The burning of manure may cause a loss of amenity to neighbouring properties, and may be considered a statutory nuisance under the

applicable legislation. Lighting If exterior illumination for the building, outside lighting or illuminated signs are included in the proposal they should be well designed to control horizontal overspill of light from this site into neighbouring properties and to avoid glare and sky glow. During the construction phase of this redevelopment: NOHRS - No plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 hours Saturdays, or at any time on Sundays or Bank Holidays. REASON: In order to safeguard the amenities of the area in which the development is located. POLICY: West Wiltshire District Plan - 1st Alteration - Policies C36 & C38."

#### *Neighbours :*

Two letters have been received making the following comments: -

- \* Currently no valid permission for livery;
- \* No enforcement of any of the previous refusals;
- \* Children's pony parties are held at the site;
- \* The accesses are not in the applicant's ownership;
- \* The new access is dangerous, particularly so for children, pedestrians and horses;
- \* Flawed publicity procedures undertaken by case officer and incompletely advertised;
- \* The applicants will expand the use to include a cross country course;
- \* Previous conditions have always been ignored by the applicants;
- \* The application does not own all the land to which the application applies;
- \* Eastern access is not owned by the application and their rights are for agricultural access only.

### **NEGOTIATIONS / DISCUSSIONS**

Revised plans provided showing use of western access, and information provided to Highway Authority regarding use of land only for existing horses on the site.

### **CONSTRAINTS**

- \* Western Wiltshire Green Belt;
- \* Cotswolds Area of Outstanding Natural Beauty;
- \* Bradford on Avon landscape setting;
- \* Highway safety;
- \* Amenity.

### **POLICIES**

#### Wiltshire Structure Plan 2011

- DP1 Priorities for sustainable development
- DP12 Green Belt
- DP15 Housing, employment and related development in the open countryside
- T5 Parking
- C5 The water environment
- C8 Areas of Outstanding Natural Beauty
- HE6 Landscape setting
- RLT2 Informal countryside recreation

#### West Wiltshire District Plan – 1st Alteration 2004

- C1 Countryside protection
- C2 Areas of Outstanding Natural Beauty
- C4 Landscape setting
- C6A Landscape features
- C31A Design
- C32 Landscaping

|     |                           |
|-----|---------------------------|
| C35 | Light pollution           |
| C38 | Nuisance                  |
| E10 | Horse related development |
| T10 | Car parking               |
| U1A | Foul water disposal       |
| U2  | Surface water disposal    |
| U3  | Flooding                  |

#### National Guidance

|      |  |
|------|--|
| PPS1 | Delivering Sustainable Development     |
| PPG2 | Green Belt                             |
| PPS7 | Sustainable Development in Rural Areas |

### RELEVANT PLANNING HISTORY

93/09043/AGD – Barn and store unit – Refused 10.01.1994

94/00497/FUL – Erection of livestock accommodation and poultry house – Permission 24.11.1994

96/01478/FUL – Shed and store – Permission 17.02.1997

98/00951/FUL – Building containing 24 loose boxes for livery purposes and use of field for cross country course for exercising horses – Refused 26.08.1998. Appeal dismissed.

01/01941/FUL – 12 livery stables and exercise area, use of existing access to west of reservoir, new unfenced track, partial change of existing agricultural building to serve livery use and shared use of field for exercise/riding activities – Refused 04.10.2002

02/01913/FUL – Removal of wooden stables and relocation of 12 livery stables into existing hay barn (change of use from agricultural use) and retention of existing exercise arena (retrospective) and new access track – Refused 16.06.2003

03/01938/FUL – Relocation of stables into existing barn, retention of exercise arena (with fencing removed), and new access track – Permission 18.06.2004

05/00282/FUL – Change of use from agricultural to a mixed use including livery – Refused 31.10.2005.

### KEY ISSUES

- \* Planning history;
- \* Green belt;
- \* Area of Outstanding Natural Beauty;
- \* Bradford on Avon landscape setting;
- \* Use of agricultural land;
- \* Highway safety;
- \* Enforcement matters;
- \* Land ownership matters; and
- \* Procedural complaints.

### OFFICER APPRAISAL

The site has a long and complex planning history, which has arisen from the unauthorised use of the site for equine livery. Applicants were invited by the Enforcement Team to regularise these issues, and planning permission was granted in 2004 for the relocation of 10 stables into an existing barn, the retention of a sand ring (without fencing or lighting), and a new access track for livery uses. In 2005 a further application was invited by the Enforcement Team to apply for the

use of a second barn for livery use, and for the use of the wider site for exercising horses. No further buildings or formal/permanent exercise structures and facilities were proposed with this application, which was reported to Planning Committee in October 2005. The application was refused in highways grounds, and the current submission has sought only to regularise the exercising of horses on the land, and not the use of the northern-most barn for livery use.

The application lies within the Western Wiltshire Green Belt where national policy protects the land from inappropriate development. Green Belt policy allows for the erection of new buildings where they provide essential facilities for outdoor sport and recreation, and for other uses which preserve the openness of the Green Belt. The mixed use of the land for agriculture and equine exercise for just those horses at livery on the site is considered acceptable subject to control by conditions: the use only of the land for horses at livery on the site, no events to be held, and no permanent facilities erected. An informative has also been attached as regards the need to regularise the use of the northern barn for equine livery.

Policy E8 of the West Wiltshire District Plan requires changes of use to equestrian uses to minimise their impact on the appearance of the countryside. The suggested conditions discussed above protect not only the Green Belt, but also the nationally important landscape character of the Area of Outstanding Natural Beauty, and the proposal is therefore considered acceptable in terms of these policies.

The new access track to the stables was permitted with the 2003 permission. Initially the Highway Authority raised objection to the proposed change of use of the land because it could involve the intensification of use of the access. With the previously refused application the Planning Committee refused it for highways safety grounds. The application has proposed only the use of the western access. The Highway Authority are now satisfied that the proposal will not result in an intensification of use of this access, so have raised no highways objection. With the previously refused application a condition was suggested by the Highway Authority restricting right turns of vehicles when leaving the site, and this has been suggested again to allay the fears of neighbouring residents.

Neither Wessex Water nor the Environment Agency raise any objection to the proposed change of use, and as no buildings or structures are included within the proposal, the suggested drainage measures have not been attached.

Neighbours have raised objections concerning land ownership issues and uses, particularly with the eastern access track. Land ownership and associated legal rights are not planning matters, but issues for the relevant parties to resolve. Ultimately it is not the role of the planning system to arbitrate over land ownership issues.

## **RECOMMENDATION**

Permission, subject to conditions.

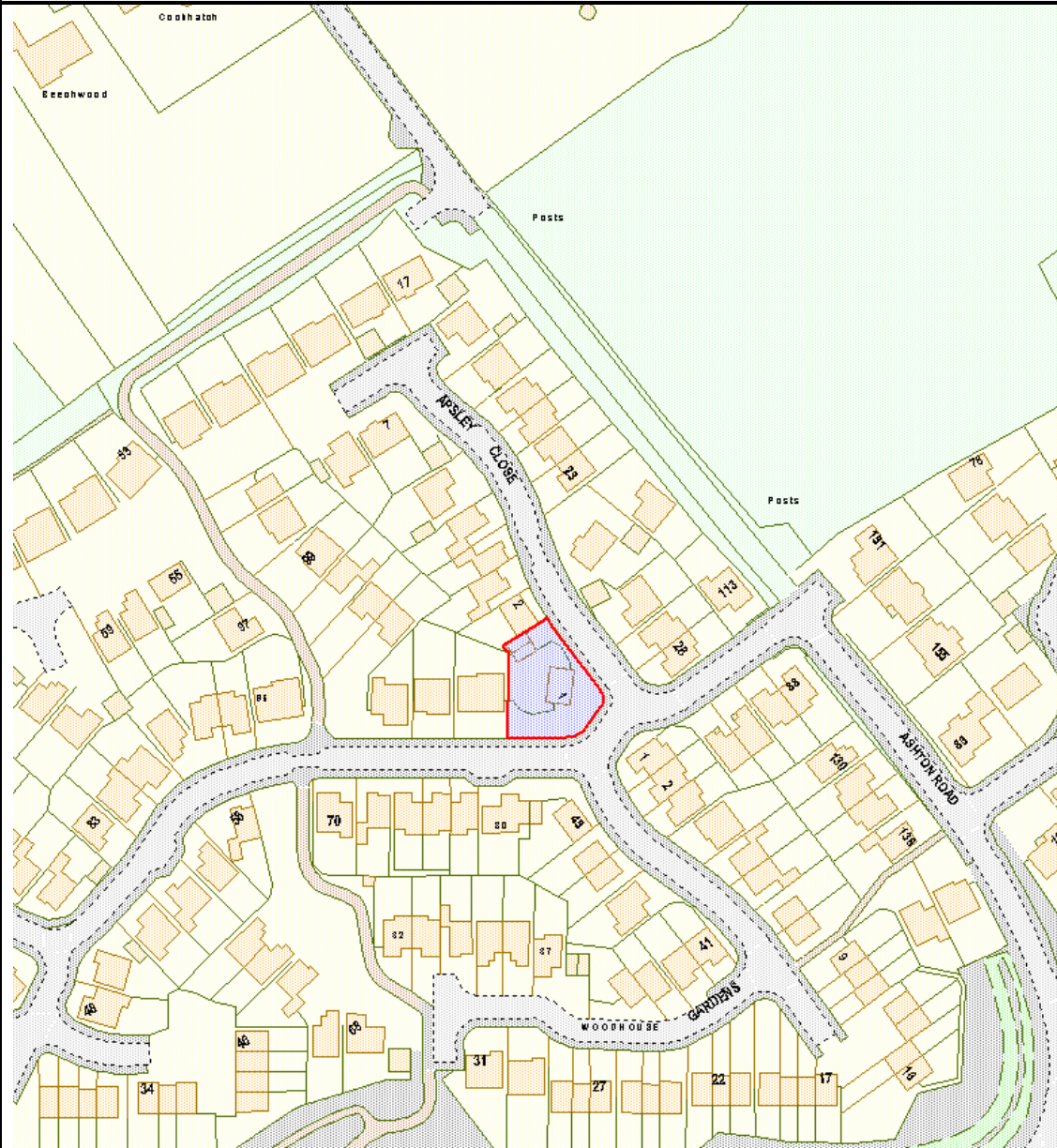
# PLANNING COMMITTEE

19 June 2008

ITEM NO: 09

APPLICATION NO: 08/00379/FUL

LOCATION: 1 Apsley Close Hilperton Wiltshire BA14 7RD



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[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961



**09 Application: 08/00379/FUL**

**Site Address: 1 Apsley Close Hilperton Wiltshire BA14 7RD**

Parish: Hilperton

Ward: Avonside

Grid Reference 387559 158685

Application Type: Full Plan

Development: Two storey side and rear extension

Applicant Details: Mrs A Robinson  
1 Apsley Close Hilperton Wiltshire BA14 7RD

Agent Details:

Case Officer: Mr Rudolf Liebenberg

Date Received: 07.02.2008

Expiry Date: 03.04.2008

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The proposal by reason of its design, scale, height, bulk and siting on a prominent corner plot would be detrimental to the character of the area and be an incongruous and dominant presence that would be harmful to the host building and the streetscene, contrary to Policy C31A of the West Wiltshire District Plan - 1st Alteration 2004.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

The application is brought before Committee at the request of Councillor Clark in the interests of consistent decision making.

The proposal is for to the erection of a two-storey side and rear extension with a single-storey lean-to to the existing detached house on a corner plot at 1 Apsley Close, Hilperton.

The property is located within the urban confines of Hilperton and is surrounded by residential properties.

### **SITE VISIT / STATUTORY SITE NOTICES**

Site visits undertaken on 15.02.2008.

### **CONSULTATIONS**

*Parish/Town Council* : HILPERTON PARISH COUNCIL: No objection.

*Neighbours :*

One written objection received raising concerns about the boundary line of the property on the submitted plans, the negative impact of the extension on privacy and highway safety and the concern that the size and proportion of the extension is out of character for the area.

## **NEGOTIATIONS / DISCUSSIONS**

Informal pre-application advice was given by officers who were initially generally supportive. However, on submission of the application a more thorough assessment was made following a site visit. It was considered that the proposal could not be supported and the applicant advised accordingly.

## **CONSTRAINTS**

Residential area.

## **POLICIES**

West Wiltshire District Plan First Alteration (June 2004)

C31A Design  
C38 Nuisance

PPS 1 Delivering sustainable development  
SPG House Alterations and Extensions

## **RELEVANT PLANNING HISTORY**

07/02245/FUL - Two storey extension - Refused 10.10.2007

## **KEY ISSUES**

Impact on streetscene;  
Impact on host dwelling  
Impact on adjoining properties;  
Whether the application overcomes the previous reason for refusal.

## **OFFICER APPRAISAL**

The applicant has endeavoured to change the original submission by stepping back the extension so it is more subservient to the existing building. However, the overall extension is large and would be very prominent in the streetscene as it would be forward of the established building line.

It is considered that in view of the property's location on a prominent corner site that the development by reason of its size would be detrimental to the streetscene and the character and appearance of the host dwelling. It is considered that there will be no detriment to the residential amenities of the nearby residents as the extension would be sufficiently far away from the adjoining dwelling.

The proposal does not overcome the previous reason for refusal.

## **RECOMMENDATION**

The proposal does not accord with planning policy and refusal is recommended.