

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

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

Reason for the application being considered by Committee

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

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

1. Purpose of Report

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

Neighbourhood Responses

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

West Ashton Parish Council Response - Objects.

Trowbridge Town Council Response - Supports the application.

2. Main Issues

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

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

3. Site Description

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

4. Relevant Planning History

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

5. Proposal

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

6. Planning Policy

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

7. Consultations

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

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

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

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

Wessex Water - No objection subject to an informative.

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

Environmental Health - No objections. No conditions recommended.

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

8. Publicity

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

Summary of points raised:

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

Impact on Surroundings:

There is no excuse to dig up the beautiful countryside.

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

The proposals would detrimentally affect local health and wildlife.

The green belt around Trowbridge should be protected.

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

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

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

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

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

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

The consolation country park strip is totally inadequate.

Increased noise and traffic pollution.

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

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

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

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

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

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

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

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

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

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

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

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

Objections to More Housing:

More houses mean more cars and pollution.

We do not need more housing

Why lose the green belt for more houses_

More Housing Need:

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

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

Linked Public Representations

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

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

9. Planning Considerations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recommendation: Permission

For the following reason(s):

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

Subject to the following condition(s):

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

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

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

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

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

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

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

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

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

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

POLICY: West Wiltshire District Plan Policy C32 and C40.

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

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

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

REASON: In the interests of flood prevention.

POLICY: Government Guidance PPS25 - Development and Flood Risk.

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

REASON: In the interests of flood prevention.

POLICY: Government Guidance PPS25 - Development and Flood Risk.

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

REASON: To prevent pollution of the water environment.

POLICY: Government Guidance PPS23 - Planning and Pollution Control.

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

REASON: To prevent pollution of the water environment.

POLICY: Government Guidance PPS23 - Planning and Pollution Control.

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

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

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

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

POLICY: West Wiltshire District Plan Policy T4

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

REASON: In the interests of highway safety.

POLICY: Government Guidance PPG13 - Transport.

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

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

POLICY: West Wiltshire District Plan Policy T4

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

REASON: In the interests of highway safety.

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

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

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

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

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

REASON: In the interests of highway safety.

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

REASON: To prevent pollution of the water environment.

POLICY: Government Guidance PPS23 - Planning and Pollution Control.

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

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

POLICY: West Wiltshire District Plan Policy C32.

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

REASON: in the interests of highway safety.

POLICY: West Wiltshire District Plan Policy T10.

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

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

POLICY: West Wiltshire District Plan Policy C32 and C40.

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

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

POLICY: Government Guidance PPS9 - Biodiversity and Geological Conservation.

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

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

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

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

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

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

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

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

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

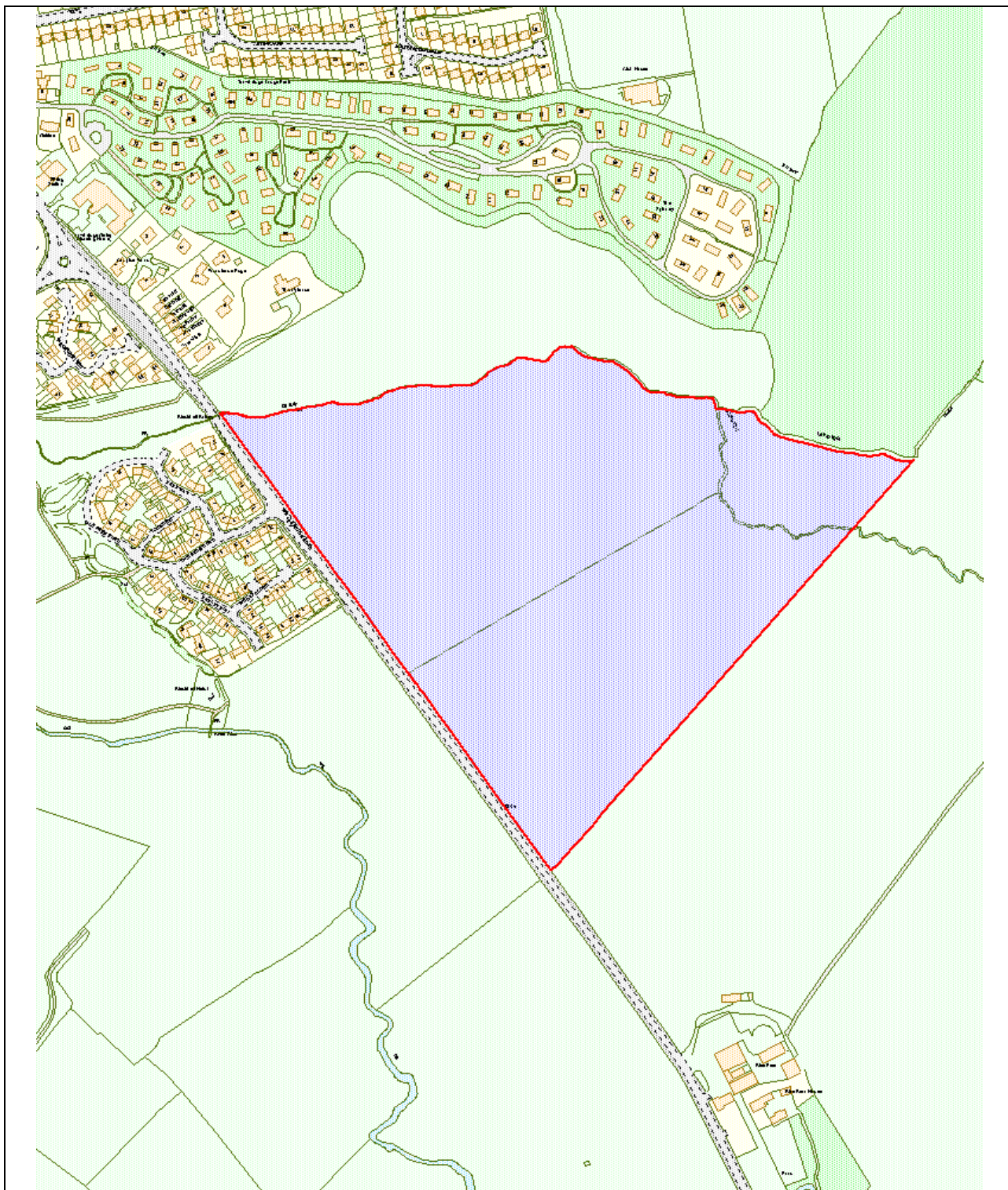
PROPOSED ACCESS ARRANGEMENTS AND CORRIDORS PLAN - drawing no. FP089/3 Rev E received on 03.06.2011.

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

Informative(s):

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

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



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office ©
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel:
01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD
www.wiltshire.gov.uk

MSA: 100022961