

# WESTERN AREA PLANNING COMMITTEE

10 February 2010

## Planning Applications for Determination

Item No.	Application No.	Location	Parish	Page No.
01	W/09/03175/FUL	Erection of a new pedestrian/cycle bridge and associated footpath works - Land Adjoining Bradford On Avon Library Bridge Street Bradford On Avon Wiltshire	Bradford On Avon	1
02	W/09/00690/FUL	Erection of a single storey 1,937sq m gross extension to the east and western elevations of the store; car park improvements and an extension to the south west of the existing car park resulting in an additional 91 car parking spaces; relocation of the petrol filling station from the river avon to the south eastern area of the site; revised service yard arrangements; provision of an online service facility; construction of a new pedestrian link with town centre; and landscape and ecological improvements to enhance the nature and amenity value of the site and the surrounding land to the south west  - Sainsbury Store Bath Road Melksham Wiltshire SN12 6LL	Melksham (Town)	22

# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 01

Date of Meeting	10.02.2010		
Application Number	W/09/03175/FUL		
Site Address	Land Adjoining Bradford On Avon Library Bridge Street Bradford On Avon Wiltshire		
Proposal	Erection of a new pedestrian/cycle bridge and associated footpath works		
Applicant	Bradford On Avon Town Council		
Town/Parish Council	Bradford On Avon		
Electoral Division	Bradford On Avon South	Unitary Member:	Malcolm Hewson
Grid Ref	382658 160871		
Type of application	Full Plan		
Case Officer	Mr Michael Kilmister	01225 770344 Ext 228 michael.kilmister@wiltshire.gov.uk	

## Reason for the application being considered by Committee

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

\* The Town Council is the applicant

\* There is some controversy regarding the design of the bridge. Although the TC believes that this application will have the support of the statutory design consultees, design is a matter of opinion and I believe that this must ultimately be decided locally. With the TC being the applicants and the decision to apply having been taken by full TC, I can see no way of ensuring this, except by submission to the Planning Committee.

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## 1. Purpose of Report

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

## 2. Main Issues

The main issues to consider are:

- \*Principal of development
- \*Conservation Area
- \*Visual amenity impact
- \*Design
- \*Landscaping
- \*Setting of Listed Buildings/Ancient Monument
- \*Flooding
- \*Noise Impact

### **3. Site Description**

The application site is defined by the red line on the location plan. The proposed bridge would be sited to the east of the Grade 1 listed town bridge which is also a Scheduled Ancient Monument. The bridge would cross the river Avon from the southern side located close to Bradford-on-Avon Library to an area of land on the northern side known as Bridge Yard on the Kingston Mill site.

It is sited to the east of the Grade 1 listed town bridge, which is also a Scheduled Ancient Monument. Other listed buildings within the vicinity of the proposed bridge are the listed buildings on the Kingston Mills site: the Lamb building (over 50 metres away), the Mill building (over 30 metres away) and Kingston House (over 40 metres away). The listed buildings in Bridge Street would be over 65 metres away from the proposed mast of the bridge.

The site is also within the Bradford-on-Avon Conservation Area.

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

06/02394/FULES Comprehensive mixed use redevelopment comprising 170 dwellings, commercial floor space and associated works. Permission

06/02400/LBC Mixed use development - consent

### **5. Proposal**

The proposal is for a single sided cabled stayed form of bridge with an inclined mast and near vertical ties stayed within Bridge Square in the Kingston Mill development. The bridge would be used by pedestrian and cyclists.

The bridge would be approximately 35 metres in length with the width of the deck at the Kingston Mill end being 3.7 metres tapering to 3 metres at the Library end. The width of the deck between handrails would be 3.2 metres and 2.5 metres respectively.

The mast of the proposed bridge would be 19.2 metres in height set back 4.4 metres from the edge of the river bank within Bridge Yard, on the Kingston Mill site.

At the library end the footpath is proposed to split in three directions: a footpath towards the library, a flight of steps down to the car park, and a 2.5 metre wide footpath along the current riverside path (1.4 metres in width) towards the town bridge splitting again to form a cycle path down to the car park entrance and the exiting footpath towards the Town Bridge pavement. The bridge would link on the other side to Bridge Square, which is an unrestricted paved open space.

The bridge superstructure would be manufactured from weathering grade steel with stainless steel support cables. The steel deck would be covered with an epoxy bound grit finish.

The weathering steel deck is supported by a series of inclined stainless steel cables which are tied back to the top of the inclined weathering grade mast. The mast structure top is tied down to the ground with a series of stainless steel cables. The cables are terminated 3 metres above the ground with weathering grade tie down abutments.

There will be an epoxy grit finish to the bridge deck (sienna flint aggregate to match riverside walk). The seat by the mast is made of toughened glass, with the only contact with Cor-Ten occurring through leaning against the back of the mast or anchor. Cor-Ten will naturally stabilise in about 2 years. However deposit of rust can be avoided by coating the part where one can lean against with wax until the 2 year stabilisation occurs.

The underside of the bridge deck has been set 600mm higher than the flood level specified by the Environmental Agency.

The materials selected for the manufacture of the bridge will give a long service life with little maintenance. The bridge would be manufactured to a highways adoptable standard.

The parapets would be manufactured in stainless steel and are designed to meet the requirements of cyclists and pedestrians.

The applicant also states that building a bridge is an unusually large undertaking for a Town Council of the size of Bradford-on-Avon. We have done so because the redevelopment of the Kingston Mill site provides the Town with a once in a lifetime opportunity to open up the centre of the town. The Town Council with other groups in the Town worked hard to ensure that the site was redeveloped to include commercial premises reflecting not only the working history of the town centre but also the aspirations for Bradford-on-Avon to remain a working town. No other relevant body was prepared to build the bridge, which we consider essential. It is essential because it will breathe life into the new town centre and provide another safe crossing point over the river.

Accompanying the planning application was the following documentation:

Design and Access Statement  
Protected Species Assessment  
Wind induced noise letter  
Bridge Design Constraints review

## **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004)

C4 Landscape setting  
C17 Conservation Areas  
C18 New development in Conservation Areas  
C23 Street Scene  
C24 Advertisements  
C30 Skyline  
C31a Design  
C32 Landscaping  
C35 Light Pollution  
C38 Nuisance  
T11 Cycleways  
T12 Footpaths

PPS1 Delivering Sustainable Development  
PPG13 Transport  
PPG15 Historic Building  
PPG24 Planning and Noise  
PPS25 Development and Flood Risk

Bradford-on-Avon Conservation Area Character Assessment (Adopted March 2008)

## **7. Consultations**

### TOWN/PARISH COUNCIL

Bradford-on-Avon wishes to make no comment as it is their own application

## HIGHWAYS

You will be aware that concerns were raised over the tapering width of the bridge. Much consideration has been given to this issue. It is to be expected, in this tourist location, that pedestrians will be the predominant movement across the bridge and therefore cyclists will be travelling at slow speeds and must take appropriate care when passing pedestrians. In view of these considerations I would be prepared to accept the bridge (if built) as a shared use path and signed as such. However it is felt that prior to being constructed and brought into use the design should undergo a safety audit to identify any potential points of conflict and how they should be addressed, if necessary. An appropriate condition will therefore be recommended. For the record, you should also be aware that my acceptance is not without reservation. The route as designed has generated differing opinions regarding the acceptability of the planned width, and there remains a significant risk that it could result in an unacceptable degree of pedestrian/cycle conflict. Should that become apparent, the Council (as highway authority) would reserve the right to introduce a cycling restriction.

The exit points from the shared use path must be further considered to ensure that no conflict arises. This aspect will be covered by the safety audit but it is recommended that a condition be applied to ensure satisfactory details are approved.

The design includes some signage and this aspect needs to be fully approved in more detail. Also street lighting along the connecting path has not been included as part of the planning application submission and it is likely that additional lighting will be required on the path running along side the car park to meet highway adoption standards. Further signing and street lighting details will need to be checked once the design is finalised, and again an appropriate condition will be recommended.

With regards to the structural design of the bridge, Wiltshire Council is in discussion with Bradford Town Council regarding the scheme design which will form part of the highway network once completed. Prior to Wiltshire Council making land available for the bridge to be constructed the Town Council's consulting engineer is to provide design and check certificates indicating that the bridge has been designed in accordance with current codes and standards and I will be grateful if an informative to this effect is included within any decision to grant planning consent.

The bridge is to be adopted to form part of the highway network. To facilitate this, a legal agreement will be required; this will also need to include areas of land currently within council ownership but not currently part of the highway network. The third party land on the northern side of the river, where the bridge landing is to be constructed, is part of the Kingston Mills Development and it is intended that the landing area will form part of the road adoption agreement between Linden Homes and the council. This is not yet indicated on the drawings submitted to the council. However this issue will be addressed under the legal agreement process and Linden Homes must submit further details of this area as part of its planning consent.

In view of the above I am in a position to recommend that no highway objection be raised, subject to conditions and informative being attached.

Further information provided by Highways:

The requirement for street lighting is a matter that will be addressed as part of the adoption process.

The lighting apparatus will either be in the path or adjacent to it, this land is owned by the council and will be subject to a legal agreement.

## SUSTRANS

While we recognise that the bridge design is not the recommended width for shared-use we would still support its adoption as a shared-use facility. Our view is based on the following:-

The bridge does meet the minimum standard for shared-use of 2.5m along its length. In view of the likely volumes of pedestrian traffic we believe tighter radii are beneficial if they slow cycle speeds.

We do not consider the sightlines to be hazardous.

Sustrans view is that the risks stemming from shared-space are over-stated in comparison to the benefits of encouraging more people to leave their cars behind. To put it another way, while in simplistic terms one could argue that the presence of cyclists on the bridge increases the hazardous to pedestrians; any risk analysis should also consider the benefits of reducing the number of car trips on Bradford on Avon and cycle over the bridge. In most cases the shared-space can be self-managed by considerate cycling. The reckless minority will cycle over the bridge whether there is a traffic restriction in place or not.

The connectivity of the bridge to an onward cycle route is a matter to be addressed through the Bradford on Avon cycle network. We believe that the bridge can become a valuable part of this.

#### WILTSHIRE COUNCIL BRIDGE MANAGER

No objection. The bridge design will be subject to a Category 3 check.

#### BUILDING CONTROL

Building Regulations do not apply to this type of structure.

#### CONSERVATION OFFICER

There have been pre-application discussions concerning this project and the agents demonstrated that various design options for a new pedestrian bridge had been considered. This current proposal was the preferred option of the applicant and agent.

The relevant Conservation Area Policies for this scheme are:

C17 The special character or appearance of the designated conservation areas and their settings...will be preserved and enhanced."

C18 Proposals for new development in a conservation area will be permitted only if the following criteria are met:-

- A The development will preserve or enhance the character or appearance of the conservation area;
- B The plot layout, scale, form and detailed designs are characteristic of the area;
- C Historically important boundaries and street patterns, trees, walls, railings and other means of enclosure which contribute to the area's character are retained;
- D Open spaces and views into, out of and within the area, which are important to its character, are protected;
- E Materials and colours which blend with their setting are used. Traditional local materials will be expected, except in locations away from public view."

C30 Development will not be permitted where it would have a detrimental impact on the skyline above the towns of Bradford on Avon and Warminster."

In addition, Planning Policy Guidance Note 15: Planning and the Historic Environment requires the protection of the settings of listed buildings. Planning Policy Guidance Note 16: Archaeology and Planning also requires the preservation of the setting of Scheduled Ancient Monuments.

The proposed bridge would be sited within the Bradford on Avon Conservation Area and would be sited to the east of the Grade I listed town bridge, which is also a Scheduled Ancient Monument. There are a number of other listed buildings in the vicinity of the proposed bridge – the listed buildings on the Kingston Mills site being the closest: The Lamb building (over 50 metres away), the Mill building (over 30 metres away) and Kingston House (over 40 metres away). The listed buildings in Bridge Street would be over 65 metres away from the bridge mast.

On the north bank, the proposed bridge would be 70 metres from the listed bridge; on the south side it would be 56 metres distant.

As part of the Kingston Mills development a condition was imposed on that approval for details and the implementation of footings for a pedestrian bridge, sited in what will become Bridge Yard on the north side of the river. Therefore the principle of a pedestrian bridge in this location has been agreed as part of the imposition of that condition (condition 44 of 06/02394/FULES). That condition will also deal with, and allow the control of, the impact of the footings on the curtilage listed stone wall forming the bank of the river.

The proposed siting is as far away from the listed bridge as would be possible whilst retaining a good sense of proportion within Bridge Yard. The location of the footings on the north side would be approximately central within the Bridge Yard. This would allow pedestrian flow around the base of the mast. The southern side landing stage is as close as practical to the library. The visual impact of the relationship with the historic bridge is lessened by these distances. The proposed bridge would appear quite separate from the Grade I listed bridge.

The mast would be set back within Bridge Yard 4.4 metres from the edge of the bank. The mast would therefore visually recede from the bank and become part of the overall Kingston Mills development. In terms of the special character and appearance of the Conservation Area, the bridge would fit in with the street scene and plot layout of the approved river bank buildings. These approved buildings are contemporary yet complementary to the special character and appearance of the Conservation Area and the proposed bridge follows this approach. The settings of the listed buildings on the Kingston Mills site would not be unduly harmed by this siting, their relative positions are acceptable.

The height of the mast would be 19.2 metres and it would protrude above the adjacent buildings (not yet built) by 6 – 8 metres depending on the different buildings. The upper section of the mast would therefore be seen from various vantage points around the town; however it has been designed to be seen. The intention of this mast is not to be hidden away, but to create a new feature within the historic centre of the town. There is no objection to this as Conservation Areas are not intended to stifle development or otherwise remain static; rather the Conservation Area should serve to protect the area from harmful development. Conservation Areas must move forward and the creation of a new landmark feature which does not conflict with the historic elements of the town is encouraged.

The scheme has taken this into account and the mast would be an elegant and iconic design. At the top of the mast the bolts would be recessed into the interior of the structure. This would give a very simple appearance to the top of the mast; the wires would appear to spring straight from the weathering steel.

The rest of the bridge – the wire stays, the deck and the balustrading – have been designed to give as minimalist an appearance as possible. The wire stays would be very thin, only a few centimetres in diameter. The deck and balustrading would also be as minimal in dimension as possible, due to the materials discussed below. This would all result in a lightweight appearance to the bridge as it crosses the river.

From the above it can be seen that the proposal, whilst it is an iconic design, has had regard to the plot layout, scale, form and design of the surrounding area as required by criterion B of Policy C18.

This lightweight design also serves to preserve the views looking from the historic town bridge east along the river. There is also a benefit to the setting of the historic bridge in that the proposed footbridge would open up more views of the historic structure. This would therefore comply with criterion D of Policy C18.

Regarding criterion E of Policy C18, traditional local materials are not appropriate here. The traditional local material would be stone, which would not be a satisfactory solution as it would likely result in a poor replication of the existing bridge. In addition, this would create other problems as a stone bridge would require stanchions in the waterway, which would be unacceptable for Environment Agency reasons.

Consequently, we must look to materials which will blend with their setting. The materials to be used in the proposed bridge would be stainless steel for the wire stays and balustrading and a weathering steel for the mast and bridge deck.

The details of the wire mesh to be used in the balustrading should be made the subject of a condition. The condition should cover the detail of the mesh itself and also its fixings to the balustrading. This is to ensure a high quality of materials and visual appearance.

The stainless steel is an acceptable material as it would present a clean finish and would allow slender wires and posts. This would help reduce the visual impact on the listed bridge and would create a more transparent appearance when looking towards the proposed bridge east along the river from the historic bridge.

The use of weathering steel allows the principal members of the structure – the mast and the deck – to also be as slender as possible. The deck would be thin and tapered at the edges so when looking from the historic bridge the proposed deck would not have a high visual presence. I understand that the weathering steel when new would be an orange-brown colour but that this will weather to a darker hue. It would then lose its orange colour and become a darker brown over the subsequent few years. This colouration would be a complementary contrast with the local materials in the surroundings.

The use of weathering steel for the mast would create a statement, which is clearly an objective of the design approach. Weathering steel is such a different material to the historic stone of the Grade I bridge that it would not visually compete with the listed bridge. Rather the proposed bridge would stand visually apart from the historic bridge, as a separate structure, without resulting in undue harm to the setting of the Grade I listed bridge and Scheduled Ancient Monument. The scheme is therefore in compliance with PPG15 and PPG16.

The historic railings on the south side of the river would be retained, as would many of the trees. Some trees would need to be removed and a comprehensive landscaping scheme to involve some replanting of trees should be undertaken. This is in compliance with criterion C of Policy C18.

The bridge would have down-lighting within the stainless steel handrails and this would be limited to lighting the deck of the bridge. The handrail lighting would not spill over to the point that it would cause harm to the setting of the historic bridge or other nearby listed buildings in Bridge Street.

The mast would be lit with spot lights in the floor of Bridge Yard. These would be focused and would only illuminate the mast. This is acceptable as it would not result in harm to the settings of Kingston House, the Lamb building, the Mill building or the Bridge Street listed buildings.

Taking the above into consideration, the proposed bridge would be tall but due to its use of materials, simple design and relative positions to surrounding listed buildings; the bridge would not result in harm to the settings of the surrounding listed buildings or the listed town bridge. Similarly, it is acknowledged that the character and appearance of the Conservation Area would be altered, however it is not considered that harm would be caused. The scheme therefore meets the provisions of PPG15, Policy C17 and Criterion A of Policy C18.

With regard to Policy C30, the mast would be sited down within the settlement at river level. Although the mast would project above surrounding buildings, the skyline of Bradford on Avon would not be affected.

Other issues:

Alternative options – We must deal with each application on its merits, my comments here are not to debate alternative options. The Council has a duty to determine the application that is before it and my comments are limited to that scheme.

Recommendation: No objections subject to conditions.



## ENGLISH HERITAGE

The Town Bridge represents the focus of attention as far as the historic character of the town is concerned, due to its historic function and high profile location. The special interest and integrity of this structure is very much due to its singular role and its setting, characteristics of enduring quality which have survived to this day.

The principle of a new footbridge, the business case for it and recognition of its general desirability, have been rehearsed previously, and an approximate location in connection with the redevelopment of the Avon Mills site has been established. The exercise to ratify and finesse this principle, in the form of specific proposals, has had to take account of both the key historic environment issues and the functional and other environmental parameters which dictate the performance efficacy of any design concept. Inevitably the preferred solution will also be influenced by financial resources. Establishing a robust methodology for defining the design brief for the project, especially its acceptance criteria, tolerances and the weight which should be afforded to the relevant factors for consideration, and the process for taking the design development forward must be key to a successful outcome, both in terms of the design itself and the necessary support for it from stakeholders within and outside the town's community.

The importance of such an approach was emphasised by us when we were introduced to the project in the summer of last year. On this first (and as it turned out, the only) opportunity we have had for active engagement in the project development process, we advised the applicant's team of the need to identify and assess the significance and sensitivity of those heritage assets likely to be affected by the scheme and to use this information to help inform the design exercise and to create a regime of receptors against which the impacts arising from the eventual bridge design could be gauged.

At the same time it must also be highlighted that we were broadly content with the concept which was emerging. A contemporary and subservient counterpoint to the Town Bridge which embraced elegance, lightness and simplicity could act as a legitimate complement and offer an enhancement in the make up of the town's historic character and appearance. In the creation of a sculptural and potentially iconic statement the bridge could assist in raising the profile of the town, and general legibility by signposting new routes which arise as a consequence of the Mills redevelopment scheme and reinforcing its sense of identity. An outstanding issue at that time remained the resolution of the landing arrangements on the south side of the river but this has now been addressed.

Having now considered the application we remain content with the proposals, noting at the same time that opinions as to its merits vary within the town's community and that other design options have been mooted. It is not for us to assess those alternatives against this application or to assume a role as honest broker in the resolution of any local differences. Rather, we must judge any proposal as formally submitted objectively against the significance of its historic environment context and in light of the rationale put forward in its support. There may well be other design options which could equally satisfy the agenda for a bridge and a local evaluation of their respective merits is made easier the more robust the methodology for determining those acceptance criteria referred to above.

As a point of regret we must therefore refer to the somewhat post-rationale nature of the Design and Access Statement and the absence of the more sophisticated contextual analysis we had promoted in our pre-application negotiation and had hoped to see submitted with the application. While this does not in itself compromise the merits of the proposals it probably limits their ability to demonstrate definitively and conclusively why, to the satisfaction of all, the submitted scheme represents the best option.

### Recommendation

We have no objection to the proposals, notwithstanding our comments on the supporting information.

## ARBORICULTURAL AND LANDSCAPE OFFICER

The proposed installation of a new pedestrian bridge from the former Avon site across to the library, in principle will be good for Bradford on Avon. However, there is one significant issue that has not been

addressed within the application, which is the impact on existing trees within Bradford on Avon Conservation Area on the library end on the bridge that area technically outside the red line boundary of the site. For this reason, I must point out that it is an offence to wilfully destroy or damage a tree within a Conservation Area.

It would be impossible to install the bridge and associated footpath/cycleway without damaging 11 pollarded Lime trees. It is my opinion that this can be easily addressed by removing all 11 trees and then replanting on completion of the project. It will be imperative that tree planting pits are created during the construction phase to ensure path edging and beneath ground services to not conflict when trying to plant the new trees. The 11 new trees should be *Tilia cordata* (Lime) and supplied and planted as Extra Heavy Stand trees with a 16-18 cm girth and at a height of 450-500cm

If consent is to be granted the conditions must be applied

## ENVIRONMENT AGENCY

In letter dated 11th December 2009 the EA object to the proposed pedestrian/cycle bridge on the grounds of lack of detail regarding the structural integrity of the chosen bridge design.

We confirm that the minimum underside deck level of 30.85mOAD is acceptable. However, in an extreme future event there is still the possibility for debris to reach this level. Given that we understand that the proposed bridge will be 'lightweight' further justification should be submitted to demonstrate that the structure will be able to withstand the potential impact from debris in the watercourse.

Further Correspondence received 22nd January 2009

Further to your letter of 5th January, whilst we note the justification you put forward explaining how the bridge has been designed to be up to a sufficient structural standard, we are unable to withdraw our objection at this time for the following reason: In order to support your judgement that the bridge design will be able to withstand the impact from debris in the watercourse, you should submit suitable structural analysis calculations. We note that the bridge design will be subject to a Category 3 check, however, we require to see some structural analysis evidence before we can agree that the proposed bridge is satisfactory. We suggest that the calculation be based on the impact of at least three mature tree trunks on the bridge, which from previous experience is reasonable. The calculation should show that the bridge will be able to withstand this force.

As explained previously, whilst the proposed bridge will have a soffit level above the design flood level, it is possible that water-borne debris could reach the level of the bridge deck in an extreme future event therefore we deem the structural check is necessary and valid. The recent events in Cumbria have served to highlight the issues of bridge stability in floods.

Further correspondence received 25th January 2010

Upon consideration of the latest submitted information; MLDE's letter of 22nd January, we accept that the bridge has been designed to have sufficient structural integrity to withstand the impact of potential water-borne debris. Therefore, we withdraw our objection to the proposed new bridge (Planning App Ref. W/09/03175), subject to conditions.

## PUBLIC PROTECTION

I am aware of the great interest in this project, however, the only aspects of professional interest to me is whether the structure could be a source of noise leading to unreasonable loss of amenity to local residents. I note that advice has been sought from ISVR at Southampton who advice that this is unlikely to be a problem. I concur with that assessment.

No objection

## WESSEX WATER

We have no objection in principle to this proposal.

### **8. Publicity**

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

Expiry date: 10th December 2009

246 letters of objections have been received from 203 households in respect of this application of which 161 are in the form of pro forma letters. Some of these pro forma letters raise additional issues and some are also supported by additional letters of objection. These objections make reference some or all of the following points:-

That the application fails to meet the five criteria outlined within Policy C18 of the District Local Plan First Alteration 2004;

Design needs to be more sympathetic to the surroundings;

Alternative simple design is better;

Too expensive;

People visit Bradford on Avon to see the historic architecture not something modern;

Spoils town centre;

It's the traffic which is the problem sort that out rather than building this bridge;

Bridge design id too high and too intrusive;

Bridge should be of a more simple design and less expensive;

Wide base of the bridge acts as a physical and visual barrier;

The bridge will not be iconic the existing bridge is iconic;

More appropriate to a sea side location;

Overbearing - design should not draw attention to itself

Conservation Areas are not a fitting place for cutting edge design;

Detracts from the character and setting of the conservation area;

Like the design of the bridge but not here;

Out of keeping with the existing listed bridge;

Will damage economy of the town;

Unsustainable design;

`Extra cost of building maintenance;

Material not in keeping with the town;

Loss of public space due to the size of the bridge;

No relevant to the industrial history of the town;

Competes with the listed bridge;

Not everyone crossing the bridge is bound for the library

Could not the new bridge be attached to the existing bridge and run along side of it;

In wrong location;

There is an existing footbridge;

No signs up as these are intrusive;

Sides of the bridge are too tall and will be visually intrusive;

It is the lorries which are causing the problems on the bridge which are too large and exceeding the weight limit surely it is law enforcement that is needed not a new bridge;

Do we need a strategic cycle route;

Conflict between cyclists and pedestrians especially the elderly

Is there a need for the bridge who will use it?;

Bridge is too wide;

Concerns over funding;

There are concerns over Corten steel constructions which needs careful consideration and on-going careful maintenance;

Harsh surfaces and shapes in the design;

Railings are inelegant;

Corten steel will give the appearance of industrial collapse and neglect;  
The design has no relevance to Kingston Bridge;  
Interrupts the sense of space;  
Out of harmony with the rural setting and breaks the rhythm and pattern of old and new roofscape;  
Children will play on the structure and will create a nuisance;  
Result in a loss of parking;  
Bridge is desirable but not essential;  
Relocate the bridge so it links with the Kingston Mill development;  
Traffic calming and a park and ride would overcome the highway problems associated with the existing bridge;  
Design is aggressive;  
Ruin the view to Kingston House;  
History is repeating itself as was the gas with the 'Gas works';  
Will not address the issue of increase vehicular traffic;  
This is a sop to developers to make the houses more saleable;  
Bridge too narrow for pedestrians and cyclists to use together safely;  
Second road bridge needed;  
Should be postponed until the economy recovers;  
Wrong geometry for the span this design of bridge would be more appropriate for a crossing of twice the distance;  
Could the upper part of the surface be mirrored to make it less intrusive;  
Potential graffiti problems;  
The mesh cladding is unattractive could the design be more like a bicycle wheel complete with hubs and spokes providing a link with the town's historic heritage;  
Rust run-off into the river would cause pollution;  
Rusty appearance will be unattractive;  
By-pass should have been built;  
3 crossings within 200m of each other is enough no more are needed;  
Bridge pylon could be shorter if different materials were proposed;  
Tree should be removed and Linden Homes required to amend their layout so a shorter bridge could be built thus saving money;  
No robust business case has been provided for the bridge;  
Footbridge does not address vehicular issues on bridge  
Seating area on the bridge could attract youths to congregate;  
There is significant public objection to the scheme;

Minimum foundations on one side may lead to serious risk of flood damage as well as vibration and resonance problems;  
Design of bridge too elaborate;  
No pedestrian footfall survey has ever been undertaken;  
The bridge will not reduce the numbers of car journeys made by residents of the town;  
Level of 'intimidation' experienced by pedestrians from traffic is exaggerated;  
Survey of cyclists needed to establish need;  
No cost/benefits undertaken associated with the bridge;  
The bridge will not be wheelchair friendly due to the cyclists;  
No speed limits shown to slow cycles down;  
Cost of the bridge is a planning consideration due to its impact upon the social economic health of the town,  
Loss of parking revenue;  
Challenge that the type of design is the only viable option;  
Cost will result in other Town Council projects being shelved;  
This is the wrong location to 'make a statement'  
The bridge will look like a large crane and not reflect the early wool and later rubber industry of the town;  
Cameras monitoring HGVs would address the issue of weight limits on the bridge;  
Challenge to the pre-application survey work undertaken by the town council;  
This design is 70% more expensive than other designs;  
Diagonal design is not aesthetically pleasing;  
No public consultation;  
Impact on wildlife such as flying birds what measures have been put in place to protect against this?;

Is the lighting sufficient;  
Have the maintenance implications of the bridge material been taken into consideration;  
Rubbish will accumulate under the bridge;  
Culvert under bridge needs to be investigated and protected;  
Bridge should have the shortest possible span and lowest carbon footprint;  
The mast would be visible from all over the town;  
Main burden of the cost has fallen on the taxpayer and not the developer;  
Modern materials allowed for the bridge but not for peoples houses like windows and doors;  
Effects on pedestrian movement have not been taken into consideration;  
Bridge would be rendered inaccessible during a 1:100 year events and also lesser events are the Environment Agency happy with this?;

Burden on the taxpayer to pay for it;  
The town Council have been opaque and covert in dealing with the bridge with vast majority of electors not being consulted;  
Position of the bridge is at odds with the strategic housing allocation in the emerging LDF

Bradford-on-Avon Preservation Trust

Comment further from some of the issues mentioned above that they support the need for a river crossing for pedestrians and cyclists and have no problem in principle with modern structures in the Conservation Area nor are we adverse to the idea of an asymmetrical cable-stayed bridge. However, the design proposed is an unsatisfactory example, and inappropriate in the context. The proposed deck is attractive, but is outweighed by the clumsy mast and cable anchors which mar the townscape and disrupt the north side public space. We object as it conflicts with policy C18, C13, C27, C30, C31 and TO1. The mast is inelegant at a distance from any viewpoint.

Bradford Bridge concern

Have submitted a petition the names on which were gathered prior to the submission of the planning application on the basis of drawings available at that time. The petition should be given no weight determination of this planning application, as it can not form part of the statutory process.

There were approximately 120 letters of support from 116 households. Also a petition was submitted with 85 names and addresses in support.

The issues raised were

Reduced height of mast down due to consultation  
Beautiful looking bridge  
Useful and add to the appearance of the area  
Bridge has aesthetic merit and will meet needs of pedestrians and cyclists  
Safer route for pedestrians and cyclists compared to Town Bridge  
Materials proposed and the angle of the spire will minimise the impact  
Visibility from town bridge down stream due to the design and materials  
Pure, clean and elegant design  
Unique design would add the unusual mix of modern and old which exists  
Brilliant and elegant solution  
Bradford-on-Avon should live in the present employing 21st Century design  
Strong symbol of the towns life and culture  
Add a new spire to the towns skyline  
A landmark which will signal our belief in a forward looking community  
Stylish and practical addition to the town  
Desperate for a safe crossing  
An insult to build the objectors bridge in the historical centre  
It is a modern and graceful design  
It is simple and striking  
The materials will blend well  
The bridge will be in place for many years due to its design  
It will enhance the area

The bridge will add to the wonderful diversity of the area  
 A bold design  
 In favour of the concept and design of the bridge  
 Safety of children crossing from the library to Kingston Mills  
 Cycle friendly  
 Brilliant solution, both functional and beautiful  
 The design is iconic  
 The bridge is imaginative and appropriate  
 Low visual impact  
 With two small children I completely supportive of the bridge  
 The town bridge is dangerous for children I welcome this bridge  
 It will enhance Kingston Mills  
 Will improve access in the town  
 Unobtrusive and eminently functional  
 Stunning piece of 21st Century architecture  
 Perfect link between old and new  
 Encourage more people to walk in town due to safety of new bridge  
 Good for the economics of the town, attracting tourists  
 Well suited to the town centre  
 fit for purpose in a practical sense  
 a welcome route avoiding traffic  
 Structurally expressive design  
 The Preservation Trust bridge is ugly and inappropriate  
 Preservation Trust bridge looks like a scaled down railway bridge and is ugly  
 Applaud the vision to create something of lasting value to the town  
 Only access is a tragedy waiting to happen. I support the bridge  
 Money well spent  
 Safety for cyclists  
 Making the best available technology and stylish  
 Shows commitment both in terms of modernity and engineering elegance

## **9. Planning Considerations**

### **9.1 PRINCIPLE OF DEVELOPMENT**

The principle of the bridge was established within planning permission for the Kingston Mill development (06/02394/FULES) where a provision was included for the footings of the bridge to be built on the site to the south bank of the river. The principle was secured by condition.

Bradford-on-Avon town centre has only two places for pedestrians to cross the river Avon. The first being the Town Bridge, and the second being St Margaret's Street footbridge. The Town Bridge is the only cycle link within the town.

### **VISUAL IMPACT OF PROPOSED DEVELOPMENT AND CONSERVATION AREA**

PPG15 and Section 72 of the Planning (Listed building and Conservation area) Act 1990 highlights that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the Conservation Area.

Further West Wiltshire local Plan Policy C18 states that new development in a conservation area will be permitted only if the following criteria are met:-

- A The development will preserve or enhance the character or appearance of the conservation area;
- B The plot layout, scale, form and detailed designs are characteristic of the area;
- C Historically important boundaries and street patterns, trees, walls, railings and other means of enclosure which contribute to the area's character are retained;
- D Open spaces and views into, out of and within the area, which are important to its character, are protected;

E Materials and colours which blend with their setting are used. Traditional local materials will be expected, except in locations away from public view.

The site lies within the town conservation area, and there are a number of listed buildings in the surrounding area.

The proposed bridge is situated 70 metres from the Town Bridge (Grade 1 Listed, a Scheduled Ancient Monument) on the north side and 56 metres distant on the south side. The mast of the proposed bridge would be 19.2 metres in height centrally positioned within Bridge Yard on the Kingston Mill site set back 4.4 metres from the edge of the river bank. The mast would protrude approximately 6-8 metres above adjacent buildings (not yet built) which are contemporary yet complementary to the special character and appearance of the Conservation Area.

The southern side of the bridge the landing area is close as practical to the library. Officers consider therefore that the proposal whilst it is an iconic design has had regard to the plot layout, scale, form and design of the surrounding area.

On the south side the historic railings would be retained. A condition would need to be attached any permission to ensure that if any of the 11 pollarded lime trees had to be removed then they could be replaced.

English Heritage has commented that the proposed bridge is "A contemporary and subservient counterpoint to the Town Bridge which embraced elegance, lightness and simplicity could act as a legitimate complement and offer an enhancement in the make up of the town's historic character and appearance."

The bridge proposal would enhance the character of the area by opening up views to the historic town bridge. The new bridge appearance is lightweight and slender both to maintain and maximise river views, and preserve the views.

Even though both bridges could be seen together from a number of different locations, the proposed bridge would stand visually apart from the historic bridge, as a separate structure, without resulting in undue harm to the setting of the Grade 1 listed bridge and Scheduled Ancient Monument.

PPS1 states that design control should avoid unnecessary prescription and detail; design policies should guide overall scale, density, massing, height, landscape and access of new development in relation to neighbouring buildings and the local area generally. It continues Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

The materials used in relation to the bridge would be weathering steel for the mast and bridge deck with stainless steel for the wire stays and balustrading. Traditional local materials are not appropriate here.

The traditional local material would be stone, which would not be a satisfactory solution as it would result in a poor replication of the existing bridge. In addition supports would be required for a stone bridge in the river which would be unacceptable for Environment Agency reasons.

The skyline of Bradford-on-Avon would not be affected by the mast which would be sited down within the settlement at river level although it projects above surrounding buildings. The proposed bridge would be tall, seeking to create a landmark and strong identity.

Having regard to the above the use of materials, simple design, scale, relative position to its surroundings and its visual impact officer's acknowledge that the proposed new development will not harm the character and appearance of the Conservation Area.

### 9.3 LISTED BUILDINGS AND THEIR SETTINGS

Section 66 of the Planning (Listed building and Conservation Area) Act 1990 states that the Local Planning Authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With regards to the listed buildings in the surrounding area, the main concern is the effect on the setting of the Town Bridge. English Heritage has commented that the Town Bridge represents the focus of attention as far as the historic character of the town is concerned, due to its historic function and high profile location.

The proposed bridge for the reasons stated previously within the report would stand visually apart from the historic bridge, as a separate structure, without resulting in undue harm to the setting of the Grade 1 listed bridge and Scheduled Ancient Monument.

The down-lighting within the stainless steel handrails would not spill over to the point that it would cause harm the setting of the historic bridge or other nearby listed buildings in Bridge Street.

PPG 15 states that in considering an application there is a need to have special regard to certain matters, including the desirability of preserving the setting of listed buildings and the character of Conservation Areas.

There are no objections from either English Heritage or the Council's Conservation Officer and therefore, having regard to the use of materials, simple design and relative position to its surroundings, the new bridge would not result in harm to the settings of the surrounding listed buildings or the listed town bridge.

### 9.4 HIGHWAY ISSUES

The proposed development will form a new link within the town centre from the library side to the Kingston Mill development improving conditions for pedestrians and cyclists as an alternative to the town bridge. The footbridge would provide a safer and pleasant route for pedestrians away from the town bridge minimising conflict with traffic.

The tapering width from 3.2 metres to 2.5 metres of the bridge would act as a slight speed deterrent for cyclists, signalling that they must slow down when approaching the combinations of ramps and paths by the library. Here three links are formed - to the west ramping down to the existing riverside path, to the south west via steps down to the car park, and to the south east also ramping down to the existing library entrance. In between these three links would be broad terracing at seat height, combined with planting to discourage people to step down from the higher level. The entrance area in front of the library and right hand ramp remain as existing deliberately tight to discourage cycling.

The riverside path is the only one of the three links that is able to accommodate cycling and this will be widened to 2.5 metres.

On the northern side within Bridge Yard the crossing will join the more spacious public area, where because the base of the mast is centrally positioned it allows pedestrian flow around it.

Whilst a balance needs to be found between possible conflicts between cyclists and other users, the bridge would meet standards for shared pedestrian / cycle use. It is therefore capable of use by cyclists and whether or not they are to be allowed to ride their bikes over it would become an adoption issue for the future rather than a planning issue at this stage.

Sustrans have commented that it supports the use of the bridge as a shared-use facility and that in most cases the shared space can be self managed by considerate cycling. The reckless minority will cycle over the bridge whether there is a traffic restriction in place or not.

The Council Bridge Manager has stated that the bridge will be subject to an independent engineering check which is known as a Category 3 and a safety audit covering current codes and standards will be part of the adoption process.



Taking the above into account there are therefore no highway objections subject to conditions requiring further details on the exit points, lighting and for detailing of signage. The street lighting of the footpath together with safety audit information will be part of the adoption process which is separate to planning.

## 9.5 ENVIRONMENT AGENCY

With the town bridge in close proximity downstream, it was particularly important to ensure that the bridge has been reasonably designed to withstand impact and to avoid the structure breaking away and causing a blockage and increasing flood risk.

The Environment Agency was provided with suitable structural analysis calculations from the applicant and together with the information that had already been submitted had no objection to the proposal subject to conditions being attached.

For this reason the proposal therefore complies with the requirements of PPS25 on Development and Flood Risk.

## 9.6 NOISE/LIGHTING

On the issue of whether the structure could be a source of noise leading to unreasonable loss of amenity, the Public Protection team believe that this will not be the case on the information submitted and therefore, have no objection to the proposal.

The proposed development in itself is not a noise generated use or likely to encourage crime. For this reason the issue of graffiti and children causing a nuisance are not material planning considerations in this instance. Whether there is a real likelihood of such eventualities actually transpiring and, although local authorities are now statutorily bound to consider effects on crime, they also need to rationalise how much weight should be accorded to the issue.

The lighting has been specialist designed to provide sufficient illumination for the bridge users while preventing spillage to prevent glare or other disturbance.

For this reason the policy is in accordance with policy.

## 9.7. LANDSCAPE

The Arboricultural and Landscape Officer has commented that the development in principle is good for Bradford-on-Avon subject to an appropriate landscaping condition on any trees that need to be removed.

Officers consider therefore that the proposed development by reason of its scale, siting or design would not adversely affect the appearance of the landscape setting of the town and thereby comply with policy.

## 9.8 OTHER ISSUES

This site has been the subject of considerable public interest. As a result it has raised the expectations of not only the general public but also a variety of interest groups and individuals. In the development on such a site, within a Conservation Area and with a number of physical and design constraints, there is little likelihood of everyone's aspirations being fully achieved. By definition, therefore, the consideration of this site will necessitate a degree of compromise in order to achieve a suitable development that provides for the town centre and community, but also complies with national and local planning policies.

Local Planning Authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

The following matters are not material considerations and should not be taken into account in determining a planning application:- loss of value; loss of view; viability of the proposed development; private rights; restrictive covenants and land ownership.

Whether or not an applicant has the financial means to carry out and subsequently maintain and manage a development is not a material planning consideration. The Local Planning Authority has to work on the assumption that the applicant has thought through the economics of the development and has concluded that it is affordable in all respects. It is not the role of the Local Planning Authority to challenge the affordability of the scheme. In this case where the applicant is a local authority (unconnected with Wiltshire Council) and residents of that council's area are concerned about the affordability of the scheme and its financial legacy for the local community, those residents should challenge the 'applicant authority' through whatever means are available under the constitution of the 'applicant authority'.

The social and economic well being of the community is a material planning consideration. In this case there are social and economic positives from the scheme which stem from the provision of a safe pedestrian and cycle crossing of the river at the main crossing point in the town and the contribution this will make to attracting more people to use local shops and businesses on either side of the river.

Weight of public opinion is not, of itself, a material consideration. The fact that a large number of people may be objecting to a particular application is not relevant. What matters is whether their objections are based on matters that constitute material considerations, in planning terms.

Many of the concerns raised by individuals and groups have been addressed within the report, however some concerns for example not addressing vehicular traffic and a need for a second road bridge are not relevant to this application.

Any proposal must be judged as formally submitted objectively against the significance of its historic environment context. There may well be other design options however; it is the merits of this application that have to be determined.

## CONCLUSION

The Officers consider on balance taking the above into account that the proposed development would not be detrimental to the visual appearance, character and setting of the Conservation Area, and the setting of the nearby listed buildings and indeed English Heritage comment that the proposal is a contemporary and subservient counterpoint to the Town Bridge which embraced elegance, lightness and simplicity could act as a legitimate complement and offer an enhancement in the make up of the town's historic character and appearance.

Moreover, the development would provide safe and convenient conditions for pedestrians and cyclists, would be accessible to people with disability, would not lead to unacceptable levels of noise and for these reasons it is therefore recommended that permission be granted.

**Recommendation:           Permission**

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

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

**Subject to the following condition(s):**

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

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

- 2 No development shall commence on site until details and samples of the materials to be used for the 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.

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

- 3 Prior to commencement of the development further details of the exit point barriers or other suitable treatment, shall be 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 interest of highway safety

- 4 No development shall commence on site until details of any signage 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 amenity and public safety

- 5 The soffit of the bridge should be set no lower than 30.85 mAOD.

REASON: To ensure the bridge structure does not increase flood risk to the area.

- 6 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;
- all species, planting sizes and planting densities, 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;
- 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.
- 11no. *Tilia cordata* (Lime) and supplied and planted as Extra Heavy Stand trees with a 16-18 cm girth and at a height of 450-500cm and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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

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

- 7 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.

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

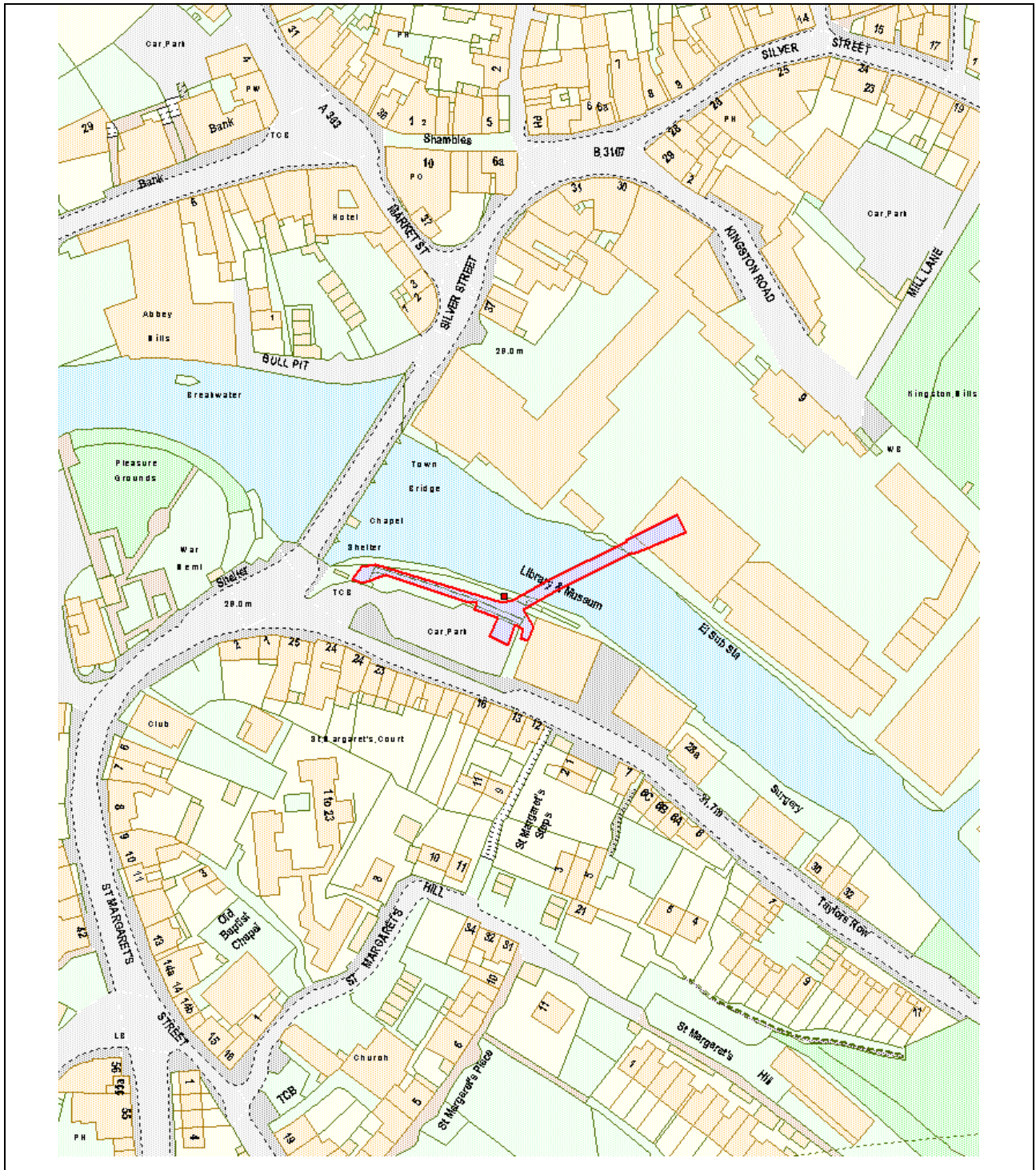
- 8 The details of the external illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details prior to the first public use of the bridge and so maintained.

REASON: In the interest of amenity and highway safety

**Informative(s):**

- 1 In order for the bridge to be adopted as public highway, it must connect to the existing highway network; to achieve this, land owned by the council which is not designated as highway must be dedicated. This will involve the agreement of and permission from the appropriate council departments. The applicant will need to liaise with all the concerned parties to obtain the necessary permissions and to obtain a legal agreement to complete the works.
- 2 Wiltshire Council is in discussion with Bradford Town Council regarding the scheme design which will form part of the highway network once completed. Prior to Wiltshire Council making land available for the bridge to be constructed the Town Council's consulting engineer is to provide design and check certificates indicating that the bridge has been designed in accordance with current codes and standards.
- 3 Please note that under the terms of the Water Resources Act 1991, Flood Defence Consent is required prior to the commencement of construction for any works in, under, over or within 8 metres from the top of bank of Main River, such as the River Avon. Please contact our Development & Flood Risk team on (01278) 484603 for guidance on how to apply for this consent.
- 4 Although it is not necessarily a significant issue in terms of flood risk, we would recommend that the void/undercroft shown on drawing 1280-014 (section LL-1) under the bridge ramp on the southern bank is filled in. Otherwise ongoing maintenance (clearance of debris) will be difficult to carry out.

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



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MSA: 100022961

## RELEVANT APPLICATION PLANS

- Drawing : 1280-000 A2 received on 06.11.2009
- Drawing : 1280-015 received on 06.11.2009
- Drawing : 1280-011 received on 06.11.2009
- Drawing : 1280-016 received on 08.12.2009
- Drawing : 1280-014 received on 06.11.2009
- Drawing : 1280-013 received on 06.11.2009
- Drawing : 1280-012 received on 06.11.2009

Drawing : 1280-010 received on 06.11.2009  
Drawing : 1280-065 received on 06.11.2009  
Drawing : 1280-051 received on 06.11.2009  
Drawing : 1280-056 received on 06.11.2009  
Drawing : 1280-060 received on 06.11.2009  
Drawing : 1280-01 received on 06.11.2009  
Drawing : 1280-059 received on 06.11.2009  
Drawing : 1280-058 received on 06.11.2009  
Drawing : 1280-055 received on 06.11.2009  
Drawing : 1280-057 received on 06.11.2009  
Drawing : 1280-2 received on 06.11.2009  
Drawing : 1280-052 received on 06.11.2009  
Drawing : 1280-1-1 received on 06.11.2009

**REPORT TO THE WESTERN AREA PLANNING COMMITTEE**

Item No. 02

<b>Date of Meeting</b>	<b>10.02.2010</b>		
<b>Application Number</b>	<b>W/09/00690/FUL</b>		
<b>Site Address</b>	<b>Sainsbury Store Bath Road Melksham Wiltshire SN12 6LL</b>		
<b>Proposal</b>	<b>Erection of a single storey 1,937sq m gross extension to the east and western elevations of the store; car park improvements and an extension to the south west of the existing car park resulting in an additional 91 car parking spaces; relocation of the petrol filling station from the river avon to the south eastern area of the site; revised service yard arrangements; provision of an online service facility; construction of a new pedestrian link with town centre; and landscape and ecological improvements to enhance the nature and amenity value of the site and the surrounding land to the south west</b>		
<b>Applicant</b>	<b>Sainsbury's Supermarkets Ltd</b>		
<b>Town/Parish Council</b>	<b>Melksham (Town)</b>		
<b>Electoral Division</b>	<b>Melksham Central</b>	<b>Unitary Member:</b>	<b>Stephen Petty</b>
<b>Grid Ref</b>	<b>390311 163970</b>		
<b>Type of application</b>	<b>Full Plan</b>		
<b>Case Officer</b>	<b>Miss Julia Evans</b>	01225 770344 Ext 140 juliaj.evans@wiltshire.gov.uk	

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

Councillor White has requested that this item be determined by Committee for the following reasons:

“the reason for calling in the Sainsbury’s Store application is as follows:

“The Town Council objected to the following planning application: 09/00690: Erection of a single storey 1,937sq m gross extension to the east and western elevations of the store; car park improvements and an extension to the south west of the existing car park resulting in an additional 91 car parking spaces; relocation of the petrol filling station away from the river Avon to the south eastern area of the site; revised service yard arrangements; provision of an online service facility; construction of a new pedestrian link with town centre and landscape and ecological improvements to enhance the nature and amenity value of the site and the surrounding land to the south west. Sainsbury Store, Bath Road, Melksham (Full Plan).

“Resolved: After considering the comments raised by residents and the many letters Extract from minutes of Melksham Town Council Development Control committee submitted the Town Council objected to the above application on the following grounds:

- Displacement of water. There is already a problem with flooding in this area, there is a concern if areas that currently flood are built upon where will the water go, especially as there are houses nearby in Church Walk / Canon Square area, which could be damaged.
- Again regarding displacement of water, this could even dry out some properties in Church Walk and the conservation area.

- Flooding. This is already a problem, the footpath adjacent to Sainsburys currently floods as does the small access road leading to the rear of properties in Victoria Terrace / Church Walk, if building work goes ahead this could make the problem worse. There is also a flooding problem to the rear of Sainsburys, however, it is not clear if this is a result of blocked drains and it was asked what plans are in place to resolve this problem now and in the future.
- The removal of the balancing pond to allow for the extra car parking may also cause more flooding problems.
- There is a concern there are existing underground water courses in this area which could be disturbed if building work goes ahead. This situation needs to be looked into more detail.
- Repositioning of the petrol station could cause pollution problems ie fumes, light from the petrol station and cars and also noise from the cars to nearby properties in Victoria Terrace, Church Walk and Canon Square. This matter needs to be looked at carefully and whether there is a need to move the petrol station at all, as this is a safety issue for nearby residents. Indeed could the extra parking spaces be provided on the proposed new petrol station site. There needs to be clarification on how many more extra car parking spaces there will be as several documents available seem to contradict each other.
- If this application goes ahead there needs to be a restriction on the delivery times, as current delivery times cause noise pollution problems for nearby residents.
- Part of this application affects houses in a conservation area and indeed – part of the application encroaches onto a conservation area. The Conservation Officer and English Heritage need to be informed of this application as consideration needs to be given to how this application impacts on the conservation area.
- `Riverside Walk. Currently this footpath is not maintained to a satisfactory standard and any maintenance, cleanliness issues need to be part of any Section 106 Agreement relating to this application.
- There needs to be reassurances that the building work will not have an impact on the neighbouring properties in the conservation area, as had happened in the past when pile drivers were used.
- It was noted that residents in Victoria Terrace and Canon Square were not informed of the planning application.
- There seems to be confusion on how many more parking spaces will be provided.
- Recycling bins. These need to be positioned so as not to cause a nuisance to nearby neighbours.

“If minded to give permission to this application, could a condition be placed on any planning permission that Church Walk is repaired to a satisfactory condition.

“Planning Policies C18, C21, C31a, C32, C35, C36 and C38 apply.”

## **1. Purpose of Report**

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



## **2. Main Issues**

The main issues to consider are:

- \* retail impact;
- \* flooding and drainage matters;
- \* highways and sustainability impact;
- \* impact on Listed Buildings and the Conservation Area;
- \* amenity (noise & nuisance);
- \* contaminated land matters;
- \* archaeology matters;
- \* nature conservation;
- \* miscellaneous matters.

## **3. Site Description**

This is a full application for:-

- \* the erection of a single storey 1,937sq m gross extension to the eastern and western elevations of the store;
- \* car park improvements and an extension to the south west of the existing car park resulting in an additional 91 car parking spaces;
- \* relocation of the petrol filling station from the River Avon to the south-eastern area of the site;
- \* revised service yard arrangements;
- \* provision of an online service facility;
- \* construction of a new pedestrian link with the town centre; and
- \* landscape and ecological improvements to enhance the nature and amenity value of the site and the surrounding land to the south-west, to the Sainsbury Store, Bath Road, Melksham, Wiltshire.

The existing Sainsbury store lies to the western side of Bath Road (the A3102), and runs along the southern bank of the River Avon. A mix of commercial and residential properties run along Bath Road to the east of the site. To the south lies Church Walk and the residential properties that run along it, whilst to the south-west lies amenity and nature conservation land, with associated pedestrian accesses over it. Beyond the River Avon to the north of the site lies a mix of commercial uses. The store and its ancillary service yard lies to the southern edge of the site, overlooking the River Avon, with its car park located in front and to its western side. It is a distinctly-designed building with a curved roof, with the service yard located to its eastern end. Service and customer access comes off Bath Road, to the northern edge of the site, with the existing petrol filling station lying adjacent to the river. Beyond the car park along the store's western elevation lies a level, overgrown area, bounded by semi-mature trees, and beyond this lies existing landscaping including flood compensation schemes. A public footpath runs along the riverside, with an additional route leading into the town and Church Walk. The site also includes the area known as the Bear Car Park, which is currently segregated from the Sainsbury site by landscaping and timber fencing. There is vehicular access to this site from Bath Road, but with no current vehicular or pedestrian linkage to the store.

## **4. Relevant Planning History**

(Excluding advertisement control applications for the store and the previous employment uses on the site)

92/00308/OUT – Retail development (Class A1) and ancillary car parking – including demolition of existing buildings – Withdrawn 10/02/94

95/01126/OUT – Redevelopment of site including retail, flats, offices, petrol filling station and leisure uses with landscaping, car parking, servicing, highway, flood plain storage and engineering works – Permission 10/07/96

96/00591/REM – Redevelopment of site including retailing, petrol filling station, shops, and flats with ancillary landscaping, car parking, servicing, highway and flood plain storage – Approved 08/08/96

98/00807/FUL – Restaurant extension (156sqm) – Permission 27/07/98

01/01159/FUL – Extension to petrol filling station kiosk together with ancillary works – Permission 30/08/01

01/00613/FUL – Erection of a 605 square metre extension to existing foodstore and revision to car park layout – Permission 19/08/02

02/01581/FUL – Restaurant extension (renewal of 98/0807 dated 27 July 1998) – Permission 04/03/03

02/01661/FUL – Extension to warehouse area – Permission 05/12/02

02/01718/FUL – Variation of condition 02 of permission 01/00613/FUL: parking provision – Permission 10/04/03

03/00232/FUL – Air handling plant to the rear of the sales area extension – Permission 14/07/03

03/01053/FUL – Erection of a new 2m high acoustic fence to rear of store – Permission 08/08/03

05/01185/FUL – Relocation of air conditioning units – Permission 28/09/05

07/01399/FUL – Variation of condition 15 of planning permission 95/01126 in order to allow deliveries to take place up until 1am (mon-sat) for a temporary 6 month trial period – Permission 10/09/07

08/00211/FUL – Variation of condition 15 of planning permission 95/01126/FUL in order to allow deliveries to take place up until 1am (Mon to Sat) – Withdrawn 22/04/09

## **5. Proposal**

This is a full application for:-

- \* the erection of a single storey 1,937sq m gross extension to the eastern and western elevations of the store;
- \* car park improvements and an extension to the south west of the existing car park resulting in an additional 91 car parking spaces;
- \* relocation of the petrol filling station from the River Avon to the south-eastern area of the site;
- \* revised service yard arrangements;
- \* provision of an online service facility;
- \* construction of a new pedestrian link with the town centre; and
- \* landscape and ecological improvements to enhance the nature and amenity value of the site and the surrounding land to the south-west, to the Sainsbury Store, Bath Road, Melksham, Wiltshire.

The Store – the application proposes the extension of the store to both its east and west elevations, plus an extension to the existing first floor. The western elevation would be extended to provide for additional sales floorspace (approximately an additional 555sqm), a bakery and an online service area. To the east there would be an extension providing an extended and relocated servicing area, which would in turn allow approximately another 700sqm of sales floorspace for the store. Above the service area, the first floor would be extended to provide further ancillary support floorspace for the store. The extensions would be constructed of materials to match the existing, ie reconstituted Bath stone faced blockwork with cladding to the roof. The walls of the service yard would also be constructed of matching blockwork. The access to the service yard would be as existing (ie off Bath Road), but one of the access roads within the store would be realigned so that it could also serve the relocated petrol filling station.

The Petrol Filling Station – the existing one lies to the northern edge of the site adjacent to the bank of the River Avon. The application seeks to relocate it to the south-eastern corner of the site, in the area currently known as The Bear car park. It would be a self-service station, with associated landscaping. The existing access to the car park would be retained for pedestrian use only, and a footpath would be provided round the edge of the site to the store. The public sewer crossing the site would be diverted and have a three metre easement each side.

Car Park – the relocation of the petrol filling station would allow additional car parking provision for the store. A new access road would be located along the northern edge of the site to provide access to a further car park to the west of the store, and the online facility. Landscaping would be provided along the northern edge of the access road, and to the western boundary of the car park, to compensate for that lost by its extension.

Landscaping Works – In addition to the new pedestrian access off Bath Road, the existing footpaths in the site would be retained, including those along the river bank and that going into the church yard. Landscaping would be provided along the site edges and the existing flood storage area would be extended as a result of the proposed extensions and car park enlargements.

The application has been supported with the following information and submissions:-

- \* a design and access statement;
- \* a transport assessment;
- \* a statement of community consultation;
- \* a protected species survey;
- \* a retail assessment;
- \* an air quality assessment;
- \* a noise assessment;
- \* a flood risk assessment; and
- \* a geo-technical and geo-environmental assessment.

The supporting statement for the application concludes:-

“The proposed extension will enable Sainsbury’s to upgrade the existing store by:

- \* improving the quality and range of the existing non-food retail offer in an improved and modern foodstore shopping environment;
- \* allowing for qualitative improvements to the internal layout of the store to provide a more comfortable and enjoyable shopping experience for all customers;
- \* facilitating more innovative and attractive product displays; and
- \* helping to relieve congestion in the store and the ‘back-up’ areas of the store.

“In retail terms, the proposed extension meets a quantitative need for comparison goods floorspace identified in the West Wiltshire Retail Needs Study (2007). Meeting the identified need at an existing

town centre retail anchor complies with the sequential approach to site selection and will ensure both qualitative and quantitative benefits to the town centre as a whole.

“Improving the range of non-food goods on offer at the application store will increase the attractiveness of the store and the town centre as a retail destination. The proposed extension and alterations to the store will increase its ability to compete with larger stores in nearby Chippenham and Trowbridge. In turn, an improved anchor store will increase the attractiveness of Melksham Town Centre as a retail destination and its ability to satisfy the shopping needs of the catchment population in the face of competition from alternative centres and facilities in the sub-region.”

## **6. Planning Policy**

Wiltshire Structure Plan 2016

DP1 – Priorities for sustainable development

DP2 – Infrastructure

DP3 – Development Strategy

DP5 – Town centres, district centres, and employment areas

DP6 – Shopping

T3 – Public passenger transport

T5 – Cycling and walking

T6 – Demand management

C1 – Nature conservation

C2 – Nature conservation

C3 – Nature conservation

C5 – The water environment

HE2 – Other sites of archaeological or historic interest

HE7 – Conservation Areas and Listed Buildings

West Wiltshire District Plan - First Alteration 2004

C6 – Areas of High Ecological Value

C9 – Rivers

C17 – Conservation Areas

C23 – Street scene

C25 – Shopfronts

C31A - Design

C32 – Landscaping

C35 – Light pollution

C37 – Contaminated land

C38 – Nuisance

C40 – Tree planting

LP1 – Protection and enhancement of existing open space or sport and recreation provision

CR1 – Footpaths and rights of way

CR3 – Greenspace network

T9 – Bus services

T10 – Car parking

T11 – Cycleways

T12 – Footpaths and bridleways

SP1 – Town centre shopping

SP3 – Out of centre shopping

U1A – Foul water disposal

U2 – Surface water disposal

U4 – Groundwater Source Protection Areas

I1 – Implementation

I2 – Access for everyone

National Guidance

Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Statement 4 - Planning for Sustainable Economic Growth

Planning Policy Statement 9 - Biodiversity and Geological Conservation

Planning Policy Guidance 13 - Transport

Planning Policy Guidance 15 - Planning & the Historic Environment  
Planning Policy Guidance 16 - Archaeology & Planning  
Planning Policy Guidance 23 – Planning & Pollution Control  
Planning Policy Guidance 24 - Planning & Noise  
Planning Policy Statement 25 - Development & Flood Risk

## 7. Consultations

Melksham Town Council state “After considering the minor alterations to the plans, and listening to the members of the public present the Town Council’s previous objections made on 30 March 2009 still stand ie: “Displacement of water. There is already a problem with flooding in the area, there is a concern if areas that currently flood are built upon, where will water go, especially as there are houses nearby in Church Walk / Canon Square area, which could be damaged.

“Again regarding displacement of water, this could even dry out some properties in Church Walk and the Conservation Area.

“Flooding. This is already a problem, the footpath adjacent to Sainsburys currently floods as does the small access road leading to the rear of properties in Victoria Terrace / Church Walk, if building work goes ahead this could make the problem worse. There is also a flooding problem to the rear of Sainsburys, however, it is not clear if this is a result of blocked drains and it was asked what plans are in place to resolve this problem now and in the future.

“The removal of the balancing pond to allow for the extra car parking may also cause more flooding problems.

“There is a concern there are existing underground water courses in this area which could be disturbed if building work across ahead. This situation needs to be looked into in more detail.

“Repositioning of the petrol filling station could cause pollution problems ie fumes, light from the petrol station and cars and also noise from the cars to nearby properties in Victoria Terrace, Church Walk, and Canon Square. This matter needs to be looked at carefully and whether there is a need to move the petrol filling station at all as this is a safety issue for nearby residents. Indeed could the extra parking spaces be provided on the proposed new petrol station site. There needs to be clarification on how many more extra parking spaces there will be as several documents available seem to contradict each other.

“If this application goes ahead there needs to be a restriction on the delivery times, as current delivery times cause noise pollution problems for nearby residents.

“Part of this application affects houses in a Conservation Area and indeed part of the application encroaches onto a Conservation Area. The Conservation Officer and English Heritage need to be informed of this application as consideration needs to be given to how this application impacts on the Conservation Area.

“Riverside Walk. Currently this footpath is not maintained to a satisfactory standard and any maintenance, cleanliness issues need to be part of any Section 106 Agreement relating to this application.

“There needs to be reassurances that the building work will have no impact on the neighbouring properties in the Conservation Area, as had happened in the past when pile drivers were used.

“It was noted that residents in Victoria Terrace and Canon Square were not informed of the planning application.

“There seems to be confusion on how many more parking spaces will be provided.

“Recycling bins. These need to be positioned so as not to cause a nuisance to nearby neighbours.

"If minded to give permission to this application, could a condition be placed on any planning permission that Church Walk is repaired to a satisfactory condition.

"Planning policies C18, C21, C31A, C32, C35, C36, and C38 apply.

"The Town Council also wished to add the potential risk to customers using the new pedestrian access via The Bear Public House across the service road."

Highways Authority state "The layout is now acceptable, subject to the following conditions being attached to any planning permission granted:-

\* No development shall commence on site until full construction details of the alterations to the site layout as indicated on drawing reference CHQ.0707707 - PL05 P have been submitted to and approved by the Local Planning Authority; the measures shall be implemented in accordance with the approved details before the store extensions are first brought into use. Reason: To ensure a safe and satisfactory access and parking arrangement.

\* No development shall commence on site until full details of the bus gate, including a scheme for its operation and maintenance, shall be submitted to and approved by the Local Planning Authority; the bus gate shall be in continuous operation on first use of the store extensions in accordance with the approved scheme. Reason: To prevent unauthorised and unsafe use of the bus gate and to ensure the bus gate remains available at all times."

Library & Museum Services state "Thank you for sending the revised plans / information regarding the proposal above. Assuming we have received all such revisions, and there are no material changes to the plans, layout, footprint etc, I can confirm that we have no further comment to make, but reiterate the advice provided by my predecessor, Vanessa Clarke."

The previous responses of the Section were as follows:- "Following on from the emails below, I recommend that the following condition is attached to any forthcoming planning consent:

"Recommendation: Full condition - archaeological watching brief. No development shall commence within the area indicated (proposed development site) until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

"Further Recommendations: The work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office and there will be a financial implication for the applicant."

Strategic Planning state "Key Issues: The application looks to the additional land purchased as an opportunity to increase the convenience offer of the retail store modernising an older facility, and to use this to facilitate the enhancement the existing peripheral landscaping, improve the ecology and also improve the pedestrian link with the town centre of the store.

"Whilst enhanced links and landscaping are welcome, the key test of suitability comes from criteria set out in Planning Policy Statement 6 - Planning for Town Centres; namely that there should be a need for the development, and that it should not impact upon the vitality and viability of the town centre. Furthermore, given that the extension to the store in gross floorspace is greater than 200 square metres a sequential test should be applied to the proposal (paragraph 3.29 of Planning Policy Statement 6 - Planning for Town Centres).

“Both the Retail Assessment submitted with the application and the West Wiltshire Retail Needs Study 2007 demonstrate that there is quantitative need for additional convenience retailing in Melksham, and that the extension will not have an excessive impact on the town centre.

“Although the Sainsbury’s development can be described as edge of centre, the store is already in existence. This ensures that the criteria in the sequential test is fulfilled by the need to improve the offer of an “anchor” for Melksham town centre retail offer.

“In terms of Structure Plan Policy DP6, the location of the store at one of the main settlement centres ensures it is in line with the retail hierarchy. Also given that the retail assessments have shown there should be no adverse impact on the town centre in terms of viability and vitality the application satisfies structure plan requirements.

“Conclusions: The need assessment and sequential test both demonstrate that the proposed extension will have a positive benefit to Melksham

“Policy Recommendation: The application is in line with strategic policy.”

Environment Agency state “Further to the submission of a revised Flood Risk Assessment on 27th October, the Environment Agency wish to withdraw its objection to the proposal subject to the following conditions forming part of any permission granted:

\* Condition: The floodplain compensation scheme must be delivered prior to the enhancement of the car park and shop extension development. Reason: to ensure that the flood risk to the land is not increased at any time during or after the development.

\* Condition: No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed. Reason: to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal. Note: We expect the surface water drainage scheme to be delivered to improve the drainage of the existing car park. As can be seen in the photo enclosed there is an apparent drainage problem that must be rectified.

\* Condition: No development shall commence until detailed plans and cross-sections showing the maintenance to the River Avon have been submitted to and formally approved in writing by the Local Planning Authority. Reason: to ensure that there is continued maintenance access along the River Avon.

“With regard to the responsibility for, and programme of operation and maintenance of the flood storage area, your council may consider it more appropriate for these issues to be addressed and secured through a Section 106 Agreement. We would welcome your council’s confirmation with respect to this matter.

“The failure to adequately operate and maintain the flood storage areas could potentially result in increased flood risk to the development and land / property in third party ownership.

“In the event of planning permission being given we request that the Decision Notice contains the following information: Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works to structures in, under, over, or within 8 metres of the top of the bank of the River Avon, designated a ‘main river’. Please contact our Development and Flood Risk team on 01278 484654 for guidance on how to apply for Flood Defence Consent.

“Please note that the conditions recommended in our letter dated 30 June 2009 remain relevant to this proposal.”

These conditions were as follows:

\* Condition: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A site investigation scheme, based on the preliminary risk assessment and previous site investigations already undertaken, to provide additional information to be used to prepare a detailed quantitative assessment of the risk to all receptors that may be affected, including those off site.

2. The results of the site investigations and risk assessment (1), and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

3. A verification report on completion of the works set out in (2) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority. Reason: to provide additional assessment of the site regarding the level of contamination present and the likely impact that it will have on controlled waters. The date will allow a suitable remedial scheme to be developed and implemented to ensure that the proposed development will not cause pollution of controlled waters.

“The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination;

2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, eg human health.

3. Refer to our website at [www.Environment-Agency.gov.uk](http://www.Environment-Agency.gov.uk) for more information.

“Condition: Prior to development commencing, an Ecological Management Plan detailing how the habitats created as a result of the development will be managed in future for wildlife benefits should be prepared and submitted in writing for approval by the Local Planning Authority. The plan should also state who will be responsible for ensuring the management is carried out in the long-term. Reason: to protect and safeguard the wildlife value of the site.

“Condition: A Construction Ecological Management Plan / Method Statement should be prepared and submitted in writing to the Local Planning Authority prior to development commencing. This plan should provide details of how works will be carried out on site with regard to protecting the wildlife and river corridor. Reason: to safeguard the wildlife adjacent to the site during construction.

“Condition: No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

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

Reason: to prevent pollution of the water environment.



“Condition: Prior to the opening of the store extension / car park, a trolley management system shall be in place to restrict the removal of trolleys from the site (and in particular prevent access for trolleys to the River Avon) in full accordance with details submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the agreed measures shall be retained. Reason; to prevent pollution of the water environment and reduce the potential of blockage to flood flows.”

Wessex Water state “I refer to the recent application in respect of the above and can confirm the following:

“Foul Sewerage. I refer to the applicants drawing 659B-031A and note the public foul sewers which cross the site proposed for the relocated petrol station. We have been in discussions with the applicant’s consultants but as yet no diversion agreement is in place.

“Surface Water. There should be no surface water connections to the public foul sewer. The only exception will be the surface water from underneath the petrol station canopy, which subject to agreement of details, may discharge to the public foul sewer via a petrol / oil interceptor.”

Planning Policy – Flooding Matters state “It is understood that parts of the proposed development site are located within the floodplain. However, the majority of this area falls within Flood Zone 3a and therefore as less vulnerable development, as defined by Planning Policy Statement 25 - Development & Flood Risk, is considered as appropriate. A small area of the development site falls within Flood Zone 3b and on this basis it should be demonstrated that the Sequential Test has been passed. It is understood that the only part of development that will fall within Flood Zone 3b is part of the store car park.

“It should be noted that as the proposal is to extend an existing store, avoiding development within the floodplain would involve re-locating the store to another site in Melksham. The existing store is currently located in close proximity to the Primary Retail Frontage and so any alternative site would need to be identified in a highly sustainable, town centre location and in or in close proximity to the Primary Retail Frontage. It is not appropriate to consider out of town locations for the re-location of this store. It is considered that moving this store to an out of town location would be likely to have a significant negative impact on the town centre.

“Existing retail in the heart of Melksham has suffered from the existing economic climate and town centre regeneration has been identified as a priority for the emerging Wiltshire Core Strategy. The existing Sainsbury’s performs as an anchor store in Melksham and loss of this retailer in the town is likely to have a significant negative impact on the vitality of the town centre. A summary of the business case for store location has been made by the developer (Appendix 1) and this is supported by Spatial Planning.

“There are no other sites in the town centre of Melksham and in close proximity to the Primary Retail Frontage that can be considered suitable or large enough for the development of a supermarket.

“The developers have prepared plans for flood alleviation work which will allow the reclassification of the affected area from Flood Zone 3b to 3a. Details are attached as Appendix 2.

“It is considered that no alternative sites are available for a supermarket within the heart of the town centre. Work is proposed that will provide flood protection and allow the reclassification of the affected Flood Zone area to Flood Zone 3a. This will result in any development being classified by Planning Policy Statement 25 - Development & Flood Risk as ‘appropriate’. For the reasons described above it is considered that the Sequential Test is passed.”

Conservation Officer has not replied to the revised plans reconsultation but initially stated “The extension of the main building the service yard to the east, combined with the relocation of the petrol filling station (PFS) to the eastern corner, would result in a significant increase in built form and activity in the area adjacent to the Conservation Area.

“Policies C17 and C18 of the West Wiltshire District Plan - First Alteration 2004 apply to this case even though the site is outside the Conservation Area. The explanatory paragraph 2.4.4. states “Within Conservation Areas or outside, where development proposals would affect the setting, in particular, views into or out of the area, the preservation of their special character and / or appearance will be the primary consideration.”

“The gap on Bath Road between The Bear Public House and No 5 Bath Road is a principal view of the site from the Conservation Area and consequently this aspect is very important to the character and setting of the Conservation Area. This gap would be completely compromised by the positioning of the PFS in such close proximity to the Conservation Area.

“Church Walk is within the Conservation Area and there are various glimpses of the store and the site that will be affected. The visual gap to the east of No 27 Church Walk would be the most affected and would be compromised in a similar way as above regarding the relocated PFS. This would also have a negative impact on the settings of 34 and 36 Church Walk, both of which are Grade II Listed Buildings.

“From the Sainsbury’s site, there is an area of space between the existing car park / service yard and the Conservation Area edge and Church Walk. This space is important in maintaining a break in built form between the Conservation Area and the modern supermarket site. To fill this entire area with the extension, new service yard and barrier walls and the relocated PFS would result in the blurring of this site with the historic Conservation Area. The modern built form would be in such close proximity that it would result in irreparable harm to the Conservation Area as the setting of this important historic area would be lost.

“A benefit of relocating the petrol filling station is that there would be a small improvement in the setting of the Grade II listed town bridge. Although there would be an improvement in that the structure would be removed, the area would then be given over to car parking which would still have a negative impact on the setting of the listed bridge.

“Regarding the proposed extension of the store to the west, I do not consider that this would have any greater impact on the listed buildings in Church Walk or the Conservation Area than the existing building.

“In conclusion, the eastern extension, new service yard and relocated PFS, due to their poor relationship in such close proximity to the Conservation Area and Listed Buildings, would harm the character and setting of the Conservation Area and the settings of the nearby Listed Buildings in Church Walk.

“Recommendation: Refuse.”

Environmental Health states “Matters considered: Noise, amenity, air quality, contaminated land. Food comments: No objection in principle – see informative below. Licensing comments: Not consulted. Safety comments: No general concerns (disappointed that reduction in customer toilets). Protection comments: Contaminated land. The development site has been subject to a previous site investigation undertaken in the approximate area of the proposed development. This study identified that there was a possibility of gas arising from peaty deposits and that there was also the possibility of some historic contamination in the made ground in the approximate region of the proposed development. This original study was undertaken on the assumption that housing was to be developed and the proposed commercial use is clearly less sensitive. It will however be necessary to undertake a survey to determine the existence and extent of any possible contamination and to ensure that the development mitigates any risks to a satisfactory level. Recommendation: No objections subject to conditions. Conditions:- Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site characterisation. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to:
  - \* human health;
  - \* property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - \* adjoining land;
  - \* groundwaters and surface waters;
  - \* ecological systems;
  - \* archaeological sites and ancient monuments;
- iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

2. Submission of remediation scheme. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of approved remediation scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of unexpected contamination. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long term monitoring and maintenance. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and

maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR 11".

Reason: to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

"Informatives: Reduction in toilet facilities for customers is disappointing given increased retail area. Applicant is advised to reconsider. Minimum of two extra urinals for male customers should be considered within current scheme. Further application for inclusion of small café might reasonably be expected as a future development which would also impact on scale of provision of customer toilets.

"Air Quality. The applicant has carried out monitoring and modelling of Benzene levels from the proposal to move the fuel filling station onto the carpark of "The Bear". The consultant concluded that Benzene levels will be well below the National Air Quality Objective which comes into force in 2010. I accept the conclusions. There is no Air Quality Management Area in Melksham and it is not considered that increases in traffic will make a significant difference to existing Nitrogen Dioxide Levels, the pollutant most affected by road traffic. I therefore have no objection on grounds of Air Quality.

"Noise. I have previously objected to plans for extended delivery hours, due to the proposal to build dwellings in "The Bear" car park. This proposal would extinguish that permission and instead move the filling station onto that locality. The applicant's consultant has carried out a thorough review of previous noise surveys and modelled the impact of this proposal. It concludes that there will be no unreasonable impacts and that noise levels will meet national planning guidelines. I have audited the work and am satisfied that it is robust. I am satisfied that this proposal is acceptable in terms of noise."

Regeneration Officer states "The proposals to extend the store and remodel the external form and function of the site are acceptable in terms of town centre regeneration. This is the right site in terms of town centre large floorplate retail provision and the delivery of the proposed improvements may well off-set the potential detrimental impacts of the edge of town ASDA development in terms of minimising leakage from the town centre. The proposals to improve pedestrian linkage with the town centre are to be welcomed as this has scope to allow linked shopping trips to the town centre which would benefit other existing retailers. This scheme has potential to enhance the vibrancy and vitality of Melksham Town Centre and is to be welcomed in terms of its economic and regeneration benefits."

Drainage Engineer has not responded.

Tree & Landscape Officer has not responded.

Building Control has not commented.

Economic Development has not commented.

County Ecologist states "Relevant Policy and Guidance: PPS 9, ODPM Circular 06/2005, Habitats Regulations 1994 (as amended), Wildlife and Countryside Act 1981 (as amended).

"Background: I have reviewed the Protected Species Surveys report (White Green Young, Feb 09), the Extended Phase 1 Habitat Survey and Great Crested Newt Presence/Absence Survey, (White Green Young, Feb 09) and also the landscape drawings (Authur Amos Assoc. 659B-03 Rev B and 659B-04 Rev A).

“Key Issues: Survey work is of a high professional standard. Key outstanding issues are the design, long term management and protection of the proposed flood compensation / habitat management and enhancement area, protection of the river during construction, translocation of reptiles, potential effects of lighting on the River Avon corridor and enhancement for bats. The Conigre Mead Nature Reserve currently lies about 150 m away from the Sainsbury’s car park and this will be reduced to 80m under the current application. I would be concerned if future development further reduced this buffer.

“ Ecological Recommendations: I suggest attaching conditions to any permission to achieve the following:

1. Long term protection of the proposed flood compensation area should be secured in perpetuity by condition or legal agreement in order to protect the features of Conigre Mead nature reserve

2. Before works commence a Construction Environment Management Plan will be submitted for LPA approval and implemented as agreed. The CEMP will cover, but not be limited to, the following:

\* Protection of the banks and water quality of the River Avon

\* Protection of habitat used by otters

\* Translocation of reptiles

\* Erection of bat boxes

\* Protection of breeding birds

3. Before works are completed a habitat management plan covering the proposed flood compensation area will be submitted for LPA approval and implemented as agreed.

4. A lighting scheme will be submitted for approval by the LPA and implemented as agreed. The scheme will demonstrate that the River Avon and its bankside habitats will remain unlit.”

Countryside Access Development Officer states “I was involved with this planning application from a highways perspective and have recently moved to the rights of way section. I have been contacted by Melksham Parish Councils who would like to see the riverside path next to Sainsbury’s upgraded (widened and better surfaced). I presume they submitted formal comments on the application which included this request. I have discussed this with Rebecca Lockwood, who is dealing with the highways aspects of the application, and we would like to let you know that we support the requests of the Parish Councils.”

## **8. Publicity**

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

Expiry date: 17/iv/09 & 24/xi/09.

Summary of points raised: Forty letters have been received from twenty households and organisations, making the following comments:-

\* increased noise and light pollution from re-siting the petrol filling station, particularly as the lights are left on all night;

\* increased noise from an increase in delivery vehicles, which is already a nuisance problem;

\* loss of view in and out of the Conservation Area;

- \* increased risk of flooding and disruption to the natural water course affecting wells sited in various properties in Church Walk;
- \* impact on the bats in the area;
- \* the roofline of the proposed extension is not in keeping with the surrounding Conservation Area;
- \* when the store was originally built many houses were damaged, including several Listed Buildings, and it is a concern this will happen again;
- \* the access road between Sainsbury and the rear of Church Walk regularly floods;
- \* odour pollution from the petrol filling station;
- \* there is no need for an extension to the store as there are already six large supermarkets in the town, and Asda on the way;
- \* increased nuisance to residential properties from the new online facility and the enlarged car park;
- \* loss of a small woodland area which will result in a habitat loss and visual impact;
- \* there is insufficient junction capacity to support traffic flows particularly at rush hours;
- \* increased noise and hooligan activity close to homes;
- \* noise and fumes from the relocated petrol filling station will detrimentally impact on the business along Bath Road;
- \* the layout of the new footpath from Bath Road will cause security problems for adjacent businesses;
- \* the proposed new footpath will be across a petrol station forecourt and is therefore unsafe;
- \* the petrol station's relocation will result in the loss of a mature tree which offers amenity value and landscape character to the area;
- \* flooding already occurs every year and is getting higher in level and more frequent in occurrence;
- \* loss of the old coach-house in "The Bear" carpark;
- \* Sainsbury's are an inconsiderate company;
- \* acoustic fencing is needed to the store and petrol filling station and online facility;
- \* there will be increased opportunity for burglaries in the area;
- \* there will be a future application for extended operating and delivery hours;
- \* after hours racing round the car park is a regular thing, particularly in the summer and after rain;
- \* the benzene in unleaded fuel is a class 2 carcinogen and will be located close to residential properties;
- \* Sainsbury did not tidy up their site after the last lot of works that occurred;
- \* the works will block up the historic drainage system for the area;
- \* increased use of the listed bridge;

- \* the applicant's "Transport Assessment" is obviously biased and uses obsolete modelling;
- \* unfair to refuse domestic extensions if this application is permitted;
- \* increased level of vermin in and around the site;
- \* objection to 24 hour use of the site, including the petrol filling station due to the resulting noise and light pollution;
- \* insurance company view that the works will cause unnecessary flooding risk to neighbouring properties, despite the view of the Environment Agency that it will have a neutral effect;
- \* loss of green space adjacent to a nature reserve;
- \* contamination of surrounding land and waterways from re-siting the petrol station and wash off from the increased car park; and
- \* disruption to local residents when it is being constructed.

## **9. Planning Considerations**

9.1 This is a full application for:-

- \* the erection of a single storey 1,937sq m gross extension to the eastern and western elevations of the store;
- \* car park improvements and an extension to the south west of the existing car park resulting in an additional 91 car parking spaces;
- \* relocation of the petrol filling station from the River Avon to the south-eastern area of the site;
- \* revised service yard arrangements;
- \* provision of an online service facility;
- \* construction of a new pedestrian link with the town centre; and
- \* landscape and ecological improvements to enhance the nature and amenity value of the site and the surrounding land to the south-west, to the Sainsbury Store, Bath Road, Melksham, Wiltshire.

9.2 The main issues to consider are:

- \* retail impact;
- \* flooding and drainage matters;
- \* highways and sustainability impact;
- \* impact on Listed Buildings and the Conservation Area;
- \* amenity (noise & nuisance);
- \* contaminated land matters;
- \* archaeology matters;
- \* miscellaneous matters.

9.3 Retail Matters. Planning Policy Statement 4 - Planning for Sustainable Economic Growth aims to maintain the vitality and viability of town centres, and that proposals that are considered to be edge of or out of centre do not undermine this function. The Sainsbury store is considered to be an edge of centre store, and as a result Policy SP3 of the West Wiltshire District Plan - First Alteration 2004 applies. This states:- "New and extensions to existing edge of centre and out of centre shopping developments, including superstores, supermarkets and retail warehouses but excluding small neighbourhood shops, will only be permitted if all of the following criteria are met:

A There is a need for the development;  
B There are no suitable and viable sites available within firstly, the defined Primary Retail Frontages and secondly, (for out of centre proposals) edge of centre locations;  
C The development does not, either by itself or together with other retail developments, harm the vitality or viability of nearby centres;  
D The development is of acceptable scale, materials and design and does not harm the local environment or residential amenity;  
E The development is sited to reduce the number and length of car journeys and is accessible by a choice of means of transport, including by foot, bicycle and public transport;  
F The traffic generated by the proposal can be accommodated safely on the local highway network and sufficient car parking and servicing is provided;  
Applications to vary the range of goods sold from out of centre stores, or to allow subdivision of units, will only be permitted where it can be demonstrated that the proposal would not harm the vitality and viability of the town centre's shopping role."

9.4 The Strategic Planning Section have considered the application and the retail impact of the proposal on the town centre. The store is considered to be important to the town, acting as a key anchor store for Melksham. They conclude that there is a need for the store's extension and that it will not have an adverse impact on the Melksham town centre in terms of viability and vitality. The Council's Regeneration Officer also supports the scheme in that it will allow regeneration opportunities for the town, plus offset the potential detrimental impacts of the out-of-town Asda store in terms of minimising leakage from the town centre. The edge of centre location and the proximity of the store to the town centre enables a potential reduction in vehicle movements, especially with the new pedestrian linkage to the town centre. It is considered that the scheme has the potential to enhance the vibrancy and vitality of Melksham town centre, and is to be welcomed in terms of its economic and regeneration benefits. Conditions have been suggested which limit the floorspace and type of sales occurring in the store so as to protect the vitality of the town centre. The proposal is considered to fulfil the policy requirements of SP3 of the West Wiltshire District Plan - First Alteration 2004 and the government guidance in Planning Policy Statement 4 - Planning for Sustainable Economic Growth.

9.5 Flooding and Drainage Matters. The store lies in the River Avon floodplain. A number of residents and the Town Council have objected to the proposal due to a concern that the proposal will increase flooding in the area, particularly from the River Avon. The application has been supported by a Flood Risk Assessment and has been subjected to extensive consideration and negotiation by both the Environment Agency and the Council's Strategic Flood Risk Officer. Sainsbury is considered by the Council to have an important anchor store role for the town in a sustainable location: its loss on flooding grounds is likely to have a significant negative impact on the vitality of the town centre. There are no other sites in the town centre in such close proximity to the Primary Retail Frontage that can be considered suitable or large enough for the relocation of a store the size of the proposed Sainsbury. In light of this the application has had to be robustly justified in terms of its flood impact, and an extensive range of mitigation has had to be proposed to ensure that proposal does not have a significant detrimental flooding impact on the surrounding area. The applicants have prepared proposals for flood alleviation works which have addressed the initial objection of the Environment Agency. Their objection has been withdrawn now that the Council has passed the Sequential Test, and subject to the extensive conditioning concerning the flood compensation measures and drainage of the site, no objection is raised on flooding grounds. The pollution control measures required by the Environment Agency have also been attached in order to prevent contamination.

9.6 Wessex Water have required agreement of connection onto their apparatus, and they have also requested relocation of the foul sewer that crosses "The Bear" car park. This has been suggested for conditioning, despite the applicant already being in negotiations with Wessex Water to address this matter. They also require that any surface water connections should not go to the public sewer: matters such as this can be dealt with by condition.



9.7 Highways and Sustainability Impact. The application has also been subject to extensive negotiation as regards the access and parking matters that it raises. Again the Town Council and a number of residents have objected to the application on the grounds that it would increase use of a dangerous access. The revised layout has not generated any objection from the Highway Authority subject to conditions concerning construction details and details of the bus gate. The pedestrian access from “The Bear” car park has also raised local objection, but it is felt to be a significant improvement to the site, enhancing its permeability to the town centre. In addition, it has not raised any objection from the Highway Authority, although a condition has been suggested requiring further details of the route so as to ensure public safety.

9.8 Impact on the Listed Buildings and Conservation Area. The site is surrounded by a number of Listed Buildings and is adjacent to the Melksham Conservation Area. The Town Council and several residents have objected to the detrimental impact of the extension of the store on the Conservation Area and the settings of Listed Buildings. Concern has been raised in particular about the impact of the petrol filling on the built heritage. The relocation of the petrol filling station has the benefit of improving the setting of the Listed town bridge, although this view is not supported by the Council’s Conservation Officer. He considers that the replacement car parking would also have a negative impact on the Listed Building. The Conservation Officer initially objected to the scheme in terms of its impact on the Conservation Area and Listed Buildings, considering that the extensions to the store and the relocated petrol filling station result in a significant increase in the built form and activity in the area which also results in a loss of views and vistas into and out of the site. Despite the submission of revised plans and several requests for comments, the Conservation Officer has not commented on these changes. Although he has not commented on the revised proposals his original comments did not consider the extant housing permission on the site, which also results in a significant loss of views and increased built form in the area. The absence of comments from the Conservation Officer on the revised scheme means that an “on-balance” judgement has to be made, particularly in view of the importance of the store on the vitality and viability of Melksham town centre. The store has been extended several times in the past, and the recent planning permission for housing on The Bear car park is a material consideration in the processing of this application. On balance, it is felt that the existing proposals are not significantly detrimental to the Conservation Area and Listed Building to warrant a refusal.

9.9 Amenity Matters, Including Noise & Nuisance. A large number of the neighbouring residents who have responded to the application’s publicity procedures have objected to the proposal in terms of the increased nuisance to neighbouring residential properties. The increased size of the store is felt to result in more deliveries, which are already causing noise nuisance during the night-time. The relocation of the petrol filling station is considered to result in light, noise, and fumes nuisance, that would be additional to that currently experienced. The Environmental Health Section have not raised any objection to the proposal on amenity grounds. They consider that the petrol filling station will not make a significant difference to existing pollution levels, and that the extensions to the store will not result in unreasonable impacts, and that it will meet national planning guidelines. They have not made any comments on light pollution. No conditions have been suggested by the Section, but in view of the extensive planning history to the site, the established delivery hours and operational requirements have been suggested, as has a condition on lighting to the site. An informative has also been attached as regards the Section’s request for additional customer toilets.

9.10 Contaminated Land. Both the Environment Agency and the Council’s Environmental Health Section have made extensive comments on the resolution of contaminated land matters on the site. They require a comprehensive survey to determine the existence and extent of any possible site contamination and to ensure that the development mitigates any risks to a satisfactory level. These have also been suggested.

9.11 Archaeology Matters. The extension to the site requires an archaeological assessment, which due to negotiations during the processing of the application, can be dealt with by the imposition of a condition. This requires an archaeological watching brief prior to the commencement of development on the site.

9.12 Nature Conservation Matters. The River Avon has a high nature conservation importance, that includes its banks and floodplains. The applicant was supported with a protected species report, which the County Ecologist and the Environment Agency have assessed. Both required additional conditions to protect the wildlife and their habitats, including an Ecological Management Plan, and these have been suggested.

9.13 Miscellaneous Matters. The publicity responses raised several objections in that building the store caused damage to neighbouring properties, particularly those to the south of the store in the Church Walk vicinity. Alleged structural damage to properties is not a planning matter, so cannot be addressed through the processing of this application. Any claims of this nature should be dealt with outside of the planning system.

9.14 The Town Council would like the applicant to repair Church Walk. Requests of this type need to be considered in light of Circular 11/95 as to whether such conditions would be relevant to the development to be permitted. Whereas works to the footpath along the riverside are relevant to the consideration of this application, the refurbishment of Church Walk is considered not to be, and therefore no conditions concerning it have been suggested.

9.15 The provision of the new pedestrian link via The Bear car park has raised security concerns from the nearby residents. A condition has been suggested as regards security measures to the site, including the provision of CCT to protect both the users of the footpath and the adjacent businesses, occupiers, and residents.

9.16 Several letters of complaint were received as to publicising the application. The statutory requirements were met as regards publicising the application, including the posting of site notices and undertaking neighbour notification.

**Recommendation:           Permission**

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

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

**Subject to the following condition(s):**

- 1     The development hereby permitted shall begin 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 of the external materials for the development, including the petrol filling station, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

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

POLICIES: West Wiltshire District Plan - First Alteration 2004 – Policies C17, C18, C31A, and SP3.

- 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) indications of all existing trees and hedgerows on the land;
  - (b) details of any to be retained, together with measures for their protection in the course of development;
  - (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
  - (d) finished levels and contours;
  - (e) all means of enclosure including all walling, fencing, railings, etc;
  - (f) car park layouts;
  - (g) other vehicle and pedestrian access and circulation areas;
  - (h) hard surfacing materials;
  - (i) minor artefacts and structures (eg furniture, play equipment, refuse and other storage units, signs, lighting, etc);
  - (j) proposed and existing functional services above and below ground (eg 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.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policies C17, C18, C31A, C32.

- 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 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 be carried out in accordance with the approved details prior to the occupation of any part of the development or 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 landscape features.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policies C17, C18, C31A & SP3.

- 5 No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

REASON: to ensure a satisfactory landscaped setting for the development and in the interests of flood prevention.

POLICY: Planning Policy Statement 25 - Development & Flood Risk and West Wiltshire District Plan - First Alteration 2004 - Policy C32.

- 6 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 as approved in accordance with the approved details.

REASON: to ensure the proper management of the landscaped areas in the interests of visual amenity and in the interests of flood prevention.

POLICY: Planning Policy Statement 25 - Development & Flood Risk and West Wiltshire District Plan - First Alteration 2004 – Policy C32.

- 7 No development shall commence on site until full construction details of the alterations to the site layout as shown on drawing reference CHQ.0707707-PL05-P have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with these approved details before the store extensions are first brought into use.

REASON: to ensure a safe and satisfactory means of access and parking arrangements.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy SP3.

- 8 No development shall commence on site until full details of the bus gate, including a scheme for its operation and maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The bus gate shall be in continuous operation on first use of the store extensions in accordance with these approved details.

REASON: To prevent unauthorised and unsafe use of the bus gate and to ensure the bus gate remains available at all times.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy SP3.

- 9 No development shall commence on site until a management plan for the use of the service yard, including details of the provision for loading and unloading of goods within the site has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with these approved details before the store extension is first brought into use, and at all times thereafter.

REASON: To ensure that adequate provision is made for servicing in the store in the interests of highway safety.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy SP3.

- 10 No development shall commence on site until full details of the cycle parking facilities shown on drawing CHQ.07.7707-PL05-P have been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be implemented in accordance with these approved details before the store extensions are first brought into use, and shall be retained in accordance thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided to encourage travel by means other than the private car.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy SP3.

- 11 No materials, goods, plants, machinery, equipment, finished or unfinished products or parts of any description, skips, crates, cages, containers, waste or any other item whatsoever shall be placed, stacked, deposited, or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

REASON: In the interests of the appearance of the site and the amenities of the area, and in the interests of flood prevention.

POLICY: Planning Policy Statement 25 - Development & Flood Risk, and West Wiltshire District Plan - First Alteration 2004 – Policies C17, C18, C38, and SP3.

- 12 The delivery and despatch of goods to and from the site shall be limited to the hours of 0600 and 2300.
- REASON: in order to safeguard the amenities in which the development is located.
- POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C38 and SP3.
- 13 The use of the petrol filling station hereby permitted shall only take place between the hours of 0700 in the morning on Monday to Saturdays and 0900 on Sunday or Bank Holidays, nor after 2300 in the evening on Mondays to Saturdays, and till 2200 on Sundays and Bank Holidays.
- REASON: in order to safeguard the amenities in which the development is located.
- POLICY: West Wiltshire District Plan - First Alteration 2004 – Policies C38 and SP3.
- 14 The use of the online deliveries facility hereby permitted shall only take place between the hours of 0800 in the mornings on Mondays to Saturdays, and 09.00 on Sundays and Bank Holidays, nor after 2200 in the evenings on Mondays to Saturdays, and till 17.00 in the evenings on Sundays and Bank Holidays.
- REASON: in order to safeguard the amenities in which the development is located.
- POLICY: West Wiltshire District Plan - First Alteration 2004 – Policies C38 and SP3.
- 15 No development shall commence on site until full details showing ventilation and extraction equipment within the site, including that to suppress and disperse any fumes and or smell created by the cooking operations on the premises have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of noise attenuation, position and appearance. The approved equipment shall be installed before the first use of the store's extensions, and shall thereafter be maintained in accordance with these approved details.
- REASON: in order to safeguard the amenities in which the development is located.
- POLICY: West Wiltshire District Plan - First Alteration 2004 – Policies C38 and SP3.
- 16 No external lighting shall be installed on site before full details showing the type of light appliance, the height and position of fitting, illumination levels, light spillage, and hours of use, have been submitted to and approved in writing by the Local Planning Authority. These details shall include all measures for security lighting to the site. The lighting and use approved shall be installed and maintained in accordance with these approved details.
- REASON: in the interests of the amenities of the area and to minimise unnecessary light spillage.
- POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C35 and C38.
- 17 No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. These arrangements shall be undertaken in accordance with these approved details and shall be brought into use before the first use of the store's extensions. The approved arrangements shall be subsequently maintained in accordance with the approved details thereafter.
- REASON: in the interests of public health and safety.
- POLICY: West Wiltshire District Plan - First Alteration 2004 – Policies C38 and SP3.

- 18 No development shall commence on site until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use until the approved scheme has been brought into operation. The approved scheme shall be maintained in operation in accordance with these approved details.

REASON: in the interests of the character, appearance, and amenities of the area, and to prevent pollution of the water environment and reduce the potential of blockage to flood flows.

POLICY: Planning Policy Statement 25 - Development & Flood Risk, and West Wiltshire District Plan - First Alteration 2004 – Policies C38 and SP3.

- 19 No development shall commence on site until details of surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations 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).

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

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

- 20 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained and to prevent the increased risk of flooding by ensuring the satisfactory disposal of surface water.

POLICY: Planning Policy Statement 25 - Development & Flood Risk and West Wiltshire District Plan 1st Alteration 2004 – Policy - U2.

- 21 No development shall commence on site until a scheme for the diversion of and the protection of the public foul sewer crossing the site has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with these approved details.

REASON: to protect public infrastructure on the site.

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

- 22 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until requirements 1 to 4 (below) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site characterisation. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to:
  - \* human health;
  - \* property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - \* adjoining land;
  - \* groundwaters and surface waters;
  - \* ecological systems;
  - \* archaeological sites and ancient monuments;
- iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

2. Submission of remediation scheme. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of approved remediation scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of unexpected contamination. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long term monitoring and maintenance. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR 11".

REASON: to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C37.

- 23 The flood compensation scheme detailed in the approved Flood Risk Assessment (FRA) dated October 2009, "Extension to Sainsbury's Supermarket, Melksham, Flood Risk Assessment – Final", by Black & Veatch, shall be carried out and delivered in full prior to the first use of the car parks and store extensions.

REASON: to ensure that the flood risk to the land is not increased at any time during or after the development.

POLICY: Planning Policy Statement 25 - Development & Flood Risk.

- 24 No development shall commence on site until details of the balancing pond shown on the approved plans has been submitted to and approved in writing by the Local Planning Authority. Subsequently the scheme shall be constructed strictly in accordance with the approved details prior to the use of the store's extensions.

REASON: in the interests of flood prevention.

POLICY: Planning Policy Statement 25 - Development & Flood Risk.

- 25 No development shall commence until detailed plans and cross-sections showing the maintenance to the River Avon have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with these approved details, and thereafter.

REASON: in the interests of flood prevention.

POLICY: Planning Policy Statement 25 - Development & Flood Risk.

- 26 No development shall commence on site until details of the operation and maintenance of the flood storage area and the production of a Habitat Management Plan have been submitted to and approved in writing by the Local Planning Authority. The flood storage area shall be maintained in accordance these approved details.

REASON: in the interests of flood prevention and habitat protection.

POLICY: Planning Policy Statement 25 - Development & Flood Risk, and West Wiltshire District Plan - First Alteration 2004 – Policy C9.

- 27 A Construction Ecological Management Plan / Method Statement should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the site. The Plan should provide full details of how works will be carried out on site with regard to protecting the wildlife and river corridors.

REASON: to safeguard the wildlife and river adjacent to the site during construction.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C9.

- 28 No development shall commence until a scheme for the provision of pollution during the construction phase has been submitted to and approved in writing by the Local Planning Authority. The scheme should include details of the following:-

- \* site security;
- \* fuel storage, bunding, delivery and use;
- \* details of how major and minor spillages will be dealt with;
- \* containment of silt, soil, and contaminated run off;
- \* disposal of contaminated drainage, including water pumped from excavations;
- \* site induction measures for workforce for pollution prevention and awareness.



REASON: to prevent pollution of the water environment.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy U4.

- 29 No development shall commence within the site area until:
- (a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
  - (b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

POLICY: Planning Policy Guidance 16: Archaeology and Planning

- 30 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
- (a) the parking of vehicles of site operatives and visitors;
  - (b) loading and unloading of plant and materials;
  - (c) storage of plant and materials used in constructing the development;
  - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (e) wheel washing facilities;
  - (f) measures to control the emission of dust and dirt during construction;
  - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
  - (h) measures for the protection of the natural environment.
  - (i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

POLICY: Planning Policy Guidance 24: Planning and Noise and West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38.

- 31 Before the commencement of development on the site a scheme providing details of the security measures to the site, including CCT and lighting, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with these approved details, prior to the first use of the petrol filling station and the store's extensions.

REASON: in the interests of the security of the site and surrounding area.

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

- 32 Prior to the commencement of any development on site, an Ecological Management Plan, detailing how the habitats created as a result of the development will be managed in future for wildlife benefits should be prepared and submitted in writing for approval by the Local Planning Authority. The Plan should include details of who will be responsible for ensuring the management is carried out in the long-term.

REASON: to protect, safeguard and enhance the wildlife value of the site.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C9.

- 33 The gross external area of the foodstore hereby permitted shall not exceed 5,495 metres square. The net sales and display area (defined as all areas used for the display and sale of goods, including floor spaces used for checkouts, customer circulation and customer services but excluding entrance / exit lobbies, customer toilets, café and Automated Teller Machines (ATMs)) shall not exceed 3,425 square metres, of which not more than 1,203 square metres shall be used for comparison goods.

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

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy SP3.

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

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

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy SP3.

**Informative(s):**

- 1 You are advised to contact Wessex Water to agree points of connection onto their apparatus.
- 2 The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.
- 3 The failure to adequately operate and maintain flood storage areas could potentially result in increased flood risk to the development and land / property in third party ownership.
- 4 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works to structures in, under, over, or within 8 metres of the top of the bank of the River Avon, designated a 'main river'. Please contact the Environment Agency's Development and Flood Risk team on 01278 484654 for guidance on how to apply for Flood Defence Consent.
- 5 The reduction in toilet facilities for customers is disappointing given the increased retail area. The applicant is advised to reconsider, as a minimum of two extra urinals for male customers should be considered within the current scheme.
- 6 Ecological Recommendations: the suggested conditions to any permission to should seek to achieve the following:
  1. Long term protection of the proposed flood compensation area should be secured in perpetuity by condition or legal agreement in order to protect the features of Conigre Mead nature reserve
  2. Before works commence a Construction Environment Management Plan will be submitted for LPA approval and implemented as agreed. The CEMP will cover, but not be limited to, the following:
    - \* Protection of the banks and water quality of the River Avon

- \* Protection of habitat used by otters
- \* Translocation of reptiles
- \* Erection of bat boxes
- \* Protection of breeding birds

3. Before works are completed a habitat management plan covering the proposed flood compensation area will be submitted for LPA approval and implemented as agreed.

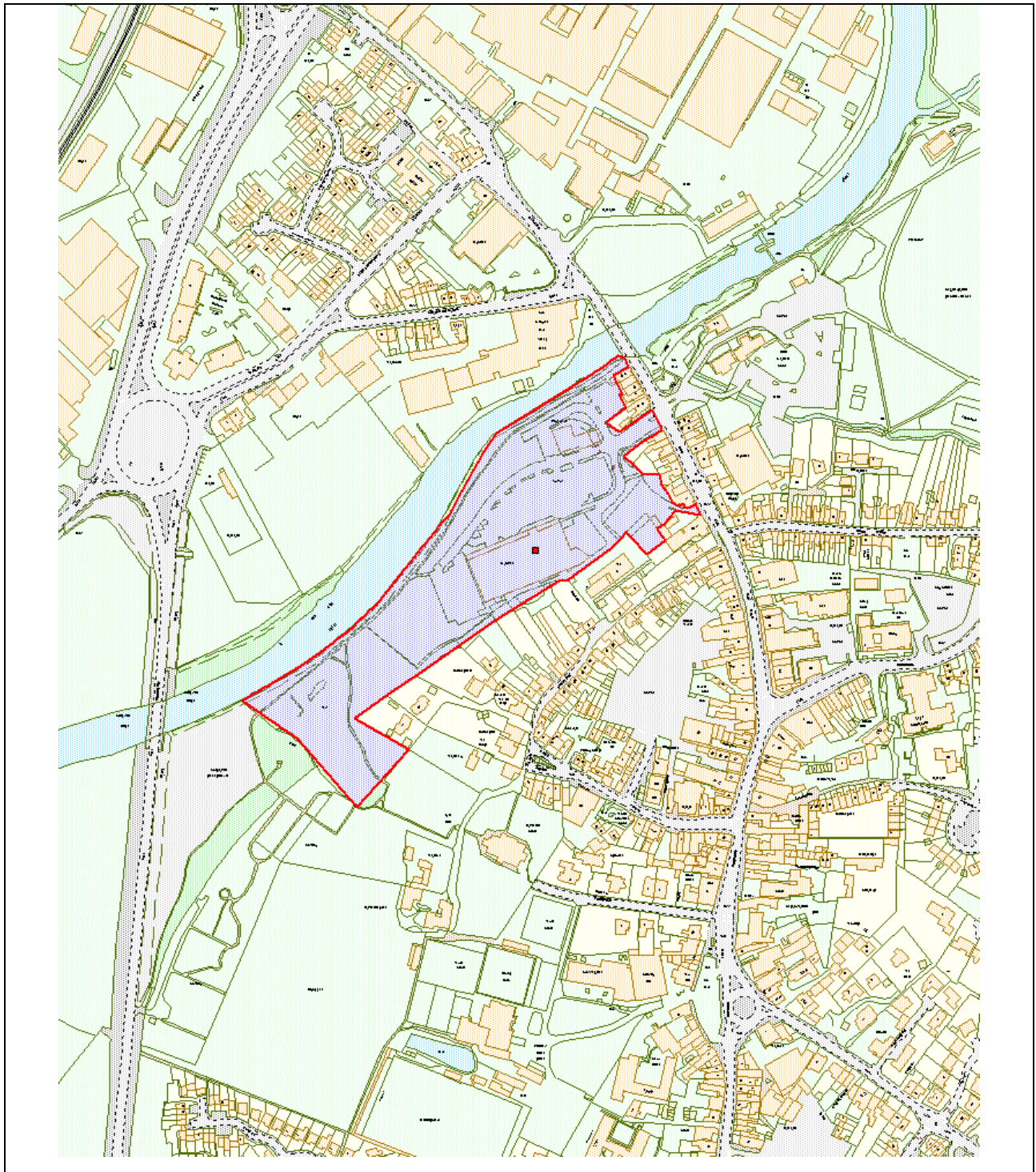
4. A lighting scheme will be submitted for approval by the LPA and implemented as agreed. The scheme will demonstrate that the River Avon and its bankside habitats will remain unlit.”

7 The archaeological watching brief should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office and there will be a financial implication for the applicant.

8 “The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination;
2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, eg human health.
3. Refer to our website at [www.Environment-Agency.gov.uk](http://www.Environment-Agency.gov.uk) for more information .

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



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Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

## RELEVANT APPLICATION PLANS

Drawing : CHQ.07.7707 PL01 received on 03.03.2009  
Drawing : CHQ.07.7707-PL02 received on 03.03.2009  
Drawing : CHQ.07.7707-PL04 received on 03.03.2009  
Drawing : CHQ.07.7707-PL03 received on 03.03.2009  
Drawing : CHQ.07.7707-PL09 received on 03.03.2009  
Drawing : CHQ.07.7707-PL05P received on 10.11.2009  
Drawing : CHQ.07.7707-PL07C received on 16.10.2009

Drawing : CHQ.07.7707-PL06C received on 16.10.2009  
Drawing : CHQ.07.7707-PL08 received on 03.03.2009  
Drawing : 2327/16 received on 03.03.2009  
Drawing : 659B-03C received on 16.10.2009  
Drawing : 659A-01 received on 03.03.2009  
Drawing : 659A-02A received on 03.03.2009