

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - Council Offices, Bradley Road, Trowbridge
Date: Wednesday 7 September 2011
Time: 6.00 pm

Please direct any enquiries on this Agenda to Marie Gondlach (Democratic Services Officer), of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713597 or email marie.gondlach@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Trevor Carbin	Cllr Christopher Newbury
Cllr Ernie Clark	Cllr Stephen Petty
Cllr Rod Eaton	Cllr Pip Ridout
Cllr Peter Fuller (Chairman)	Cllr Jonathon Seed
Cllr Mark Griffiths	Cllr Roy While (Vice Chairman)
Cllr John Knight	

Substitutes:

Cllr Rosemary Brown	Cllr Tom James MBE
Cllr Andrew Davis	Cllr Francis Morland
Cllr Russell Hawker	Cllr Helen Osborn
Cllr Malcolm Hewson	Cllr Fleur de Rhe-Philippe
Cllr Keith Humphries	

AGENDA

Part I

Items to be considered when the meeting is open to the public

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** (*Pages 1 - 6*)

To approve the minutes of the last meeting held on 17 August 2011 (copy attached).

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Director of Resources) no later than 5pm on Wednesday 31 August 2011. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6. **Planning Applications**

To consider and determine the following planning applications:

- 6.a **W/10/03031/FUL - Application to renew planning permission W/05/00744/FUL to allow time to submit reserved matters pursuant to reference 98/01149/OUT (Pages 7 - 32)**

Site Location	Land West Of Biss Farm West Ashton Road West Ashton Wiltshire
Development	Application to renew planning permission W/05/00744/FUL to allow time to submit reserved matters pursuant to reference 98/01149/OUT
Recommendation	Approval
Division Member	Councillor Francis Morland
Town / Parish Council	West Ashton

- 6.b **W/11/01697/FUL - Application to renew planning permission 05/00744/FUL to allow time to submit Reserved Matters pursuant to reference 98/01149/OUT (Pages 33 - 44)**

Site Location	Land West Of Biss Farm West Ashton Road West Ashton Wiltshire
Development	Application to renew planning permission 05/00744/FUL to allow time to submit Reserved Matters pursuant to reference 98/01149/OUT
Recommendation	Approval
Division Member	Councillor Francis Morland
Town / Parish Council	West Ashton

6.c **W/11/01563/FUL - Proposed industrial building to cover over existing open yard storage area (Pages 45 - 54)**

Site Location	Wylve Works Watery Lane Bishopstrow Wiltshire BA12 9HT
Development	Proposed industrial building to cover over existing open yard storage area
Recommendation	Approval
Division Member	Councillor Christopher Newbury
Town / Parish Council	Bishopstrow

6.d **W/11/01826/REG3 - Planning permission for the retention of a single temporary unit with toilets (previous permission 04/00746) (Pages 55 - 62)**

Site Location	Holt Primary School The Gravel Holt Wiltshire BA14 6RA
Development	Planning permission for the retention of a single temporary unit with toilets (previous permission 04/00746)
Recommendation	Approval
Division Member	Councillor Trevor Carbin
Town / Parish Council	Holt

6.e **W/11/01224/FUL - Erection of single storey rear extension and installation of additional window in main property (Pages 63 - 68)**

Site Location	18B Newtown Bradford On Avon Wiltshire BA15 1NE
Development	Erection of single storey rear extension and installation of additional window in main property
Recommendation	Approval
Division Member	Councillor Malcolm Hewson
Town / Parish Council	Bradford On Avon

7. **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None.

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 17 AUGUST 2011 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis (Substitute), Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Francis Morland

70 Apologies for Absence

Apologies for absence were received from Councillor Rod Eaton (substituted by Councillor Andrew Davis).

71 Minutes of the Previous Meeting

The minutes of the meeting held on 6 July 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 6 July 2011.

72 Declarations of Interest

W1101672ADV – Advertisement, 2 Hoardings, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN.

Councillor Peter Fuller and Councillor John Knight declared a personal interest as members of the Trowbridge Town Council. They gave their assurance that they would consider the application with an open mind.

Proposed Diversion of Part of Westbury Public Footpath No. 25 – Westbury Primary Care Centre.

Councillor Christopher Newbury declared a personal interest as a patient of the Westbury Group Practice.

Councillor Francis Morland, although not a member of the Western Area Planning Committee, declared a personal and prejudicial interest as the

objector to the proposed diversion. Councillor Morland wished to leave the room whilst the item was debated.

73 Chairman's Announcements

There were no Chairman's Announcements as such but the Chairman took the opportunity to welcome Sally Madgwick, Rights of Way Officer, who would be introducing the report on the Proposed Diversion of Part of Westbury Public Footpath No. 25 – Westbury Primary Care Centre.

74 Public Participation

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

Councillor Francis Morland left the room at this point, minute 72 refers.

75 Proposed Diversion of Part of Westbury Public Footpath No. 25 - Westbury Primary Care Centre

Public Participation:

- Mr Frank Brine spoke in support of the proposed diversion.

The Rights of Way Officer introduced the report which asked the committee to forward the Wiltshire Council (Sheet ST 85 SE) Westbury 25 (part) Diversion Order and Definitive Map Modification Order No 22 2011 to the Secretary of State for Environment, Food and Rural Affairs with the recommendation that the Order be confirmed with the modification to the Order Plan detailed at paragraph 38 of the report.

In doing so she confirmed that the objection had been received on 20 May 2011, which was within the allowed timeframe, and that it had been submitted in a personal capacity from Mr Morland.

During the ensuing debate members of the committee sought and received further information on points including the following:

- The length of the diversion; the footpath to be extinguished was 70 metres long, the proposed footpath would be 140 metres long;
- The location of the proposed footpath avoided a steep incline and ensured privacy for the practice;
- The path from A to B as shown on the map on page 25 of the agenda would be accessible by pedestrians during the Primary Care Centre opening hours as a "permitted access", it would cease to be a Public Footpath.

As some members of the committee, although they agreed the footpath would need to be diverted, could not be satisfied that the proposed diversion was the

most suitable option, an amendment to the motion was proposed which would not express support when forwarding the Diversion Order to the Secretary of State for Environment, Food and Rural Affairs. On being put to the vote the amendment was NOT CARRIED.

Councillor Ernie Clark asked for his vote in favour of the amendment to be recorded.

It was resolved

That the Wiltshire Council (Sheet ST 85 SE) Westbury 25 (part) Diversion Order and Definitive Map Modification Order No 22 2011 is forwarded to the Secretary of State for Environment, Food and Rural Affairs with the recommendation that the Order be confirmed with the modification to the Order Plan detailed below:

The s.38 Highways Act 1980 adoption plan shows that a two metre stretch leading from the roundabout past point A to footpath Westbury 54 has not been adopted as highway. Hence, the recording of this section as a public footpath is possible and preserves rights on foot. The Order Plan does require a small modification of the line to reflect this.

An Order Plan showing the required modification is attached to these minutes.

76 Planning Applications

Councillor Francis Morland joined the meeting at this point.

The Committee considered the following applications:

76.a W1003791FUL - Erection of 6 terrace dwellings with associated car parking, enclosures and tree felling and planting

The Chairman announced that the application had been withdrawn by the applicant.

It was agreed that, in future, members of the committee would be informed of the withdrawal of an application as soon as possible.

It was therefore

Resolved:

To note that the applicant had withdrawn the application.

76.b W1101672ADV - Advertisement

Members of the committee felt satisfied that a satisfactory compromise had been reached it was therefore

Resolved:

That advertising consent be GRANTED.

For the following reason(s):

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

Subject to the following condition(s):

1. The advertisements permitted by this consent shall not be displayed on the site after the date of completion of operations being undertaken under Planning Permission granted under Reference W/10/03933/REG3 or after 1 August 2016, whichever first occurs.

REASON: To ensure that the advertisements are removed at end of the limited period specified, in the interests of amenity and/or public safety.
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C24

2. The proposals shall be carried out in accordance with the following approved plans:

31405_P(0)020 received on 31 May 2011;

31405_P(0)022 received on 31 May 2011;

31405_P(0)045 received on 31 May 2011, as amended to include an additional panel containing the "Transforming Trowbridge" logo above the "Kier" logo in accordance with the plan attached to email Ref. 31405_C01_110712_County Hall Hoarding dated 12 July 2011.

REASON: In order to define the terms of this permission.

77 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 6.50 pm)

The Officer who has produced these minutes is Marie Gondlach (Democratic Services Officer), of Democratic Services, direct line 01225 713597, e-mail marie.gondlach@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

DIVERSION OF FOOTPATH WESTBURY 25 (pt) ORDER PLAN

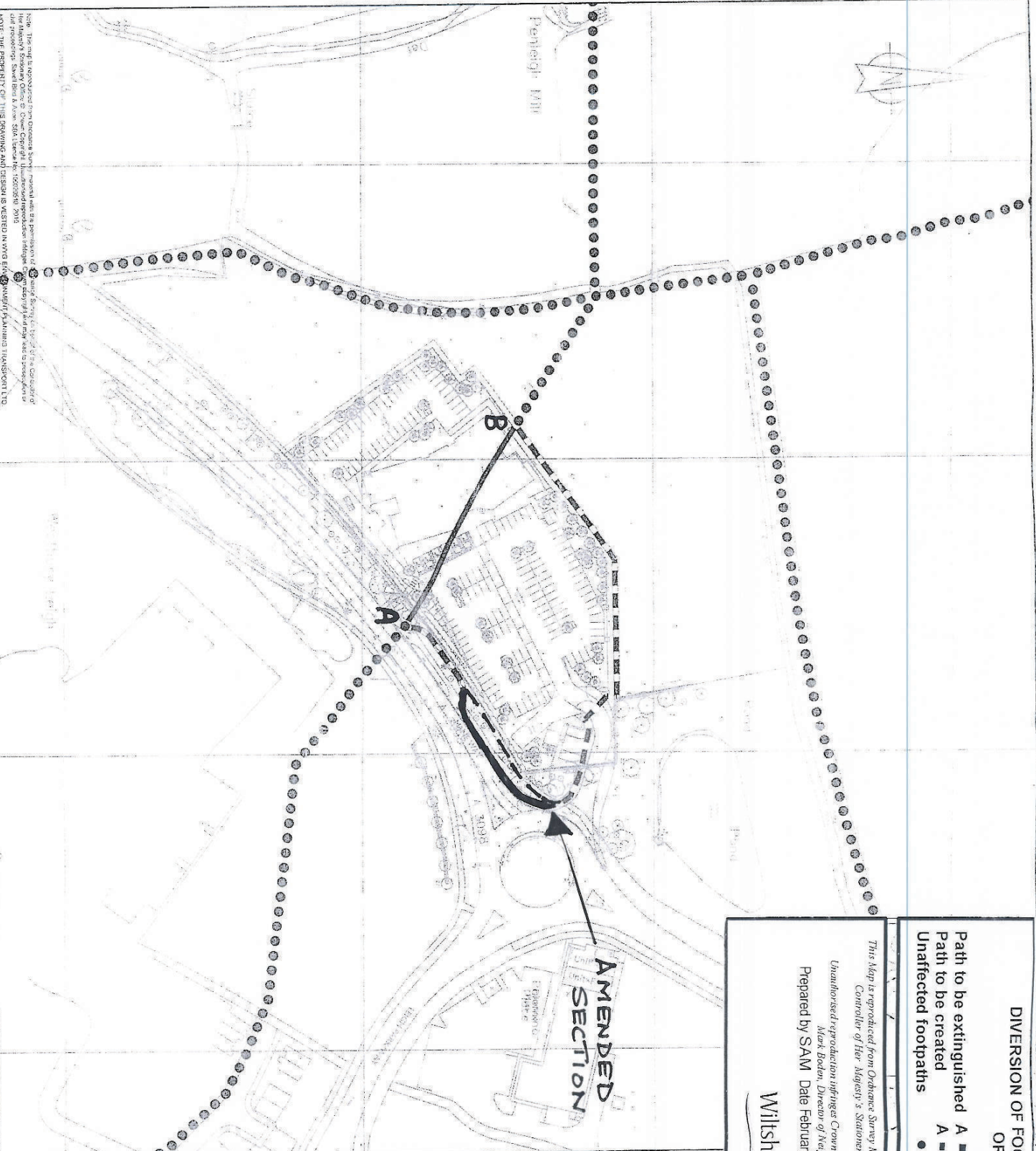
- Path to be extinguished A 
- Path to be created B 
- Unaffected footpaths 

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Mark Bodin, Director of Neighbourhood and Planning, Wiltshire Council
Prepared by SAM Date February 2011 Scale 1:1250 Grid Ref: A ST 8595 5042



Where applicable, indicate



REV	DETAILS	DRAWN	CHECKED	DATE

CLIENT: Leighton Healthcare Limited

PROJECT: WESTBURY PCC

DRAWING TITLE: Diverted Footpath Arrangement (with Scheme base)

SCALE: 1:1250 at A3

DATE: 24.11.10

DESIGNED BY: HE


CHECKED BY: AW

DATE: 24.11.10

Savell Bird & Axon
part of the wvg group

Head Office: 12 Lower Park Row, Bristol BS1 5SN
Tel: 0117 311 6187 Fax: 0117 925 4235 e: sb@sbav.com

Project Office: A063738/SK/05

PREPARED BY: 

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	07.09.2011		
Application Number	W/10/03031/FUL		
Site Address	Land West Of Biss Farm West Ashton Road West Ashton Wiltshire		
Proposal	Application to renew planning permission W/05/00744/FUL to allow time to submit reserved matters pursuant to reference 98/01149/OUT		
Applicant	Persimmon Homes (Wessex) Ltd		
Town/Parish Council	West Ashton		
Electoral Division	Southwick	Unitary Member:	Francis Morland
Grid Ref	386962 157248		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 15174 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

This application is brought back to Committee for a third time after being deferred twice.

This application was first reported to the planning committee on 8 December 2010, but was deferred by members who sought further information and clarification regarding the necessary highway improvement works (to be conditioned) and the policy position. The application was reported back to committee on 9 February 2011 with this information; and after a debate, the committee deferred a decision until a Transport Assessment (TA) had been submitted.

Initially, Councillor Morland requested that this item be determined by Committee due to the following:

* Environmental/highway impacts

It is further reported that in order to try and address the concerns of members, a meeting was held between the the planning agents and planning and highway Council officials to address the above points prior to the February 2011 committee meeting. Following this meeting, additional information was submitted by the applicant's agent, which is contained within the Proposal section of this report.

1. Purpose of Report

To consider the above application and to recommend that an extension of time for a previously approved outline development under reference 98/01149/OUT be granted.

Neighbourhood Responses

44 letters of objection received (including those "late" representations received before the 9 February committee meeting and after its deferral).

West Ashton Parish Council Response

Following the submission of the TA, the Parish Council reaffirmed its objection to the development proposal for the reasons stated within section 7.

Trowbridge Town Council Response

Following the committee's decision to defer this application for a second time, Trowbridge Town Council considered a report from the Town Clerk, and confirmed the following:

"Members commented that this was an important element in the delivery of growth for the town and for the delivery of infrastructure improvements, that brownfield sites in the town centre were inadequate to provide for all of the needs of the town for additional employment land and would be better suited to residential led and mixed use developments and that many in the town wanted additional employment opportunities and the growth which would deliver improved services".

On 15 February, the Town Council resolved to support this application.

On 29 June, the Town Clerk advised that following the submission of the TA, the Town Council wished to raise two queries about how construction vehicle access and the extent of any restrictions imposed by condition 11 as attached to approved application ref. 05/00744/FUL.

These queries were subsequently answered to the satisfaction of the Town Council.

2. Main Issues

The main issues to consider are:

The main issue to consider is whether or not there have been any material changes to circumstances that would indicate a need to re-visit the decision made in respect of application reference 05/00744/FUL.

3. Site Description

The land which is the subject of this application relates to 30 acres (12.1 hectares) of land at West Ashton Road, Trowbridge. The land is currently used for agricultural purposes but it is allocated in the adopted West Wiltshire District Plan as Site E1A - New Business Park. The site is roughly triangular in shape and is located on the eastern side of the public highway.

The adopted West Wiltshire District Plan -1st Alteration identifies the site for future employment use. This followed on from the former District Council's decision to grant outline permission in 1998. The Local Plan states that "the site is well related to the town, residential areas and the town centre, whilst not being so close as to cause environmental or amenity problems. The site has no adverse implications for the interests of nature conservation. In particular the ancient semi-natural woodland of Biss and Green Lane Woods. The site offers an excellent opportunity to provide an attractive landscaped site, integrated with the proposed country park and adjacent residential areas, which could cater for a wide range of employment uses."

4. Relevant Planning History

On 8 October 1998 outline planning permission was granted for the development of land to the west of Biss Farm, West Ashton Road for employment uses B1, B2 and B8. All matters were reserved for subsequent approval under application ref: 98/01149/OUT.

Following this, permission was granted for 01/01617/FUL on 6 February 2003 via an application made under Section 73 of the Town and Country Planning Act 1990 (as amended) for the continuation of the 1998 permission without compliance with the standard 3 year reserved matters period.

In approving 01/01617/FUL, the Council failed to specify the time limit conditions. Nevertheless, by virtue of Section 92/(3) of the Town & Country Planning Act 1990, the permission is deemed to have been granted subject to the standard 3 year period. Therefore, in granting an extension to the permission on 6 February 2003, any reserved matter details needed to be submitted by 5 February 2006 (3 years after the 6 February 2003 approval date).

On 7 June 2005, application 05/00744/FUL was approved to vary Condition 1 and the deemed time limits covering phasing and the stated time period to submit reserved matters attached to 98/01149/OUT. This approval required the applicant/developer to submit the necessary reserved matters within 6 years (i.e. prior to 7 June 2011)

It should be duly noted that in addition to the application, the subject of this report, a duplicate application ref. W/11/01697/FUL is pending, and is the subject of a separate committee report on the same committee agenda.

In addition, and in pursuance to the (extended) outline approval, a reserved matters application was submitted on 31 May 2011 and carries the reference W/11/01663/REM. This application is still pending and is not yet at a stage where it can be reported to the planning committee for determination (since it too, has been called to committee by the local ward member).

5. Proposal

As part of approving the 05/00744/FUL application, the former District Council agreed to specify that reserved matters needed to be submitted before the expiration of 6 years from the date of the permission i.e. before 6 June 2011.

At the time, the Council accepted the applicants request for an extended time period for compliance in recognising that the development of the application site for employment development was [and remains] "fundamentally dependant" upon the delivery of residential development on land south of Paxcroft Mead (Policy H11) and the Hilperton Relief Road (Policy T5).

The applicants seek to obtain an extended time limit of 5 years, compared to the standard 3 years, for them to submit the necessary reserved matters to the Council.

Under this application, permission is sought to allow an extension of time for the submission of reserved matters following on from the Council's decision to grant outline permission (98/01149/OUT) - an application which has been renewed twice under references 01/01617/FUL and 05/00744/FUL (both of which were section 73 applications).

In recognition of Section 73 (5) of the Town and Country Planning Act and the related Explanatory Memorandum and the advice issued as "Greater flexibility for planning permissions: Guidance, 2009", an application seeking a renewal of permission subject to new time limits is identified in Article 10B(1) (b) as separate and alternative to one made under Section 73; it is also explicitly recognised as a valid form of application by the amendments made to Article 4E dealing with applications for planning permission.

It therefore follows that a permission granted under these provisions would be granted under section 70 of the Act (like most permissions); it would not involve procedures, or result in a permission under section 73. The Guidance contained within the Explanatory Memorandum indicates that SI 2009 2261 is intended to introduce a new procedure for dealing with applications to replace an extant permission which meets specified criterion. Needless to say, this application must be treated as being a fresh application; but crucially, it must also be determined in full acknowledgement that an existing, extant permission exists for the site.

Through amendments made to The Town and Country Planning (General Development Procedure Order, which the new Coalition Government consolidated in October 2010 to form the Town and Country Planning (Development Management Procedure) (England) Order 2010, greater flexibility has been added to applicants and developers to apply for an extension of time to implement approved development schemes during a period of continued economic decline. It is widely recognised that there has been a sharp downturn in the commencement of approved schemes and to avoid developers having to bear further costs and delays (if a fresh planning application was required), the Government made amendments to the GDPO. The fact that this site has not yet had reserved matters approved should not materially influence the determination of this application. Following the Government revisions to planning regulations, the key points are:-

Has the development (as previously approved) commenced?
Is the development (as previously approved) extant (i.e. time limits have not yet lapsed)?

In this case, the answer to both points is no; and therefore, the Council must duly consider the planning merits of allowing an extension of time for reserved matters to be approved before development commences on site.

Following the first Committee deferral, the applicants submitted the following additional statements/justification :-

The Business Park is intrinsically linked to the East Trowbridge Residential development. As part of negotiations on the East Trowbridge development, a package of Highway Works was very recently agreed that will serve both the residential development and the Business Park.

How the Infrastructure is to be funded:-

1. The delivery of the Business Park will be residential-led.
2. It is the residential development that will fund the infrastructure to serve the employment site, including the Hilperton Relief Road (HRR) the East Trowbridge Distributor Road (ETDR) and improvements to West Ashton Road.
3. There is no other funding currently available to deliver this infrastructure without the residential development.
4. In view of current levels of demand for new employment floorspace combined with the uncertain economic conditions it is highly unlikely that the development of the Business Park will proceed on a speculative basis and in advance of the residential development.
5. Unless a very large employer unexpectedly came to the town then it is highly unlikely that a tenant of the Business Park would be willing to fund improvements to West Ashton Road and the junction off West Ashton Road.

In view of the above, it can be seen that there is no alternative funding mechanism that would suggest that the Business Park will be implemented in advance of the residential development.

Reasons for the delay:

6. Persimmon has been pursuing the East Trowbridge site for residential development for over 10 years through the Local Plan process, and then with a planning application. The planning permission was only issued in December 2010.
7. Persimmon also had to secure planning permission for the Hilperton Relief Road (HRR).
8. It is only now that the planning permissions have been issued that the company can proceed with the residential development and the related infrastructure (which the Business Park is also reliant upon).
9. The core business of Persimmon Homes is house building and the company will make an early start on the East Trowbridge residential development. The residential development will commence before any employment development at the Business Park.
10. Nonetheless Persimmon will continue to market the Business Park land in order to maximise the chances of finding tenants.

It can therefore be seen that there are legitimate reasons that explain why the Business Park development has been delayed and why it has not been delivered within the timescales previously envisaged when the planning permission was originally granted, and indeed when it was later renewed.

The required Highway Works:

11. The Council has included provisions in the Section 106 Agreement for the East Trowbridge development to ensure that the necessary Highway Works (listed in Schedule 1) are provided as and when they are required (part 6 covers the timing mechanisms).

12. The scheme of Highway Works was devised in the knowledge that they would also need to accommodate the Business Park proposals.

13. The list of Highway Works does not include Yarnbrook Roundabout as it was agreed that such improvements would not achieve any material improvement.

14. Members are aware that the Site Allocation (Policy E1A) makes reference to the developer undertaking:-

"..any necessary improvements to the West Ashton Road, its junction with the A350 and the Yarnbrook Roundabout associated with the employment development."

The Council's Highway Officers previously submitted that works to the Yarnbrook Roundabout were not necessary. This was because the Local Plan policy has been overtaken by events and the latest evidence confirms that the works are not necessary because they would not result in any material improvement as noted above. The latest position is that an alternative package of Highway Works (as secured under the s.106 agreement for the residential development) will be sufficient to enable both the residential and employment developments to proceed. However, following the submission of the Traffic Assessment, the above position has been revised and it is recommended that improvement works are undertaken at the Yarnbrook Roundabout; and that such improvement works be subject to a stand alone planning condition.

15. The aforementioned s.106 does secure improvements to West Ashton Road (see paragraph 1.5 of Schedule 1).

It can therefore be concluded that the package of Highway Works that has already been agreed as part of the residential development is appropriate and sufficient in all the circumstances.

Timing of Highway Works:

16. The s.106 requires, inter alia:-

a. No dwelling to be occupied until the Highway Works are commenced (see Clause 6.2 and Schedule 1).

b. The improvements to West Ashton Road will be undertaken prior to the occupation of the 50th dwelling (Clause 6.12.3)

c. The Hilperton Relief Road (HRR) and East Trowbridge Distributor Road (ETDR) must be open before:-

(i) 450 dwellings are constructed, or

(ii) 225 dwellings and 50% of the Gross Floor Area of the Business Park (Clause 6.7)

and in any event:-

(iii) 4 years from the first residential occupation (clause 6.8)

17. These trigger mechanisms guarantee the timely delivery of highway infrastructure and thus enable the residential and employment developments to go ahead as planned.

18. The residential development will be built out from the north. In the early years it will also be accessed by residents only from the north.

19. Consistent with this, the s.106 prevents houses being accessed via the southern stretch of the ETDR (i.e. the link between West Ashton Road and the roundabout at the southern end of the East Trowbridge residential area) before the occupation of the 225th dwelling.

20. Insofar as the residential development is concerned, Persimmon is unlikely to have the access off West Ashton Road in place prior to the 225th dwelling (other than as a temporary construction access).

21. Persimmon can build 450 dwellings before needing to complete the ETDR.

22. Regardless of this, the improvements to West Ashton Road would be delivered very early (50th dwelling occupation) which will be of benefit to the wider community well before any residential traffic would be using West Ashton Road.

It can therefore be concluded that the S.106 will ensure that all of the necessary infrastructure will be delivered, and that it will be delivered in accordance with previously agreed trigger points to ensure that there is sufficient infrastructure in place to serve both developments when it is needed.

Time limits for the Business Park Planning Permission:

At the committee meeting on 8 December 2010, some Members of the Planning Committee suggested that the planning permission should allow a period of 3 years for submission of reserved matters for the Business Park mainly because of previous delays in bringing the site forward. However as explained above the main reason for the delay has been the delays associated with the East Trowbridge residential development, which were also prolonged by the downturn in the economy.

Whilst Persimmon will continue to market the site and seek to bring it forward as soon as is practicable, it is considered that the circumstances in this case indicate that a longer time period would be more appropriate for the following reasons:-

23. Given that the Business Park will be residential led, it will take time for Persimmon to:-

- a. Secure Approval of Reserved Matters for the housing
- b. Undertake preliminary works on the East Trowbridge site
- c. Start delivering dwelling units

24. Persimmon is currently in the process of buying the land for the residential development and it is hoped that work will start on site within 1 year. Notwithstanding this, it is estimated that it would take circa 4 years for Persimmon to deliver 450 dwellings (this being the trigger point for the HRR and ETDR to be in place and operational including the roundabout and access road that would serve the Business Park).

25. Prospective tenants for the Business Park are unlikely to show interest in a site with no access in place.

26. If the access road off West Ashton Road will not be in place for up to 4 years then there is no realistic prospect of all reserved matters for a 12.1ha Business Park being submitted within 3 years.

27. The Applicant would not be able to renew the permission again in three years time as the legal provisions for renewing permissions do not apply to permissions granted post 1st October 2009.

28. If the planning permission lapses in 3 years then a fresh application would need to be submitted. This would have cost and resource implications for both the Applicant and the Local Planning Authority. It would also give rise to uncertainty which will unsettle potential tenants.

29. If there is a lack of certainty or the planning permission lapses in 3 years time employers will look elsewhere. It will give other towns a comparative advantage over Trowbridge which will undermine the efforts to regenerate the town.

30. There is no reason to suggest that a longer time period would prejudice important future planning decisions when:-

- a. The site remains the preferred location for employment development for the purposes of the emerging LDF
- b. There are no other comparable employment sites

Overall it is considered that there is no obvious planning reason for imposing such a short time limit on a strategic employment site particularly when the related infrastructure is dependent on other development and take up rates on employment sites (which are already low) will continue to be constrained by the uncertain economic climate.

What if the business Park is built out first?

The Applicant is mindful that Members asked what would happen if the residential development is never implemented and the Business Park is developed out first

This scenario is highly unlikely because of the Business Park being residential led and there being no obvious alternative source of funding for road infrastructure. The only scenario where the employment might come forward early is if a single large employer was to express an interest in the site. No such interest currently exists.

It is however recognised that it would be in the interests of good planning to address the matter for completeness.

It is considered that the matter could be addressed with the use of a Grampian Condition which requires a scheme of works to be agreed before development commences and for the phasing of those works to be agreed and subsequently implemented to ensure that they are in place at the appropriate time.

Following the second deferral, the applicant commissioned a Transport Assessment to be produced and this was duly submitted to the Council on 19 May 2011.

The key conclusions contained within the TA are:

As an allocated site for a new business park, the site is recognised as a committed development as part of the submitted 2016 model forecasts. It should be duly noted that improvements to the highway network are proposed as part of committed developments. The improvements which have been included in the 2016 forecast modelled highway network are as follows:

The Hilperton Relief Road - connecting the A361 Trowbridge Road with Canal Road/Wyke Road/Horse Road;

The East Trowbridge Distributor Road (EDTR) - connecting the A361 Hilperton Drive with West Ashton Road;

The new signal controlled junction on Bythesea Road providing access to "The Gateway" retail development on the former Wincanton site;

The new roundabout on British Row serving the Sainsbury's retail store on part of the former Ushers site;

A new roundabout on Timbrell Street serving a housing development site at the Brewery Quarter site;

A new priority junction on Bradford Road providing access to Bradford Road employment site;

A new signal controlled junction on Town Bridge providing access to proposed housing and employment on land at the former Bowyers site;

A new priority junction on the proposed EDTR providing access to the proposed West Ashton employment site.

Both the Hilperton Relief Road and the EDTR are considered important committed highway improvements which will result in changing traffic patterns in Trowbridge. Traffic generation for the committed developments and vision sites have been estimated from trip rates from either locally observed data, the TRICS database or from the TA's produced for specific developments.

The predicted traffic distribution associated to the West Ashton Road Business Park is assumed to be the same as those zones in the traffic model representing existing employment at the White Horse Business Park and the Canal Way Trading Estate.

The TA submits that the surrounding local highway network can accommodate the predicted traffic flows associated with the proposed business park, without any adverse impact on the operation of the network in either the AM or PM peak periods in the 2016 assessment year.

To help mitigate the impact of the proposed business park, it is recommended that capacity improvements should be delivered to both the A361 County Way/West Ashton Road Roundabout and the A350/a363 Yarnbrook Roundabout. The TA submits that improvements to the operation of these roundabouts would reduce queuing and delays.

The delivery of proposed development at East Trowbridge provides both the new roundabout junction at West Ashton Road and the distributor road which connects West Ashton Road with the A361 at Leap Gate. Both of which are pre-requisites of the planning permission for the West Ashton Business Park.

The East Trowbridge development would also deliver the Hilperton Relief Road and off-site highway improvements on West Ashton Road and its junction with the A350 at the West Ashton crossroads.

A satisfactory means of access can be provided to serve the proposed employment development which meets appropriate design standards. The access will be taken directly from the proposed Eastern Distributor Road via two priority junctions.

The submitted TA submits that a sustainable form of development could be achieved which would minimise the need to travel by car and encourage employees and visitors to walk, cycle or travel by bus. A Draft Framework Travel Plan has been produced alongside the TA, which details measures aimed at increasing travel by these modes.

The TA states that a 3m wide footway/cycleway would be constructed to the north of the proposed Eastern Distributor along the site's southern boundary which will continue within the site along its western boundary before connecting with the existing footway to the west of West Ashton Road via a new uncontrolled pedestrian crossing. A 2 metre wide informal path running along the sites northern/eastern boundary along the line of the watercourse is proposed providing a further connection to West Ashton Road from the proposed Eastern Distributor Road.

The proposed Eastern Distributor Road provides the opportunity for bus operators to re-route their bus services. It is envisaged that a significant number of bus services, both existing and new services, would use the new road link providing employees of the proposed business park with increased travel options.

Bus stops are proposed on both sides of the Eastern Distributor Road in the vicinity of the site which would ensure that all employees and visitors on the site would be within the recommended 400 metre walking distance to a bus stop.

6. Planning Policy

Government Guidance
PPS1 - Delivering Sustainable Development
PPS4 - Planning for Sustainable Economic Growth
PPS9 - Biodiversity and Geological Conservation
PPG13 Transport

Wiltshire Structure Plan 2011
DP4 Main Settlements

7. Consultations

West Ashton Parish Council - Objects to the development proposal on the following grounds:

In the first instance we would like to refer to the planning permission granted on 7 June 2005 (W/05/00744/FUL). Due to the already severe congestion between West Ashton, Yarnbrook and Heywood it is essential that if any new permission is granted there should be no dilution of the requirements set out in paragraphs 11, 12, 13, 16 and 19 of the original permission.

Since the Westbury Bypass Inquiry some 18 months ago when approval for a bypass was not approved, no progress has been made in improving the road conditions along the A350. It is imperative therefore that before any work is commenced on the new Paxcroft Mead development or the development land the infrastructure proposals must be met.

Secondly we would like to refer to the Pegasus covering statement - Legal background to the application (page 2) - The original permission was given in 1998, this is now 2010, 12 years later. This application may accord with the criteria set out in the "Legal Background" section but there is no escaping the fact "NO" development has taken place in the 12 years since permission was granted. A reason given was because of the economic downturn, which we suggest only occurred in the past two to three years so is therefore not relevant.

We would also question why it is necessary to increase the number of dwellings from 550 to 650, almost a 20% increase. No mention has been made as to what impact this will have on the allocation of employment land, or the density of the proposed development.

In terms of timing (page 6) (ii), the applicants statement notes that "the HRR must be completed within 4 years or the completion of 450 houses at East Trowbridge". Why is this an option? It appears to afford the developer the opportunity to build 450 houses in 4 years and the HRR may or may not be built at all. In terms of the applicants last paragraph - "In order to take account of the delaysetc", the Parish Council suggest that this should be rejected since after 12 years of apparent inactivity it seems perfectly reasonable that the developer should commit.

The Parish Council consider that the increase from 550 to 650 dwellings, almost a 20% increase with no explanation whether this is density or reallocation of employment land in reality amounts to a significant material change, for which an explanation is required before any further planning permission is granted.

In summary the Parish Council concludes that this application seeks to extend the permission whilst adding a significant number of dwellings (100). It suggests an "or" condition for infrastructure i.e. roads. Therefore approval should be subject to a firm infrastructure condition of activity and timescale compatible with the dwelling timescale. Clarification of where the land is reallocated for the extra 100 houses and the permission time extension approved if work commences to improve the road infrastructure before the housing and employment development is undertaken.

Prior to this application being reported to the 9 February 2011 committee meeting, the Parish Council raised concerns that the Highways Authority have seemingly dismissed concerns raised about the Yarnbrook Roundabout and have acquiesced to the demands of the applicant to include some improvements to the West Ashton Crossroads. The Highways Authority has not carried out or produced a full transport assessment as the policy requires. It therefore can be assumed that the Highways Authority have not carried out any strategic road infrastructure planning. This is quite worrying and in need of some serious questions being raised in the Council.

The application also talks about marketing the business park but after 12 years already and another 5 years requested is there a real demand here for jobs?

The Council do not have any statistics showing what the Paxcroft Mead development has produced whether in the way of new jobs or for the workforce in the Trowbridge area.

Following the submission of the Transport Assessment, the Parish Council maintained their objection and submits that the findings contained in the long awaited traffic assessment is an over blown document lacking in any substance or realism.

Although there is mention of the massive housing development proposed for the area in paragraphs 2.9, 2.10 and figure 3 of the report, it is obvious very little consideration was given to the affect this would have when associated with the traffic generated by the proposed business park. Also, if the suggested waste disposal facility for this site was also given the go ahead, there would be a substantial increase in HGV traffic and other associated waste transport vehicles.

The proposed eastern distributor road came as no surprise to us, but there appears to be little comprehension that this road will attract traffic not only from the proposed 900 new houses in the area, (this of course is not including the further massive housing extension along the West Ashton Road which we are expecting to see in the Core Strategy report) but also from the neighbouring Paxcroft Mead estate and the Hilperton area.

All of this traffic will come to a grinding halt when it meets the proposed roundabout at the end of the distributor road, for the road from there into Trowbridge is already heavily congested at peak times.

For traffic moving west, the proposals for improving the West Ashton traffic light junction will achieve nothing, for the existing bottleneck at Yarnbrook will cause traffic to back up well beyond the West Ashton traffic lights causing gridlock, which already occurs at peak times.

To suggest that improving the junction at Yarnbrook will bring about the necessary improvements in the traffic flows around that junction is nonsense for the traffic levels are far too heavy to make such a proposal feasible, and would not even be contemplated by a responsible Authority.

It is obvious that nothing short of a bypass to deal with the notorious bottleneck at Yarnbrook will remedy the existing highway deficiencies in the area and it is about time the planners recognised this. The solution is NOT to skirt Yarnbrook from the A350 in the direction of Heywood as any suggestion of resurrecting the Eastern Bypass around Westbury will create fierce local resistance and make Wiltshire Council a laughing stock.

We understand this report was prepared by the Developer's Agent for the Developer's and Wiltshire Council, therefore it is not surprising to us that the proposals fall short both in terms of credibility and realism i.e. there is no clear definition of 'necessary road improvements' a statement quoted several times in the report. Also the Parish Council consider that the period of accident assessments used in the report should cover a longer period of time.

On a purely local note, Bratton Road through the village of West Ashton is already a rat-run as traffic tries to avoid Yarnbrook, a situation that will become even worse if the proposals in this report are adopted. The Bratton Road rat-run already coincides in the morning with parents dropping off children to the Primary School causing gridlock by the volume of traffic.

It goes without saying therefore that this Parish Council considers the TA report is seriously inadequate in its attempt to deal with the traffic issues in the area and should be totally rejected by the Planning Committee whom we hope will not feel pressurised in accepting this report because of the planning deadline for this application.

Trowbridge Town Council - Supports the application.

The committee considered a report from the Town Clerk relating to this application, a decision on which had been deferred by the Area Planning Committee of Wiltshire Council at its meeting on 9th February.

Members commented that this was an important element in the delivery of growth for the town and for the delivery of infrastructure improvements, that brownfield sites in the town centre were inadequate to provide for all of the needs of the town for additional employment land and would be better suited to residential led and mixed use developments and that many in the town wanted additional employment opportunities and the growth which would deliver improved services.

RESOLVED to approve the recommendation:

That the Town Council considers that the development of employment allocation E1A at West Ashton Road:

- a). Is a significant positive element in the overall strategic development of the town.
- b). Accords with the Town Council's Strategy which supports further development to the South and East of the town, in areas well connected to the A350 whilst close to the town centre as the most sustainable locations for further growth of the town
- c). Is able to deliver welcomed improvements to local transport infrastructure which make areas to the north of the town better connected to the main A350

Following the submission of the TA and the Draft Framework Travel Plan, and the response from the Council Ecologist, the Town Council resolved to delegate to the Town Clerk to resolve matters of confusion and determine the Council's response.

Before Trowbridge makes any further comments on the application, the following points are made:

Trowbridge Town Council has a number of issues requiring clarification prior to making any further comments on this application.

Clarification of the following was sought:

1. Would all construction traffic use the access via West Ashton Road to access the two sites and only this access, whether temporary or permanent when the ETDR is complete and open to all other traffic?
2. Does condition 11 (as attached to approved application 05/00744/FUL) apply only to construction traffic or also to traffic entering the business park once it is occupied?

The Council's Highways officer has considered the above two queries as part of his on-going assessment of this application; and his response is covered below. The Highways response was accepted by the Town Council, and in so doing, re-affirmed their support for this application.

Highways - No highways objection to extension of time of application 05/00744/FUL.

Back in December 2010, Members wished officers to report back on two issues: firstly, the Policy position relating to the implementation of improvements at the West Ashton Crossroads (the junction of West Ashton Road and the A350), and secondly, the position regarding highway improvements at the Yarnbrook roundabout junction of the A350 with A363. The planning application seeks to renew permission for the employment land, identified at Policy E1A of the Local Plan and the recommendation by officers was to approve subject to conditions which were largely in place since the first submission for this site in 1998. The full highway position is covered within paragraph 9.1 below.

The Transport Assessment (TA) was submitted following Members deferral of the application in February 2011. It was noted that at the February planning committee, Members were concerned that the impact of the development on, particularly, the Yarnbrook junction of the A363 with A350, had not been thoroughly established. The wider impact was also of concern when considering that the original planning permission dated from 1998.

The submitted TA provides a comprehensive investigation of the impact on the wider network, with a number of junctions specifically tested for a future year (2016) including all known and committed development within the Trowbridge area, including Trowbridge Vision sites in the Town Centre. It is considered that the TA provides a very robust assessment and offers three specific recommendations:-

1. A Travel Plan draft framework is provided to encourage sustainable access options for the development as it proceeds.
2. Kerbline improvement work is offered at the junction of County Way (A361) and West Ashton Road to deal with over capacity in the future year.
3. Kerbline improvement work is also offered at the Yarnbrook junction (A350/A363), again to deal with over capacity in the future year.

It is important to note that, with all committed development also factored in, the over capacity is identified with or without this particular development and that the Yarnbrook junction identified a capacity issue in the 2009 base year. Minor kerbline improvements will improve traffic flows at both junctions and will therefore improve capacity. These improvements will mitigate the impact of the development and therefore are supported by the Highway Authority. It is also important to note that, by including all committed development within the analysis, a very robust assessment has been made and that the reality is that these impacts will occur over a longer timescale. Also, other committed developments, by virtue of their scale and impact, will not contribute to improvements at either of these junctions.

West Ashton crossroads will be improved via the Section 106 Agreement in support of the housing land and must be constructed before the 50th dwelling is occupied. This junction will operate close to capacity in the future year without the proposed improvement but will operate within capacity once the improvement work is completed. The housing development has, of course, not yet started, but was expected to start this year.

Bearing in mind the delays in proceeding with the development of both the housing land and the business park, and when taking into account the results of the TA, it is now considered appropriate that the three recommendations above are included within a conditional approval for the outline application for the business park.

It is therefore recommended that three additional conditions are added to the original list of conditions. The three conditions are numbered 23-25 and cover improvements to the County Way (A361) junction with West Ashton Road; improvements of the junction between the A363 and the A350 at Yarnbrook and a requirement to submit a Travel Plan.

In response to the two queries raised by Trowbridge Town Council, it is submitted that condition 11 attached to the approved 05/00744/FUL application restricts direct vehicular access off West Ashton Road. The business park would instead be served by two priority junction accesses formed off the EDTR.

The means by which construction traffic would access the business park site would be depend upon how the housing site develops. The business park, if started early would be accessed solely via West Ashton Road. If developed at a later date (after 450 dwellings are occupied), construction access will be available from both Leap Gate and West Ashton Road. There is no specific planning condition restricting access from Leap Gate, but the housing will not make the link complete until the triggers are met, including the construction of the Hilperton Relief Road.

Condition 11 as attached to approved application 05/00744/FUL, states that "In the interests of highway safety, there shall be no vehicular access to the site other than via a new roundabout on West Ashton Road". Members are advised that officers feel that this condition requires some modification and attention is duly drawn to the revised wording of the same numbered condition attached to this report.

Environment Agency - No objection to the renewal of application 05/00744/FUL

Wessex Water - No comments. An informative necessary.

Head of Spatial Planning - Supports application. In my view, any employment land we are still seeking to bring forward should not be removed from the development plan until such time as it has been implemented. Therefore I would expect this site to be carried forward into the Core Strategy. This site is certainly seen as an important component of the future employment land supply in Trowbridge and we very much support the renewal of permission on this site.

The site should be mapped as already having consent and this was essentially an oversight from the preparation of the Core Strategy consultation document. As the site already has permission, it should also have been listed as a Principal Employment Area which the proposed policy would seek to protect.

The Core Strategy Consultation is an additional and non statutory process, which we are undertaking to provide an additional opportunity for individuals and organisations to contribute to the process. On this basis, there is still an opportunity to ensure the document is appropriately updated and refined.

The proposals for this site are incorporated into the existing adopted West Wiltshire District Plan, First Alteration 2004 as allocation E1A. The delivery of this site is linked to residential development to the east of Trowbridge (allocation H11), which in turn will enable delivery of the West Ashton distributor road (to the east of the E1A allocation) and the Hilperton Relief Road (allocation T5A).

The case made by the developer relating to the current downturn in the housing market and the need for the viability of the proposed residential development to be revisited appears to be compelling. The delivery of this and the associated sites listed above are considered to be very important for the future of Trowbridge. On this basis there is a clear planning policy precedent to support development on this site. There are no policy objections to the application. Further background information is provided below which may help to give some useful context to how the above application can contribute to the wider, strategic future of Trowbridge.

Work is underway to prepare the Wiltshire Core Strategy, which will replace the West Wiltshire District Plan and provide a strategic policy framework for Wiltshire up to 2026. A document entitled 'Wiltshire 2026 - Planning for Wiltshire's Future' was published for consultation in the autumn of 2009. This included proposals for future strategic housing and employment growth in the main towns across Wiltshire, including Trowbridge. A preferred location for strategic development was set out in this document for Trowbridge, which consisted of land to the south and south east of the town, either side of the West Ashton Road. This preferred location for growth also incorporated the site which features in this application. The identification of this site followed intensive assessment of all available sites around the town and also took into consideration any consultation responses from earlier stages of the plan making process. Overall, a good level of support for this proposal was received through the consultation responses and through a workshop held with key local stakeholders. This meeting included representatives from the Town Council, Chamber of Commerce, Economic Partnership, Local elected Councillors and others.

The proposed strategic development of this site is considered to represent the most appropriate location to accommodate growth in Trowbridge to provide for the medium and long term needs of the town. The future development of this site would deliver a number of benefits to the town.

Work is also under way to prepare a master plan for Trowbridge Town Centre. This is focused on regenerating a number of brown field sites in the town centre and strengthening the quality of the town, providing additional employment, improved retailing, centrally located housing, improved public transport connectivity and contributing to improved infrastructure and facilities for the town. This work is being prepared alongside the Core Strategy and it is considered that both of these planning tools are essential to ensure the aspirations of Trowbridge residents can be delivered.

The Trowbridge master plan is being driven by the Trowbridge Vision Board. The responses to Wiltshire 2026 included the clear messages that the town needed to grow (and many responses supported increasing the level of growth to that proposed), providing a significant increase in employment land allocated and providing for job creation, and improving infrastructure delivery. In particular improvements to the A350 interchange at Yarnbrook was called for. The evidence from the Wiltshire 2026 consultation and the consultation undertaken through the Trowbridge Vision work

indicates that there is a clear appetite for growth and for improvements to infrastructure, facilities and employment growth in the town.

Ecologist - This site has been surveyed in the past to inform plans for the now permitted development to the east of Trowbridge (04/02105). As a result of the survey work, plans were agreed to form a 100m buffer to Green Lane Wood and a Country Park that would extend across to include the northern part of the existing application site (Blackball Brook); a Habitat Management Plan was agreed for this whole area, and plans to monitor the bat population included in this.

Survey work on land to the west of Biss Farm has also been updated (Aspect Ecology, May 2011) and, in terms of bats, the site was surveyed for tree roost potential and for foraging/commuting habitat potential. These habitats were considered to be limited at the site and restricted to the northern boundary, which as mentioned above, will be protected, enhanced and favourably managed in the long-term.

After reviewing the Aspect Ecology Assessment (cited above), the Council's Principal Ecologist confirmed that condition 22 as attached to 05/00744/FUL could be duly discharged since the assessment met the requirements of the condition. It is duly recognised that the wording of condition 22 was specific to water voles, however, the Ecological Assessment highlighted other ecological issues at the site, namely the presence of otters, which are a European Protected Species.

In discharging condition 22, the Council made the applicant aware that wildlife legislation is applicable beyond the planning system and the recommendations of the Ecological Assessment should be followed to avoid any breach of the legislation. Officers recommend that condition 22 should now be amended so that any development on site accords with the recommendations contained with the approved ecological assessment. It is furthermore recommended that given that a reserved matters submission (pursuant to this permission) may not be submitted for another 5 years, the condition should also require a fresh ecological assessment to be submitted for the Council to assess - prior to the commencement of development on site.

8. Publicity

The application was advertised by site notice / press notice / neighbour notification.

Expiry date: 29 October 2010

Summary of points raised:

44 individual letters of objection received raising concerns about :

KEY PLANNING OBJECTIONS:

Building work would result in a negative effect in terms of noise and increased traffic on West Ashton Road causing gridlock at busy periods;

Impact on wildlife - where will deer, kestrels and bats go if the site is developed;

Erosion of green buffer between Trowbridge and West Ashton;

Loss of valuable agricultural land;

Lost views of superb open countryside;

Building on green field land and cutting down all the trees;

Risks of health and safety of local residents;

Is a b8 use appropriate so close to a residential area_

Drainage concerns and potential affect on surrounding land;

The Government abolished the Regional Spatial Strategies and the Trowbridge Preferred Option Plan, as consulted upon in November 2009, should also be abolished;

How can one survive without employment?

There is a shortage of hospital beds and school places and job vacancies;

Doctors surgeries are already struggling to cope to meet demand;

Following the £600,000 environment tax bill levied on the Council, the Council's leader argued that Wiltshire's carbon footprint needed to be reduced. It therefore seems utterly irresponsible to sanction this development given the emissions from the factories themselves and increased traffic.

What is the point of the Hilperton Relief Road_ Has the Council not learnt from decades of experience that constructing short stretches of new roadway, does not increase the overall capacity of the network_

Narrowly avoided road accidents are cited as further evidence of overloaded roads and traffic conflict with other road users.

Concerns raised about the highway network in surroundings areas. Questions asked why the Council cannot take a holistic view at the road infrastructure around Trowbridge and develop a complete solution rather than piecemeal, ineffective, stretches of new tarmac. Effective investment in infrastructure provision may make Trowbridge a more attractive place for investors.

The international portents are ominous: we are confronted with the rapid rise of China, India and others. One hopes that a "hot" war will not happen, but competition is certain, economic conflict is very likely, and the appetite for all commodities, including food, will be enormous. The price of foodstuffs and fuel is high enough now, but things will become harder than in 1919 [the date of the Paris Peace Conference] or 1949 [when NATO was established] if we have to rely on our own land and feed ourselves; we now have less land available, and a population approaching 65 – 70 Million in time. Is this then a good time to go on building on green fields without some restraint? People who advocate this willy-nilly seem to me to care little for the future

ALTERNATIVE SITES:

Why not develop a Brownfield site - there are plenty to choose from in Wiltshire, such as the old camp site at Keevil, the Spitfire retail park, the White horse business park and West Wilts trading estate as well as the unfinished site on the A350 near Melksham;

There is ample empty business premises elsewhere - is there any need for another business park / industrial estate?

Building on the edge of town will exacerbate the "doughnut effect" leaving Trowbridge town centre to stagnate further. A town centre first approach should be taken;

HOUSING RELATED OBJECTIONS:

There is no requirement for the new housing. It is completely unnecessary. There are many houses and flats empty in Trowbridge, why do we need more_

House building in the future will be market based, which will result in less homes being built in Trowbridge, which in turn will mean less need for new employment;

Lack of local support for this development - does the proposal meet the context of the new localism approach which is being heralded by the coalition government;

DELAYS:

After 12 years since the original permission, there has been no forthcoming reserved matters which suggests that there is no interest or commitment to the project by the developers;

When the original outline approval was granted it was on the premise that improvements will be made to the A350 roundabout and the bypass. This scheme has clearly been abandoned;

Why does the Council want to extend the urban settlement of Trowbridge?

The economic position of the country has changed and this needs to be taken into account;

LOCAL PETITION:

In addition to the above individual letters, a signed petition objecting to the development has been submitted and signed by 119 individuals.

In addition, and just prior to the committee meeting held on 8 December, the Council received a letter from Andrew Murrison MP which reiterated local objections and stated:

Having looked at the proposals, it is clear that the RSS plans, which I hope have been shelved followed the change of government, would dramatically alter the character of Trowbridge and surrounding communities. The planning application covers a major part of the RSS proposals. It is difficult to see how it would do anything other than degrade the quality of life of my constituents. The planning authority is urged to reject the application.

Had everyone in Trowbridge and the surrounding villages known about this proposal, thousands of objections would have been submitted.

There is ample vacant brownfield sites in and around Trowbridge.

The new Localism Bill indicates that local people will be given the power to approve or refuse proposals. Local people are against this application.

Within the Wiltshire Core Strategy 2010, Natural England are reputed to have said that the proposed development sites around Trowbridge are in the proximity of important maternity roosts of Bechstein bats. There is a risk that development would adversely affect these bats. This would need to be considered as part of the HRA process and should be in accordance with European Law.

West Wilts CPRE concerns:

Members are asked to reject the officers recommendation to approve the renewal of planning permission for employment purposes on Land at Biss Farm West Ashton. The Secretary of State advises that applications of this nature should be refused where there is some material change, for example, a change in relevant planning policy for the area, a change in the relevant highway considerations, or the publication of new planning guidance.

1. The officer's report indicates that permission is conditional on the widening of the West Ashton Road, provision of a new roundabout, new distributor roads and - very importantly the improvement of the Yarnbrook roundabout. The latter of course is much more than a minor alteration to the road system - it involves a large infrastructure project on the A350 at Yarnbrook extending to the West Ashton crossroads. It is a major A350 'improvement'.

However since the cancellation of the Westbury Bypass and preparation of the replacement Local Development Framework, Local Plan policy TI and associated paragraphs regarding the A350, have not been saved. There is in fact no mention of a Yarnbrook West Ashton improvement in the Local Plan as a definite policy, and there is no safe-guarded corridor for the road, which is not even shown in the Local Plan Key Diagram. It would be quite wrong to agree a large new employment area when the major road improvement that is a condition of the construction of that area, has now no grounding in the Local Plan, or even in the Local Transport Plan. There is no evidence that the conditions of the outline planning permission can really be achieved.

2. In section 3 of the Officer's Report the text explains that additional new road links are safeguarded in the Plan to provide a northern link through Paxcroft Mead and the Hilperton Gap to the Staverton Diversion, Bath and the A461M4. In fact the Local Plan Inspector pointed out in 2004 that there is no route or corridor to safeguard for the Staverton Diversion, and it would not be right that applications for planning permission should be considered in the light of a non-existent route and a scheme which is not likely to be constructed in the foreseeable future. The context of the development is thus altered.

3. The Local Plan is being superseded by the Wiltshire Core Strategy. This was to use the housing numbers and employment hectares for Wiltshire from the South West Regional Spatial Strategy. However, that has now been abolished. The Core Strategy is thus stalled as we decide as a county, exactly how much new development we want, and also await the new planning legislation and policy put forward by the Coalition Government. We are operating in a policy vacuum.

4. This policy vacuum has already affected other Wiltshire policy decisions. On pages 24 and 25 of the draft Local Transport Plan for 2011 -2026 (just recently issued) Wiltshire Council sets out very clearly the lack of clarity when it came to transport funding and spatial planning outlook. The Local Transport Plan sets out a one year Implementation Plan only. Wiltshire Council's transport team refused to go further than this because of uncertainty. There is a lack of clarity in terms of planning at the moment- Wiltshire Council have said so themselves. This is not a time to renew permission for a major employment site which is part of a very large urban extension to Trowbridge. The amount of growth may be inappropriate.

5. Since the original planning permission was granted the economic position of the country has changed. The failure to take up planning permission over the last twelve years during which the economy was doing comparatively well, makes it even less likely that the land will be developed in the next years to come. The economic situation is another clear material change to take into account.

6. Wiltshire has often complained of central control by London and with the coming of the Decentralisation and Localism Bill local people will have more control, which Members will no doubt

welcome. The bill will devolve greater powers to Councils and neighbourhoods and give local communities control over housing and planning decisions. There is as well, a commitment to protect green areas of particular importance to local communities. All this amounts to a fundamental change in the way that planning is done. Renewing permission for a large unpopular development needs much more careful consideration and consultation than simply ticking the planning boxes.

Staverton is bisected by the B3105, once a minor country road, but now seemingly being turned into one of the main arterial routes for HGVs and cars from a large proportion of Trowbridge and West Wiltshire. I understand that development of the proposed West Ashton business park and additional houses at Paxcroft Mead is conditional (partly) on the construction of the Hilperton Gap relief road. This will empty out into the already crowded and unsuitable road through the village, grind to a halt at the traffic lights outside Cereal Partners and then have to contend with the B roads either through Sally in the Woods or Holt. This is bad enough for cars, but the ever increasing HGV traffic is causing significant problems (have you experienced HGVs trying to negotiate the narrow roads of Holt or the 90 degree bends at Woolley Green?). In the other direction, the traffic can leave the relief road and enter the congested heart of Trowbridge.

I would therefore be grateful if someone could explain to me the point of the Hilperton Gap relief road? Have we not learnt from decades of experience that building short stretches of new road which do not increase the overall capacity of the network are ultimately pointless? This question seems particularly relevant as the original network proposal, which included a diversion road around Staverton, seemed sensible. However, as Wiltshire Council (or its predecessors) allowed the route of the Staverton diversion to be built on by a housing development, it has effectively rendered it's own network planning redundant and has left local residents such as myself with the adverse effects associated by overloaded roads.

I would like to take this opportunity to describe four incidents my family suffered this week alone on the B3105 either outside my house or within the village. Firstly, I was nearly run over (by a matter of inches) by a car which failed to stop as I crossed the pedestrian crossing to take my recycling to the Staverton Club (this is the 7th time this has happened). Secondly, my family and I were forced to swerve onto the pavement to miss an oncoming HGV fuel tanker on the sharp bends within the village. Thirdly, I only narrowly missed being hit by another motorist whilst trying to enter my drive due to speed. Finally, my son was actually blown off his feet on the pavement outside my house by a passing (speeding) HGV. He is now too scared to walk to the village shop and his nursery in the village.

The need for Trowbridge to develop is appreciated, but why must those of us who live in our existing communities suffer the impact of new development caused by the short sighted lack of infrastructure which seems to be the result of inadequate planning? Is it not possible for someone in authority to take a holistic look at the road infrastructure around Trowbridge and develop a complete solution rather than piecemeal, ineffective, stretches of new tarmac? Surely the main 'A' road within a mile of the proposed West Ashton development (which access the motorway to the north/east/west of directly connected to 'A' roads to the south or west) should be the only outlet for HGV traffic. Failing this, why cannot a long term solution for Staverton be developed and implemented - funded either by S106 or the incoming CIL contributions or if not, by the Council through innovative tax mechanisms used elsewhere to deliver much needed infrastructure. The existing bottlenecks (e.g. the traffic controlled single carriageway & listed bridge at Cereal Partners, the narrow & listed canal overbridge, the narrow roads through Staverton and the collapsing causeway to Forewood Common) will force action to be taken at some point in the not too distant future.

Effective investment in infrastructure provision may make Trowbridge a more attractive place for investors able to develop the many existing derelict stretches of central Trowbridge - all of which (the former Bowyers, Tesco's, Peter Black's etc.) would be eminently more sustainable housing locations close to public transport services - we don't need any further empty shopping units.

9. Planning Considerations

9.1 The main issue to consider is whether or not there have been any material changes to circumstances that would indicate a need to re-visit the decision made in respect of application reference 05/00744/FUL.

Fundamentally, it is essential to note that the application proposal is consistent with Development Plan Policy. The site continues to be allocated for employment development (defined as Policy E1A). Indeed, the comments from the Council's Spatial Planning section re-enforce the point that the site is an integral part of the future development of east Trowbridge, and the Town as a whole. The Council has repeatedly recognised that the delivery of strategic employment development continues to be dependant upon two other strategic Local Plan allocations coming forward, namely:-

The residential development on land south of Paxcroft Mead (Policy H11) - the site known as East Trowbridge Development; and Paxcroft Mead and Hammond Way Link Road (Policy T5) - the road known as Hilperton Relief Road.

In addition, there is recognition that it is difficult to market and develop employment land until it is accessed and serviced with the necessary infrastructure in place. As and when the reserved matters are approved for the residential development at land East of Trowbridge and the scheme is implemented, a new roundabout junction on the West Ashton Road and distributor road would be provided (as they are agreed prerequisites for any employment development at this identified site labelled E1A in the Local Plan). This infrastructure would facilitate the servicing and opening up of the business park and enable effective marketing and the promotion of the employment site.

It is fully recognised that the Council has received a wide selection of objections. However, the Council has previously taken on board the issues raised. Infrastructural concerns can all be covered through planning conditions. Some locals raise concern about lack of jobs. Once granted and implemented, this site would deliver such jobs. Other concerns and objections relate largely to the principle of the development, which has clearly been established by the Council through approving previous renewals as being of great importance to the future development of Trowbridge. The comments received from the Council's spatial planning team highlight the importance of this adopted employment site.

Whilst the applicant's 8-page supporting statement explains their reasoning behind applying for a planning renewal, it has resulted in attracting quite substantial local objection to a separate residential development site. To clarify matters and to alleviate any local concern, the site subject to this application would not involve any new housing. Members are reminded that the residential outline application at land east of Trowbridge (cited above) was approved after the associated s106 legal agreement was duly signed off in December 2010.

Members are advised that this application should only be determined on the following points:

1. Is it acceptable to the Council to allow an extension of time for an extant permission which the Council has identified as being of strategic importance to be developed as a business park and in the fullness of time, to provide jobs?
2. Are the attached conditions associated to 05/00744/FUL still appropriate / robust ?

In answering point 1 above, it is necessary to note that there have been no material changes to the site circumstances that would indicate a need to re-visit the decision made in respect of application reference 05/00744/FUL. There have been no relevant local planning policy changes since this scheme was granted planning permission on 7 June 2005. The significant and wide reaching rapid economic downturn on a global scale is however recognised as being a material consideration worthy of note, as is the increasing Government emphasis on supporting economic growth. In a Ministerial Statement 'Planning for Growth', made in March 2011, the Government's top planning priority was identified as being 'to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.' The statement goes on to state that authorities should 'give appropriate weight to the need to

support economic recovery, that applications that secure sustainable growth are treated favourably'. The Secretary of State himself will 'attach significant weight to the need to secure economic growth and employment'.

It is also true to say that the development of this employment site strongly relies upon the approval and implementation of the residential scheme at land East of Trowbridge (the Persimmon Homes site) and the completion of the Hilperton relief Road. A strong case has been made that the above two developments are at least 4 years away from completion and thus a condition allowing an extension of time for 5 years to submit phased reserved matters for the employment site is considered reasonable and justified.

With regard to the second point, the conditions have been updated to include the improvements at West Ashton Crossroads (condition 13) and the recommendations included in the TA (conditions 23-25 relating to a travel Plan and kerblines improvement work at County Way and and Yarnbrook junction).

In addition, several of the conditions as attached to application 05/00744/FUL have been modified to make them more robust and precise. Others required some revision to ensure that the terms of this permission does not stymie undertaking infrastructure improvements as required by policy. Members are asked to note that condition 4 has been materially altered to delete the reference to provision of public open space, which is not required by policy or considered necessary by the Council's Landscape Officer. Condition 22 requires to be amended to take on board the fact that an acceptable ecology survey was submitted, however it is considered prudent to condition any permission to require an updated ecology survey as well as stipulating that any development should adhere to the recommendations cited within any approved ecological assessment.

After a lengthy and detailed review of this application, members are strongly encouraged to support this application, subject to the attached conditions.

Recommendation: Permission

For the following reason(s):

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

Subject to the following condition(s):

- 1 Approval of details of the layout, scale and appearance of the building(s), means of access thereto and the landscaping of the site ("the reserved matters") for each phase of the development shall be obtained from the local planning authority in writing before any development in that phase is commenced.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and Article 3 of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

- 2
 - i) Application for the approval of reserved matters shall be made to the local planning authority before the expiration of 5 years from the date of this permission;
 - ii) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last reserved matter(s) to be approved, whichever is the later.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3 of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

- 3 The details submitted pursuant to condition 1 above, shall include a phasing programme including highway and infrastructure improvements shall be approved in writing by the local planning authority. Thereafter, the highway and infrastructure improvements in each phase shall be carried out in full accordance with the approved plans (pursuant to condition 1), prior to any building being brought into use on that phase.

REASON: In order to define the terms of this permission.

- 4 In order to ensure an appropriate mix of uses in accordance with the objectives of the Development Plan, and the employment requirements of the area, each phase of development shall provide that not less than 70% of the gross floor space of any subsequently approved building(s) shall fall within B1 or B2 Use Classes as defined with the Town and Country Planning (Use Classes) Order 1987.

REASON: In order to define the terms of this permission.

- 5 To ensure a satisfactory landscaped setting for the development, the site shall be landscaped in accordance with a landscaping scheme which shall be subject to the prior approval of the local planning authority and shall be carried out concurrently with each agreed phased stage of the development. The approved scheme for each stage shall be implemented in the first appropriate planting season of the implementation of that stage using trees and shrubs of approved species and height and be maintained thereafter for a period of not less than five years. Any tree and shrubs which fail within that period in that stage shall be replaced with the agreement of the local planning authority and be subsequently maintained for a further period of five years.

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan Policy C32 and C40.

- 6 To reserve control to the local planning authority over the external materials of construction and to ensure that the appearance of the buildings is in keeping with the established local character, a schedule of the external materials to be used in the construction of building(s) shall be submitted to and approved by the local planning authority prior to any building(s) being constructed on site. No buildings shall be constructed until details relating to the buildings have been approved. The buildings shall thereafter be constructed in accordance with the approved details.

REASON: In order to define the terms of this permission.

- 7 In the interests of flood prevention, no development pursuant to the erection of any building(s) shall be commenced until a scheme of positive surface water drainage to the River Biss has been designed, agreed by the local planning authority, and constructed to the satisfaction of the Council. Such a scheme shall include for the provision of sheet run-off from the site to be discharged via a new drainage ditch from the site to the River Biss.

REASON: In the interests of flood prevention.

POLICY: Government Guidance PPS25 - Development and Flood Risk.

- 8 In the interests of flood prevention, no development pursuant to the erection of any building(s) shall be commenced until a scheme of realigning the Blackball Brook and the regrading of the floodplain has been designed, agreed by and completed to the satisfaction of the local planning authority. Such works shall make provision for future maintenance access to the brook and subsequently no development shall take place within 30 metres of the Brook.

REASON: In the interests of flood prevention.

POLICY: Government Guidance PPS25 - Development and Flood Risk.

- 9 In the interests of pollution control, no development pursuant to the erection of any building(s) shall be commenced until a scheme showing the location of all areas required for the open storage of goods, materials and wastes has been submitted and agreed in writing by the local planning authority. All vehicle parking areas, service areas and yard spaces shall be constructed of impermeable materials and suitably sized oil/chemical/petrol interceptors shall be incorporated in related surface water drainage systems.

REASON: To prevent pollution of the water environment.

POLICY: Government Guidance PPS23 - Planning and Pollution Control.

- 10 In the interests of pollution control, all oil or chemical storage tanks shall be surrounded by an impervious bund with a retention capacity of at least 110% of the largest tank within the bunded area and no working connections shall be made outside the bunded area. Waste oils and chemicals shall be collected and disposed of in an approved manner and no waste oils or chemicals shall be discharged to any drainage system.

REASON: To prevent pollution of the water environment.

POLICY: Government Guidance PPS23 - Planning and Pollution Control.

- 11 In the interests of highway safety, there shall be no vehicular access to the employment site other than via a new roundabout on the West Ashton Road and distributor road. No other vehicular access points shall be formed off West Ashton Road serving this site.

REASON: In order to define the terms of this permission.

- 12 The details of access to the site (pursuant to condition 1 above) shall include a distributor road between the site access roundabout as indicated in outline on drawing no. FP 089/3 Rev E on the West Ashton Road and the north-eastern boundary of the site on a line and level to be agreed with the local planning authority. There shall be no direct frontage access to the distributor road, and no more than two side road junctions onto the distributor road.

REASON: In order to define the terms of this permission.

POLICY: West Wiltshire District Plan Policy T4

- 13 No development shall commence on site until a scheme of works for the widening of the West Ashton Road, improving Blackball Bridge and West Ashton Crossroads, and providing for the completion of a road link from the West Ashton Road to the north-eastern boundary of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed phasing programme relating the progress of the works to occupied floor space on the site. All highway works/infrastructure improvements shall be carried out in full accordance with the approved scheme.

REASON: In the interests of highway safety.

POLICY: Government Guidance PPG13 - Transport.

- 14 To ensure that the extension of the distributor road is not prejudiced by the failure to complete the part of the works within the site in a reasonable timescale, no more than 20,000 square metres of gross floor space on the site shall be occupied until arrangements securing the completion and adoption of the distributor road to the north-eastern boundary of the site, have been submitted to and approved in writing by the local planning authority.

REASON: In order to define the terms of this permission.

POLICY: West Wiltshire District Plan Policy T4

- 15 To ensure safe access to the site, no development, other than that relating to site earthworks, drainage, landscaping and access works shall be commenced until the roundabout, indicated in outline on drawing no. FP 089/3 Rev E, has been completed with the written approval of the local planning authority.

REASON: In the interests of highway safety.

- 16 In the interests of highway safety and to encourage transport modes other than the private car, no building(s) shall be occupied until the following provision has been made for pedestrians and cyclists:

i) a pedestrian crossing on the West Ashton Road at the western extremity of the site;
ii) a footpath/cycleway route linking the pedestrian crossing on the West Ashton Road with the proposed Eastern Distributor Road and the proposed Biss Meadows Country Park;
iii) other footpath/cycleway routes connecting to ii) above to provide access through the rest of the site. Such provisions shall be in accordance with details that shall have first have been submitted to and agreed in writing by the local planning authority before any development pursuant to the erection of any building(s) is commenced on site in connection with the development hereby permitted. Development shall take place in full accordance with these approved details.

REASON: To ensure that satisfactory facilities for pedestrian and cyclists are provided and to encourage travel by means other than by the private car.

POLICY: Government Guidance PPG13 - Transport and West Wiltshire District Plan Policy T11 and T12.

- 17 In the interests of highway safety, the field accesses shown at points D and E on drawing no. FP 089/3 Rev E shall be permanently stopped up and replaced by a single agricultural access shown at point F prior to any building on the site being occupied, in accordance with details to be submitted to and approved by the local planning authority.

REASON: In the interests of highway safety.

- 18 To prevent pollution of the water environment, details of a scheme for the provision of foul drainage works shall be submitted to and approved by the local planning authority before any development pursuant to the erection of any building(s) is commenced on site. Once approved, the scheme shall be carried out in full accordance with the agreed scheme and proposed phasing.

REASON: To prevent pollution of the water environment.

POLICY: Government Guidance PPS23 - Planning and Pollution Control.

- 19 In order to protect the visual amenities of the area, the submission of landscaping details as required by condition 5 above, shall include a permanent 30 metre landscaping buffer around the site which shall require the prior approval of the local planning authority prior to the erection of any building(s) on the site. The prior approval of the local planning authority will also be required in terms of the phasing and future maintenance of the landscaping buffer for the lifetime of the development.

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan Policy C32.

- 20 To ensure adequate parking and servicing provision is available at the time future uses are commenced, detailed plans of the parking and servicing areas, together with the means of access thereto, shall be submitted to and approved by the local planning authority before the

erection of any building(s) to which it relates commences on site. The detailed proposals shall indicate the provision to be made for the draining of the parking and servicing areas, the individual marking and landscaping of car parking spaces and serviced areas where appropriate and full details of their method of construction. All works referred to in this condition shall be completed and the parking/servicing areas shall be available for use before the buildings to which they relate are occupied.

REASON: in the interests of highway safety.

POLICY: West Wiltshire District Plan Policy T10.

- 21 In order to protect the visual amenities of the area, the submission of details as required by condition 5 above, shall include a plan indicating the location of all existing and proposed trees and hedgerow along with a schedule identifying each species.

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan Policy C32 and C40.

- 22 In order to protect any wildlife interest on the site, prior to the commencement of any development on site (i.e. building work or infrastructure improvements), an updated ecological survey (following on from the approved recommendations contained within the Aspect Ecology report dated May 2011) shall be carried out to establish the presence of any protected species on or immediately adjacent to the site, the level of any identified population and the extent their habitat. The survey results and any necessary mitigating measures to avoid causing harm to any protected species shall be submitted and approved by the local planning authority. Details shall, as appropriate, include any necessary measures to safeguard any protected habitats and species found on site. Following the approval of such details, any agreed mitigation shall be implemented in accordance with an agreed timetable and phasing, as appropriate.

REASON: To mitigate against the loss of any existing biodiversity and nature habitats.

POLICY: Government Guidance PPS9 - Biodiversity and Geological Conservation.

- 23 No development shall commence until a detailed scheme for the improvement of the County Way (A361) junction with West Ashton Road, in accordance with drawing No. "Figure 15" of the Transport Assessment dated 12.05.2011, has been submitted to and approved in writing by the LPA. Following any approval of such details, the improvement work shall be completed in accordance with the approved details before the first occupation of the business park development.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 24 No development shall commence until a detailed scheme for the improvement of the junction between the A363 and the A350 at Yarnbrook, in accordance with drawing No. "Figure 16" of the Transport Assessment dated 12.05.2011, has been submitted to and approved in writing by the LPA. Following any approval of such details, the improvement work shall be completed in accordance with the approved details before the first occupation of the business park development.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 25 No development shall commence until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include details of the implementation and monitoring. The results of the implementation and monitoring shall be made

available to the local planning authority on request, together with any changes to the Travel Plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development site.

- 26 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

SITE LOCATION PLAN - drawing no. P.0639_01 received on 21.09.2010.

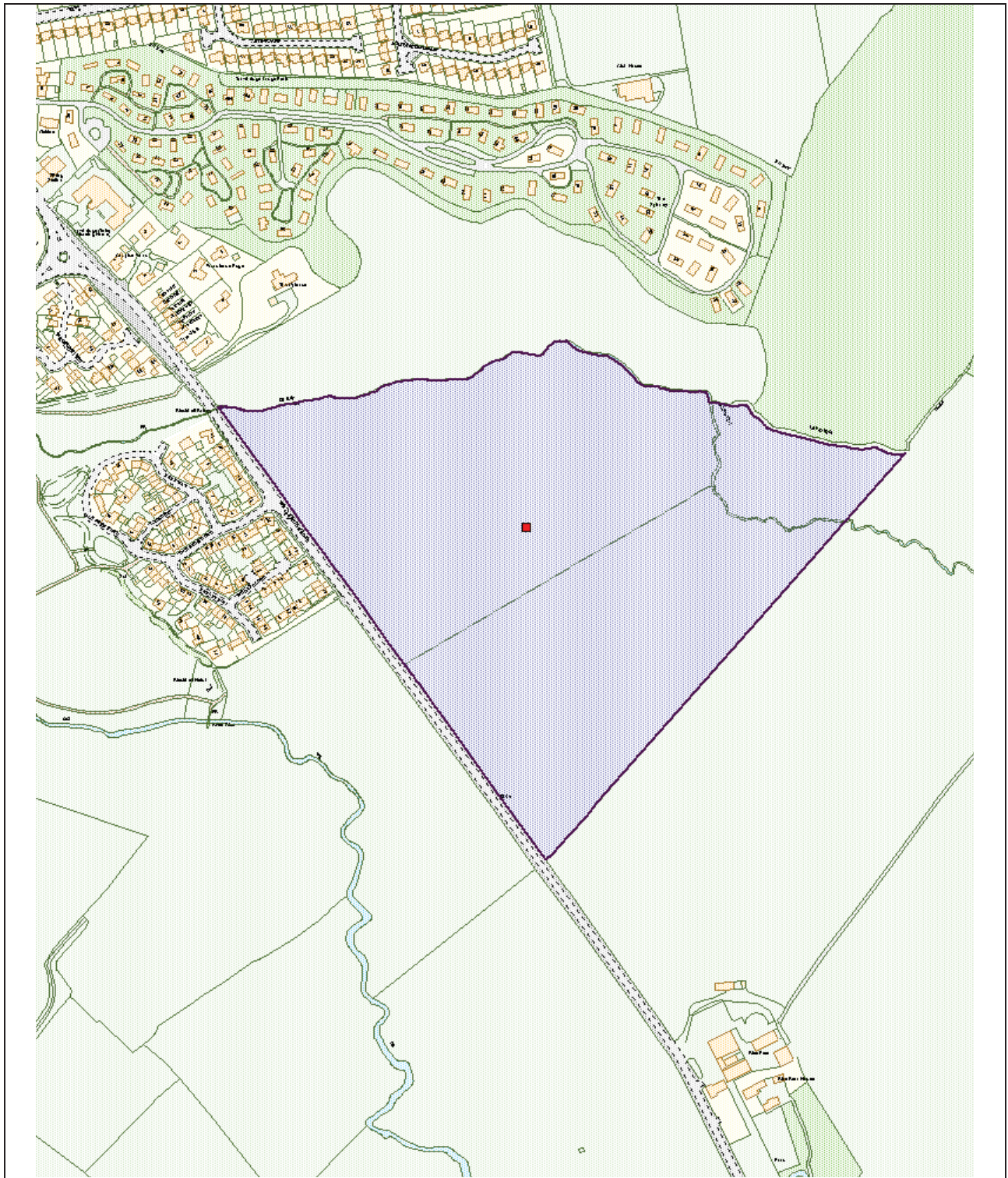
PROPOSED ACCESS ARRANGEMENTS AND CORRIDORS PLAN - drawing no. FP089/3 Rev E received on 30.11.2010.

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Informative(s):

- 1 Prior to any development commencing on site, the applicant/developer is advised to contact Wessex Water to agree points of connection to the public water and sewer networks.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD
www.wiltshire.gov.uk

MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : P.0639_01 SITE PLAN received on 21.09.2010

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	07.09.2011		
Application Number	W/11/01697/FUL		
Site Address	Land West Of Biss Farm West Ashton Road West Ashton Wiltshire		
Proposal	Application to renew planning permission 05/00744/FUL to allow time to submit Reserved Matters pursuant to reference 98/01149/OUT		
Applicant	Persimmon Homes (Wessex) Ltd		
Town/Parish Council	West Ashton		
Electoral Division	Southwick	Unitary Member:	Francis Morland
Grid Ref	386962 157248		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 15174 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Francis Morland has requested that this item be determined by Committee due to the following:

Environmental or highway impacts and as requested by West Ashton Parish Council.

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to conditions.

Neighbourhood Responses

13 letters of third party representation have been received directly referencing this application (although it is acknowledged that 44 representations were submitted in respect to the "duplicate" submission - reference w/10/03031/FUL, which is also subject to committee determination.

West Ashton Parish Council Response - Objects.

Trowbridge Town Council Response - Supports the application.

2. Main Issues

The main issue to consider is whether or not there have been any material changes to circumstances that would indicate a need to re-visit the decision made in respect of application reference 05/00744/FUL.

The application is essentially a duplicate submission to that submitted under reference W/10/03031/FUL.

3. Site Description

The site is the same as that described in the report on W/10/03031/FUL included as item 6(a) of this agenda.

4. Relevant Planning History

The relevant planning history of this site is set out in the report on W/10/03031/FUL, included as item 6(a) of this agenda.

5. Proposal

The proposal is fully described in the report on W/10/03031/FUL included as item 6(a) of this agenda.

6. Planning Policy

The relevant planning policies are set out in the report on W/10/03031/FUL included as item 6(a) of this agenda.

7. Consultations

West Ashton Parish Council - Objects for the reasons set out in the report on W/10/03031/FUL included as item 6(a) of this agenda.

Trowbridge Town Council - Supports the application, for the reasons set out in the report on W/10/03031/FUL included as item 6(a) of this agenda.

Highways - No highways objection to extension of time of application 05/00744/FUL. Full comments set out in the report on W/10/03031/FUL included as item 6(a) of this agenda.

Environment Agency - No objection to this renewal submission, subject to the conditions being applied as per 05/00744/FUL.

Wessex Water - No objection subject to an informative.

Head of Spatial Planning - Supports application. Full comments set out in the report on W/10/03031/FUL included as item 6(a) of this agenda.

Environmental Health - No objections. No conditions recommended.

Ecologist - Comments set out in the report on W/10/03031/FUL included as item 6(a) of this agenda.

8. Publicity

The application was advertised by site notice /press notice /neighbour notification. Expiry date: 15 July 2011

Summary of points raised:

Thirteen letters of third party representation have been received raising the following concerns:

Impact on Surroundings:

There is no excuse to dig up the beautiful countryside.

There are alternative sites in Trowbridge, Westbury and Melksham which could be developed instead. The existing industrial estates and business parks in Trowbridge are not full and have adequate capacity to meet increased demand.

The proposals would detrimentally affect local health and wildlife.

The green belt around Trowbridge should be protected.

The land is flood plain and developing the site could mean that the green buffer adjacent to the park will become much more at risk of flooding.

The site may well be zoned for employment use, but it will probably end up being small storage units which will provide little employment.

The existing road infrastructure is already inadequate. This development, without improvements, makes no sense.

The proposed development does not have local resident's support nor the support of the local MP. The level of local opposition is in the form of individual letters and a signed petition (ref. w/10/03031/FUL)

Why did the Council only neighbour notify local residents, why not notify all of Wiltshire_ Why only limit notification to local area_

There should be a greater buffer / separation between industry and residential uses. Could the site attract small scale chemical and heavier industry_

The consolation country park strip is totally inadequate.

Increased noise and traffic pollution.

Since 1998, many vacant employment sites have become available in and around Trowbridge, and since writing to object to w/10/03031/FUL in October, the number of vacant employment sites have also increased.

This application would, as the local MP states, degrade the quality of life of his constituents.

The rarest bat in the UK, the Bechstein species, has a maternity roose in the Green Lane/Biss Wood, and this development would result in its loss.

This proposal should never have been accepted in 1998, and it shouldn't be now.

The site is not indicated as part of Wiltshire Council's Core Strategy (page 54 - map 5.5) for employment land. Why _

Wiltshire Council appears to be going all out for economic growth, no matter at what cost to the landscape and environment. Unless checked, this development could lead to massive urban sprawl, resembling the mistakes made in Swindon and the south east of England. The Campaign for a better Trowbridge asks for low growth option to developing Trowbridge, instead of this development proposal.

The original conditions as attached to the previous approval should be retained.

Following the £600,000 environment tax bill levied on the Council, the Council's leader argued that Wiltshire's carbon footprint needed to be reduced. It therefore seems utterly irresponsible to sanction this development given the emissions from the factories themselves and increased traffic.

The international portents are ominous: we are confronted with the rapid rise of China, India and others. One hopes that a "hot" war will not happen, but competition is certain, economic conflict is very likely, and the appetite for all commodities, including food, will be enormous. The price of foodstuffs and fuel is high enough now, but things will become harder than in 1919 [the date of the Paris Peace Conference] or 1949 [when NATO was established] if we have to rely on our own land and feed ourselves; we now have less land available, and a population approaching 65 - 70 Million in time. Is this then a good time to go on building on green fields without some restraint? People who advocate this willy-nilly seem to me to care little for the future

Will Council Tax be reduced as the green belt will decrease together with the change from residential area to commercial_

The Council says it has a plan for the future, but it clearly does not take into account the views of the residents of West Ashton Road, West Ashton village and the surrounding area.

Whilst application w/10/03031/FUL is still awaiting a decision by elected members, this application should be deferred. This application should be determined by committee also.

Objections to More Housing:

More houses mean more cars and pollution.

We do not need more housing

Why lose the green belt for more houses_

More Housing Need:

There is a clear need for more houses and the Paxcroft Mead development should be extended.

This site / area is sought after for residential use. There are few in Trowbridge, and we need to keep such sites to attract people to come and stay.

Linked Public Representations

Although not specifically submitted under this application, the Council recognises that a petition with 119 signatories objecting to the principle of extending the time period for submitting reserved matters pursuant to 98/01149/OUT, was received in respect to concurrent application w/10/03031/FUL. It is also acknowledged that the local MP submitted the following representation:

Having looked at the proposals, it is clear that the RSS plans, which I hope have been shelved following the change of government, would dramatically alter the character of Trowbridge and surrounding communities. The planning application covers a major part of the RSS proposals. It is difficult to see how it would do anything other than degrade the quality of life of my constituents. The planning authority is urged to reject the application

9. Planning Considerations

9.1 The main issue to consider is whether or not there have been any material changes to circumstances that would indicate a need to re-visit the decision made in respect of application reference 05/00744/FUL.

Fundamentally, it is essential to note that the application proposal is consistent with Development Plan Policy. The site continues to be allocated for employment development (defined as Policy E1A). Indeed, the comments from the Council's Spatial Planning section re-enforce the point that the site is an integral part of the future development of east Trowbridge, and the Town as a whole. The Council has repeatedly recognised that the delivery of strategic employment development continues to be dependant upon two other strategic Local Plan allocations coming forward, namely:-

The residential development on land south of Paxcroft Mead (Policy H11) - the site known as East Trowbridge Development; and Paxcroft Mead and Hammond Way Link Road (Policy T5) - the road known as Hilperton Relief Road.

In addition, there is recognition that it is difficult to market and develop employment land until it is accessed and serviced with the necessary infrastructure in place. As and when the reserved matters are approved for the residential development at land East of Trowbridge and the scheme is implemented, a new roundabout junction on the West Ashton Road and distributor road would be provided (as they are agreed prerequisites for any employment development at this identified site labelled E1A in the Local Plan). This infrastructure would facilitate the servicing and opening up of the business park and enable effective marketing and the promotion of the employment site.

It is fully recognised that the Council has received a wide selection of objections. However, the Council has previously taken on board the issues raised. Infrastructural concerns can all be covered through planning conditions. Some locals raise concern about lack of jobs. Once granted and implemented, this site would deliver such jobs. Other concerns and objections relate largely to the principle of the development, which has clearly been established by the Council through approving previous renewals as being of great importance to the future development of Trowbridge. The comments received from the Council's spatial planning team highlight the importance of this adopted employment site.

Whilst the applicant's 8-page supporting statement explains their reasoning behind applying for a planning renewal, it has resulted in attracting quite substantial local objection to a separate residential development site. To clarify matters and to alleviate any local concern, the site subject to this application would not involve any new housing. Members are reminded that the residential outline application at land east of Trowbridge (cited above) was approved after the associated s106 legal agreement was duly signed off in December 2010.

Members are advised that this application should only be determined on the following points:

1. Is it acceptable to the Council to allow an extension of time for an extant permission which the Council has identified as being of strategic importance to be developed as a business park and in the fullness of time, to provide jobs?

2. Are the attached conditions associated to 05/00744/FUL still appropriate / robust ?

In answering point 1 above, it is necessary to note that there have been no material changes to the site circumstances that would indicate a need to re-visit the decision made in respect of application reference 05/00744/FUL. There have been no relevant local planning policy changes since this scheme was granted planning permission on 7 June 2005. The significant and wide reaching rapid economic downturn on a global scale is however recognised as being a material consideration worthy of note, as is the increasing Government emphasis on supporting economic growth. In a Ministerial Statement 'Planning for Growth', made in March 2011, the Government's top planning priority was identified as being 'to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. ' The statement goes on to state that authorities should 'give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably'. The Secretary of State himself will 'attach significant weight to the need to secure economic growth and employment'.

It is also true to say that the development of this employment site strongly relies upon the approval and implementation of the residential scheme at land East of Trowbridge (the Persimmon Homes site) and the completion of the Hilperton relief Road. A strong case has been made that the above two developments are at least 4 years away from completion and thus a condition allowing an extension of time for 5 years to submit phased reserved matters for the employment site is considered reasonable and justified.

With regard to the second point, the conditions have been updated to include the improvements at West Ashton Crossroads (condition 13) and the recommendations included in the TA (conditions 23-25 relating to a travel Plan and kerblin improvement work at County Way and and Yarnbrook junction).

In addition, several of the conditions as attached to application 05/00744/FUL have been modified to make them more robust and precise. Others required some revision to ensure that the terms of this permission does not stymie undertaking infrastructure improvements as required by policy. Members are asked to note that condition 4 has been materially altered to delete the reference to provision of public open space, which is not required by policy or considered necessary by the Council's Landscape Officer. Condition 22 requires to be amended to take on board the fact that an acceptable ecology survey was submitted, however it is considered prudent to condition any permission to require an updated ecology survey as well as stipulating that any development should adhere to the recommendations cited within any approved ecological assessment.

After a lengthy and detailed review of this application, members are strongly encouraged to support this application, subject to the attached conditions.

Recommendation: Permission

For the following reason(s):

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

Subject to the following condition(s):

- 1 Approval of details of the layout, scale and appearance of the building(s), means of access thereto and the landscaping of the site ("the reserved matters") for each phase of the development shall be obtained from the local planning authority in writing before any development in that phase is commenced.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and Article 3 of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

- 2 i) Application for the approval of reserved matters shall be made to the local planning authority before the expiration of 5 years from the date of this permission;
- ii) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last reserved matter(s) to be approved, whichever is the later.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3 of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

- 3 The details submitted pursuant to condition 1 above, shall include a phasing programme including highway and infrastructure improvements shall be approved in writing by the local planning authority. Thereafter, the highway and infrastructure improvements in each phase shall be carried out in full accordance with the approved plans (pursuant to condition 1), prior to any building being brought into use on that phase.

REASON: In order to define the terms of this permission.

- 4 In order to ensure an appropriate mix of uses in accordance with the objectives of the Development Plan, and the employment requirements of the area, each phase of development shall provide that not less than 70% of the gross floor space of any subsequently approved building(s) shall fall within B1 or B2 Use Classes as defined with the Town and Country Planning (Use Classes) Order 1987.

REASON: In order to define the terms of this permission.

- 5 To ensure a satisfactory landscaped setting for the development, the site shall be landscaped in accordance with a landscaping scheme which shall be subject to the prior approval of the local planning authority and shall be carried out concurrently with each agreed phased stage of the development. The approved scheme for each stage shall be implemented in the first appropriate planting season of the implementation of that stage using trees and shrubs of approved species and height and be maintained thereafter for a period of not less than five years. Any tree and shrubs which fail within that period in that stage shall be replaced with the agreement of the local planning authority and be subsequently maintained for a further period of five years.

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan Policy C32 and C40.

- 6 To reserve control to the local planning authority over the external materials of construction and to ensure that the appearance of the buildings is in keeping with the established local character, a schedule of the external materials to be used in the construction of building(s) shall be submitted to and approved by the local planning authority prior to any building(s) being constructed on site. No buildings shall be constructed until details relating to the buildings have been approved. The buildings shall thereafter be constructed in accordance with the approved details.

REASON: In order to define the terms of this permission.

- 7 In the interests of flood prevention, no development pursuant to the erection of any building(s) shall be commenced until a scheme of positive surface water drainage to the River Biss has been designed, agreed by the local planning authority, and constructed to the satisfaction of the Council. Such a scheme shall include for the provision of sheet run-off from the site to be discharged via a new drainage ditch from the site to the River Biss.

REASON: In the interests of flood prevention.

POLICY: Government Guidance PPS25 - Development and Flood Risk.

- 8 In the interests of flood prevention, no development pursuant to the erection of any building(s) shall be commenced until a scheme of realigning the Blackball Brook and the regrading of the floodplain has been designed, agreed by and completed to the satisfaction of the local planning authority. Such works shall make provision for future maintenance access to the brook and subsequently no development shall take place within 30 metres of the Brook.

REASON: In the interests of flood prevention.

POLICY: Government Guidance PPS25 - Development and Flood Risk.

- 9 In the interests of pollution control, no development pursuant to the erection of any building(s) shall be commenced until a scheme showing the location of all areas required for the open storage of goods, materials and wastes has been submitted and agreed in writing by the local planning authority. All vehicle parking areas, service areas and yard spaces shall be constructed of impermeable materials and suitably sized oil/chemical/petrol interceptors shall be incorporated in related surface water drainage systems.

REASON: To prevent pollution of the water environment.

POLICY: Government Guidance PPS23 - Planning and Pollution Control.

- 10 In the interests of pollution control, all oil or chemical storage tanks shall be surrounded by an impervious bund with a retention capacity of at least 110% of the largest tank within the bunded area and no working connections shall be made outside the bunded area. Waste oils and chemicals shall be collected and disposed of in an approved manner and no waste oils or chemicals shall be discharged to any drainage system.

REASON: To prevent pollution of the water environment.

POLICY: Government Guidance PPS23 - Planning and Pollution Control.

- 11 In the interests of highway safety, there shall be no vehicular access to the employment site other than via a new roundabout on the West Ashton Road and distributor road. No other vehicular access points shall be formed off West Ashton Road serving this site.

REASON: In order to define the terms of this permission.

- 12 The details of access to the site (pursuant to condition 1 above) shall include a distributor road between the site access roundabout as indicated in outline on drawing no. FP 089/3 Rev E on the West Ashton Road and the north-eastern boundary of the site on a line and level to be agreed with the local planning authority. There shall be no direct frontage access to the distributor road, and no more than two side road junctions onto the distributor road.

REASON: In order to define the terms of this permission.

POLICY: West Wiltshire District Plan Policy T4

- 13 No development shall commence on site until a scheme of works for the widening of the West Ashton Road, improving Blackball Bridge and West Ashton Crossroads, and providing for the completion of a road link from the West Ashton Road to the north-eastern boundary of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed phasing programme relating the progress of the works to occupied floor space on the site. All highway works/infrastructure improvements shall be carried out in full accordance with the approved scheme.

REASON: In the interests of highway safety.

POLICY: Government Guidance PPG13 - Transport.

- 14 To ensure that the extension of the distributor road is not prejudiced by the failure to complete the part of the works within the site in a reasonable timescale, no more than 20,000 square metres of gross floor space on the site shall be occupied until arrangements securing the completion and adoption of the distributor road to the north-eastern boundary of the site, have been submitted to and approved in writing by the local planning authority.

REASON: In order to define the terms of this permission.

POLICY: West Wiltshire District Plan Policy T4

- 15 To ensure safe access to the site, no development, other than that relating to site earthworks, drainage, landscaping and access works shall be commenced until the roundabout, indicated in outline on drawing no. FP 089/3 Rev E, has been completed with the written approval of the local planning authority.

REASON: In the interests of highway safety.

- 16 In the interests of highway safety and to encourage transport modes other than the private car, no building(s) shall be occupied until the following provision has been made for pedestrians and cyclists:

- i) a pedestrian crossing on the West Ashton Road at the western extremity of the site;
- ii) a footpath/cycleway route linking the pedestrian crossing on the West Ashton Road with the proposed Eastern Distributor Road and the proposed Biss Meadows Country Park;
- iii) other footpath/cycleway routes connecting to ii) above to provide access through the rest of the site. Such provisions shall be in accordance with details that shall have first have been submitted to and agreed in writing by the local planning authority before any development pursuant to the erection of any building(s) is commenced on site in connection with the development hereby permitted. Development shall take place in full accordance with these approved details.

REASON: To ensure that satisfactory facilities for pedestrian and cyclists are provided and to encourage travel by means other than by the private car.

POLICY: Government Guidance PPG13 - Transport and West Wiltshire District Plan Policy T11 and T12.

- 17 In the interests of highway safety, the field accesses shown at points D and E on drawing no. FP 089/3 Rev E shall be permanently stopped up and replaced by a single agricultural access shown at point F prior to any building on the site being occupied, in accordance with details to be submitted to and approved by the local planning authority.

REASON: In the interests of highway safety.

- 18 To prevent pollution of the water environment, details of a scheme for the provision of foul drainage works shall be submitted to and approved by the local planning authority before any development pursuant to the erection of any building(s) is commenced on site. Once approved, the scheme shall be carried out in full accordance with the agreed scheme and proposed phasing.

REASON: To prevent pollution of the water environment.

POLICY: Government Guidance PPS23 - Planning and Pollution Control.

- 19 In order to protect the visual amenities of the area, the submission of landscaping details as required by condition 5 above, shall include a permanent 30 metre landscaping buffer around the site which shall require the prior approval of the local planning authority prior to the erection of any building(s) on the site. The prior approval of the local planning authority will also be required in terms of the phasing and future maintenance of the landscaping buffer for the lifetime of the development.

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan Policy C32.

- 20 To ensure adequate parking and servicing provision is available at the time future uses are commenced, detailed plans of the parking and servicing areas, together with the means of access thereto, shall be submitted to and approved by the local planning authority before the erection of any building(s) to which it relates commences on site. The detailed proposals shall indicate the provision to be made for the draining of the parking and servicing areas, the individual marking and landscaping of car parking spaces and serviced areas where appropriate and full details of their method of construction. All works referred to in this condition shall be completed and the parking/servicing areas shall be available for use before the buildings to which they relate are occupied.

REASON: in the interests of highway safety.

POLICY: West Wiltshire District Plan Policy T10.

- 21 In order to protect the visual amenities of the area, the submission of details as required by condition 5 above, shall include a plan indicating the location of all existing and proposed trees and hedgerow along with a schedule identifying each species.

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan Policy C32 and C40.

- 22 In order to protect any wildlife interest on the site, prior to the commencement of any development (i.e. building work or on-site infrastructure improvements), an updated ecological survey (following on from the approved recommendations contained within the Aspect Ecology report dated May 2011) shall be carried out to establish the presence of any protected species on or immediately adjacent to the site, the level of any identified population and the extent their habitat. The survey results and any necessary mitigating measures to avoid causing harm to any protected species shall be submitted and approved by the local planning authority. Details shall, as appropriate, include any necessary measures to safeguard any protected habitats and species found on site. Following the approval of such details, any agreed mitigation shall be implemented in accordance with an agreed timetable and phasing, as appropriate.

REASON: To mitigate against the loss of any existing biodiversity and nature habitats.

POLICY: Government Guidance PPS9 - Biodiversity and Geological Conservation.

- 23 No development shall commence until a detailed scheme for the improvement of the County Way (A361) junction with West Ashton Road, in accordance with drawing No. "Figure 15" of the Transport Assessment dated 12.05.2011, has been submitted to and approved in writing by the LPA. Following any approval of such details, the improvement work shall be completed in accordance with the approved details before the first occupation of the business park development.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 24 No development shall commence until a detailed scheme for the improvement of the junction between the A363 and the A350 at Yarnbrook, in accordance with drawing No. "Figure 16" of the Transport Assessment dated 12.05.2011, has been submitted to and approved in writing by

the LPA. Following any approval of such details, the improvement work shall be completed in accordance with the approved details before the first occupation of the business park development.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 25 No development shall commence until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include details of the implementation and monitoring. The results of the implementation and monitoring shall be made available to the local planning authority on request, together with any changes to the Travel Plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development site.

- 26 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

SITE LOCATION PLAN - drawing no. P.0639_01 received on 03.06.2011.

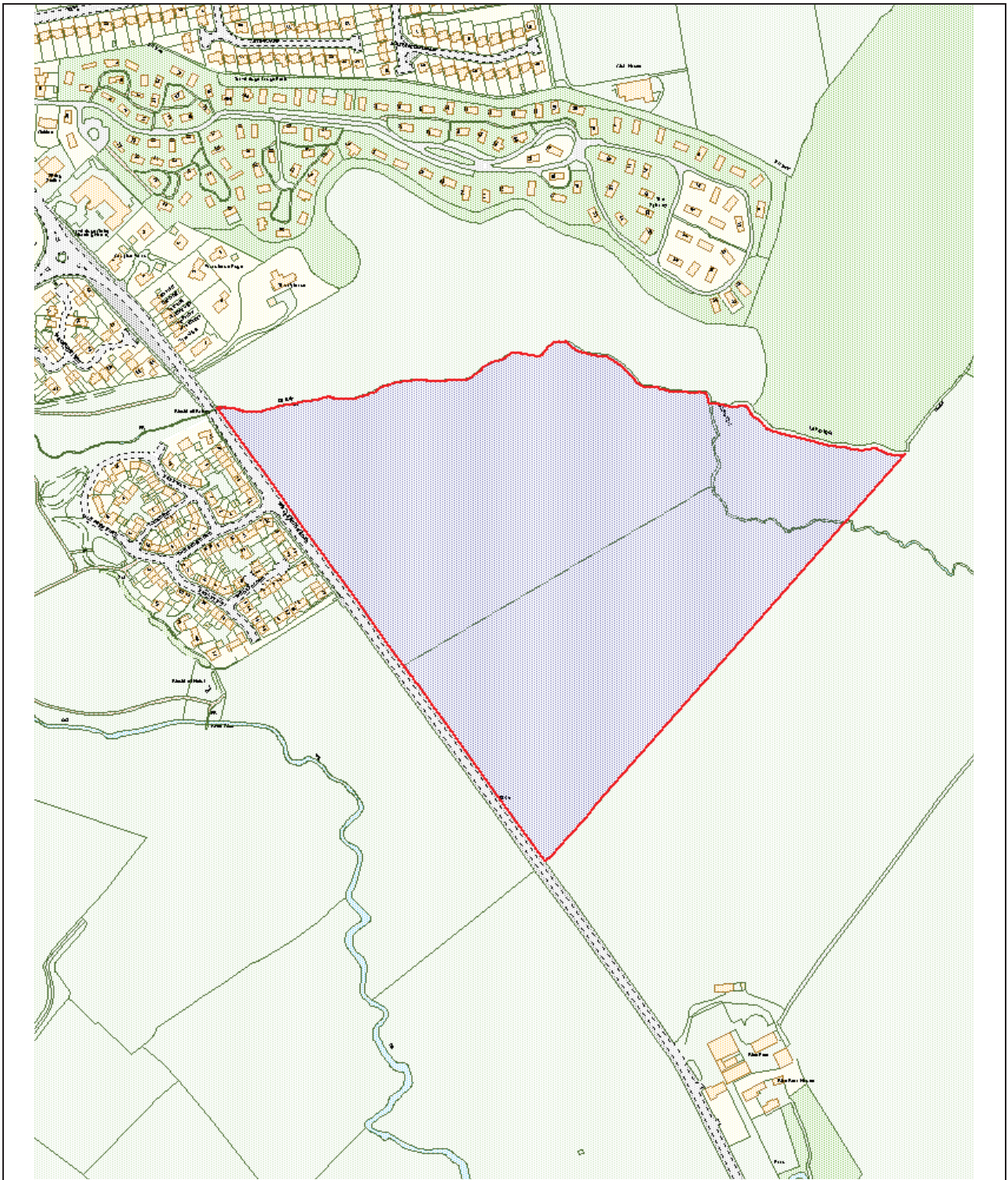
PROPOSED ACCESS ARRANGEMENTS AND CORRIDORS PLAN - drawing no. FP089/3 Rev E received on 03.06.2011.

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Informative(s):

- 1 Prior to any development commencing on site, the applicant/developer is advised to contact Wessex Water to agree points of connection to the public water and sewer networks.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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www.wiltshire.gov.uk

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	07.09.2011		
Application Number	W/11/01563/FUL		
Site Address	Wylve Works Watery Lane Bishopstrow Wiltshire BA12 9HT		
Proposal	Proposed industrial building to cover over existing open yard storage area		
Applicant	GAE Farm Technologies Ltd / John Barbarian		
Town/Parish Council	Bishopstrow		
Electoral Division	Warminster Copheap And Wylve	Unitary Member:	Christopher Newbury
Grid Ref	389768 143893		
Type of application	Full Plan		
Case Officer	Mrs Judith Dale	01225 770344 Ext 15245 judith.dale@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Newbury has requested that this item be determined by Committee due to:

- * Effect on neighbours' amenity
- * In the interests of public debate

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted.

Neighbourhood Responses

6 letters of objection have been received from the owner of the property to the west on the opposite side of the Millstream, one of which states that it is written with the 'unanimous accord of Mill Lane and Watery Lane residents'. These cover the following matters:

- The planning history of the site which shows the expansion of the business over the years
- Failure to carry out stated improvements over that time
- An increase in the working hours by 40%
- An increase in traffic movements by 40%
- Inadequacies in the information submitted with the application
- Detrimental impact of the development on the Conservation Area
- Detrimental impact of the development on residential amenity in terms of noise and pollution
- The existing business is a non conforming use
- The proposed development would result in an increase in production on the site with consequent detrimental impact
- The application fails to overcome previous reasons for refusal for a similar development in 2009

Two of these letters were received following the submission of revised plans and cover the following additional points:

- Revised plans do not overcome the fundamental objections raised above

- Rooflights will provide reduced sound resistance
- Resultant increase in daylight within the extension exceeds basic requirement for storage and space is likely to be used for production
- Inadequate sound insulation
- The applicants are being favoured at the expense of the concerns of residents
- No meetings or site visits have been conducted with residents.

One letter has been received from the neighbour sited to the north of the site in support of the above objections.

A statement from the applicant company addressing the various objections raised by neighbours has been subsequently received.

Bishopstrow Parish Meeting Response

The Parish Meeting 'support/object' the application and have submitted the following 'draft' comments:

"This potential application was presented by GEA and discussed at a Village Meeting in September 2010 and again at four display sessions in March 2011 – no adverse comments were received by attending Villagers.

Many Villagers have been aware of this small industry in our midst for 40years and have expressed concerns regarding its proximity to homes occupied during this time and its inclusion in our Conservation Area designation, also within this time.

This proposal appears to address previous concerns of noise, unattractive views, flood risks and river pollution, and GEA's assurances (via their Agent's letter of 14 May 2011 and written responses to neighbour's concerns) are welcomed as indications of their continued wish to recognise and address neighbour's concerns within the constraints of their business operation. Serious consideration given to the more recent positive suggestions put forward by neighbours would also be welcomed for action where possible.

In addition, GEA's expressions of support to our community and wish to address any future neighbour concerns regarding their business would be greatly enhanced by further development of their openness and clarity of their operating practices. Such development would be welcomed for the benefit for all concerned.

NB a question has been raised about the installation of signage for vehicle deliveries to Watery Lane – this is as a result of discussions last year with Wiltshire Council's Highways Dept, its Dept of Neighbourhood & Planning, and our Rural Policing Team regarding general vehicle usage in and around the Village, it being placed by the Highways Dept to direct SATNAV-following traffic to Watery Lane's accessible entrance."

2. Report Summary

The main issues to consider are:

The principle of the development in the context of policy and planning history

Flood risk and drainage considerations

Highway and access considerations

The impact on the setting of the Conservation Area and Special Landscape Area

The impact on residential amenity

The impact on ecology

The impact on trees

3. Site Description

This is a 0.45 ha linear site located between two parallel watercourses of the River Wylye which form its northwest and southeast boundaries. Its rear boundary adjoins two residential properties situated

within the neighbouring enclave based around Bishopstrow Mill; its front boundary adjoins Watery Lane which is the main vehicular access to the site. The rear half of the site is occupied by a factory building with ancillary offices with the larger front part given over to parking and an area of external storage.

The site is located within the flood plain of the R Wylye, within a Site of Special Scientific Interest, a Special Landscape Area, an Area of High Ecological Value, a Special Area of Conservation and within the Bishopstrow Conservation Area. The premises, themselves, are used for the production and distribution of chemicals for the agricultural industry.

4. Relevant Planning History

84/0423 – Single storey extension – Permission – 19.06.84

86/1001 – Demolition of existing buildings and erection of light industrial unit as replacement to existing structures – Permission – 28.10.06

94/1304 – Extension for offices and ancillary facilities – Permission - 28.11.94

94/1461 – Warehouse extension and drainage works – Permission – 24.01.95 (effectively a renewal of 86/1001)

99/01067/FUL – Warehouse extension, drainage containment and river works – Permission – 27.04.00

W/09/00110/FUL – Cover over exposed storage yard, provision of 3 storage containers and 2 storage tanks – Refusal – 09.03.09

In addition, there are a number of applications relating to the erection of a dwelling

5. Proposal

This application is for the demolition of two existing outbuildings and the erection of a steel framed storage building over the existing open storage concrete yard at the rear of the site. The revised scheme proposes a building approx 7m square, constructed of plastic coated steel under a shallow pitched roof, measuring 3.5m to eaves and 4.2m to a central ridge. The extension is required for the undercover storage of the plastic containers which are currently stored openly on this part of the site on 2 tier pallets.

6. Planning Policy

West Wilts District Plan 1st Alteration 2004

C1 – Countryside Protection

C3 – Special Landscape Area

C6 – Area of High Ecological Value

C9 – Rivers

C17 – Conservation Areas

C31a – Design

C32 - Landscaping

C35 – Light Pollution

C38 - Nuisance

E6 – Rural employment

U3 – Flooding

PPS4 Planning for Sustainable Economic Growth

PPS9 Biodiversity and Geological Conservation

PPS25 Development and Flood Risk

7. Consultations

Bishopstrow Parish Meeting

Comments reported above – the Chairman confirms that these comments represent a ‘Catch 22’ view of the development – supports the proposal if the work ‘does do what it purports to achieve for neighbours’ but objects if it does not.

Highway Officer
No highway objection

Environment Agency
No objection subject to informatives referring to the need to obtain Flood Defence Consent for works or structures within 8m of the river and advising that flood proofing measures are incorporated into the design and construction of the building.

Archaeologist
No comments to make, assuming that there is no disturbance to the mill stream to the east of the site.

Ecologist
Confirms that the demolition of the existing structures will not impact on roosting bats and has no objection to the new development subject to the works being carried out in accordance with the Construction Method Statement

Environmental Health Officer
'Potential loss of amenity considered unlikely' and no objection subject to limited hours of construction to restrict noise.

Landscape Officer
No objection subject to the development being carried out in accordance with the Arboricultural Method Statement

8. Publicity

The application was advertised by site and press notice and neighbours were notified; the responses have been reported above.

Expiry date: 09.08.11

9. Planning Considerations

Background

This application has been submitted to address those reasons for refusal in respect of a previous application submitted in 2009 (W/09/00110/FUL). Although that application also included the installation of storage tanks on the front part of the site (subsequently permitted under W/09/01678/FUL), that previous scheme proposed a larger extension over the rear yard (11m by 13.5m) and was refused for 4 reasons:

1. Lack of a submitted Flood Risk assessment to enable an assessment of flood risk
2. Insufficient information to assess the impact on the R Avon SSSI, Special Area of Conservation and protected species
3. Lack of submitted Arboricultural Method Statement to assess the impact on existing trees
4. Impact of development on visual and residential amenity

It is clear from the above that this application was refused for lack of information relating to material considerations and the general detail of the scheme.

Principle of development in context of planning history

In terms of the principle of an extension to these premises, the previous application was assessed as follows:

"This application proposes additional works to an existing industrial site within a very sensitive location. Policy E6 will permit the 'expansion of small scale employment enterprises' providing there are no flood risk or highway problems; the development is compatible with the rural character; it does not harm nature conservation interests or is detrimental to residential amenity.

This industrial business has been operational for many years with the benefit of several planning permissions and is well established on this site. Whether it can now be regarded as 'small scale' is

questionable, but the planning history suggests that the general principle of expansion has been continually supported. Notwithstanding comments and concerns from neighbouring residents, the application form indicates that there is to be no increase in staff or vehicle numbers as a direct result of the proposal from which it might reasonably be deduced that this development is intended primarily to provide a more efficient business rather than an expanded one. On that basis, the principles of consolidating and modernising this business would not appear to be contrary to policy, subject to the criteria outlined above and assessed below.

In addition, planning permission was granted in April 2000 (99/01067/FUL) for a 538 sq ms extension to the rear of these premises. That extension (not built) was intended to replace both the existing collection of buildings and open yard and would have extended over that area now to be covered by the proposed canopy. Although both schemes are significantly different in design and function, the principle of a 'building' over the rear yard appears to have previously accepted."

Since that decision was made, PPS4 has been introduced which further supports the principle of the expansion of existing rural businesses which contribute to the local economy. Within that context and in the light of the previous assessment, there can be no objection 'in principle' to an extension to these premises.

Flood risk and drainage considerations

The current application has been accompanied by a Flood Risk and Drainage report and the Environment Agency raises no objection to the proposal on these grounds. The application therefore addresses and overcomes reason 1 of the previous refusal while raising no additional flooding concerns. Informatives suggested by the Environment Agency are recommended for inclusion in the decision.

Highway and access considerations

As previously, the Highway Officer raises no objection to the application. While concerns have been raised by neighbours over a general increase in vehicular traffic to the site in recent years, there is no evidence to support the assertion that the current proposal, which is simply to provide a covered storage area, would result in a 40% increase in traffic levels.

Impact on setting of Conservation Area and Special Landscape Area

This application is for a low rise extension at the rear of this site with limited views from either the public realm or the wider surrounding landscape and would have no greater impact on either than the current premises.

Furthermore, in considering the previous application W/09/00110/FUL, the report referred to an earlier approval on the site (99/01067) for an extension over this rear yard which the then Planning Officer concluded 'will not adversely affect the character or setting of the conservation area' and 'will not have a significant impact upon the Special Landscape Area'. Against this background, the smaller area of canopy now proposed could not be considered harmful on either count.

Impact on residential amenity

The application site is 'surrounded' along most of 3 sides by residential properties and their gardens with its rear boundary adjoining the two detached properties known as Mill Barn and Mill Cottage; immediately beyond the north east boundary on the opposite side of the mill stream is the modern property of the same name. As a consequence, there is potential for any development within the application site to have an impact on those properties, either in terms of noise and activity levels, loss of privacy, impact on light levels and general intrusion.

The previous application was refused permission because it was considered that the location and design of the proposed storage canopy would be visually intrusive and would have a detrimental impact on the amenities of neighbouring properties. That scheme was for a flat roofed canopy, approx 11m by 13.5m by 4.2m in height, attached to the existing outbuildings within the rear yard and covering the majority of this concrete hardstanding to within 1 metre of the rear boundary. Together with the outbuildings it was effectively proposed as part of a detached storage facility but its poor design, relationship to the main building, encroachment on the site boundaries and potential impact on the existing tree screen were considered to have a harmful impact on neighbouring amenity. The current application has been modified to

- remove the outbuildings,
 - incorporate the storage area as a physical extension to the main building, improve its design to match that of the main building
 - reduce its overall height to only 3.5m at eaves level rising to 4.2m only at the central ridge
 - increase the distance to the rear (north) boundary to 4m
- by removing a section of outbuilding along the eastern boundary, create an open distance of approx 6m to the mill stream.

The cumulative effect of these changes results in a physical extension of appropriate design and improved appearance, set at greater and reasonable distances to the site boundaries which ensures the retention of existing boundary trees. While the development would remain visible from adjoining properties, its considerably improved appearance and lower overall height could not be regarded as detrimental while current noise and activity from the open storage area would be contained within a purpose built structure. It is an important point to note that the current uncontrolled storage use on this part of the site is already visible and audible from neighbouring gardens and there would be considerable benefit to amenity for this to now be contained within an appropriately designed extension.

As reported above, this application has attracted a large volume of objection from the property to the north east of the site on the opposite side of the Mill Stream. Much of the concern relates to the apparent increase in activity at the site in recent years and the suggestion that the proposed extension will lead to a further uncontrolled increase in production and associated harm to existing properties. This assertion has been refuted by the applicant company who confirms that the proposal is simply for additional storage. A number of requests and suggestions have been made by the owner of the neighbouring property which have been considered as part of the processing of this application and where reasonable, have been accommodated; this includes a condition which limits the use of the extension for storage purposes only. However, it is a fact that this application, which is simply for a storage facility to an existing business, cannot be used to unreasonably restrict the current operations at the site, such as imposing working hours or restricting vehicle movements.

It is a further point to note that in 2000, permission was approved for a building on this part of the site which, if implemented, would have been equally, if not more visible than that now proposed and with greater potential for increasing overall levels of activity. The modifications now made are considered to result in a development which would not now be detrimental to residential amenity but would, in certain aspects, actually improve the situation for neighbouring properties. The proposal is therefore considered to overcome reason 4 of the previous refusal.

Impact on ecology

The application has been accompanied by a Construction Method Statement to enable the Ecologist to assess the application in terms of its impact on the River Avon SAC while an ecological survey has confirmed no evidence of bats or barn owls in the buildings to be demolished. The Ecologist has no objections to the development subject to the works being carried out in accordance with the Construction Method Statement and reason 2 of the previous refusal has therefore been addressed and overcome.

Impact on trees

The application has been accompanied by an Arboricultural Method Statement (AMS) which has been updated in accordance with the advice of the Landscape Officer and the scheme has been further revised to move the extension a metre further away from the eastern boundary to protect the rooting system of the important amenity trees. The Landscape Officer has no objections to the development subject to it being carried out in accordance with this assessment and reason 3 of the previous refusal has therefore been addressed and overcome.

Conclusion

Notwithstanding strong objections to the scheme from largely one neighbouring resident, the proposed extension is considered to be acceptable in principle and detail and has overcome the reasons for refusal in relation to a previous scheme for a similar development. The application is therefore recommended for permission subject to a number of conditions.

Recommendation: Permission

For the following reason(s):

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

Subject to the following condition(s):

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

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

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

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 3 The buildings shown as being demolished shall be removed prior to the construction of the proposed development

REASON: To ensure that the volume of development on this part of the site is consistent with the proposal in the interests of visual and residential amenity

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C31a & C38

- 4 The proposed development hereby approved shall be used solely for the storage of goods in connection with the primary activity on this site and shall not be used for any manufacturing, industrial or production purposes.

REASON: In the interests of residential amenity

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

- 5 There shall be no external storage of materials or equipment within the rear yard in the northeast corner of the site

REASON: In the interests of visual and residential amenity

POLICY: West Wiltshire District Plan 1st Alteration 2004: C38

- 6 The proposed development shall be carried out in complete accordance with the Construction Method Statement Rev A dated 04 August 2011.

REASON: In the interests of the protection of protected species and their habitats

Planning Policy Statement 9; Biodiversity and Geological Conservation

- 7 The proposed development shall be carried out strictly in accordance with the Arboricultural Assessment and Method Statement with Addendum (NdeB/7010/A/2 dated March 2001; addendum August 2011) and under the supervision of an arboricultural consultant.

REASON: To prevent trees on, and adjacent to, the site being damaged during construction

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C32

- 8 No development shall commence on site until details of any external lighting and mitigation measures to minimise light pollution from the proposed building have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be put in place before the building is first brought into use and shall be maintained in accordance with the approved details.

REASON: To minimise light pollution and in the interests of the amenities of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C35 and C38

- 9 Construction work in connection with the development hereby permitted shall only take place between the hours of 0730 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time at all on Sundays and Bank or Public Holidays.

REASON: In the interests of residential amenity

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

- 10 The proposed development shall only be carried out in complete accordance with the following plans and documents:

09034-1 rev A received on 25.07.11

09034-2 rev B received on 25.07.11

Construction Method Statement rev A received on 04.08.11

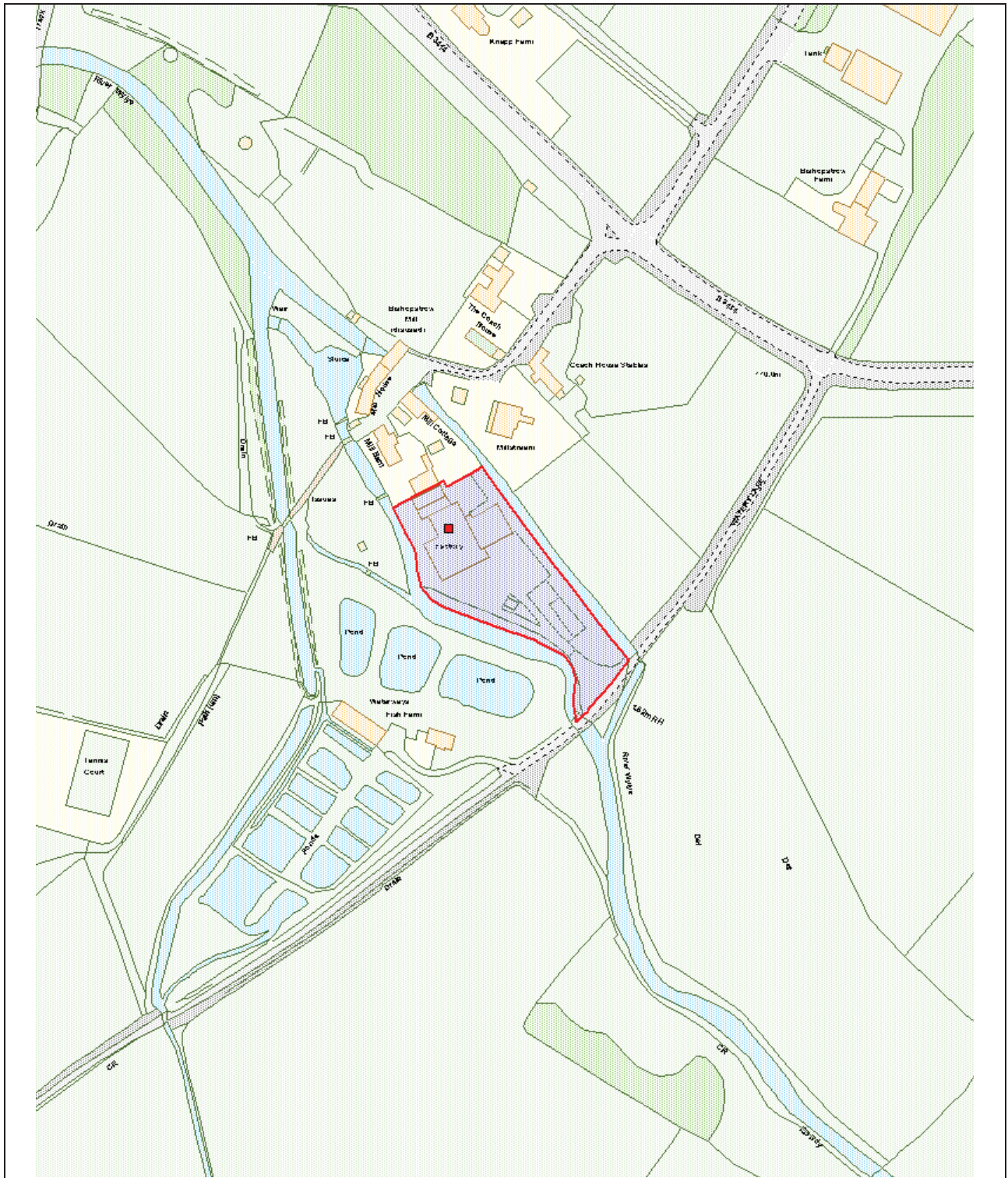
Arboricultural Assessment & Method Statement with Addendum received on 15.08.11

REASON: To ensure that the development is carried out in accordance with the plans that have been approved by the local planning authority

Informative(s):

- 1 The applicant is advised that Flood Defence Consent will be required from the Environment Agency for any works or structures within 8m of the of the top of the bank of the River Wylye and Mill Stream. The applicant is therefore advised to consult the Agency (Daniel Griffin 01258 483351) with regard to this matter.
- 2 The applicant is advised that consideration should be given to the incorporation of flood proofing measures in the design and construction of the building, including barriers on ground floor doors, windows, and access points and locating electrical services and plugs above possible flood levels. Additional guidance can be found in the EA's publication 'Damage Limitation' (0845 988 1188 or www.environment-agency.gov.uk) and the DCLG publication 'Improving the flood performance of new buildings'.
- 3 The applicant is advised that in the event of any disturbance to the Mill Stream, he should contact the Council's Archaeologist prior to the continuance of any work

Appendices:	
Background Documents Used in the Preparation of this Report:	



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	07.09.2011		
Application Number	W/11/01826/REG3		
Site Address	Holt Primary School The Gravel Holt Wiltshire BA14 6RA		
Proposal	Planning permission for the retention of a single temporary unit with toilets (previous permission 04/00746)		
Applicant	Wiltshire Council		
Town/Parish Council	Holt		
Electoral Division	Holt And Staverton	Unitary Member:	Trevor Carbin
Grid Ref	386607 162055		
Type of application	Reg 3 Application		
Case Officer	Mr Kenny Green	01225 770344 Ext 15174 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

Following the recent change to the scheme of delegation, since public representations have been received to this Council development, this application requires to be determined by the Elected Members of the planning committee.

1. Purpose of Report

To consider the above application and to recommend that planning permission be approved

Neighbourhood Responses

3 letters of representation received.

Parish Council Response - Supports the application, but welcomes the opportunity to be involved in resolving current access and parking constraints.

2. Report Summary

The main issues to consider are:

Planning History/Justification
Impact on Conservation Area and Surroundings

3. Site Description

The application site subject to this application forms part of the Holt Primary School, an unlisted building located along The Gravel, which is a predominantly residential street located within Holt's Conservation Area. The school is surrounded by residential properties and gardens.

This proposal relates to an existing mobile classroom which is sited toward the north-eastern corner of the Primary School site, physically detached from the main Primary School building and close to the pre-school mobile building.

4. Relevant Planning History

W/10/01070/REG3 - Relocation of single mobile classroom with adaptations for form new pre-school building - Permission 22.06.2010

W/09/01029/FUL - Extension of head teacher's and admin staff offices and extension of equipment store of main hall, extension of parking area - Permission 20.05.2009

06/02906/FUL - Extension to library and construction of a store on the main hall - Permission 20.11.2006

04/00746/WCC - Erection of single mobile classroom - Wiltshire County Council Permission 25.05.2004

5. Proposal

This application seeks to renew planning permission for the continued temporary siting of a mobile classroom which provides additional accommodation at the Holt Primary School.

The 7.9 x 9.2m mobile classroom is required to meet existing and forecasted increased pupil demand. The demand is borne out by the following figures in terms of past and predicted pupil numbers attending the school:

Date	No's on school roll
Sep 2006	114
Sep 2007	114
Sep 2008	107
Sep 2009	114
Sep 2010	126
Sep 2011	126
Sep 2012	123
Sep 2013	132
Sep 2014	140

The above predicted increase in the school roll justifies the need for the retention of all the existing accommodation on the School premises (both the permanent and temporary accommodation). Temporary permission is sought for the next five years as the school must accommodate the above demand and does not have the requisite funding in place to replace the temporary mobile classroom with a permanent facility. Notwithstanding the above, it is recognised that Wiltshire has over 300 temporary school units, and that there is an ongoing programme of replacing those in the worst condition. At this point in time, it must be recorded that the temporary unit subject to this application has not been identified for such replacement.

The School and the Council both recognise that the access and parking arrangements at Holt Primary School have caused nuisance and disturbance to local residents, especially those residing along the Gravel. Prior to this application being submitted and before local representations were submitted thereto, the School along with the Parish Council, and the Council's Highways Authority, highlighted

the need to investigate local resident's concerns. This led to a feasibility study which aims to improve road safety outside the school and encourage parents and pupils to walk or cycle to the School.

6. Planning Policy

Government Guidance

PPS1 - Delivering Sustainable Development
PPS5 - Planning for the Historic Environment

West Wiltshire District Plan - 1st Alteration

C17 - Conservation Areas
C18 - New Development in Conservation Areas
C31a - Design
C38 - Nuisance
CF1 - General Community Facilities and Services
T10 - Car Parking

7. Consultations

Parish Council - Supports this application. We have been aware for some time of the traffic problems at the School and how this has apparently been exacerbated by the move of the 'kindergarten' from the Village Hall. We have already facilitated a meeting of those involved and are awaiting formal suggestions as to how the situation may be alleviated. We welcome any assistance from Wiltshire Council to relieve what is clearly a difficult and dangerous situation.

Highways - It is evident from the comments received from local residents, that there are considerable difficulties arising on The Gravel during school opening and closing. It should be noted that highway network officers have been carrying out a Taking Action on School Journeys feasibility study for Holt Primary School, which aims to improve road safety outside the school and encourage parents and pupils to walk or cycle to the school.

The officers involved initially met with the School and the Parish Council in May to discuss ideas relating to road safety outside the school. Since then in July, a meeting was held with the residents of The Gravel and Mr Martin Moyes of the Parish Council to initially consult on what proposals may be possible to improve the parking / traffic situation at The Gravel.

The outcome of the meeting was that residents of The Gravel would write to the Parish Council detailing their concerns (by the end of August) by which the Parish Council will then let officers know the main concerns, so that this can be incorporated into the feasibility study.

From initial investigations, the School and the residents would both like to see The Gravel completely traffic free at School start and finish times and have an official dropping off point and walk to the School. The dropping off point suggested was Station Road, however, concerns have been raised about this as there is nowhere safe for cars to turn around at the junction of Station Road and The Gravel, since part of the land directly opposite The Gravel on Station Road is not Highway, it would therefore be difficult to design and form a turning circle.

Another possible option may be to make The Gravel officially a One-Way road, with some parking bays incorporated along the length of The Gravel or put some white bar markings along the entrances to people's driveways to discourage inappropriate parking.

Such suggestions are at a rather early stage at present as we are waiting to hear back from the Parish Council at the end of August, before we decide the best options on how to move forward. The School obviously will play an important role in this as the parents and the pupils need to be educated and encouraged on a regular basis to park appropriately and walk/cycle to school if feasible.

8. Publicity

The application was advertised by site notice/press notice/neighbour notification.

Expiry date: 29.07.2011

Summary of points raised:

3 letters of representation received raising the following concerns:

Concerns raised about the access and safety of the pupils to the above School. In recent years, there has been a great increase in the vehicular access to the School by the Mums and the often inconsiderate and dangerous parking of the same.

Access to and from neighbouring properties has occasionally been barred by inconsiderate vehicle parking/abandonment.

They not only totally block The Gravel, but children have been seen running in and out of the cars to find their parents. Some mothers even park on private property in order to collect their children. Should there ever be an accident either at the school or in The Gravel, the emergency vehicles simply would be unable to attend.

Residents in the Gravel have adopted an unofficial one-way system through the Gravel, i.e. entering at the top by Lenton House and exiting into Station Road. Not only is the corner opposite the school "blind" but it is dangerous pulling directly out of The Gravel into The Street and yet cars are regularly doing so thus turning into the path of "walking" parents and children.

Adequate parking should be provided by the School to meet these needs. Since the erection of the Nursery building, there has been even more traffic despite the assurances that only the alternative entrance in Bradley Lane would be used by parents taking children to this building. This is not the case to date.

The Gravel should be formally made one-way and that parking outside the school be prohibited and that access is made on foot only.

Objections raised to further development on the School property.

The School's lack of parking for workers and visitors and a lack of safety and traffic management outside of the school gates and in The Gravel should be investigated. In the 23 years that we have lived in this property all residents and former school staff have used the Gravel in a one way system entering at the top end and exiting on to Station Road which has worked very well and has been a benefit to the safety of the children.

In recent times this is totally disregarded. At certain times of the day it is made impossible for emergency vehicles to access the school or any properties.

9. Planning Considerations

Planning History/Justification

The Council recognises the fact that the Primary School required additional classroom accommodation back in 2004 and that permission was granted on a temporary basis to ensure the school had adequate space for increasing pupil demand. As part of this renewal application, a supporting statement has been submitted which shows that the forecasted pupil numbers will increase further from 126 on the roll for September 2011 to 140 in September 2014. The existing five classroom structure needs to be maintained for the highlighted 5 year period (2011-2016). The School currently does not have the funding to make the temporary accommodation into permanent floor space through an extension to the school premises, which is why the Council seeks to extend the temporary period for retaining the mobile unit.

Impact on the Conservation Area and Surroundings

The temporary single classroom with toilets has been a feature of the school grounds for several years and whilst a permanent solution would be preferred, the lack of funding at the present time to action such a change is duly noted. Subject to addressing the off-site access and parking constraints, there is no policy objection raised to the continued siting of the temporary classroom unit (in principle) for another 5 years in order to satisfy growing pupil demand.

The mobile unit is sympathetically sited within the School grounds so as not to cause detriment to the character and appearance of the Conservation Area.

It is however duly acknowledged that local residents are understandably upset about the alleged actions of some parents when dropping off/picking up their children and the consequences and impacts this has upon local residents. Having regard to the above concerns, it is recommended that any renewed temporary permission should be subject to a condition requiring the School to continue with the above mentioned feasibility study and action a full review of the School's Travel Plan and submit definitive plans to the Council within a specified timeframe, following a full consultation with the Parish Council, local residents and the Council's highway officers and to outline the measures to be adopted to address the raised concerns.

Providing the stated conditions are followed and satisfied, the raised local concerns could be resolved.

Recommendation: Permission

For the following reason(s):

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

Subject to the following condition(s):

- 1 The temporary mobile building hereby permitted shall be removed and the land restored to its former condition on or before 7 September 2016, in accordance with a scheme of work to be submitted to and approved by the Local Planning Authority.

REASON: Planning permission has been granted on a temporary basis to allow the Local Planning Authority to review the functional need for the mobile classroom at the end of the expiration of the period referred to.

POLICY: West Wiltshire District Plan - 1st Alteration Policy CF1.

- 2 That within 2 months of this temporary permission renewal being granted, the School shall submit a revised Green Travel Plan which should address the off-site parking and access complaints and obtain the written approval of the Local Planning Authority, following consultation with the Parish Council, local residents and the Highways Authority. The Travel Plan shall include details of the implementation of any requisite access and parking improvements and monitoring. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the Plan arising from the necessary ongoing monitoring.

REASON: In the interests of road safety, reducing neighbouring conflicts as well as encouraging parents to adopt alternative non-car based school journeys.

POLICY: West Wiltshire District Plan 1st Alteration policy CF1, C38 and T10.

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

LOCATION PLAN received on 13.06.2011

LOCATION, PLAN AND ELEVATIONS drawing no. 1237/57 Rev O received on 13.06.2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Appendices:	
Background Documents Used in the Preparation of this Report:	

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	07.09.2011		
Application Number	W/11/01224/FUL		
Site Address	18B Newtown Bradford On Avon Wiltshire BA15 1NE		
Proposal	Erection of single storey rear extension and installation of additional window in main property		
Applicant	Martin Newman		
Town/Parish Council	Bradford On Avon		
Electoral Division	Bradford On Avon South	Unitary Member:	Malcolm Hewson
Grid Ref	382205 160786		
Type of application	Full Plan		
Case Officer	Mrs Kate Sullivan	01225 770344 Ext 15244 kate.sullivan@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Hewson has requested that this item be determined by Committee due to:

- * Visual impact upon the surrounding area
- * Relationship to adjoining properties

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted

Neighbourhood Responses

6 copies of a standard letter were received along with an additional 3 individual letters of representation from neighbours. (One letter was later withdrawn)

Town Council Response

Objects to the application.

2. Report Summary

The main issues to consider are:

- * Impact on the neighbouring amenity
- * Impact on the Conservation Area
- * Impact on the setting of listed buildings

3. Site Description

The application site is a detached dwelling that was built in the early 1980s with the main living accommodation on the first and second floors and garaging and car parking provided on the ground floor. The dwelling is surrounded by listed buildings and situated within the Newtown and Bradford on Avon Conservation Area.

4. Relevant Planning History

82/00765/FUL	Two Cottages	Permission	22.09.1982
83/00957/FUL	Erection of two houses	Permission	24.12.1983

5. Proposal

This application seeks permission for a single storey rear extension and the insertion of a new window to serve the kitchen in the existing side elevation of the property.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004

C31a	Design
C38	Nuisance
C19	Alterations in Conservation Areas

Planning Policy Statement 5 – Planning for the Historic Environment

7. Consultations

Town Council

Bradford on Avon Town Council recommends refusal on the grounds that the proposed alterations to the existing building which involves the installation of additional windows, will have an unacceptable adverse effect on the neighbouring property.

Conservation Officer

This would be a subservient extension to a non-listed building in the Conservation Area and would be built of matching materials to the host building. The scale and design of the development would not result in harm to the special character and appearance of the Conservation Area or to the settings of the surrounding listed buildings.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 15.05.2011. Objections have been received from local residents and the Bradford on Avon Preservation Trust

Summary of points raised:

- * The artificial stone is inappropriate in the Conservation Area and next to a listed building. That there is already artificial stone does not mean more should be permitted.
- * Two windows look directly into the neighbouring garden and main door which could be avoided by the use of patterned glass or the removal of the window.
- * Modern materials such as metal framed windows or upvc are inappropriate in the Conservation Area.
- * The view from the neighbouring dwelling of the limestone wall and the view over Bradford on Avon would be obscured.
- * 18B was built prior to the nearby buildings being listed. Allowing this extension would “exacerbate the ignominy of the present building.”
- * Having researched the title deeds 18B has been constructed 2 metres further northeast than the indicated building line. Therefore if this extension is permitted it should be constructed 2 metres to the southwest.
- * The proposed lantern would present “a strange effect on a presently dark and Georgian corner as electric light spills out”. A flat skylight would be simpler and avoid light pollution.
- * Question the accuracy of the boundary line.
- * The ground structure for this proposal is questioned given the underpinning exercise carried out a few years ago.
- * Impinges on the view from number 20 Newtown.

9. Planning Considerations

Impact on the amenity of neighbouring properties

Following negotiation, the proposal has been amended so that the side window of the extension would be obscure glazed to mitigate the concerns for overlooking the neighbouring property. However, this does not overcome the objection raised by the neighbour to the new window in the existing house.

The area for the proposed extension is located where a patio is currently sited, at the rear of the dwelling at first floor level. By enclosing some of this area, and by inserting obscure glaze in the side window of the extension, the potential for overlooking the neighbouring property from here would be prevented. It should also be noted that the patio area currently provides unrestricted views across to the neighbouring property.

The insertion of a new window (0.6 m wide) to provide light into the existing kitchen is objected to by the neighbouring properties. The distance between this side elevation and the neighbouring property's side elevation is approximately 16 metres and the window directly overlooks the existing car park that sits between the two properties. Whilst there would be some overlooking of the garden area, to an extent this is to be expected in urban situations such as this and it is not considered that the impact is materially significant and that obscure glazing of this window should as a result be required.

The proposed insertion of a lantern light within the new extension has caused concerns relating to light pollution that would be emitted. However, it would not cause such harm as to be detrimental to the neighbouring amenity or conservation area.

The 'right to a view' is not a material planning consideration and should not therefore influence the determination of this application.

On the basis of the above, the proposals are considered acceptable in terms of adopted Council policy and guidance.

Impact on the Conservation Area

Policy C19 of the West Wiltshire District Plan lists the criteria that all unlisted buildings within the Conservation Area should meet. This includes that "matching materials, characteristic of the local area, are used". However, given that the main dwelling has been constructed of artificial stone and Ashlar, it would be inappropriate for a small extension to be clad in natural stone. In visual terms, the use of matching materials would create a more coherent building and would preserve the appearance of the conservation area. The use of any other stone would be incongruous in this location.

The extension is located at the rear of the site, and although visible from the street, it is not in prominent and will not detract from the character or appearance of the area. It is subservient to the existing dwelling.

The insertion of a window in the side elevation would not detrimentally affect the Conservation Area. With the use of timber and metal reflecting the materials already used within the dwelling it would serve to break up the side elevation when viewed from the street, where there is already a side window located close to the front of the boundary.

Impact on the setting of listed buildings

The host building is located within an area where many of the buildings have been listed, although it is noted that the host dwelling was constructed prior to the listing of many of these dwellings.

Whilst the proposed extension and alterations would be visible from surrounding buildings and the street, when approaching from the northeast, the extension is located at the rear of the property and would not have any significant impact on the setting of any listed building.

Other Matters

A neighbour representation has alleged that the red line of the boundary was incorrect as shown on the site plan. The Agent has confirmed that the red line of the application matches the applicant's deeds and that they are of the opinion that it is correct. Civil disputes regarding the ownership of land are outside the planning remit and so further discussion is not appropriate within this application.

Questions have also been raised regarding the structural integrity of the building following the underpinning exercise carried out on the property several years ago. This is not a material planning consideration and the applicant would be responsible for obtaining the relevant building regulation consent and for the safe construction of the extension.

Recommendation: Permission

For the following reason(s):

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

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

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

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 3 No development shall commence on site until details of the obscure glazing to be used in the window in the north east side elevation of the extension, as annotated on the amended plans has been submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall be installed as approved and prior to the first occupation of the extension and thereafter shall be maintained in accordance with the approved details.

REASON: In the interests of residential amenity and privacy.

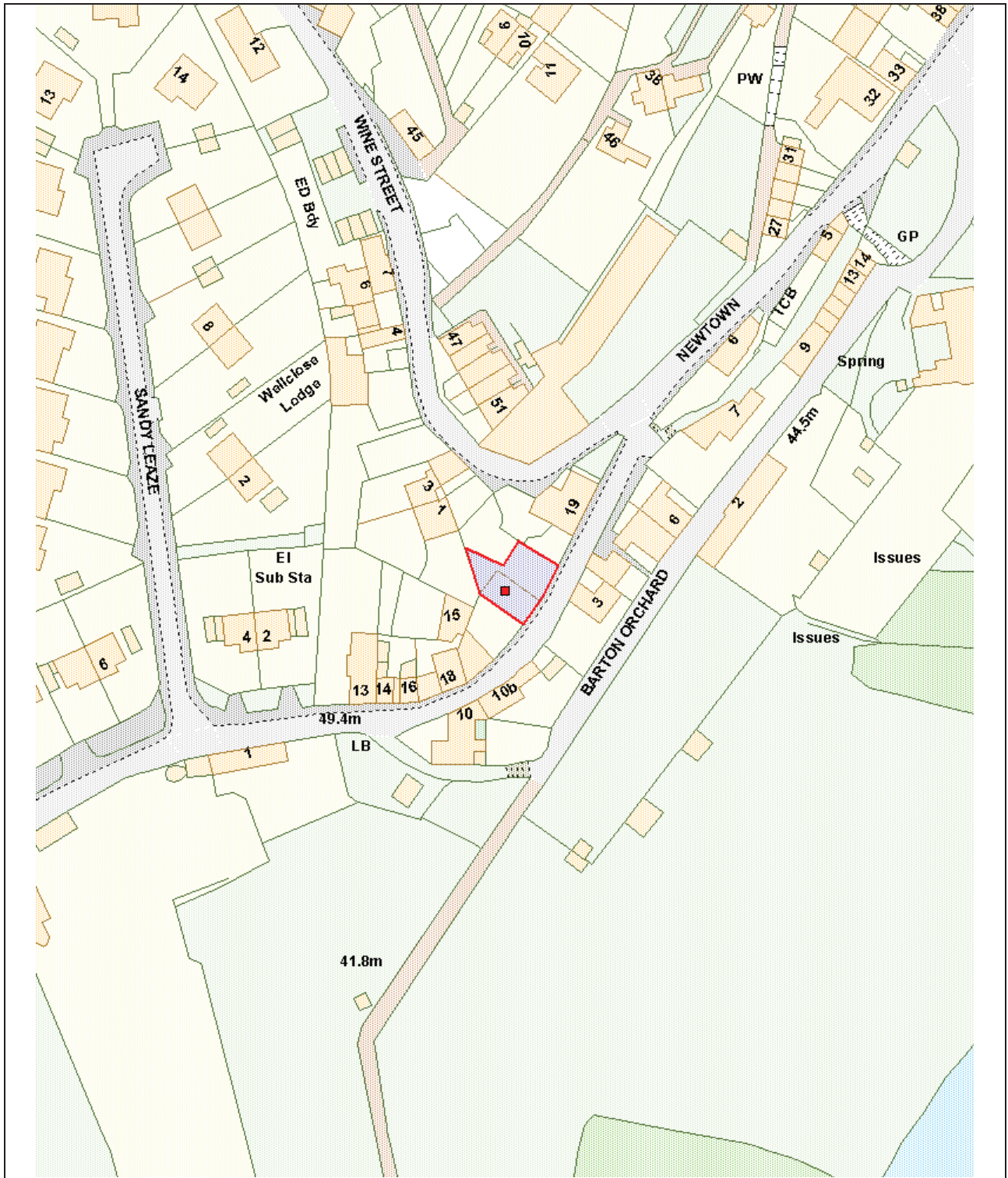
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Site Plan received on 04.04.2011
N/11 Rev B received on 04.04.2011
N/12 Rev B received on 04.04.2011
N/13 Rev C received on 04.04.2011
N/14 received on 04.04.2011
N/15 Rev B received on 04.04.2011
N/16 received on 04.04.2011
N/17 received on 04.04.2011
N/18 received on 04.04.2011
N/19 received on 04.04.2011

Reason: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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