

## AGENDA

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**Meeting:** Western Area Planning Committee  
**Place:** Council Chamber - Council Offices, Bradley Road, Trowbridge,  
BA14 0RD  
**Date:** Wednesday 15 February 2012  
**Time:** **6.00 pm**

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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](mailto:marie.gondlach@wiltshire.gov.uk)

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

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### 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	

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### Substitutes:

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

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# 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 - 14*)

To approve the minutes of the last meeting held on 4 January 2012 (copy attached.)

3. **Chairman's Announcements**

4. **Declarations of Interest**

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

5. **Public Participation and Councillors' Questions**

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 no later than 5pm on Wednesday 8 February 2012. 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/11/03052/FUL - Former Tesco's Site, St Stephens Place, Trowbridge, Wiltshire (Pages 15 - 50)**

<b>Application Number</b>	W/11/03052/FUL
<b>Site Location</b>	Former Tesco's Site St Stephens Place Trowbridge Wiltshire
<b>Development</b>	Multi-screen digital cinema, hotel, restaurants/cafes/bars/retail and associated car parking, public realm and landscaping works, vehicular access, pedestrian and cycle links
<b>Recommendation</b>	Approval
<b>Division Member</b>	Cllr John Knight
<b>Division</b>	Trowbridge Central
<b>Town / Parish Council</b>	Trowbridge

### 6.b **W/11/02267/REM - Land Adjoining 14 Woodrow Road, Melksham, Wiltshire (Pages 51 - 58)**

<b>Application Number</b>	W/11/02267/REM
<b>Site Location</b>	Land Adjoining 14 Woodrow Road Melksham Wiltshire
<b>Development</b>	Demolition of existing double garage and erection of two bedroom
<b>Recommendation</b>	Approval
<b>Division Member</b>	Cllr Rod Eaton
<b>Division</b>	Melksham North
<b>Town / Parish Council</b>	Melksham (Town)

### 6.c **W/11/02863/FUL - 23 Manor Fields, Bratton, Wiltshire, BA13 4ST (Pages 59 - 64)**

<b>Application Number</b>	W/11/02863/FUL
<b>Site Location</b>	23 Manor Fields Bratton Wiltshire BA13 4ST
<b>Development</b>	Side extension over garage
<b>Recommendation</b>	Approval
<b>Division Member</b>	Cllr Julie Swabey
<b>Division</b>	Ethandune
<b>Town / Parish Council</b>	Bratton

6.d **W/11/03202/FUL - Little Ashley Farm, 187 Ashley Green, Little Ashley, Bradford On Avon, Wiltshire (Pages 65 - 70)**

<b>Application Number</b>	W/11/03202/FUL
<b>Site Location</b>	Little Ashley Farm 187 Ashley Green Little Ashley Bradford On Avon Wiltshire
<b>Development</b>	Change of use of land to accommodate private tennis court (resubmission of W/11/02045/FUL)
<b>Recommendation</b>	Refusal
<b>Division Member</b>	Cllr Linda Conley
<b>Division</b>	Winsley And Westwood
<b>Town / Parish Council</b>	Winsley

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.

## **WESTERN AREA PLANNING COMMITTEE**

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**DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 4 JANUARY 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD.**

**Present:**

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

**Also Present:**

Cllr Rosemary Brown and Cllr Francis Morland

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**1 Apologies for Absence**

Apologies for absence were received from Councillor Jonathon Seed (substituted by Councillor Andrew Davis).

**2 Minutes of the Previous Meeting**

The minutes of the meeting held on 30 November 2011 were presented.

**Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 30 November 2011.**

**3 Declarations of Interest**

**Proposed abandonment of the Diversion Order and Definitive Map Modification Order No. 22 2011**

Although not a member of the Western Area Planning Committee, Councillor Francis Morland, in the interest of consistency, wished to declare a personal and prejudicial interest and decided to leave the chamber when the item was debated.

**W/11/02357/FUL - Former Bradford on Avon Hospital, Berryfield Road, Bradford On Avon, Wiltshire**

Councillor Mark Griffiths declared having been heavily lobbied by both objectors to and supporters of the application but gave his assurance that he would consider the application with an open mind.

**W/11/01697/FUL - Land West Of Biss Farm West Ashton Road West Ashton Wiltshire.**

Councillor Peter Fuller declared a personal interest as a member of the Trowbridge Town Council Development Committee where the application had been discussed. Councillor Fuller gave his assurance that he would consider the application with an open mind.

**W/11/02019/REM - Durlston Hilperton Road Trowbridge Wiltshire  
W/11/02981/FUL - 175 Devizes Road Hilperton Wiltshire BA14 7QS**

Councillor Ernie Clark declared a personal interest as he had chaired the meeting of the Hilperton Parish Council where the applications had been considered, he had neither participated in the debate or voted on the applications. Councillor Clark gave his assurance that he would consider the applications with an open mind.

**4 Chairman's Announcements**

The Chairman welcomed Sally Madgwick, Rights of Way officer, and Alan Creedy, Head of Service - Sustainable Transport and thanked councillors who had attended the site visit earlier in the day.

The Chairman gave details of the exits to be used in the event of an emergency.

**5 Public Participation**

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

**6 Proposed abandonment of the Diversion Order and Definitive Map Modification Order No. 22 2011**

The Rights of Way officer introduced the report which sought approval for the Order to be abandoned and revoked following the submission by the developer of a revised application for planning permission for the site which did not interfere with the line of any public rights of way. Planning permission had been granted on 24 August 2011.

Councillor Morland left the room at this point, minute item 3 refers.

Members of the committee sought and gained reassurance that there were no anticipated costs for the Council.

**Resolved:**

**That the Wiltshire Council (Sheet ST 85 SE) Westbury 25 (part) Diversion Order and Definitive Map Modification Order No. 22 2011 be abandoned and revoked.**

**7 Planning Applications**

A late list was circulated and is appended to these minutes.

The Committee considered the following applications:

**8 W/11/02357/FUL - Former Bradford On Avon Hospital Berryfield Road, Bradford On Avon, Wiltshire**

Public participation:

- Mr Mike Thomas spoke in objection to the application
- Mrs Glenys Appleton spoke in objection to the application
- Mr Chris Beaver spoke in objection to the application
- Mr Tony Cole spoke in support of the application
- Mr John Mullholland spoke in support of the application
- Mrs Gwen Allison, on behalf of Bradford on Avon Town Council, spoke in support of the application.

Councillor Rosemary Brown, Unitary Councillor for Bradford on Avon North, spoke in support of the application.

The Area Development Manager introduced the report which sought approval and drew the Committee's attention to the late list.

He reminded all present that this application had been deferred at the last meeting until a site visit could be organised to enable the committee to view the site and its surroundings. A site visit had taken place in the afternoon prior to the committee.

In responding to technical questions asked the Area Development Manager clarified that:

- The financial viability of the project could be a material consideration; however the main focus for the committee should be to balance the impact on the setting of a listed building, the impact on the conservation area and on amenities for neighbouring dwellings with the benefit for the community from the development.
- There were no social contributions or Section 106 Agreements relevant to this application.
- The report properly addressed the tests set in Policy PPS5.
- The proposed development was of a similar height to Berryfield House, but the two were a significant distance away from each other.

During the ensuing debate it became clear that members of the committee wanted to ensure that the height of the proposed development did not exceed the height of Berryfield House and accordingly amended condition 8.

**Resolved:**

**That planning permission be GRANTED**

A recorded vote having been requested, the voting was recorded as follows:

For planning permission:

Cllrs Trevor Carbin, Andrew Davis, Rod Eaton, Peter Fuller, Stephen Petty, Pip Ridout, and Roy While.

Against planning permission:

Cllrs Ernie Clark, Mark Griffiths, John Knight and Christopher Newbury.

**For the following reason(s):**

**The proposed development is located in an area where the Council has already determined that new development is acceptable in principle, most recently through the 2009 planning permission. Whilst the new development will have a greater impact on the setting of the listed building than the earlier approved scheme, the plans still leave Berry Field House with a substantial swathe of undeveloped land to the west and south that will enable the architectural features of the building to be appreciated in a relatively spacious setting. Furthermore, the siting, design (including materials) and overall height of the new development help ameliorate the impact of the new development on the setting of Berryfield house. The Council is satisfied that the wider public benefits that will accrue, including the provision of a health care facility in an area where there is currently an undersupply and growing projected demand for this type of service, together with the economic benefits the project will generate, outweigh the limited impact that the proposal will have on the setting of Berryfield house. The Council is satisfied that the plans satisfactorily address all other planning issues, and will preserve the character and appearance of the conservation area and the amenity of nearby properties. The proposal is therefore considered to be in accordance with the policies of the development plan set out in the planning officer's report and with Government advice.**

**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. The development shall be carried out strictly in accordance with the hereby approved plans:

Drawing: AL(52)001 Rev B – Location Plan - received on 26 August 2011;

Drawing: AL(51)001 Rev B – Existing Site Plan - received on 26 August 2011;

Drawing: AL(51)002 Rev C – Proposed Site Plan - received on 14 November 2011;

Drawing: AL(11)010 Rev D – Assisted Living Block X Proposed Floor Plans - received on 14 November 2011;

Drawing: AL(13)010 Rev D – Assisted Living Block X Elevations Part 1 - received on 14 November 2011;

Drawing: AL(13)011 Rev D – Assisted Living Block X Elevations Part 2 - received on 14 November 2011;

Drawing: AL(11)011 Rev B – Assisted Living Block Y Proposed Floor Plans - received on 26 August 2011;

Drawing: AL(13)012 Rev C – Assisted Living Block Y Elevations - received on 14 November 2011;

Drawing: AL(12)001 Rev C – Proposed Site Sections - received on 14 November 2011;

Drawing: AL(11)001 Rev C – Care Home Ground Floor Plan - received on 14 November 2011;

Drawing: AL(11)002 Rev B – Care Home First Floor Plan - received on 26 August 2011;

Drawing: AL(11)003 Rev B – Care Home Second Floor Plan - received on 26 August 2011;

Drawing: AL(11)004 Rev B – Care Home Third Floor Plan - received on 26 August 2011;

Drawing: AL(11)005 Rev B – Care Home Roof Plan - received on 26 August 2011;

Drawing: AL(13)001 Rev C – Care Home Proposed Elevations Part 1 - received on 14 November 2011;

Drawing: AL(13)002 Rev C – Care Home Proposed Elevations Part 2 - received on 14 November 2011;

Drawing: AL(52)049 Rev A – Relationship to Berryfield House - received on 14 November 2011;

Drawing: AL(52)048 Rev A – Relationship to 91 Leigh Park Road - received on 14 November 2011;

Drawing: SK(13)004 Rev A – Home mass comparison - received on 28 November 2011;

Drawing: AL(11)020 Rev C – Proposed Substation and Bin Stores - received on 14 November 2011;

Drawing: 920 Rev C – Landscape Proposals Sheet 1 of 2 - received on 14 November 2011; and

Drawing: 920 Rev B – Landscape Proposals Sheet 2 of 2 - received on 14 November 2011.

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

3. The occupation of the development shall be limited to Class C2 Residential Institutions.

REASON: In the interest of proper planning of the area and to ensure that the units remain in perpetuity for those in need of care.

4. 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.

5. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

6. No works shall commence on site until details of all windows, rooflights and doors have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: In the interests of good design.

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

7. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

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

8. The ground floor slab levels of the care home shall not exceed 91.05 AOD, as shown on the approved plans of the elevations of the building.

REASON: In the interests of visual amenity

9. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

10. No development shall be commenced until a scheme for the provision of foul and surface water disposal/drainage has been submitted to and approved in writing by the Local Planning Authority. Details shall include a timetable for implementation. The surface water drainage scheme for the site shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the local planning authority as part of any submitted scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied.

REASON: To ensure that the development is properly serviced.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies U1a and U2.

11. No development shall commence until a scheme for flood proofing has been submitted to and agreed in writing by the local planning authority. The scheme shall be informed by the surface water drainage proposals and include details to address any potential surface water flooding.

REASON: To reduce flood risk to the proposed development.

POLICY: Planning Policy Statement 25: Development and Flood Risk.

12. Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

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

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies U1a and U2.

13. No development shall commence on site until details showing ventilation and extraction equipment within the site (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the building hereby approved being first occupied and shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area.  
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38  
Planning Policy Guidance 24: Planning and Noise

14. The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS) dated August 2011, and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

15. A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

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

16. Notwithstanding the submission of the landscape proposals, no development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- indications of all existing trees and hedgerows on the land;
- details of any to be retained, together with measures for their protection in the course of development;
- A detailed planting specification indicating all species, supply and planting sizes and planting densities, ground preparation, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

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

17. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

18. No development shall commence on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

19. The development shall not be occupied until a scheme for ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the provision of bat boxes.

REASON: In order to enhance wildlife opportunity at the site.

POLICY: Planning Policy Statement 9: Biodiversity and Geological Conservation.

20. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the west and 29 metres to the east from the centre of the access in

accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6 metres above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

21. No development shall commence until full details of any improvements to the site access and pedestrian facilities have been submitted to and approved in writing by the Local Planning Authority. Subsequently and prior to the first occupation of the development, the improvements to the access and provision of pedestrian facilities, parking and turning areas shall be completed in accordance with the approved details.

REASON: In the interests of highway safety.

22. During the construction phase of this redevelopment, no plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside of the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 hours Saturdays, or at any time on Sundays or Bank Holidays.

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

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C36 and C38.

23. Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

REASON: To prevent pollution of the water environment.

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

**Informative(s):**

1 The surface water drainage scheme shall include:

- \* Management of all events up to and including the 1 in 100 year plus climate change storm;
- \* Detail, sizing and location of soakaways;
- \* Details, sizing and location of any other drainage features (following the SuDS hierarchy);
- \* Detail of flow routes
- \* Details of how the scheme shall be maintained and managed after completion;
- \* Details of how the development will be protected from any existing flood risk from surface water flooding;

\* Evidence to show no increase in offsite surface water flooding.

The scheme shall be based on sustainable drainage principles.  
For further information you are advised to contact the Environment Agency.

2. During the construction phase precautions should be taken to reduce the risk of pollution to the water environment. This should include measures to address contaminated run-off, the storage of oil chemicals and hazardous substances, managing construction waste and the routing of heavy vehicles. Further guidance and advice is available on the Environment Agency's website in the Pollution Prevention Guidelines section –  
<http://www.environmentagency.gov.uk/netregs/links/63875.aspx>

3. Wessex Water has advised that: DEFRA on behalf of the Government, are implementing changes whereby, it will be mandatory that all new foul sewers and lateral drains (where outside the serviced property boundary) will have to be designed and constructed in accordance with a new Mandatory Build Standard (MSB, for which the guidance document "Sewers for Adoption" 7th Edition (SFA 7th) is being prepared.  
Any new connection to the public sewerage system under Section 106 of the Water Industry Act 1991, cannot then be made until the applicant has entered into a signed Section 104 Adoption Agreement with the Water Company.  
Application forms, guidance notes and processes will be suitably amended and available when required.  
Buildings higher than two storeys should have pumped storage.

**9 W/11/01697/FUL - Land West Of Biss Farm West Ashton Road West Ashton Wiltshire**

Public participation:

- Mr Ken McCall spoke in objection to the application
- Mr George McDonic spoke in objection to the application
- Mrs Sandra Carlton spoke in objection to the application
- Mr David Hutchinson, agent, spoke in support of the application
- Mr Richard Covington, on behalf of the West Ashton Parish Council, spoke in objection to the application

Councillor Francis Morland, Unitary Councillor for Southwick, expressed his concerns about the application.

The Area Development Manager introduced the report which sought approval.

In responding to technical questions he clarified that:

- A section 106 agreement existed for the residential development and did not need to be part of this application;
- At present it was believed that the land would be identified as development land as part of the Core Strategy;

- Improvements to the highway network were detailed in conditions 23, 24 and 25 included in the report.

During the ensuing debate members of the committee expressed concerns about the highway network and its ability to cope with existing traffic, let alone any additional traffic.

Members of the committee could not be satisfied that it would be reasonable to make a decision on the assumption that the land would be identified for employment use in the Wiltshire Core Strategy.

**Resolved:**

**To defer the application until the Wiltshire Core Strategy (“Wiltshire 2026 – Planning for Wiltshire’s Future”) has been approved.**

10 **W/11/02019/REM - Durlston Hilperton Road Trowbridge Wiltshire**

Public Participation:

- Mr Richard Smith, Managing Director, spoke in support of the application
- Mr David Raynes spoke in support of the application
- Mr Richard Harlow, agent, spoke in support of the application

The Area Team Leader introduced the report which sought approval.

In answering technical questions he clarified that permitted development had not been removed when the dwelling had been demolished.

Members of the committee recognised that the proposed amendments by the applicant were a vast improvement and it was therefore

**Resolved:**

**That planning permission 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 Landscaping of the site shall be carried out in accordance with the approved landscaping plan AH2010/31a Sheet 8 of 8 Rev A, following consultation with Landscape Officer on the replacement trees shown on that drawing.

REASON: To ensure a satisfactory landscaped setting for the development.  
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32



**Informative(s):**

1. The applicant is advised that the development must comply with the conditions and planning obligations imposed on Outline Permission reference 08/01089/OUT.

**11 W/11/02981/FUL - 175 Devizes Road Hilperton Wiltshire BA14 7QS**

The Area Team Leader introduced the report which sought approval.

Members of the committee were satisfied that an additional condition regarding the occupancy of the outbuilding would address their concern.

**Resolved:**

**That planning permission be GRANTED**

**For the following reason:**

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

**Subject to the following condition:**

The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 175, Devizes Road, Hilperton

REASON: To safeguard the amenities and character of the area

**12 Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 9.35 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](mailto:marie.gondlach@wiltshire.gov.uk)

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

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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>15.02.2012</b>		
<b>Application Number</b>	<b>W/11/03052/FUL</b>		
<b>Site Address</b>	<b>Former Tesco's Site St Stephens Place Trowbridge Wiltshire</b>		
<b>Proposal</b>	<b>Multi-screen digital cinema, hotel, restaurants/cafes/bars/retail and associated car parking, public realm and landscaping works, vehicular access, pedestrian and cycle links</b>		
<b>Applicant</b>	<b>Legal And General UK Property Trust</b>		
<b>Town/Parish Council</b>	<b>Trowbridge</b>		
<b>Electoral Division</b>	<b>Trowbridge Central</b>	<b>Unitary Member:</b>	<b>John Knight</b>
<b>Grid Ref</b>	<b>385720 157665</b>		
<b>Type of application</b>	<b>Full Plan</b>		
<b>Case Officer</b>	<b>Mr Kenny Green</b>	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

### Reason for the application being considered by Committee

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

- \* Scale of development
- \* Visual impact upon the surrounding area
- \* Relationship to adjoining properties
- \* Design - bulk, height, general appearance
- \* Environmental/highway impact
- \* Car parking

Councillor Knight also recognises that this application is of major interest and would have a tremendous impact on the surrounding area, and should therefore be discussed and debated in public by members.

### 1. Purpose of Report

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

#### Neighbourhood Responses

40 third party representations received with 29 in support, 3 neutral and 8 objecting to the proposed development.

#### Parish/Town Council Response

Supportive of the principle of the development, but raise concerns about the detailed design of the hotel and parking provision.

## **2. Report Summary**

The main issues to consider are:

The Principle of the Development  
Highway Interests - Sustainability  
Urban Design and Conservation Issues - design, scale, bulk, visual appearance  
Archaeology and Ecology  
Trees and Landscaping  
Flood Risk  
Commercial Competition and Tourism  
Potential Nuisance and Impact to Neighbours  
Conclusion and Recommendation

## **3. Site Description**

This detailed application seeks planning permission for the redevelopment of the former Tesco supermarket site at St Stephens Place within Trowbridge's Town Centre Commercial Area and its Conservation Area. The St Stephens Place site fronts the Castle Place Shopping Centre and the multi-storey car park (located to the immediate north), the recently renovated Civic Centre and the People's Park (located to the east), the River Biss and the derelict Peter Black toiletries site (located to the south). Mortimer Street abuts the site's western boundary.

The site is an area of derelict land predominantly covered in hard standing with pockets of ruderal vegetation (plant species which habitually colonise disturbed and/or derelict sites). The irregular shaped site has been derelict for many years, following the closure of the old Tesco superstore in 1993 and its demolition a decade or so later. The site measures approximately 1.25 hectares and is relatively level. The planning application site at St. Stephens Place is shown on the Strategic Flood Risk Assessment (SFRA) to include land within Flood Zones 1, 2 & 3. The majority of the site (approximately 90%) is within zones 1 and 2. However, the SFRA indicates that part of the site adjoining and to the north of the River Biss is within Zone 3 - which is argued to be Zone 3a.

The site is allocated for potential redevelopment in the Adopted West Wiltshire District Plan 1st Alteration (under Policy LE2) for further Town Centre uses such as "retail, leisure or civic provision". Supplementary policy paragraph 3.5.23 also states that "alternative uses for the site could include commercial leisure provision, or major arts and civic uses, complimentary with the neighbouring civic hall".

Three significant blocks of London Plane trees are located along the site boundary, on the south-west, north-west and north-east corners of the site. The eight trees located along the north-west boundary of the site are covered by a Tree Protection Order.

The site is within walking distance to the Town Centre being approximately 300 metres from the defined Primary Retail Frontage and the main bus stops in the Market Place; and, about 10 minutes walk from the train station.

## **4. Relevant Planning History**

97/00570/FUL - Change of use from A1 to D2 (leisure) - Withdrawn 12.11.1997  
97/01050/OUT - Demolish existing store and construct four retail units and restaurant - Withdrawn 24.11.1999  
97/01179/CON - Demolition of existing store and car park planters - Withdrawn 24.11.1999  
98/01717/FUL - Demolish existing buildings and construction of leisure development D2/A3 use classes to include cinema, bowling alley, nightclub, restaurants, public house, highway landscaping and use of adjacent car park - Withdrawn 08.02.2002  
99/00169/CON - Demolition of existing Tesco Building - Withdrawn 08.02.2002  
01/01861/FUL - Change of use to retail (A1) and leisure (D2), alterations, extensions to building and car park - Withdrawn 22.12.2003

01/01862/ADV - Internally and externally illuminated signage - Consent 20.02.2003  
03/01897/CON - Demolition of the existing buildings and the erection of two A1/retail stores and a restaurant A3 unit together with reconfigured public car parking ancillary servicing facilities and hard and soft landscaping - Refused 12.03.2004  
03/01920/FUL - The demolition of the existing buildings and the erection of two A1/ retail stores and a restaurant/ A3 unit together with reconfigured public car parking ancillary servicing facilities and hard and soft landscaping Refused 12.03.2004  
04/00921/CON - Demolition of the existing food retail unit and car park - Withdrawn 12.07.2004  
04/01303/CON - Demolition of the existing food retail unit and car park at St Stephens Place and refurbish external facade for public stair core and entrance at Castle Place Shopping Centre - Consent 29.10.2004  
04/01306/FUL - Refurbishment and floor uses of Castle Place Shopping Centre and car park, including entrance from people's park and redevelopment of former Tesco's site to provide 5,313sq m (Class A1), 909sq m (Class A3) and 980sq m (Class D2) - Permission 04.02.2005 (never implemented and now expired)  
05/01001/FUL - Refurbishment and extension of the castle place shopping centre, the construction of a new multi-storey car park with retail use at ground floor - Withdrawn 02.10.2009  
05/01002/LBC - Refurbishment and extension of the Castle Place shopping centre and the construction of a new multi-storey car park with retail use at ground floor - Consent 18.11.2005

## **5 Pre- Application Consultations**

In accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, a Screening Opinion was adopted by the Council on 30 September 2011 confirming that no Environmental Impact Assessment is required for this proposed development.

A pre application meeting with Council officials took place on 21 September 2011, and the Council provided a written informal officers view on 20th October 2011.

In addition to consultation with the Council, the Transforming Trowbridge Board and other stakeholders. Meeting Place Communications were commissioned by the applicants to undertake extensive public consultations which are fully explained within the submitted Statement of Community Involvement. This document outlines that the public consultation exercise comprised the following:

A pre-application stakeholder presentation (on 20 October 2011);  
Eight stakeholder meetings (between 17 August - 20 November 2011);  
A 2-day pre-application public exhibition/consultation (held at the Castle Place Shopping Centre on 21/22 October 2011);  
Press advertisement/ and a poster campaign in advance of the public exhibition;  
An invitation to "near-neighbours" to meetings; and,  
Loading the proposals onto the internet to allow wider public involvement with an online feedback facility (at <http://www.trowbridgecinema.co.uk>)

In response to the public consultation pre-application exercise, the applicant's agent advises that 196 feedback forms were received with 194 in support and 2 objecting. In addition to the feedback forms, it is asserted that 1405 supportive postcard returns were received by the applicants/agents.

## **6. Proposal**

The proposal is for a mixed-use (leisure based) redevelopment of what is a derelict brownfield site located on the southern edge of Trowbridge's Town Centre to create:-

A 7 screen multiplex digital cinema

An 80-bed hotel

7 restaurant/cafe/sandwich shop/public house units (A3/A1 sandwich shop/A4 Use Classes) equating to approximately 2,305 square metres of gross internal floor space.

111 on-site car parking spaces (including accessible bays)

New public space, including the formation of a landscaped pathway along the River Biss

## Improved pedestrian and cycle links

The proposed development essentially seeks to build two main building blocks. The western most block would accommodate 5 no. A1 sandwich shop/A3/A4 commercial units with a gross external area of 1592 square metres and an 80-bed hotel on two floors above. The eastern most building would be occupied by a 7-screen cinema with approximately 1228 seats and 1 no. A1 sandwich shop/A3/A4 commercial unit.

The scheme's design concept is to "create a new leisure quarter...intrinsically linked into the Town Centre". At its highest (about 13.5 metres tall), the cinema would in part, be of similar height to a 3-storey building; but through plentiful articulation, the building would be visually 'broken up' with interesting design and detailing which emphasise the building's distinct parts. In addition, the cinema building is deliberately sited at the south-eastern part of the site to allow for a visual stepping down: from cinema, to unit 6 to the human-scaled cafe pod (A3 Use) structure.

Anodised aluminium metal cladding has been selected as the principle cladding material for the cinema frontage, with masonry, brick, render and rainscreen cladding to the proposed hotel.

A comprehensive Transport Assessment (TA) has been produced which considers the engineering, traffic impacts and parking requirements of the scheme. This submission follows on from detailed pre-application discussions with the Council's Highway Authority.

The applicants propose to retain fifteen of the well established, robust London Plane trees along the site boundary. Subject to some necessary tree works, the eight trees subject to a TPO will all be retained. For all the retained trees, root protection areas have been identified within the submitted arboricultural survey. The applicants propose a new avenue of trees along St Stephens Place as well as enhance the treed character and visual link with the People's Park by integrating more tree planting within the site. The riparian character of the River Biss will be enhanced along the southern edge of the site by integrating a new footpath and cycle link into the neighbouring green corridor.

The applicants submit that this development would generate 200 new (full time equivalent) jobs, broken down as 130 in the restaurant, cafes, sandwich shop and bars; 30 in the cinema and 40 in the hotel.

In support of the planning submission the following reports have been submitted:

- A Statement of Community Involvement
- A Design and Access Statement
- A Summary Report of the Proposals
- A Planning Policy Statement
- A Flood Risk Assessment - including a Framework Flood Management Plan
- A PPS25 - Sequential Assessment
- A Transport Assessment (TA)
- A Car Park Management Strategy
- A Framework Travel Plan
- An Arboricultural Survey and Assessment
- A Landscape Strategy - including lighting (MacGregor Smith)
- An Archaeological Assessment - (along with a field work report)
- A Noise Assessment
- An Ecological Assessment
- A Contamination Report
- A Utilities Statement (Wallace Whittle)
- A Draft Construction and Environmental Site Management Plan
- A Waste Management Audit
- Ventilation/Extraction Details (Wallace Whittle)

River Biss Crossing and Peter Black Site

In addition to the above, the applicants have produced a River Biss Footbridge Crossing Technical Note (for information purposes only). Members are advised that under this application, no footway crossing is proposed, although a landing area to link the site with a redeveloped Peter Black site in the future, is recognised as being important in terms of permeability and enhanced linkages. It should be noted that a footway crossing was approved in principle by the former West Wiltshire Area Planning Committee in granting application reference 08/00255/OUT in October 2009 for a mixed use redevelopment including a food store, cafes, bars, restaurants, a 60-bed hotel, 46 residential apartments and an on-site car park. This outline permission remains extant although it is recognised that with the owner of the site having gone into administration, there is unfortunately limited confidence that a Reserved Matters Approval submission or fresh application for the Peter Black site will be forthcoming in the short-term. Whilst the applicants on the St Stephens Place site are not obliged to provide the crossing, a planning condition is considered necessary and appropriate to secure a future landing area.

### Cinema Commitment

On 12 January 2012, in response to publicly made doubts being cast about Odeon's intentions, the property director of Odeon/UCI confirmed in writing their commitment to opening a cinema on the St Stephens Place site owned by Legal and General. The opening of a cinema on this site has all the necessary Board approvals and all the legal agreements with Legal and General were expected to have been completed by the end of January. This follows on from the commitment made at the public exhibition in October, when Odeon revealed that terms had been agreed with Legal and General to anchor the St Stephens Place site.

The letter from Odeon's Property Director asserts that they "have dealt with, and are dealing with Legal and General on a number of cinemas across the UK and have the utmost faith in their ability to deliver a first class cinema for Odeon and leisure scheme for Trowbridge on this site".

## **7. Planning Policy**

### Government Guidance

PPS1; PPS4; PPS5; PPS6; PPS9; PPS10; PPG13; PPG17; PPS22; PPS23; PPG24; PPS25

Ministerial Statement 'Planning for Growth' March 2011

Good Practice Guide for Tourism (replaced PPG21)

ODPM Circular 06/2005

Wildlife and Countryside Act 1981 (as amended),

Conservation of Habitats and Species Regulations 2010

### Regional Spatial Strategy

VIS1; VIS2; VIS3, SS2; SS3; SS6; EN4; EC6; HO5; TRAN1

### Emerging Core Strategy

Strategic Objective 1 - delivering a thriving economy / enhancing vitality and viability of town centres

Strategic Objective 4 - helping to build resilient communities

Strategic Objective 5 - protecting / enhancing the natural, historic and built environment

Core Policy 28 - Trowbridge Vision Areas of Opportunity

Core Policy 30 - Trowbridge Low-Carbon, Renewable Energy Network

Core Policy 36 - Economic Regeneration

Core Policy 38 - Retail and Leisure

Core Policy 39 - Tourist Development

Core Policy 40 - Hotels, Bed \_ Breakfasts, Guest Houses and Conference Facilities

Core Policy 41 - Sustainable Construction and Low-Carbon Energy

Core Policy 50 - Biodiversity and Geodiversity

Core Policy 51 - Landscape

Core Policy 52 - Green Infrastructure

Core Policy 55 - Air Quality

Core Policy 56 - Contaminated Land  
Core Policy 57 - Ensuring high quality design and place shaping  
Core Policy 58 - Ensuring the conservation of the historic environment  
Core Policy 60 - Sustainable Transport  
Core Policy 61 - Transport and Development  
Core Policy 62 - Development Impacts on the Transport Network  
Core Policy 63 - Transport Strategies  
Core Policy 64 - Demand Management  
Core Policy 67 - Flood Risk  
Core Policy 68 - Water Resources

WCS6 of the Waste Core Strategy

Wiltshire Structure Plan Policies  
DP1; DP2; DP3; DP4; DP5, DP6; DP9; T6; T8; HE2; HE7; and RLT9

West Wiltshire District Plan Policies - 1st Alteration  
C7; C9; C15; C17; C23; C25; C31a; C32; C33; C34a; C35; C37; C38; C30; T9; T10; T11; T12; LE1;  
LE2; TC2; T03; CF1; U1a; U2; U4; I1; I2; and I3

Supplementary Planning Guidance

Trowbridge Town Centre - Conservation Area Character Assessment (adopted Feb 2006)  
Transforming Trowbridge Vision Report - Vision and Scoping Study (August 2010)  
The River Biss Public Realm Design Guide SPD  
Wiltshire Strategic Flood Risk Assessment (WSFRA)  
Trowbridge Urban Design Framework (adopted Sep 2004)  
Design Guidance - Principles

The applicants/agents also submit to have referenced:-

GVA's Town Centre and Retail Study for Wiltshire Council (dated March 2011)  
Wiltshire Council's publication - Future Employment Needs in Wiltshire (April 2011); and  
Wiltshire Biodiversity Action Plan (BAP)

## **8. Consultations**

Town/ Parish Council - Whilst supporting the application, the Town Council is not satisfied with some of the design aspects of the development, in particular the facade of the hotel facing Mortimer Street and Court Street car-park. The contrast between the proposed grey and brick elements needs to be greater. It would be preferable if the brick were replaced by an alternative treatment such as stone or lime stucco, if it is considered appropriate that brick is used then a traditional smooth surface red-brick as used on the historic industrial buildings in the town must be used rather than a modern textured brick.

The Town Council also expresses concerns about the car-parking arrangements and believes that additional measures need to be implemented to improve the ambiance, management and control of the multi storey car park if this is to be relied upon by the development, as well as additional promotion of the availability of other car parking in the vicinity including evening and weekend availability of car parking at County Hall, this may be achievable through an appropriate S106 agreement between Wiltshire Council and the developer. Contribution from the developer towards additional off-site improvements to pedestrian and cycle links approaching the site should also be considered.

Transforming Trowbridge - The Board of Transforming Trowbridge have confirmed their support for this application.



St Stephen's Place is a key development site within Trowbridge Town Centre and has long been recognised as an opportunity to improve the health and attractiveness of the Town. In addition, despite the previous best efforts of the former West Wiltshire District Council, the site has a track record of abortive development and its long-standing vacancy and "dereliction" unfortunately contributes to a negative public perception of the town and the efforts being made to secure its regeneration. Transforming Trowbridge is therefore keen to encourage appropriate development schemes on this site.

The agreed Planning Brief for St. Stephen's Place allows for a flexible approach towards the future development of the site which could accommodate a range of Town Centre uses including commercial leisure. This development proposal is seen as being entirely consistent with the policy and aspirations of Transforming Trowbridge as set out in the Trowbridge Scoping and Vision Study (August 2010), where it is recognised that:

"There are a number of large vacant sites in the town centre, many of which have lain vacant for some time and detract from the appearance of the Town Centre. The master plan will need to consider carefully how best to develop these sites, what uses would be most appropriate and viable and if there are any temporary uses that can be implemented to improve the appearance of the Town Centre in the short-term". The Study goes on to state:

"There is a lack of strong leisure and evening economy uses in the Town Centre - the large vacant sites in the town centre are an opportunity to redress this". Specifically, the Study restates a refreshed Vision for Trowbridge which includes the following statement:

"New leisure facilities including a new cinema in the centre of Trowbridge will attract visitors to Trowbridge throughout the day and evening and will be complimented by new restaurants and cafes which will encourage visitors to spend longer in the Town Centre".

With regard to St. Stephens Place specifically, the Study states:

"...it would be appropriate to extend the organic growth of the Castle Street / Court Street area to provide mixed use development which can accommodate a range of enterprise, leisure and housing". It goes on to state that:

"...there is the potential for this to be nurtured and grown as a more mature evening economy quarter, particularly given the potential for the riverside frontage and the significant increase expected in the resident and working population".

Specifically, the Study sets out a Vision for the area in which St. Stephens Place sits and forms an integral part, where "...the river frontage should gradually be opened up with existing and new buildings taking advantage of the setting; and ...the area should become the focus for evening economy activities".

It is self-evident that the proposed scheme is consistent with this Vision in letter and spirit.

The Board of Transforming Trowbridge does however have some concerns regarding car parking.

The proposed on-site parking spaces will require the appropriate level of active management to prevent their abuse by motorists seeking parking but not visiting the development;

The development will clearly rely on the Castle Place Multi-storey car park to provide the majority of car parking capacity. However, the car park is subject to high levels of anti-social behaviour and despite recent investment by the former District Council, it falls well below acceptable standards of lighting and security. It is clear that the applicant will take full advantage of the car park to serve their development and accordingly, it is submitted that they should contribute to its management and improvement. The applicant should fund the post of a car park manager on an on-going basis to ensure that anti-social uses are deterred and make a significant one-off contribution to Wiltshire Council to improve the quality of the car park.

The Board are keen to see that the delivery of this important development is given every encouragement. The Planning Authority is urged, in the event that permission is granted, to use the appropriate means to ensure an early delivery.

Highways - Although the development scale is significant, it replaces a previous use that generated much higher traffic levels, albeit that the road network and more recent developments have also changed significantly in the meantime. Therefore it was essential that a comprehensive Transport Assessment (TA) was undertaken to determine the overall transport and sustainable impact of the development. The submitted TA provides a full and detailed assessment of these matters as follows:-

The Longfield gyratory has been satisfactorily tested using paramics modelling and although the Castle Street (lower end of which is named Mortimer Street) leg shows a small increase in delays at the two peaks of Friday PM and Saturday AM, this is of minor impact and the TA suggests minor changes to signal timings, which can be carried out at the developer's request and cost. It would not be appropriate or necessary to impose a condition or planning obligation as it is in the developer's interest to seek this minor change.

The parking level proposed in the development has been reviewed and is considered to provide a very accurate reflection of the parking attraction to the site, when considering its location close to the centre of Town. At peak use, there will remain a significant spare capacity in the adjacent multi-storey car park, which operates under a no charging regime. Therefore, the proposed charging regime, where charges will apply after 3 hours during daytime, would appear reasonable but may, in future, need to be modified to reflect any issues over misuse. The developer, could for example, manage their on-site car park to only allow site users to gain entry. On balance, a Travel Plan will also give impetus to any necessary future changes and it is therefore considered reasonable to condition the submission of a full Travel Plan.

The access arrangements include the provision of a service bay on (lower) Castle Street, removal of the central reserve, two bus stops, improved pedestrian crossing points and a mini roundabout at the site access point onto St Stephens Place. All these measures are fully acceptable, subject to detail design approval, and the works will be subject to a highway agreement. It is also considered essential that a Gateway feature on the Castle Street (north) leg of the Castle Street/St Stephens Place roundabout (subject to a planning condition) be introduced to encourage the majority of traffic to turn left and enter the Longfields gyratory rather than travel through the Town Centre. It is not considered necessary to introduce a traffic order.

It is noted that the cycle facilities on the riverside walk will remain private. The cycle parking provision for the development exceeds the guidelines and is fully supported. Full details of the bays should be provided via a condition.

Service access is considered adequate for this Town Centre development. Although there is only space for one service vehicle to use the proposed lay-by on Castle Street (lower), the proposed uses should be able to satisfactorily manage their varying requirements. Additional service access is also provided off the Civic Hall service access road.

Accessibility of the site has been quantified via the questionnaire recommended by this Authority and the site scores highly, indicating that the site is, and will be readily available to customers from within the Town who might also use other facilities and access arrangements other than by using their cars. Although evening bus services are somewhat limited, the development may well encourage the development of further services and the bus stops are welcomed.

On the basis of the above, no highway objection is raised, subject to conditions.

Council's Spatial Planning - The proposed development in principle would be in accordance with the adopted development plan, particularly Policies DP3, DP5 and RLT9 of the Wiltshire and Swindon Structure Plan 2016, and Policies LE1, LE2 and TO3 of the West Wiltshire District Plan subject to criteria being met.

The draft Regional Spatial Strategy (RSS) reached the proposed changes stage following public examination and has in effect now been abandoned in light of the Localism Act. Nevertheless, recent

appeal decisions have indicated that the evidence underpinning the draft RSS is capable of being a material consideration when supported by other relevant considerations. The emerging Core Strategy is based on more up to date evidence than the draft RSS and has been prepared in conformity with national guidance, as such for the purposes of considering this application only the Core Strategy is referred to below. Notwithstanding this, the policies relating to the principles within the proposed development are broadly consistent with the draft RSS.

The emerging Wiltshire Core Strategy completed a second round of consultation in August 2011. This consultation related to the 'Wiltshire Core Strategy Consultation Document (June 2011)'. At the time of writing, a revised version of the Core Strategy had been prepared taking into consideration the consultation response and up to date evidence. This was approved by Cabinet on 17th January 2012 and subject to Council approval on 7th February 2012, the 'Pre-Submission Draft Wiltshire Core Strategy' will be published for a final formal stage of consultation before it is submitted to the Secretary of State for Examination. Submission is programmed for July 2012.

The emerging Wiltshire Core Strategy and the up to date evidence that underpins it can therefore be afforded some weight in decision making. The emerging Wiltshire Core Strategy policy context relevant to this development proposal is broadly consistent in both versions (June 2011 and January 2012). As such the most recent document is referred to.

Strategic Objective 1 (delivering a thriving economy) of the emerging Core Strategy, makes specific reference to:

Appropriate retail, leisure and employment opportunities being located within town centres; and,

Delivery of a broadened night-time economy within town centres, especially at Trowbridge, to provide choice for families and tourists and respect the quality of life of residents.

Consistent with the adopted development plan, the emerging Core Strategy identifies Trowbridge as a Principal Settlement, one of three strategically important centres in Wiltshire (Core Policy 1 - Settlement Strategy), which will be enhanced as strategic employment and service centres in order to support their self containment. Core Policy 2, Delivery Strategy, prioritises re-use of previously developed land to deliver regeneration opportunities and is generally supportive of sustainable development within Principal Settlements. Core Policy 3 seeks to ensure that appropriate infrastructure requirements are provided for as part of new developments.

Section 4 of the Planning Policy Statement submitted in support of the application sets out a reasonable summary and response to the considerations within PPS4 (Policies EC10, EC15, EC16 and EC17). The evidence base underpinning the Wiltshire Core Strategy includes the Wiltshire Town Centre and Retail Study (March 2011). The applicant has drawn upon the findings of this Study, which is based on a household questionnaire and on street survey, to demonstrate the need for the leisure uses, particularly the cinema.

It is agreed that there is no sequentially preferable site to the St Stephen's Place for the proposed development and provided it is appropriately conditioned, it would have a positive, rather than adverse, impact on the town centre in light of the ability to clawback expenditure from competing centres such as Bath and Swindon and spin off benefits from linked trips to the town centre.

Given the fact that the draft National Planning Policy Framework (NPPF) could be altered in light of the consultation response it is not considered that any weight should be given to the proposed changes to national planning policy, albeit as set out in the advice produced by the Planning Inspectorate for use by its Inspectors the direction of travel is capable of being a material consideration, "although the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case". Irrespective of the status of the draft NPPF, the Ministerial Statement regarding Planning for Growth requires local planning authorities to consider development favourably, saying yes to growth, except where this would compromise the key sustainable development principles set out in national planning policy.

The proposed development will help deliver the vision for Trowbridge, sustaining its role as an employment and strategic service centre within Wiltshire and will provide benefits to other

communities, including those beyond the former west Wiltshire district. In particular, it will secure improved entertainment and leisure facilities. It will offer an alternative more local facility to people currently travelling outside of the county for cinema and leisure trips thus helping retain expenditure within Wiltshire to the benefit of Wiltshire's economy. Furthermore, the hotel use will mean that Trowbridge has a modern centrally located facility helping support the town's attraction for tourism and business.

It is considered that the development of this site for the uses proposed can only have a positive impact on the vitality of the town centre and regeneration of Trowbridge, and in line with the Ministerial Statement, Planning for Growth, should be considered favourably. However, as raised with the applicants during pre-application discussions and as acknowledged in the Planning Policy Statement, it will be important to condition the level of A1 use that is permissible on the site. This is necessary in order that the overall nature of the proposed uses does not significantly change from that outlined within the proposal.

It is recognised that the planning application relating to the proposed development of Bowyers (Application Ref: W/11/02689/FUL) also provides for a cinema and restaurants. However, this promotes the development of a supermarket as part of a wider mix of uses (for which the evidence base underpinning the emerging Core Strategy shows there to be no need) and is more remote from the defined town centre, offering less potential for linked trips. In applying the sequential test, national policy as set out in PPS4 requires the disaggregation of development proposals to be considered. This application clearly demonstrates that part of the development proposed on the Bowyers site can be delivered on a sequentially preferable site within Trowbridge's central area within easy access to the town centre by foot with the clear benefit of encouraging linked trips. In such circumstances, there is no reason to consider the Bowyers proposal as a more favourable alternative.

Council's Urban Designer and Conservation Officer - joint consultation - No objections on design grounds subject to an appropriate materials condition, and the amendments to the fenestration being made as agreed.

Following a meeting with the consultants and submission of materials boards a number of amendments have been agreed, and following which, my initial objections are withdrawn.

The materials are to be subject to conditions, however there are some which were previously objected to which are now agreed in principle, (note: these may still be subject to further samples being submitted):

#### Hard Landscaping

1. The proposed gabion clad wall will be filled with local stone, to give it a local reference and is the best structural solution in terms of longevity and maintenance. It also has certain ecological credentials. The colouring of the stones is to be a light sandstone colour which will complement the wider area and the wall is significantly screened with proposed planting. This approach is supported by the Council's Landscape Officer, consequently any urban design objection is withdrawn.
2. The use of a herringbone formation is desirable for the parking bays as they are arranged in a circular pattern. This has been accepted, however, a stretcher bond will be used for the pavements and a higher quality curb will be used. The exact colour is to be agreed.
3. The blocks used for the "central hub space" will be of a conservation standard using natural aggregate. The exact colour is to be agreed.
4. The existing handrails on the retaining wall are to be retained. These are against the riverside and are very different from those proposed within the scheme, however on the basis that these are retained features and they are on different parts of the site my objection are withdrawn.

#### Architecture

Cinema Building - This is a visually strong landmark building which has a good relationship with the Civic Hall and the riverside.

Hotel and Restaurant - Subject to:

amendments to the window design to create vertical features  
the removal of the aluminium facade system around the glazing  
the removal of yellow and bright blue spandrel panels and replacement with a suitable pale colour at the top of each window with a dark grey (to match the RAL 7043) as a dividing panel  
the use of Ibstock heritage red blend bricks or suitable alternative  
the use of pebbles to soften the flat roof when viewed from above  
the white render looks very good on the cinema building and creates a good relationship between the two buildings. Consequently on the understanding that it is a through colour so will be easily maintained it is considered appropriate for use on the ground and first floor on the east elevation. Subject to occupancy requirements additional windows may be sought for unit 5 addressing the riverside

It is felt that these amendments should also address the majority of the design issues raised by the Civic Trust and the Town Council. The issue with regard to orientating the restaurant uses on to a car park should be addressed through the landscape scheme being proposed for the car park.

Council Tree and Landscape Officer - There is no objection to the landscape proposals submitted within this application. There remains a minor query over the use of hard landscape materials indicated within the Landscape strategy document. If permission is to be granted, this issue can be easily addressed by a pre commencement condition. Any materials to be used should reflect those used within the recently constructed civic centre, pulling threads through from one site to another. This does not include the soft landscape element of strategy which is supported fully.

The proposal in landscape terms makes the best use of existing visual attributes, while softening the interior of the site at all levels. It also enhances the river that runs though Trowbridge that currently offers little visually public.

This scheme completely opens this undervalued feature up providing visual and public access.

Council Economic Development Officer - In light of the job losses that Trowbridge has sustained in recent times, a development which may lead to the creation of 200 jobs is welcome. The cinema will undoubtedly attract people to Trowbridge from a large surrounding area where there is currently no modern local cinema provision. The fact that there is limited parking available on the site is also welcomed, as this will necessitate parking in other nearby car parks - which should help people to see what else is available in the Town when they are walking to the cinema/restaurants/hotel.

The site is located very close to the Town Centre and will connect well to the existing shops and should attract additional spend and shopping trips tagged on to cinema visits.

It is understood that there has been some opposition to the provision of a hotel from local existing hoteliers and whilst one can sympathise with them and the Council would certainly not want to see any of them forced out of business, it is assumed that Premier Inns have carried out an impact/needs assessment of some type.

The creation of a riverside walkway will be a huge asset to the Town. Up until now, the river in Trowbridge has been very unattractive. Hopefully this development will encourage a tidy up of other stretches of the river in the town. It is further hoped that the development of this site will lead to the adjacent Peter Black's site being brought forward for development within a reasonable timescale. If not, then it is hard to see how St Stephens Place could create a 'better point of arrival into Trowbridge' as claimed by the applicants. Being next to a derelict site is likely to detract from the new site and put people off visiting in the short term. It would be useful to find out what the situation is now with regard to the ownership of the Peter Black site following the demise of Parkridge and what plans are for its future.

Council Archaeologist - The proposed development site has been subject to an archaeological Desk Based Assessment, a Watching Brief maintained during the digging of geotechnical trial pits and, finally, a field evaluation by nineteen trenches covering some 5% of the total area. This work has confirmed the presence of post-medieval mill buildings which survive only as severely truncated

structural remains beneath deep layers of made-up ground, itself the product of successive uses and demolition on this land.

The information is invaluable in delimiting Trowbridge's industrial past together with its medieval core - including the castle - which it has now been proved did not extend into this area. This will augment the Wiltshire Historic Environment Record and the Trowbridge Extensive Urban Survey (MacMahon 2004).

Whilst there remains the opportunity to record as much of the surviving mill industry as survives here, the Council already has documentary evidence to fulfil this need and the heavily disturbed nature of the site and the severe truncation of those remains would warrant further archaeological mitigation of little value.

On the basis of the above, no further comments are submitted on this application other than to thank the applicant for their support during pre-application discussions. A hard copy of the final report for the HER shall be appreciated.

The advice throughout the project has been guided by Planning Policy Statement 5 (DCLG 2010).

Council Ecologist - A number of ecological surveys have been conducted at the site including a Phase 1 Habitat survey, river corridor survey, a water vole and otter survey, aquatic invertebrate survey and a bat activity survey. The following documents and plans have also been reviewed:

- Ecological Assessment Report (WSP, November 2011)
- Landscape Strategy (MacGregor Smith, November 2011)
- Site Sections - Proposed and Existing, drawing no. 1027.011 rev. B (October 2011)
- Illustrative Landscape Plan, drawing no.1027-002 rev. A (November 2011)
- Planting Plan, drawing no.1027-201 (October 2011)
- Draft Construction Environmental Management Plan (WSP, November 2011)

The majority of the site currently holds little ecological value. There is a low risk of construction work affecting breeding birds and reptiles; precautionary working measures will be required and the Draft CEMP outlines a satisfactory scheme. The area of the site with the greatest biodiversity value and opportunity for enhancement is along the River Biss riparian corridor. Surveys have identified that the river is used by foraging/commuting bats, and water voles consistently use this stretch of the river (indicated by previous records and recent evidence). Impacts to the river corridor and associated protected species are discussed in further detail below.

The River Biss Public Realm Design Guide 2008

The most relevant policy in relation to the ecological issues at this site is provided in The River Biss Public Realm Design Guide 2008 SPD. The SPD provides details of the ecological enhancements that new development should deliver and prescriptive measures are given for this particular site (page 69).

Overall, the proposed plans are consistent with objective 5 of the design guide, which is:

"to improve the environment, reduce flood risk and enhance biodiversity along the River Biss corridor".

St Stephens Place is highlighted in the design guide as being one of only two sites along the river which is appropriate for "habitat creation - major intervention" (figure 6.3). The proposals include the removal of the existing river edge features, re-profiling the banks, creation of marginal shelves and new marginal planting (of appropriate native species), which are considered appropriate 'major intervention' measures for this site. The plans do not fully meet the expectations of the SPD (figure 9.12 shows a larger area of riverside green space) but the proposals will nonetheless deliver significant improvements to the ecological value of the river corridor.

The retention of the wall along the western section of the river to provide an elevated walkway is fully supported. This wall retains a section of the river edge where there is no direct public access. This is relevant particularly as water vole activity is concentrated along the bank in front of this wall. The new

river edge treatment and additional planting will also create opportunities for water vole and other species along the remainder of the river stretch.

Initial drafts of the plans proposed a green roof on the hotel building. This would have contributed an additional biodiversity enhancement to the built environment and provide important sustainable urban drainage. It is recommended that its incorporation is reconsidered.

The lighting consideration is welcomed and the low level bollards are an appropriate form of lighting for the river corridor; these will not have a detrimental impact on its use by a range of species.

A Mitigation Strategy for water voles will be necessary for the construction phase. The principles that have been set out under section 5.2 of the Water Vole and Otter Survey Report (Ecological Appraisal, Appendix C) are accepted.

#### Ecological Recommendations:

The application is supported by satisfactory survey work and the proposals will deliver ecological enhancements in line with the requirements of The River Biss Public Realm Design Guide SPD and PPS9.

Precautionary working methods that will avoid harm to reptiles and breeding birds will be covered by the CEMP and a suitably worded planning condition is recommended.

Environment Agency - No objection, subject to appropriate conditions in relation to flood compensation and mitigation.

Wessex Water - No objections, subject to informatives being appended.

Council Waste and Minerals Team - The information provided within the submitted Waste Audit for the proposed development is sufficient in terms of the requirements of policy WCS6 of the Waste Core Strategy.

Council Environmental Health Team - Recommend approval subject to conditions.

**Contaminated Land** - Having consulted the historic data and maps available to this department and having read the Geo-environmental statement available on the planning portal, the following comments are made:

The phase II geo-environmental Assessment undertaken by WSP Environment & Energy (project number 00025493.0001) concludes that, in terms of exposure of future buildings, occupiers or users of the site, the levels of contamination on the site are such that no remediation is necessary for the proposed commercial land use.

In summary the report concludes that:-

- 1) The environmental sensitivity of the site is moderate to high, primarily due to the underlying aquifers, presence of the river Biss and adjacent land uses.
- 2) Whilst elevated levels of hydrocarbons were found in some areas of the site these were not at concentrations that exceeded the health screening criteria for a commercial/industrial end use. A low risk to construction and/or maintenance workers was identified but this can be adequately managed through good practice.
- 3) Leachable concentrations of a number of contaminants were found within the made ground and elevated levels of hydrocarbons and metals found in the groundwater. These levels were above the screening levels used for surface water. It was also suggested that some free phase product may be present on the site. Overall it was not considered that there was an unacceptable risk to controlled waters but further confirmatory assessment is recommended.
- 4) Ground gas levels were generally satisfactory but one elevated reading suggests that basic gas protection measures should be included (CIRIA Characteristic Situation 2 for commercial buildings). This requirement may be potentially reduced subject to further assessment of gas levels and Local Authority Approval.

5) Impacted groundwater has been identified on-site although currently, no detectable concentrations of the contaminants of concern have been detected within the adjacent surface water. Further investigation is currently planned to be undertaken in the vicinity of WS06, BH01, BH02 and BH03 in order to delineate the identified groundwater hydrocarbon contamination and to determine the extent of the associated source. This is likely to necessitate the advancement of further shallow and deeper exploratory holes as part of the detailed design work for the site. Subsequently, it is considered prudent that a controlled waters detailed quantitative risk assessment (DQRA) be undertaken prior to redevelopment to ascertain whether there is an on-going risk to the River Biss posed by the current identified contaminants and subsequently whether any active remediation will be required.

6) Prior to redevelopment, a contingency strategy should be formulated and subsequently implemented in the event that previously unidentified contamination is encountered. This should include a strategy for the identification, investigation of the nature and extent and (if necessary) removal/treatment of any contamination sources, if any, encountered during the redevelopment of the site.

7) Implementation of appropriate measures to mitigate risks posed to construction and/or maintenance workers undertaking activities involving the excavation of ground. These measures should comply with published UK legislation and guidance, including the Personal Protective Equipment at Work Regulations 1992 and Construction Industry Research and Information Association Report 132: 'A Guide for Safe Working on Contaminated Sites'.

8) Any excavated material should be appropriately tested to determine its suitability for re-use and/or for off-site disposal. It should be noted that any material remaining on-site would also need to be proved geotechnically, as well as chemically, suitable for its proposed use.

Having considered the report, there is no reason to question the methodology used or conclusions reached. No objections are therefore raised, subject to a land contamination related planning condition.

The risk to the river and ground water is a matter which should primarily be considered by the Environment Agency. The only comments currently on the planning portal refer to flood risk assessment, not risk to controlled waters.

## **Lighting**

The lighting scheme submitted has been designed to overcome nuisance glare, spillage and intrusion whilst enhancing the aesthetics of the development. The applicant has asserted that the scheme will comply with the guidance issued by the Institution of Lighting Engineers and the scheme has been designed to comply with the requirements in the E3 Zone: Medium district brightness/ small town centres or urban locations. With this in mind, the Environmental Protection team will not be making any adverse comments.

## **Noise - Mechanical services and refrigeration plant**

The plant will be mainly located on the roof tops and it is proposed that they will be screened to reduce noise transmission to neighbouring premises. This together with the distance attenuation to noise sensitive properties (provided that suitably selected units with noise control are selected) the noise transmission should be adequately reduced.

To ensure that the mechanical services and refrigeration equipment does not generate complaints, a planning condition (as proposed by the applicants) should be attached to any permission.

## **Noise from Service Yard**

As no hours of use were proposed by the developer in the report, discussions were held with them. The service yards to both the hotel and cinema side of the complex are relatively protected from the nearest residential properties. However the service yard to the rear of the hotel has the potential to cause noise disturbance at night time, if deliveries were unrestricted. With this in mind and through discussions with the applicant, an agreement has been reached to prohibit night time and weekend deliveries within the service yard. The applicant has agreed to have this conditioned.



## **Traffic Noise**

No concerns raised.

## **Noise from Cinema**

The nearest noise sensitive building would be the hotel, however, the cinema building has been designed to prevent noise breakout to protect the hotel with the nearest residential properties being twice the distance away. As a result, there should be no effect on amenity to the nearest residential building.

## **Noise from restaurants/cafes and bars**

The hotel operators have their own design specification to protect their premises from both external noise intrusion and internal transmission noise. Having high standards to protect the hotel will have a secondary effect of also minimising noise breakout to other nearby receivers. Therefore, no concerns are raised.

Each individual unit that wishes to serve alcohol, have live and recorded music and serve hot food after 11.00 p.m. will be required to apply for a Premises License. Each license shall be looked at upon its individual merits during the licensing consultation process. To aid this process it would be beneficial for the developer to share with the individual applicants the noise protection methods incorporated into the structure of the building in order to control the breakout of noise on the amenity of surrounding premises.

Council's Arts Officer - Welcomed the plan to integrate public art within the redevelopment proposals - responding to the local distinctiveness of the site and to create a sense of belonging. This is in line with the guidance note that the Council has been developing for a more cohesive countywide approach to art and design in the public realm (or public art).

The example given in the Design and Access Statement of a creative lighting scheme at the entranceway could be an exciting and an appropriate scheme for this site, particularly given the nature/functions of the leisure park.

However, an experienced professional public art advisor or lead artist should join the design team to devise any public art scheme, which could include a lighting scheme. The Arts officer would want to work with the design team, assist with the short listing of a public art advisor/lead artist and approve the final public art scheme.

## **9. Publicity**

The application was advertised by 5 site notices, press notice and neighbour notifications.

Expiry date: 23 December 2011

Summary of points raised:

Trowbridge County Town Initiative - The Initiative submits that the unanimous views expressed during a meeting of 35 local businesses was that the development of this site for leisure uses was an important addition to the Town Centre and would promote the Town, encourage investment and improve the shopping experience.

In particular, the securing of a cinema and a significant hotel would fill important gaps in the facilities currently absent from the Town and would help develop a night time economy. The site offers easy pedestrian links to the Town Centre via Castle Place and the Park. The development would work as a catalyst for other important Town Centre sites, including the redundant Peter Black site. The development is, in all respects, in accordance with the relevant planning policies for the Town.

It is hoped that Wiltshire Council will re-visit its current car parking charging policy which acts as a disincentive to shoppers resulting in deserted car parks. The principal demand for car parking spaces

generated by this development would be in the evenings and weekends; and that these needs would be met by current Town Centre parking availability.

Trowbridge Civic Society - Welcomes the much-needed hotel proposal. This will provide enhanced accommodation and, through competition, will help develop further the already existing provision in the Town. The range of restaurants will potentially enhance provision in Trowbridge, although litter will be a problem, we anticipate, and this should be addressed. However, the design of the hotel seems dated, with a repetitive frontage and roofline. We feel that, since this building is in such a prominent position, greater care should be taken to make the building attractive, possibly with balconettes to break up the wall space, a pitched roof, and certainly more trees to screen the building from Mortimer Street to soften the continuous elevation. Matching the hotel more closely to the existing buildings at the corners of Castle Street and Court Street, and Castle Street and St Stephen's Place would be preferable, though and could be subsumed with the praiseworthy intention to produce a contemporary design, rather than pastiche.

Recognises that the context makes a contemporary design appropriate, and the Civic Society welcomes the awareness of the need to enhance the significant Town Centre location. This will create a critical mass for the centre, and will facilitate the creation of a new cultural hub, helping to keep this part of Trowbridge viable and alive. The quality of the materials must reflect the importance of this location, and must weather attractively. The colour of the bricks must be carefully chosen. The design of the cinema in particular is varied and attractive.

Access is important, and the adequacy of parking is queried. We welcome the specific provision for cycling, however.

The continued existence of the dilapidated, unattractive Peter Black site is not addressed by this proposal, and we feel that this is to be regretted.

40 individual third party representations received in total of which 29 were letters of support citing the following:

- The site is a wasted space in the Town and is in desperate need to be developed.
- The recently completed redevelopment of the old Civic Hall is superb and this proposal would be a further sensitive overdue development.
- It is recognised that the context makes a contemporary design appropriate. This will create a critical mass for the centre, and will facilitate the creation of a new cultural hub, helping to keep this part of Trowbridge viable and alive. The quality of the materials must reflect the importance of this location, and must weather attractively. The colour of the bricks must be carefully chosen. The design of the cinema in particular is varied and attractive.
- Extra competition will regenerate and further develop what the Town has to offer.
- The Town has been in need of a cinema for decades and there is a need for a hotel, leisure facilities and extra car parking space.
- This project will involve two years of building and the development will boost retail and service jobs.
- This development will spur surrounding areas in need of redevelopment (e.g. the Peter Black site and Court Street).
- The lack of retail within the scheme will hopefully contribute towards making the Town Centre more vibrant.
- This proposal is much preferred to the proposal on the Bowyers. The Bowyers site is too far from the Town Centre. The Town does not need another supermarket, but it does need a budget hotel and this cinema.

It is recognised that the Council has two proposals for significant developments in Trowbridge, including two proposed cinemas. The Bowyers site should have a bowling alley instead of the cinema. Although the proposal for the Bowyers site seems to be of high quality architecturally, it is argued that the hotel provision and the creation of a cultural and civic hub in a central position tips the balance in favour of this proposal, as long as the reservations cited are addressed.

- Too much is being made in terms of objections on parking availability. Surely local people would walk or use public transport. If more car parking is necessary, the parking at the library could be renovated.

- Full car parks mean people in the Town...spending Money. Isn't that the whole point of a Town Centre? The multi-storey car park has never been seen anywhere near full. If this proves to be an issue - the Council should convert part of the Peter Black site to be another income generating car park.
- Traffic through the Bradford on Avon side of Trowbridge could be an issue, with congestion already quite frequent around the Holy Trinity roundabout. This is however no criticism of the development.
- The application should be dealt with in a very positive way and without delay.
- Politics should not stand in the way of the great vision.

3 neutral representations were received raising the following points:

- The Town badly needs a cinema and additional leisure facilities. However, it seems common sense that the Town cannot support two cinemas, and it is noted that Legal and General (the applicants) make this point in their objection to the Innox Riverside development.
- It is clearly a difficult call for the Council. The Innox Riverside proposal delivers the refurbishment of historic buildings associated with the Bowyers Factory and its location next to the railway station is a big advantage. The transport node linking bus and rail is to be welcomed assuming the bus operators have agreed to take the buses into the development. This is not clear from the documentation. Both sites deliver a riverside walk. The inclusion of the Morrisons Store in the Innox Riverside scheme is clearly controversial in terms of its location in relation to the sequential test, traffic generation and retail impact.
- The provision of a second cinema and more restaurants is a commercial decision, but the Cinema club at the Arc has not had a large membership and one does wonder where the audience is. Queries are raised about whether there is a shortfall of eating places in the town.

This is a smaller cinema than the one proposed at the Bowyers site. The Cineworld 8-screen multiplex should be built on this site as we have too many Odeon's in the area.

8 letters of objection have been received citing the following:

- The Town cannot sustain two cinemas and the St Stephens Place site has inadequate parking provision. The developers are relying on the proximity of the multi-storey car park. Whilst this may be suitable in the evenings, it certainly will not at weekends. Cars will park on local side streets and create congestion.
- Litter will be a potential problem  
The site would be overdeveloped.  
Inadequate and poorly designed / planned public open space.  
Poorly landscaped car park.  
More trees are required.  
Insufficient barriers to separate people from car traffic, noise and fumes.  
Poorly located, insecure cycle parking  
The restaurants should back onto the river.  
The servicing bay on Castle Street is inadequate. Lorries would have difficulty manoeuvring safely. Engineer consultants are too idealistic.  
Queries raised about refuse bin provision. They are not well located for loading bays.  
When a bus is at the stop to the north of the River Biss bridge, there would be safety issue.  
No provision for pedestrians crossing the mini-roundabout at the car park entrance  
The applicant/developers should finance the widening of Bythesea road approach to allow 2 lanes from the mini-roundabout towards the signals.  
A bus shelter with real time information displays should be provided/ financed by the applicants/developer.

This is the first time since 1972 in West Wiltshire that the Council will assess the construction of a commercial cinema. Since the 1970s, multiplex cinemas, such as the proposed 7-plex complex here with 1230 seats, will cater for much greater numbers of people. Even if the cinema gets 75% capacity, such as the busy Christmas period, 1000 people may well turn up every 3 hours or so, which could generate 300/400 cars. The 80-bed hotel, restaurants, cafes and bars will add to the car parking demands.

When the Civic Centre or the People's Park host programmes/events, the demands on car parking will be even greater.

Public transport services and links are just not good enough.

The current covenant on the multi-storey (with its 8am-6pm 23 hour restriction on some levels and 2 hour restriction on others) will simply not cope with this new development and the numbers of people it will generate.

Will the bar/cinema be subject to any licence restrictions?

The majority of new multiplex cinemas have free car parking. This is why the Innox Riverside application proposal is more appealing. With two applications comprising cinemas currently awaiting determination, the benefits of the Innox Riverside scheme should be noted.

The scheme is not 100% deliverable. Odeon have said they have no contractual agreement and that they will only sign up if permission is granted.

The owners of the site / the applicants have asked for legal protection if this scheme is approved. This would monopolise the market, which is borderline illegal.

Rather than have a cinema on this site, a bowling complex should be considered.

- The dilapidated, unattractive Peter Black site is not addressed by this proposal. The site should be developed along with the Peter Black site. It would be premature to do otherwise. The two sites should be developed together rather than take a piecemeal approach. Who wants a brand new development next to the eyesore that is the Peter Black site?

There is no need for another hotel. Local hoteliers are struggling to fill their premises. The Council should be supporting local businesses.

- The hotel lacks any redeeming features or visual interest and is simply yet another box with cladding and overly large windows. It is a pity that a little more thought has not been attached to the design. It provides little or no additional character to the Town. The building would be in a prominent position and it should be made more attractive, possibly with balconettes to break up the wall space, a pitched roof and certainly more trees planted to screen the building from Mortimer Street to soften the continuous elevation. Matching the hotel with existing buildings at the corners of Castle Street, Court Street, Castle Street and St Stephens Place would be preferable.

An objection written on behalf of 5 hoteliers that serve Trowbridge and surrounding businesses has been received from: The Polebarn Hotel, The Hilbury Court Hotel, The Fieldways Hotel, The Old Manor Hotel, and Widbrook Grange Hotel. This objection raises the following points:

- The current Local Development Plan is out of date. The Council does not have an up to date leisure impact assessment for the St Stephens Place scheme, specifically covering the hotel proposal. Current legislation in National Planning Policy requires impact to be measured and applied to all main town centre uses (PPS4) and is particularly relevant to retail/entertainment proposals. The impact of an 80-bed hotel on existing hotels operating in the area needs to be considered.
- The information gathered when creating the West Wiltshire Adopted Local Development Framework 2004 is now out of date and is not reflective of current economic times. We are operating in a new and difficult economic climate in 2011/2012 vastly different to the boom economy of early 2004 and the years prior.
- Current economic forecasts predict a flat line situation for approximately 3 years and slow growth thereafter. The Government are not planning another rise in VAT rates, so interest rates will steadily decrease and inflation will level as the economy does its best to stabilise, in an uncertain global economy (Euro). Since 2004 we have entered into recession and are still in one. The effect this has had on the local economy has been clear to see. Closure of major employers in the town (Ushers, Nestle, Pork Farm Bowyers, Trelleborg, Wincanton, Pioneer, Virgin and Vodafone) has resulted in a loss of business for the hoteliers whose main source of income is from corporate travellers supporting the businesses in and around Trowbridge. Although hotels are classified by the Government as a leisure use, the hotels represented herein rely on corporate travellers for their income. Trowbridge is not a tourist centre and leisure travellers make up only a small percentage of overall takings.
- The proposed 80 bed hotel exceeds existing bed capacity and will result in the closure of one or more hotels in Trowbridge. The actual impact of an 80 bed hotel can be evidenced by looking at existing occupancy rates, how they have fallen in the last 5 years and how trade will be soaked up by the proposed hotel. Trowbridge has a current offer of 83 hotel bedrooms per night between 5 hotels. Before the recession in 2006/7, the hotels operated at a year round average occupancy level of 80%. In those strong economic times there were 18 beds unused each night. In contrast, today's trading figures show that occupancy levels have fallen to an average of 57% which translates to 35 beds unused each night. There is no current demand for more beds in Trowbridge. The proposed hotel, a

Premier Inn, will have 80 beds and will only be able to maximise their occupancy by using an aggressive pricing strategy. The Premier business model is well known, but in simple terms they are able to sell beds very cheaply as they can afford to spread the cost through high volume sales across the large national chain company. Local firms will not be able to compete as it won't be a level playing field. They are not able to cut their prices to match as they simply don't have the buying power of that business model. The Premier Inn will generate business by taking trade from existing hotels who are already struggling - this will result in closures for the independent hotels.

- The 5 existing hotels employ 84 full time staff (up to 120 including part time), many of whom are the primary wage earners for their families. Closure of hotels will mean job losses, a Premier Inn operates with very little staff so wouldn't offset the employment figures, resulting in a net reduction of people in employment in that industry in the Town. The impact of failed businesses in the town affects the wider community damaging morale, offering less choice, changing the identity of the town and discouraging other potential small business from setting up here. The 5 existing hotels are run by local people who have an interest in the local community and the Town, a national chain has no such interest and can withdraw from the Town at any time. All of the existing hotels are Grade II listed buildings and are well maintained at the expense of the owners. Vacant historic buildings in high profile locations will have a detrimental impact on the Town, its identity and its history. The Council will also have financial losses - the loss of income from business rates, VAT, domestic rates for those who live and work at their premises. (Supporting evidence, Hotel staffing levels for past 5 years has been submitted to the Council to strengthen the case for this objection).

- Part of the overall Economic Development Strategy for Wiltshire is to increase visitors to the County. Closing existing businesses will reduce demand and eliminate choice. If we are able to increase visitor numbers to the Town they will require a choice to meet their needs and budget. By restricting choice, Trowbridge will end up with one accommodation type offering and an operator with a monopoly able to manipulate price and product offer to suit their profit margins and not reflect market needs. Restricting the accommodation offer of the Town may put off future business investors who will require a range of accommodation to suit different levels of employees and allowances for their visitors to their town. Trowbridge does not have a strong tourist centre and doesn't have the attractions to make it one. The tourism consumer is not the bread and butter of hotels in the town. Many businesses have closed or moved away from the Town and there have been no significant replacements, the natural demand from the corporate sector has dropped and the building of a new facility will not stimulate demand that is nonexistent. Inward investment is required by organisations that can create primary wage skilled jobs to give the Town a better employment offering. It has been suggested that the hotel will complement the conferencing facilities offered at the recently refurbished Civic Hall. This alone does not warrant 80 more bedrooms. An up to date Impact Assessment will show that the current Hotel offer is more than capable of accommodating delegates in a wide range of hotels.

- In addition to the objection raised above regarding a perceived lack of parking provision, it is further argued that with an 80-bed hotel, a cinema which will attract customers from all over the county, having 1230 seats and the restaurants which can seat about 700 people. The 111 on-site parking spaces appear to be completely inadequate. On a busy night, say the opening of a blockbuster film, people will have to park on the street, in the Castle Place multi-storey or across the road at County Hall car park (the parking here is not future proof). They will be competing with other visitors to the Town Centre, people accessing the gym at Castle Place and visitors to events at the Civic Hall, potentially a disaster. Hotel guests might find themselves dragging their luggage a fair distance before they can even enter the hotel, cinema goers who have travelled 15 miles or so will not want to walk that far especially on a rainy, cold evening. The demand for 3rd party parking is uncertain, unsustainable and unregulated. On this basis and the absence of an up to date Impact Assessment, the Council is not able to make a judgement on the impact of an 80 bed hotel at St Stephens Place on existing hotels in the town and PPS4 requires that they do so.

A letter of objection has also been received from the agents acting on behalf of Optimisation Developments Limited (ODL) - and applicants for the Innox Riverside development proposal (reference w/11/02689/FUL refers) raising the following:

Our client fully supports investment in Trowbridge town centre and encourages LGP to deliver regeneration on the St Stephens Place site and surrounding sites. However, our client also firmly support the principle of deliverability since in Trowbridge there has been a legacy of failed schemes such as Waterside and previous attempts at developing St Stephens Place. It is vital that serious deliverable investment, such as Innox Riverside, is supported at every level.

Due to the LGP suggestion from their planning consultants that the Innox Riverside scheme should be resisted by the Council because of a perception that it would 'threaten the viability' of the St Stephens Place scheme, our client has been left with no option other than to object for the following reasons:

- i. The proposed St Stephens Place scheme does not provide the comprehensive redevelopment expected by the town's masterplan; there is no relationship with the Castle Place Shopping Centre and the layout turns its back on the adjacent Cradle Bridge (former Peter Black) site and will prejudice the future development of this gateway site. The indicative plan for a bridge linking the site to the Peter Black site is not part of the planning application and as far as we are aware, there is no firm commitment to its delivery.
- ii. Despite claims by LGP that the St Stephens Place scheme is 'fully funded and deliverable', there is evidence that this is not the case - there is only a 'loose' commitment from Odeon and, in any event, the delivery of the cinema element of the scheme will be dependent securing restaurant lets; it is our understanding that the main restaurant occupiers that would occupy such space are not prepared to open in the St Stephens Place development.
- iii. There are gaps in the supporting planning policy evidence on land use, including the failure to consider the impact of possible 'small scale' operators such as some cafes or sandwich shops that will compete with the existing provision in Trowbridge
- iv. Only 111 car parking spaces are proposed and this is wholly inadequate; the reliance upon the use of the adjoining multi-storey car park is not appropriate. During busy periods the multi storey would be expected to be used by both shoppers and cinema goers. No information is provided with regard to how the excess vehicles within the development will be directed to the overflow car park, nor has any consideration been given to the pedestrian safety implications of a car park operating in excess of 100% occupation.
- v. The flow of excess vehicles from the development car park to the multi-storey would also lead to conflicting right-turns between those seeking to enter and those trying to exit the proposed car park; this is not considered to be good practice in terms of road safety.
- vi. The pedestrian route from the site to the town centre is of poor quality, requiring a crossing of an access road with a pedestrian route of either through the side of Castle Place shopping centre or along Castle Street - neither provide a natural link to the town centre and is a function of the site being developed in isolation
- vii. The Design & Access Statement is limited, with little analysis of context or the urban environment followed by a considered response to materials, elevational treatment, massing etc or having regard to the local materials and history of the surrounding area aspiration in the design proposal e.g. large scale elevations of glass curtain walling, aluminium metal cladding, render, rainscreen cladding.
- viii. There is no proposed active frontage with the Riverside Walk at ground floor level with the exception of the cinema foyer and the southern corner of unit 5 - the key nodal point at the junction of the Mortimer Street and the River Biss is addressed by a sub-station and a refuse store. There is also no active frontage to Mortimer Street, which is addressed by the rear of the ground floor units and a service bay.

## **10. Planning Considerations**

### The Principle of the Development

As reported above, the site is allocated in the Adopted West Wiltshire District Plan - 1st Alteration under Policy LE2 and supported by Policy T03 with potential for a mixed-use redevelopment for further Town Centre uses such as retail, commercial leisure, civic or major arts provision. The development is also in accordance with the guidance contained within PPS4. The site is also to be

recognised as a priority regeneration site within the emerging Core Strategy. Emerging Core Strategy Policy 36 - titled Economic Regeneration, states that

"Regeneration of brownfield sites will be supported in the principal settlements and market towns, where the proposed uses help to deliver the overall vision for that town and/or enhance the vitality and viability of the town centre, by introducing a range of active uses that do not compete with the existing Town Centre".

The emerging Core Strategy supports the regeneration of the central area of Trowbridge as a priority in accordance with the Trowbridge Town Centre Master Plan, which identifies 'Areas of Opportunity'. The proposal site together with the adjoining Cradle Bridge site is within Area 13, 'Cradle Bridge - riverside opportunity site', where development proposals should:

Be for mixed uses development accommodating enterprise, leisure, housing and possibly retail; and, Create strong frontages and links with Trowbridge Park and the riverside.

Core Policy 28 also specifically requires proposals to be of high quality design and sustainability standards, with an exemplar approach to the public realm and strong pedestrian and sustainable travel links in accordance with the Master Plan. Finally, proposals are required to be designed with the ability to connect into the Trowbridge energy network (where viable).

Despite many abortive historic planning proposals to redevelop this site, it has remained derelict; and with its boarded boundary and derelict interior, the site presents a highly unattractive and uninviting vista from the surrounding public domain. The Council has earmarked this site as being critical for the regeneration of the southern edge of Trowbridge's Town Centre. The site is situated at a high profile location close to one of the key gateways to the Town Centre. It is currently economically under active and of poor environmental quality and low visual interest which runs entirely contrary to the Unitary and Town Council's aspirations.

The principle of the proposed development is fully supported. The site's redevelopment would strengthen the potential for linked trips and taken as a whole, the redevelopment would make a significant contribution towards producing a coherent, legible, connected and vibrant Town Centre.

The significant and wide reaching rapid economic downturn on a global scale is recognised as being a material consideration worthy of note, as is the increasing Government emphasis on supporting economic growth announced in the Ministerial Statement 'Planning for Growth', made in March 2011. Here, 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'.

The Emerging Core Strategy recognises several key challenges Wiltshire as a County must face. One such challenge is the creation of 'self contained' settlements. Through the Emerging Core Strategy, the Council recognises that Strategic Service Centres such as Trowbridge should have a range of appropriate employment and leisure opportunities available, reflecting the needs of inward investors and local communities. Supplementary paragraph 3.5.22 of the District Plan (associated to Policy LE1), recognises the need for commercial leisure facilities including multiplex cinemas and associated uses within West Wiltshire Towns. A multi-plex cinema has been on a "wish list" for a long time, and it is a shortfall, which the Council has strategically, sought to address.

It is fully acknowledged that concurrently, a separate planning application which seeks permission to build a cinema as part of a different mixed-use scheme at the former Bowyers site remains outstanding. For the avoidance of any doubt, apart from summarising received third party comments about application W/11/02689/FUL (an application titled 'Innox Riverside'), this report only assesses and discusses the merits of the proposed redevelopment of the St Stephens Place site. Each application falls to be considered on its own merits.

Following on from the recent refurbishment of the Civic Centre, the redevelopment of this site and that of the Cradle Bridge site (the former Peter Black's) would complete the regeneration of this high profile southern boundary of the Town Centre. The delivery of the Vision for Trowbridge is a high priority for the Council and its partners. This major regeneration scheme should provide the public, stakeholders and potential investors with increased confidence in the Town, which in itself, should create an environment where further development is likely to be attracted.

### Highway Interests - Sustainability

A Transport Assessment (TA) has been prepared by WSP in support of this application. The TA examines all aspects of the transport implications, comprising:

traffic impacts; sustainable travel; parking provision; servicing; and, road safety.

The TA concludes that the highway impacts of the development would be "minor" during peak traffic hours on the surrounding network. It is further submitted that the impact on the Longfield gyratory would be "minimal, and could be mitigated by minor changes to signal timings". As well as the proposed on-site parking provision, off-site space within the local public car parks, including the neighbouring Castle Place multi-storey would service additional car-based demand. Whilst it is fully appreciated that many visitors shall arrive by car, the site is nevertheless exceptionally well located in terms of accessibility by a range of modes of transport.

The walking distances from the Council car parks are considered to be reasonable, and it is realistic to assume that in the event of the cinema and multi-storey car parks being full, that some customers would be willing to walk. In Bath for example, the cinema has no formal car park. Many customers park in the Avon Street (approximately 250 metre walk) or Charlotte street (approximately 500 metre walk) car parks. The walking distances from the Council car parks are considered to be reasonable, and it is realistic to assume that in the event of the cinema and multi-storey car parks being full, that some customers would be willing to walk. In Bath for example, the cinema has no formal car park. Many customers park in the Avon Street (approximately 250 metre walk) or Charlotte street (approximately 500 metre walk) car parks. These walks would take between 5 and 10 minutes and would be the same for many of the Trowbridge car parks.

The site is well connected by established pedestrian routes to the primary retail, residential and employment areas, as well as to bus services and the railway station. As such, and in accordance with national transport and planning policy, it is submitted that the site is extremely well located to accommodate this mixed-use commercial redevelopment, which has the potential to attract a large number of people.

In addition to the above, it is necessary to note that Adopted District Plan Policy LE2 allows for flexibility in the application of parking policies, due to the site's central location.

As reported above, the Council's Highways Authority support this application, subject to conditions.

### Urban Design and Conservation Issues - design, scale, bulk, visual appearance

The proposed development would deliver and present an exciting active frontage to St Stephens Place, the People's Park and in the future, to a redeveloped Peter Black site. The scheme positively engages with the River Biss as a central element to the layout and design. High quality, enhanced pedestrian links would be enhanced through the site and along the River Biss. The proposed public space located close to the riverside is supported. The on-site parking provision would be well broken up by tree planting and variations of surface treatments. The use of appropriate materials for edge details, curb stones, steps and bollards should however be the subject to a planning condition to ensure that the most appropriate materials are used for this landmark development.

The initial concerns raised by the Council's urban designer and conservation officer over some of the design, detailing and proposed choice of materials, has been resolved through negotiations and submission of amended plan drawings.



Notwithstanding the details submitted, officers also recommend that permission should be subject to planning conditions requiring the submission of sample materials for the gabion wall, the public realm pavements, parking bays and curb stones, to ensure that the finished development visually enhances the Conservation Area.

Whilst the provision and design of the hotel has concerned several stakeholders and interested parties alike, Members are advised that its provision within this re-developed site would add to the vitality of the Town Centre. It is noted that the Council's Conservation and Urban Design officers acknowledge that the design of the western facade of the proposed hotel/restaurant building provides the opportunity to promote a high level of activity (rather than have an un-inviting or dead space). As noted above, that the Urban Designer recognises that the building's ground floor glazing with its high level of interaction with pedestrians/ visitors is "a very positive feature".

### Archaeology and Ecology

As reported above, this application has been the subject of thorough archaeological and ecological surveys and assessments. Following a full appraisal, the Council's archaeologist and ecologist are satisfied that the proposals accord with the relevant policy and guidance; and therefore, raise no objection, subject to a planning condition..

### Trees and Landscaping

As reported above, the Council's Tree and Landscape officer is fully supportive of the proposed development and recommends that three conditions be attached to any grant of planning permission covering landscaping to be carried out and maintained; the implementation of the arboricultural method statement; and, arboricultural supervision.

### Flood Risk

The PPS25 Sequential Test report confirms that there is no sequentially preferable site that is reasonably available and appropriate having regard to PPS25 and Environment Agency guidance. Subject to planning conditions, the proposed development could be done in a sustainable manner without increasing the flood risk. Hydraulic modelling demonstrates that the site is not at risk of flooding from the River Biss (for the 1 in 100 year and 1 in 100 year plus climate change return period events). Fluvial flooding from the River Biss therefore does not necessitate any mitigation measures.

All foul drainage will be gravity fed and with the agreement of Wessex Water, it will connect directly into the existing public mains under Mortimer Street. The surface water drainage scheme has been designed to ensure that the development is not at risk of flooding from storm events up to a 1 in 100 year (+ 30% allowance for climate change). A flow control will restrict surface water discharge to the existing brownfield unit runoff rate. The proposed 20% reduction of impermeable surfaces would result in an overall betterment in terms of run off rate. On-site attenuation measures will be required in order to mitigate against any additional runoff, generated during climate change events.

After a full assessment of the submitted Flood Risk Assessment (FRA), the Sequential Test and Flood Modelling Data, the Environment Agency (EA) are satisfied that the proposed development complies with the policy guidance contained within PPS25. The EA submit that the application can be approved subject to planning conditions and informatives.

### Commercial Competition and Tourism

Whilst the concerns raised by 5 local hoteliers are fully noted, the emerging Wiltshire Core Strategy recognises that there is a "lack in supply of both budget and high quality leisure accommodation" (para 6.30), and from the participation of key stakeholders, it is clear that an additional hotel offer would prove to be a positive for the Town. Core Policy 40 is also generally supportive of new hotels within Principal Settlements.

In addition to the above, the Council must respect the fact that a 60 bed hotel was given outline permission (application reference 08/00255/OUT refers) at Committee back in October 2008. The future redevelopment of the Peter Black site is unclear due to the administration of the current owners

and there is no likelihood of the approved scheme being deliverable in the foreseeable future and, it may well be the case that the approved 60-bed hotel may never materialise. From an economic development stance, and as referenced above, commercial competition within any Town Centre should be actively encouraged. In planning terms, the comments received from the Council's Spatial Planning Team Leader are considered to be apt.

Trowbridge may not be a tourist "hot spot" as some representors declare, but it is very well located within the County to attract visitors / tourists wishing to visit multiple attractions both locally and the South West generally. An additional hotel offer may well attract more people to the Town, which should only enhance the economic well being for the Town as a whole.

#### Potential Nuisance and Impact to Neighbours

The proposed development should not significantly or detrimentally affect neighbouring interests. Potential problems such as noise disturbance, lighting glare/spillage and intrusion have all been fully assessed by the Council's environmental protection team. As reported above, in order to ensure the development does not cause significant nuisance, servicing/ delivery times, along with the mechanical and refrigeration noise levels should be controlled by planning conditions. The proposed lighting scheme would, from an environmental protection view, comply with policy and the guidance issued by the Institution Lighting Engineers.

The submitted land contamination (geo-environmental assessment) has been fully appraised and officers advise that the survey is robust and no concerns are raised about the methodology used or conclusions reached. Notwithstanding the above, and as reported above within the environmental health consultation response, the submitted geo-environmental assessment itself recommends further investigations are carried out; and it is submitted that these should be subject to a pre-commencement planning condition.

#### Conclusion and Recommendation

Most interested parties will no doubt be fully aware that this site has been the subject of many abortive development proposals following Tesco's relocation to a nearby site within the Town. Whilst the site has perhaps never been truly "abandoned", it has nevertheless been derelict and in desperate need of being regenerated for a long time. Calls from residents of the Town for a multi-plex cinema have been a constant desire: one which the County Town should be able to accommodate. The site's allocation within the Adopted West Wiltshire District Plan provides the opportunity for a mixed-use development including commercial leisure to complement the neighbouring (and now refurbished) Civic Centre. Following extensive and detailed pre-application discussions and dialogue throughout the planning process, the proposed development is recognised as having the potential to create an interesting hub of mixed-use activities including leisure, recreation and commerce. The proposed mix of uses would enhance the vitality and vibrancy of what the Town Centre has to offer; and, the selection of land uses to be provided should greatly enhance the night time economy of the Town.

Car-borne visitors to the cinema complex, hotel and commercial premises would be able to make use of several Town Centre car parks, and not just have to rely upon the on-site provision or the nearby Castle Place multi-storey. Local residents and others travelling from outside the Town may well choose to visit the site by foot, cycle or public transport, as they do at present. It is also recognised that nearby residential properties currently co-exist with a variety of Town Centre uses, without experiencing any significant detriment. If approved and built, this proposed development would completely regenerate this long-standing derelict site which on the whole, would bring many positives to the immediate locality and to the Town of Trowbridge.

On the basis of the above, the application is recommended for approval, subject to conditions.

**Recommendation:        Permission**

**For the following reason(s):**

**The proposed development would result in comprehensive and major regeneration of a derelict site on the southern edge of the Town Centre. The proposals satisfy the fundamental policy objectives of national and local policies as well as reflecting the emerging Core Strategies. The proposed development would not materially affect the amenities of neighbours or result in any increased flood risk or detrimental impact to highway interests and any planning objections can be overcome by conditions.**

**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 exact samples of the gabion stone wall, bricks, parking bays, stretcher bonded pavements and curb stone materials to be used on the development 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.

POLICY: PPS5 - Planning for Historic Environment and West Wiltshire District Plan 1st Alteration 2004 Policies C31a and C15 and C17.

- 3 Prior to the commencement of any development hereby approved, a Water Vole Mitigation Strategy shall be submitted to, and for the written approval of the local planning authority. Thereafter, the development shall be carried out in full accordance with the approved Mitigation Strategy.

Reason: In order to safeguard and preserve protected species and habitats.

Policy: PPS9 - Biodiversity and Geological Conservation.

CONDITION GUIDANCE: Whilst the scheme is a positive contribution to Trowbridge's Town Centre, the presence on site of water voles raises some concern. As has been identified in the Ecological Report, water voles are only present along the Biss in the proposed development area and not upstream or downstream of the site. This would suggest that for whatever reason the habitats on site provide ideal conditions for water vole and any proposed changes to the existing habitat conditions should be very carefully considered with water voles in mind. Whilst it would be of benefit to create more suitable habitat for them, water voles are sensitive to disturbance and working around them will need to be carefully monitored. If there is any indication that voles are suffering from disturbance to their habitat during the course of the development, methods should be revised. This small fragile population is extremely important locally and the primary aim aside from retaining the population on site should be to open up routes for dispersal to other areas such as the Biss Meadows. This would strengthen resilience.

- 4 The on-site car parking arrangements and charging regime shall be implemented in accordance with the submitted and approved Car Parking Management Strategy dated 8 November 2011 from the opening of any part of the development. Any material variation from the hereby approved strategy shall require the prior written approval of the Council.

REASON: In the interests of providing a flexible car parking provision on site.

- 5 The off-site highways works shall not commence until full construction details of the indicative highway amendments, as identified on drawing 1032/GA/01 D, have been submitted to and approved in writing by the LPA; and the improvements shall be completed in accordance with the approved details before the development is first brought into use.

REASON: In order to provide a sustainable development and in the interests of highway safety.

- 6 The off-site highways works shall not commence until full details of a "gateway treatment" to the Castle Street (north) leg of the Castle Street/St Stephens Place roundabout have been submitted to and approved in writing by the LPA; and the "gateway treatment" shall be constructed in accordance with the approved details before the development is first brought into use.

REASON: In order to provide a sustainable development and in the interests of highway safety.

- 7 Before the development is brought into use, details of the on site cycle parking provision shall have been submitted to and approved by the LPA and the cycle parking shall have been provided in accordance with the approved details.

REASON: In order to provide a sustainable development and in the interests of highway safety

- 8 A Travel Plan, including employee travel surveys shall be submitted and approved in writing by the LPA no later than six months after the development is first brought into use. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with the agreed details. The results of the implementation and monitoring shall be made available to the LPA on request, together with any changes to the Plan arising from those results.

REASON: In order to provide a sustainable development and in the interests of highway safety.

- 9 The development hereby approved shall not be brought into use until the exact details of the public art features and integrated lighting scheme within the public realm have been submitted to and approved in writing by the local planning authority. The approved works shall be implemented in accordance with details to be submitted to and approved in writing by the local planning authority before the development is brought into use.

REASON: To ensure that an appropriate form of public art provision is incorporated within the finished scheme.

POLICY: West Wiltshire District Plan - 1st Alteration Policy I2.

- 10 No development other than on-site tree and ecology related works (e.g. vegetation clearance) shall commence on site until:

a) A Controlled Waters detailed Qualitative Risk assessment (DQRA) must be undertaken to assess the on-going risk to the River Biss. Should this assessment require any additional intrusive investigation and analysis this should be undertaken prior to the completion of the DQRA.

b) The results of the DQRA and subsequently identified scheme of active remediation shall be submitted to the Local Planning Authority and Environment Agency for Approval.

c) Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works. The final verification report and signed statement should be submitted to and approved in writing by the Local Planning Authority.

d) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.

e) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

POLICY: PPS25 - Development and Flood Risk; PPS23 - Planning and Pollution Control and West Wiltshire District Plan - 1st Alteration Policy C37.

- 11 The rating level of the noise emitted from any equipment or machinery installed within the development shall not exceed the existing LA90 level or a noise level of 35 dBa, whichever is the highest, at any residential dwelling at any time.

The rating level of the noise shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:1997.

No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the nearest residential properties.

Policy: West Wiltshire District Plan Policy C38 and PPG24: Planning and Noise.

- 12 No deliveries to the development hereby approved, shall take place outside the hours of 07:00 - 23:00 Monday - Saturday; 09:00 - 18:00 on Sundays; and 09:00 - 18:00 on Bank Holidays.

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

POLICY: PPG24 - Planning and Noise and West Wiltshire District Plan - 1st Alteration Policy C38.

- 13 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

POLICY: West Wiltshire District Plan - 1st Alteration Policies C31a and C32.

- 14 The development hereby approved shall be carried out as specified in the submitted Arboricultural Development Statement (ADS) as supplied by CBA, document reference no. 7717 v 1 and dated November 2011 and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

POLICY: West Wiltshire District Plan - 1st Alteration Policy C32.

- 15 A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

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

- 16 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

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

- 17 No development on the car park or hardstanding areas shall commence on site until details of surface water drainage from impermeable parking areas and hardstanding areas for vehicles including the service vehicle lay-by associated with the development to oil interceptor(s) has been submitted and approved by the Local Planning Authority. The development shall not be first brought into use until the oil interceptor(s) has/have been installed in accordance with the approved details. Thereafter the oil interceptor(s) shall be maintained in accordance with the approved details. Roof water shall not pass through the interceptor(s).

All surface water drainage from impermeable parking areas and hardstanding for all vehicles shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. For the avoidance of any doubt, roof water shall not pass through the interceptor. It should be noted that detergents entering oil interceptors may render them ineffective. A closure valve is therefore necessary to be installed at the oil separator outlet so as to contain any pollution material (in the event of an emergency).

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

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

- 18 Any A1 use within the units shown shall be restricted to use as a sandwich bar and/or coffee shop only, and for no other use within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

POLICY: PPS6 - Planning for Town Centres and West Wiltshire District Plan 1st Alteration 2004 Policies SP1 and SP3.

- 19 During the construction phase, no plant machinery or equipment shall be operated or repaired so as to be audible at the boundary of the nearest residential property outside the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays, or at any time on Sundays or Bank Holidays

REASON: In order to safeguard the amenity of the area.

POLICY: West Wiltshire District Plan - 1st Alteration Policies C36 and C38

- 20 Prior to the development being brought into use, details of the siting and design of any proposed external security equipment, including any CCTV proposed for the development shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in full accordance with the approved details.

REASON: To the interests of public safety.

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

REASON: In the interests of pollution prevention.

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

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

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

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

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

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

- 23 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the LPA. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

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

CONDITION GUIDANCE: With regards to the proposed surface water drainage scheme, as the site is brown field and 90% impermeable, the EA is unsure as to why the consultants have carried out Greenfield run-off calculations. Nevertheless, the intention to restrict run-off rates to 80% of the existing discharge rate as referred to in section 6.3.1 of the FRA is duly noted and supported. The applicant is further encouraged to re-use the existing surface water outfall rather than constructing a new outfall. At the detailed design stage, more detailed surface water calculations of the attenuation system shall be required. Further details of the SuDs that will be incorporated will also be necessary. Further consideration should be given to including SuDs within the site, such as permeable paving and lined filter strips, to improve water quality. We would expect to see the following details to be submitted when discharging the above condition:

A clearly labelled drainage layout plan showing the pipe networks and any attenuation features, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes.

A manhole schedule

Model runs to demonstrate that the critical storm duration is being used.

Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.

Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with PPS25.

Where infiltration forms part of the proposed storm water system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

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

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

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

- 25 No part of the development shall be brought into use unless and until adequate sewerage infrastructure is in place to receive foul water discharges, details of the provision and location of which shall have been agreed in writing with the local planning authority. For the avoidance of any doubt, contaminated drainage or trade effluent should be directed to the public foul sewer provided that adequate capacity is available for additional flows.

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



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

- 26 The development hereby approved shall retain free from structures that would impede future development of the parcel of land as indicated on the submitted River Biss Footbridge Crossing Technical Note and Drawing No. 1027-sk-05 in order to accommodate a future footway crossing from the adjacent Cradle Bridge (former Peter Black Toiletries) site. Following the completion of works on site, the said parcel of land shall be kept clear of obstruction at all times until such time that the design of a footway crossing has been approved and constructed.

REASON: To ensure that the future provision of a River Biss footway crossing is not compromised and to keep a landing area free from obstruction.

- 27 Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations serving the individual units occupied by restaurants and food outlets. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Any works which form part of the approved scheme shall be completed before the premises are first occupied and maintained in effective condition at all times thereafter.

REASON: In order to minimise nuisance, prevent pollution and safeguard the amenities of the area in which the development is located.

- 28 The internal ground floor levels of the buildings shall be constructed to no lower than 36.7 mAOD, unless otherwise agreed in writing with the Council.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

POLICY: PPS25 – Development and Flood Risk.

- 29 No development approved by this permission shall be commenced until calculations for the provision and implementation of compensatory flood storage works have been submitted to and approved in writing by the Council (following consultation with the Environment Agency). The scheme shall be implemented in accordance with the approved programme and details.

REASON: To alleviate the increased risk of flooding.

POLICY: PPS25 - Development and Flood Risk

CONDITION GUIDANCE: The submitted FRA states that no flood risk mitigation measures are required, however, in section 6.3.8 reference is given to the provision of a flood compensation area through the re-profiling of the river bank. As the eastern part of the site falls within the current Flood Zone 3 we confirm this extra capacity is required as a precautionary measure. To discharge the above condition calculations should be submitted of the volume of the built development below our 1:100 year flood level and the extra channel capacity provided by the channel re-profiling. The calculations must also be supported by a series of more detailed river channel cross-sections.

- 30 The development hereby permitted shall not be commenced until such time as a scheme to provide satisfactory riverside maintenance access has been submitted to and approved in writing by the Council (following consultation with the Environment Agency).

REASON: To ensure maintenance access can be provided in the interests of flood prevention.

CONDITION GUIDANCE: For the avoidance of any doubt, the EA require at least 4 metre clear vehicular access along the river corridor. There is insufficient detail provided showing this, particularly at the eastern, upstream extent of the site. It would be preferable that, if at all possible, a vehicular ramp should be provided down the central steps to the riverside.

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

LOCATION PLAN – drawing no 1450-P00-A received on 17.11.2011  
SITE CONTEXT PLAN – drawing no 1450-P01-A received on 17.11.2011  
GROUND FLOOR PLAN AS PROPOSED – drawing no 1450-P02 received on 17.11.2011  
FIRST FLOOR PLAN AS PROPOSED – drawing no 1450-P03 received on 17.11.2011  
SECOND FLOOR PLAN AS PROPOSED – drawing no 1450-P04 received on 17.11.2011  
ROOF PLAN AS PROPOSED – drawing no 1450-P05 received on 17.11.2011  
NORTH & WEST ELEVATIONS AS PROPOSED – drawing no 1450-P06 received on 17.11.2011  
SOUTH & EAST ELEVATIONS AS PROPOSED – drawing no 1450-P07 received on 17.11.2011  
EAST & WEST INTERNAL ELEVATIONS AS PROPOSED – drawing no 1450-P08 received on 17.11.2011  
SECTIONS AA, BB & CC AS PROPOSED – drawing no 1450-P09 received on 17.11.2011  
TREE SURVEY PLAN – drawing no CBA 7717.01B received on 17.11.2011  
TREE REMOVAL AND PROTECTION PLAN – drawing no 1027-004 Rev C received on 17.11.2011  
TREE REMOVAL AND PROTECTION PLAN WITH BUILDING FOOTPRINT – drawing no 1027-005 Rev B received on 17.11.2011  
TREE PROTECTIVE FENCING DETAIL PLAN – drawing no 1027-006 received on 17.11.2011  
PLANTING PLAN – drawing no 1027-201 received on 17.11.2011  
SITE SECTIONS – drawing no 1027-011 Rev B received on 17.11.2011  
LANDSCAPE GENERAL ARRANGEMENT PLAN – drawing no 1027-001 Rev A received on 17.11.2011  
ILLUSTRATIVE LANDSCAPE PLAN – drawing no 1027-002 Rev A received on 17.11.2011  
SIDE ELEVATIONS PROPOSED WEST – drawing no 1027-012 Rev B received on 17.11.2011  
SIDE ELEVATIONS PROPOSED EAST – drawing no 1027-013 Rev B received on 17.11.2011  
TREE PIT DETAIL IN SOFT LANDSCAPE AREA – drawing no 1027-401 Rev A received on 17.11.2011  
TREE PIT DETAIL IN HARD LANDSCAPE AREA – drawing no 1027-403 Rev A received on 17.11.2011  
INDICATIVE PROPOSED HIGHWAY AMENDMENTS – drawing no 1032/GA/01 Rev D received on 17.11.2011  
CAR PARK AUTOTRACK ANALYSIS LARGE CAR – drawing no 1032/ATR/03 Rev B received on 17.11.2011  
CAR PARK AUTOTRACK ANALYSIS FIRE TENDER – drawing no 1032/ATR/04 Rev B received on 17.11.2011  
SERVICE LAYBY/ BUS STOP AREA AUTOTRACK ANALYSIS – drawing no 1032/ATR/02 Rev D received on 17.11.2011  
SERVICE AREA AUTOTRACK ANALYSIS – drawing no 1032/ATR/01 Rev D received on 17.11.2011

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 In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.
- 2 The developer/applicants are advised to note the content of Wessex Water's consultation response dated 6 December 2011. It has been confirmed that formal approval will be required

from Wessex Water in respect to the proposed lowering of the existing water mains (located in an adjacent road) under Section 185 of the Water Industry Act.

The site will be served by a public mains to be provided by the developer. Buildings exceeding two-storeys will require pumped storage.

There should be separate on site systems of drainage. Subject to confirmation of flow rates and levels, connection to the local sewerage network will be possible, subject to application, via a gravity / pumped connection(s).

The current drainage layout does not comply with the adoption requirements of the Floods and Water Management Act 2010, which does not permit connection to the public foul sewer via a sewer running beneath a building. The applicant should contact Wessex Water to discuss alternative arrangements.

The drawing indicates a possible (indicative) bridged connection to a future development to the former Peter Black's site to the south. It should be noted that there are major surface and foul water sewers which run through this area. The cost to divert these sewers will be significant; and there should be no building within 8 metres of these sewers.

#### Surface Water Drainage:

It is assumed that surface water shall discharge to the River Biss with the Environment Agency's permission. The Drainage Drawing submitted with the application shows storm connections to the private storm drainage system serving Trowbridge Town Hall. The applicant should note there is no right of connection to this private system; and permission will need to be obtained from Trowbridge Town Hall.

DEFRA on behalf of the Government, are implementing changes whereby, it will be mandatory that all new foul sewers and lateral drains (where outside the serviced property boundary) will have to be designed and constructed in accordance with a new Mandatory Build Standard (MBS), for which the guidance document.

"Sewers for Adoption" 7th Edition(S F A 7th) is being prepared. Both documents were planned for release in the early part of 2011 but are now expected in late 2011. The proposed date for this change has slipped further to an expected 1st April 2012, although it should be noted, that this timeframe is subject to change if the legislation is delayed on it's progress through Parliament.

Any new connection to the public sewerage system under Section 106 of the Water Industry Act 1991, cannot then be made until the applicant has entered into a signed Section 104 Adoption Agreement with the Water Company. Application forms, guidance notes and processes will be suitably amended and available when required.

- 3 As detailed in the draft Construction Environmental Management Plan (CEMP), the Environmental Protection team of Wiltshire Council would like the applicant /contractor undertaking the construction of the project to meet with Officers of the Environmental Protection team prior to applying for a Section 61 Control of Pollution Act 1974 consent.

#### Construction Sites;

A. Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.

B. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday – Friday 7.30 – 18.00  
Saturday 8.00 – 13.00.

No noisy activities on Sundays or Bank Holidays.

C. All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

D. Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

E. In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

F Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (e.g. Plastics, rubber, treated wood, bitumen etc)

G. Radio noise should not be audible at the boundary of the nearest neighbouring property.

H. Any temporary oil storage tanks should be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank.

I. Both the Council and Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Protection Department on (01225) 776655 prior to commencement.

J. For sites with more than 5 houses, and for large industrial/commercial developments, it is strongly recommended that the applicant register the site under the "Considerate Contractors Scheme". Further information and an application form can be obtained by telephoning... Tel: (01920) 872837.

- 4 It is recommended that in terms of the proposed public art strategy, a professional public art advisor or lead artist be appointed by the applicants/ developers to join the design team and to liaise with the Council's Public Arts Officer Meril Morgan to inform, plan and produce a final public art scheme.
- 5 The developer will be required to enter into a Section 278 Highway Agreement for the amendments to the local highway network as described in respective highway conditions.
- 6 The developer is advised that should any protected species or habitats be found following the required additional ecological survey work, Natural England and the Wiltshire Wildlife Trust should be contacted so as to accord with the Wildlife and Countryside Act 1981.
- 7 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, Flood Defence Consent is required from the Environment Agency for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Biss (designated a 'main river'). The need for Flood Defence Consent is separate from the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Colin Taylor on 01278 484654.

Under the Water Resources Act 1991 and The Land Drainage Act 1991 both the Environment Agency and Local Authority have permissive powers to maintain watercourses. Their jurisdiction depends on the watercourse designation as 'Main River' or 'Ordinary Watercourse'. However,

responsibility for general maintenance of the watercourses and their banks, rest with riparian owners (i.e. the owner of the bed and / or bank of river).

8 Prior to development commencing on site, fencing should be erected along the Biss corridor to ensure minimal disturbance to protected species during construction, especially if the latter is during a vulnerable time i.e. breeding season. Care should be taken when working adjacent to the river corridor. Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover:

- the use machinery
- storage of oils/chemicals and materials
- the routing of heavy vehicles
- the location of work and storage areas
- the control and removal of spoil and wastes

It is recommended that the applicant refers to the EA Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

9 The applicant/developer is advised to note that based on the information provided the proposed lowered section of shared cycleway/footpath is likely to flood on a frequent basis. This may therefore cause future usability and maintenance issues.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	15.02.2012		
<b>Application Number</b>	W/11/02267/REM		
<b>Site Address</b>	Land Adjoining 14 Woodrow Road Melksham Wiltshire		
<b>Proposal</b>	Demolition of existing double garage and erection of two bedroom		
<b>Applicant</b>	Mr Francis Dolman		
<b>Town/Parish Council</b>	Melksham (Town)		
<b>Electoral Division</b>	Melksham North	<b>Unitary Member:</b>	Rod Eaton
<b>Grid Ref</b>	391301 164882		
<b>Type of application</b>	Reserved Matters		
<b>Case Officer</b>	Mr Philip Baker	01225 770344 Ext 01225 770286 philip.baker@wiltshire.gov.uk	

### Reason for the application being considered by Committee

With officers minded to accept this application, Councillor Eaton has requested that this item be determined by Committee due to:

- \* Scale of development
- \* Visual impact upon the surrounding area
- \* Relationship to adjoining properties
- \* Environmental or Highway Impact
- \* Car parking
- \* The application appears to have windows in the roof which overlook 33 and to a lesser extent, 34 Woodcombe whilst the Inspector's report is clear that no habitable rooms at first floor level should overlook these neighbouring properties

### 1. Purpose of Report

To consider the above application and to recommend that the reserved matters be approved

Neighbourhood Responses - 12 letters of representation were received.

Parish Council Response - Objects to the proposal - detailed reasons set out below.

### 2. Report Summary

The principle of the development has already been agreed by the approval of outline planning permission. The remaining main issues to consider are the details, namely appearance; layout; scale; access; landscaping.

### 3. Site Description

The application site forms part of the existing curtilage of no. 14 Woodrow Road Melksham which is located within the town policy limits. There is an existing detached garage within the site that will be demolished and an existing side lean to currently attached to no. 14 Woodrow Road.

To the north of the site lies no 16A Woodrow Road, a detached reconstructed stone 2 storey property that was built within the past 10 years under permission 02/00823/FUL. To the east side of the site are the rear gardens of Woodcombe, a 1980s infill estate, which are situated at a raised topographic level.

To the south of site is the adjoining semi-detached property no. 12 Woodrow Road, whilst to the west the site fronts Woodrow Road and takes access from it.

#### **4. Relevant Planning History**

09/03287/OUT – Permission – 28/1/2010 – Demolition of existing double garage and erection of two bedroom dwelling plus associated parking

Appeal APP/Y3940/A/10/2125993/WF - Allowed– 22/9/2010 – To remove condition 5 restricting the dwelling to a single storey with no windows in the roofspace. To allow the erection of a 2 bedroom dwelling plus associated parking.

#### **5. Proposal**

The plans have been revised since their initial submission. The current proposal is for a dwelling measuring 6 metres in depth and 7 metres wide, with a small projecting porch at the front. This is within the size parameters approved at outline stage. The dwelling consists of two bedrooms, lit by dormer windows to the front. There are no windows above ground floor level in the rear elevation facing the rear of houses in 'Woodcombe. The ridge level of the house is just under 6 metres, again in accordance with the details approved at outline stage. Two parking spaces are provided to the north side of the dwelling, whilst a further two spaces are provided within the remaining curtilage of the original house.

#### **6. Planning Policy**

West Wiltshire District Plan - 1st Alteration

C31a - Design; C38 - Nuisance

#### **7. Consultations**

##### Melksham Town Council

Object to the revised plans for the following reasons:

- The size of the property is too big for the site.
- Lack of amenity space
- Overlooking of nearby properties in Woolcombe and converted post office opposite the site in Woodrow Road. Even though the window to the rear in the roof has been removed, it is understood in the Planning Inspectorate's report that no windows should be located to the rear of the property.
- Parking of 2 metres on the site is not wide enough and therefore inadequate
- Soakways are not adequate. There is currently an issue with over saturation of neighbouring gardens due to insufficient soakaways.
- No reference is made in the current plans to provide adequate parking on the site of No.14. The concern is that in order to develop the plot adjacent to No.14, that no additional parking congestion is added to Woodrow Road. The Planning Inspector highlighted the need to have adequate parking on the remaining plot of No.14. we would therefore expect to see plans coming forward for No.14 which will need to be agreed and built prior to the building of the new build
- Whether there is sufficient distance between this and neighbouring properties, specifically No.33 Woodcombe, as planning guidelines state the distance between habitable rooms of neighbouring properties should be between 18-21 metres. The distance between these properties is 12 metres, against planning guidelines
- The development has already started by the removal of the double garage.



## Highways Authority

No objection - the proposal is to demolish a double garage located north of 14 Woodrow Road and erect a two-bedroom dwelling with two tandem parking spaces and a further two tandem parking spaces for the existing dwelling served from a new access. Subject to conditions to ensure that the parking is provided and adequate visibility across the site frontage, there are no objections.

## Wessex Water

No objection.

## Drainage Engineer

The revised rainage details (using a soakaway) are acceptable.

## **8. Publicity**

The application was advertised by site notices / press notice / neighbour notification. Expiry date: 23rd September 2011

Summary of points raised:

6 letters of representation were received on the original plans raising the following points:

- Concerns that a 3 bedroom house has been submitted on the plans, when permission for a 2 bedroom house has been granted under 09/03287/OUT
- Parking spaces will only be 2 metres wide (this is incorrect)
- Off road parking would need to be provided (this is incorrect)
- Emergency vehicles may not be able to reach Woodcombe and the parked cars may create a visibility hazard.
- Inadequate space for a family
- Exiting and entering the site would be dangerous
- Not enough space to accommodate a house on the plot
- Building is an unacceptable loss of light and overlooking
- Concerns regarding rear facing windows that would directly face 34, Woodcombe Road

4 letters of representation was received raising the following points on the revised plans:

- Garden is too small
- Parking is insufficient to use – “they would have to exit the car through its sunroof”
- Woodrow Road is already a busy road and on street parking especially in the area of no. 14 and this will exacerbate the parking problems further.
- It is dangerous for us to exit our driveway onto Woodrow Road due to low visibility because of the number of vehicles parked on the road in this location and the high volume of traffic using the road to avoid the A350.
- Concerns regarding the disposal of surface water when the site is not large enough to accommodate a soakaway
- Concerns regarding recommended window to window distances of at least 21 metres
- Concerns regarding the applicant starting the development by removing the garage
- Concerns regarding why there are no drawings of the work required on the original building no.14 Woodrow Road which has to be demolished
- Concerns regarding the lack of amenity space that would be left
- Concerns regarding the driveway being existing hardstanding with the addition of 150 mm Aco drain channel to a soakaway.
- Concerns regarding the 1.8 metre high fencing to the sides and rear of the property
- Concerns that the garden area and patio is split and there will be no place for a garden shed
- Soakaway is inadequate to meet building regulations, using information providing a soakaway of 4.35 cubic metres is needed, but only one 10% of this size is provided
- The position of this soakaway does not meet the requirement of being 5 metres from building

- The parking spaces to the side of the building are 2.4 metres in width, but as these parking spaces are between walls or fixed fencing there is a requirement for it to be increased by 0.5 metres to 2.9 metres.
- Even though the proposed building has been reduced in depth from 7 metres to 6 metres the rear amenity space is still inadequate having an area of 45.7 sq metres where as the min requirement is 60 square metres. The depth of the rear garden to boundary is only 5 metres whereas the requirement for new build is 11 metres and for extensions to existing buildings the min is 7 metres.
- The design has still not addressed the problem of window to window distance which the planning officer stated was generally required to be 18 m to 21 m, the window to window distance to my house will be 12.45 metres.
- Looking at the first floor plans the line showing minimum head height of 1.8 metres has been left off, this appears to have been done on purpose as the doors from the landing to both bedrooms are now positioned within this reduced head height area. As the minimum ceiling height is 2.1 metres and 50% of a room must have this ceiling height both en-suite rooms do not comply, it is obvious that the en-suite wet room to bedroom 2 is so small as to be unstable.
- Concerns regarding the car parking provision
- Concerns regarding privacy

## 9. Planning Considerations

It is important to realise at the outset that the Council has granted planning permission for a dwelling on this site, and that the revised proposals have been designed around the principles established at that time and by the subsequent appeal decision that allowed a two storey dwelling on the site. Dealing with the reserved matters in turn:

### Appearance

The proposal would be a chalet bungalow which would be of almost identical appearance to the existing at 16A, Woodrow Road. There are dormer windows in the front of the roof but no windows above ground floor level at the rear.

The materials used will be random natural stone with ashlar quoins. This will be a sympathetic material in a mixed street scene consisting of a range of materials of rubble stone, red brick, dark brown brick and reconstructed stone. The concrete double roman tiles will be similar to the adjacent dwelling no. 16A. The proposed driveway is to be brick pavers. This can be considered to be in accordance with policy C31a.

### Layout

The Planning Inspector allowed a two storey dwelling on the site, as against the single storey approved by the Council. He suggested that the privacy of the properties to the rear could be protected by ensuring that there would be no overlooking from any habitable rooms at first floor level. The design achieves this. It is acceptable to have ground floor openings, and this was not prohibited by the Inspector. The design provides the two bedrooms approved at outline stage. The fact that it has a limited amount of rear garden amenity space was recognised by the Inspector and was not found to be unacceptable. Although reference has been made to a distance of 18-21 metres between the rear of dwellings as being a normally accepted standard, it has to be recognised that the purpose of this is to prevent unreasonable overlooking at first floor level, a factor that does not come into play here as there are no first floor windows in the rear of this house to overlook neighbouring properties.

### Scale

The width of the dwelling house is 7 metres with a depth of 6 metres and this would be comparable to no.16a with a width of 6.5 metres and depth of 6 metres which was given permission in 2002. It is also in accordance with the details submitted at the time of the outline planning application. Woodrow Road is mixture of detached, semi-detached and terraced properties of a mixture of stone, brick and reconstructed stone and predominantly two storey dwellings. At a height of just under 6 metres the chalet bungalow would not be out of character in the street scene and would respect the surrounding architecture and be in accordance with policy C31a.

## Access/Highways

In terms of access the existing property no. 14 had a parking and a garage to the north of the site. The proposal will create two tandem car parking spaces directly to the north of the dwelling house, partially in an area where a side lean to has previously been located.

The site of the new build is located on the site of the former garage and two tandem car parking spaces will be provided to the north of the site. Both houses will pull out of their respective car parking spaces onto Woodrow Road.

Whilst the Town Council and neighbours have raised concerns regarding the size of the two tandem car parking spaces for the dwelling and the potential of further highway congestion problems the Highways officer has no objection to this arrangement subject to conditions, and it is the arrangement envisaged when outline planning permission was granted.

## Landscaping

In terms of landscaping there are gardens to the front and rear of the proposed dwelling house and the arboricultural officer has recommended a suitable condition to control the hard and soft landscaping.

## Drainage and flooding

The site is located within flood zone 1 and concerns have been raised by neighbours regarding the disposal of surface water. The issue regarding the engineering of the soakaway is not a planning consideration and would be dealt with by Building Regulations. The Drainage Engineer is satisfied that the revised plan with a soakaway for the surface water drainage is acceptable.

## Conclusion

The proposal is in line with the requirements of the outline planning permission and the Planning Inspector's report. Subject to the conditions set out below, approval of the reserved matters is recommended.

**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 not be occupied until the first five metres of the two accesses, measured from the edge of the carriageway, have been consolidated and surfaced (not loose stone or gravel). The accesses shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 2        No part of the development hereby approved shall be occupied until the parking areas shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

- 3 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
- a detailed landscape plan showing all plant species, supply and plant sizes and planting densities, and ground preparation;
  - means of enclosure;
  - car park layouts;
  - other vehicle and pedestrian access and circulation areas;
  - hard surfacing materials;
  - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

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

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

- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

- 7 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 12/8/2011  
Plan 11/02267/1 received on 12/8/2011  
Plan 11/02267/2 received on 12/8/2011  
Plan 11/02267/3 received on 23/1/2012  
DWG 050811a-rev3 received on 16/1/2012  
DWG 050811b-rev2 received on 28/9/2011  
DWG 050811c-rev3 received on 16/1/2012  
DWG 220911a-rev4 received on 16/1/2012

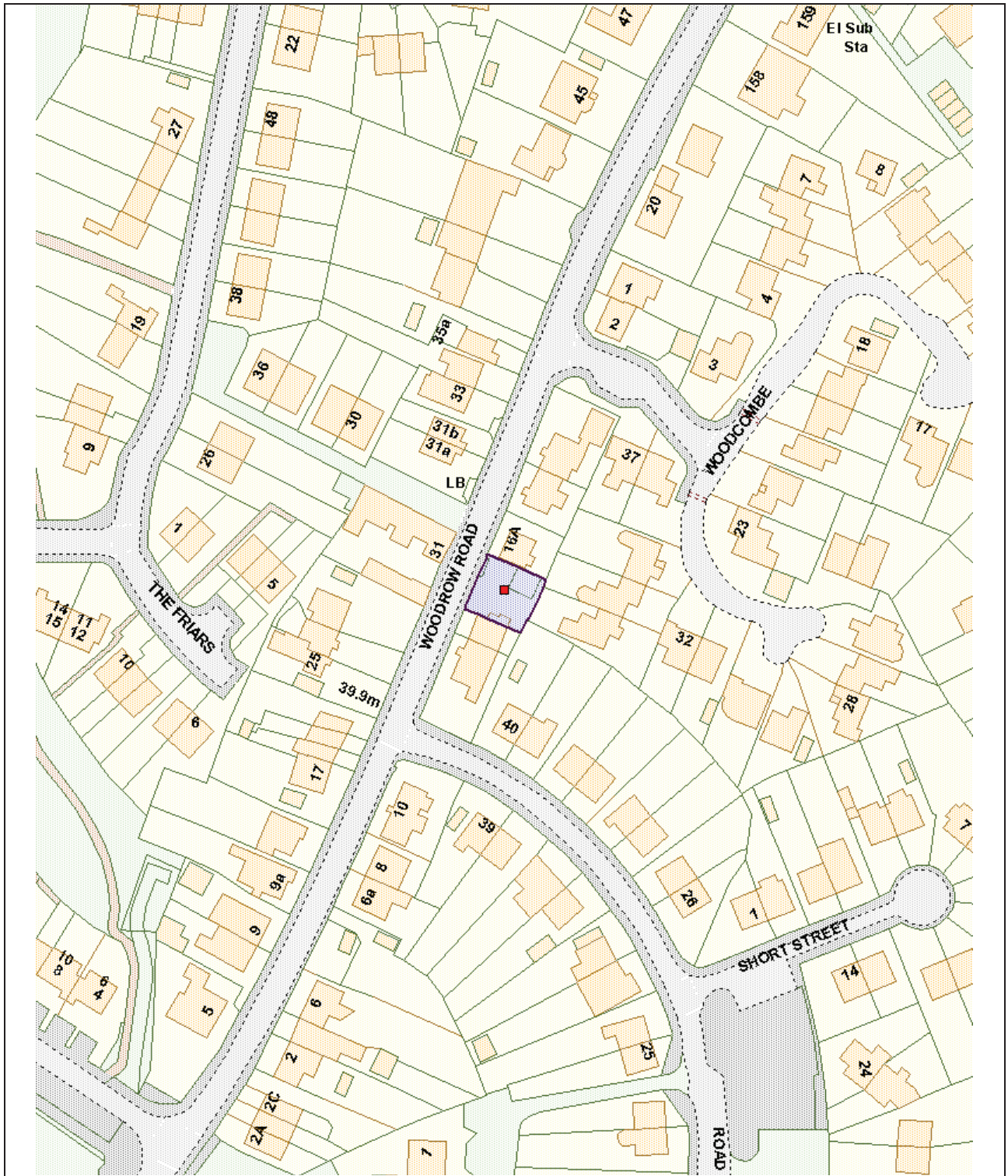
REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority

**Informative(s):**

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

New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Applications forms and guidance information is available from the Developer Services web pages at our website [www.wessexwater.co.uk/developerservices](http://www.wessexwater.co.uk/developerservices)

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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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

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	15.02.2012		
<b>Application Number</b>	W/11/02863/FUL		
<b>Site Address</b>	23 Manor Fields Bratton Wiltshire BA13 4ST		
<b>Proposal</b>	Side extension over garage		
<b>Applicant</b>	Mr Graham Hilliard		
<b>Town/Parish Council</b>	Bratton		
<b>Electoral Division</b>	Ethandune	<b>Unitary Member:</b>	Julie Swabey
<b>Grid Ref</b>	391266 152375		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Miss Carla Rose	01225 770344 Ext 01225 770283 carla.rose@wiltshire.gov.uk	

### Reason for the application being considered by Committee

Councillor Julie Swabey has requested that this item be determined by Committee due to: -

Scale of the development  
 Visual impact upon the surrounding area  
 Relationship to adjoining properties  
 Design – bulk, height, general appearance  
 Other – Trespass onto neighbouring property

### 1. Purpose of Report

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

#### Neighbourhood Responses

Three letters of have been received from the residents of houses to the north of the site concerned about the impact of the extension on the amenity of their properties and the appearance of the area.

Bratton Parish Council - No response received to date

### 2. Report Summary

The main issues to consider are:

Impact on the appearance of the dwelling  
 Impact on the Conservation Area  
 Impact on the street scene  
 Impact on neighbouring amenity

### 3. Site Description

The site is on a residential estate dating from the mid-1970's. As with most of the rest of the village, the estate is located within Bratton Conservation Area. The general area is characterised by linked

detached dwellings, semi-detached dwellings, detached and small terraced houses with mainly open frontages. 23 Manor Fields is a two storey house linked to the adjoining property by a garage. The site is of a linear form with a rear garden. The dwelling is set back from the street frontage with a driveway, path and grassed area to the front.

#### **4. Relevant Planning History**

There is no relevant planning history

#### **5. Proposal**

The house is separated from the rear gardens of houses to the north by a single storey attached garage. The proposal involves building over this garage and the area to the rear to create a two storey side extension of the same height and depth as the existing house, with a small single storey lean-to extension at the rear. The extension is proposed to be constructed of matching materials. In essence, the central part of the proposal involves moving the gable end of the two storey dwelling 2.7 metres closer to the dwellings to the north, placing it on the boundary with these properties, where the gable wall of the existing single storey garage is located.

#### **6. Planning Policy**

West Wiltshire District Plan 1st Alteration 2004

C17 - Conservation Areas

C18 - Alterations and Extensions in Conservation Areas

C31a – Design

C38 – Nuisance

Supplementary Planning Guidance on House Alterations and Extensions 2004

#### **7. Consultations**

Bratton Parish council

No response received

#### **8. Publicity**

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

Three letters of objection have been received. These cover the following matters: -

- Pressure on car parking;
- The proposed location and height of the extension
- Loss of light to adjacent properties
- Concern that 23 Manor Fields is set at a higher level
- Concerns regarding pruning/removing of adjacent trees;
- Concern regarding how many people will live in the house.
- Will the roof be raised?

#### **9. Planning Considerations**

The two issues are the impact on the appearance of the area and the impact on the amenity of neighbouring properties.

Impact on the appearance of the area and the Conservation Area

The two storey side extension would be to the ridge of the existing dwelling. This continuation of the existing roofline would mean that the proposed extension would be in keeping with the existing



dwelling. Matching materials are proposed to be used which would mean that the proposed extension would harmonise with the existing dwelling and its surroundings.

The proposed single storey extension is to be located to the rear of the dwelling, is small in size in comparison to the host dwelling and is not considered to be excessive in height and thus would not be harmful to the appearance of the dwelling.

The design and location of the extensions would therefore be in character with the conservation area and would preserve its character and appearance.

#### Impact on the amenity of neighbouring properties

The proposed extension would be located alongside the rear boundary of 21 and 22 Manor Fields. Due to the close proximity and the fact that number 21 and 22 Manor Fields are set at a lower level this would mean that the tall gable end of 23, Manor Fields would be brought closer to them by 2.7 metres. However, there would still be a minimum distance of approximately 12.5m between the proposed extension and 21 Manor fields (albeit the conservatory) and an approximate minimum distance of approximately 8.5m between the proposed extension and 22 Manor Fields. Given the fact that the gable already exists, and the extension proposed is in line with it, it is not considered that the impact on the amenity of the properties to the north would be significantly affected by this extension.

No first floor windows are proposed in the side elevation of 23 Manor Fields therefore overlooking is not an issue.

#### Other

The applicants have explained that the extension is proposed to accommodate elderly parents and that no business is run from the property. There is no proposal to put scaffolding in adjacent gardens.

**Recommendation:        Permission**

#### **For the following reason(s):**

**The proposed development will preserve the character and appearance of the conservation area, through the use of matching materials and by not exceeding the height of the existing ridge line. Although the extension involves moving the gable wall of the house closer to adjacent properties, the extension will move it out by only 2.7 metres and given the fact that the bulk of the gable end already exists, it is not considered that extending it in the manner proposed will have a significant adverse impact on the amenity of adjacent properties. The proposal is therefore considered to be in accordance with the policies of the West Wiltshire District Plan 1st alteration**

#### **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     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.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted at first floor level in the northern elevation of the development hereby permitted.

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:

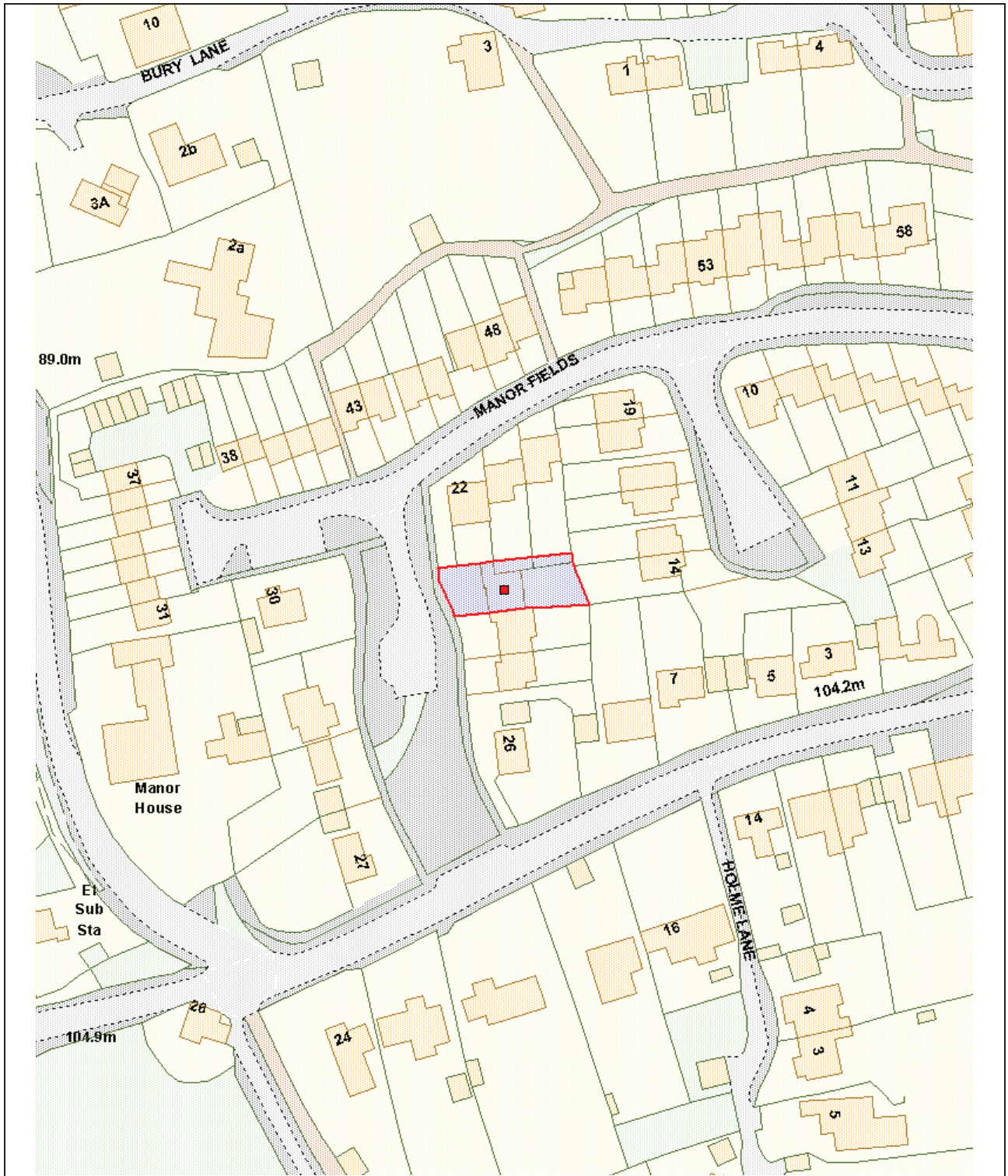
DRAWING No. 11.37.1 received on 20 October 2011

DRAWING No. 11-37-2 received on 20 October 2011

DRAWING No. 11-37-3 Rev. A received on 12 December 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.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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MSA: 100022961

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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	15.02.2012		
<b>Application Number</b>	W/11/03202/FUL		
<b>Site Address</b>	Little Ashley Farm 187 Ashley Green Little Ashley Bradford On Avon Wiltshire		
<b>Proposal</b>	Change of use of land to accommodate private tennis court (resubmission of W/11/02045/FUL)		
<b>Applicant</b>	Mr And Mrs R Buxton		
<b>Town/Parish Council</b>	Winsley		
<b>Electoral Division</b>	Winsley And Westwood	<b>Unitary Member:</b>	Linda Conley
<b>Grid Ref</b>	381460 162430		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Miss Jennifer Fivash	01225 770344 Ext 01225 770297 jennifer.fivash@wiltshire.gov.uk	

### Reason for the application being considered by Committee

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

- \* Scale of development
- \* Visual impact upon the surrounding area
- \* Relationship to adjoining properties
- \* Design - bulk, height, general appearance

### 1. Purpose of Report

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

Neighbourhood Responses - No representations received to date of report

Parish/Town Council Response - No representations received to date of report

### 2. Report Summary

The main issues to consider are:

- Impact on Green Belt
- Impact on the open countryside
- Impact on Listed Building

### 3. Site Description

The application site is on agricultural land at the rear of a curtilage listed long barn. It is located within the Western Wiltshire Green Belt . The site proposed for the tennis court currently has no identifiable boundary features, other than the rear wall of the long barn, as it is simply part of a larger grassed area. The site is in clear view from the nearby public road that links Little Ashley with the Bradford-Bath road at Cumberwell.

#### **4. Relevant Planning History**

W/11/02045/FUL – Change of use of land to accommodate private domestic tennis court and demolition of 4.6m of garden stone walling – Refused 08.09.2011 for the following reasons:

1. The change of use of a substantial area of land from agricultural land to domestic residential curtilage would by reason of the scale of the proposed change of use represent an unacceptable intrusion of domestic use in to the Countryside and the Green Belt and would harm the rural character and appearance of the area contrary to Planning Policy Guidance 2 - Green Belts and Policy C1 of the West Wiltshire District Plan First Alteration 2004.
2. The tennis court is by definition is inappropriate development and as such harmful, furthermore by reason of its means of enclosure it would fail to maintain the openness of the green belt, a defining characteristic of the area, contrary to Planning Policy Guidance 2: Green Belts.

W/11/02046/LBC – Demolition of 4.6m of garden stone walling – Consent 08.09.2011

#### **5. Proposal**

The application is a resubmission of the earlier refused proposal that seeks permission for the change of use of land to domestic and the erection of a tennis court. The proposed tennis court would be of hard surface with a black chain link fence around of 2 metres in height which can be extended to 3 metres in height. New trees are proposed to the west of the site. the difference between the two proposals is that the last metre of the three metre high fence would be a hinged addition, to reduce its height when not in use.

#### **6. Planning Policy**

Government Guidance  
PPG2 Green Belts

Wiltshire Structure Plan 2016  
DP12 The Western Wiltshire Green Belt

West Wiltshire District Plan First Alteration 2004  
C1 Countryside Protection; C31A Design

#### **7. Consultations**

Winsley Parish Council

No representations received to date of report.

Conservation Officer

No objections

District Ecologist

Specific survey not required. Requests condition for a construction method statement, to ensure no damage to a protected species if the works do go ahead..

#### **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification.  
Expiry date: 6 January 2012 - No representations received to date of report.

#### **9. Planning Considerations**

The proposal is acknowledged as having no adverse impacts on the setting of the nearby listed farmhouse, nor on the amenity of residents of nearby properties. The core issues are the relationship to national Green Belt policy and the related impact on the appearance of the countryside.

## Green Belt

The most important attribute of Green Belts is their openness and the fundamental aim of national and local planning policy is to protect this openness. This proposal includes the erection of a fence that would, at various times, be between two and three metres in height and would enclose an area of land within which the tennis court would be erected. This enclosure and the inherent change in the character and appearance of the landscape from open unenclosed grass to a domestic extension including a hard surfaced tennis court would detract from the openness of the Green Belt and consequently with national policy in PPG 2. The site is clearly visible from the public highway and the change in the character and openness would be readily apparent.

Within the supporting documentation the claim is made that if this tennis court fencing were erected within the residential garden then planning permission would not be required. However as the residential garden is within the curtilage of a grade II listed building, planning permission would be required as there are no permitted development rights for the erection of fences within the curtilage of a listed building. Consequently, there is no merit in this argument.

## Open Countryside

Policy C1 of the West Wiltshire District Plan First Alteration 2004 seeks to conserve and enhance the countryside through the control of development.. The proposed change of use of land from agricultural to a tennis court and the associated domestic curtilage would have a significant impact on the character and appearance of the area. It would extend the domestic curtilage beyond the well defined boundary of the Long Barn into the countryside and would look out of place in this rural location, harming the appearance of the area and conflicting with the aims of policy C1.

## Conclusion

The proposal would have an adverse impact on the character and appearance of the landscape and the openness of the Green Belt. It conflicts with national and local planning policy and consequently should be refused.

**Recommendation:        Refusal**

## For the following reason(s):

- 1        The change of use and construction of the tennis court, including the perimeter fencing , would have an unacceptable adverse impact on the character and appearance of the rural landscape in this location and on the openness of the Green Belt. Accordingly, the proposal conflicts with national guidance in PPG2 that seeks to protect the openness of the Green Belt, and with policy C1 of the West Wiltshire District Plan 1st alteration that seeks to conserve and enhance the rural landscape.

## Informative(s):

- 1        The development hereby refused for the reasons stated above was determined based on the details shown on the submitted plans:

LPC/2717/1 received on 5 December 2011

LPC/2717/2A received on 5 December 2011







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