

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	24.10.2012		
<b>Application Number</b>	W/12/01169/FUL		
<b>Site Address</b>	Land Opposite Paxcroft Farm Paxcroft Hilperton Wiltshire		
<b>Proposal</b>	Proposed rugby ground including clubhouse, store, sports pitches with floodlighting and associated landscape bunding, access and parking		
<b>Applicant</b>	Trowbridge Rugby Football Club		
<b>Town/Parish Council</b>	Hilperton		
<b>Electoral Division</b>	Hilperton	<b>Unitary Member:</b>	Ernie Clark
<b>Grid Ref</b>	388227 159528		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mrs Judith Dale	01225 770344 Ext 01225 770245 judith.dale@wiltshire.gov.uk	

### Reason for the application being considered by Committee

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

- \* Environmental/highway impact

There has been one third party response to this application – this is reported in section 8 below.

### Parish/Town Council Response:

This is reported in section 7 below

## 2. Report Summary

The main issues to consider are:

- The principle of the development including relevant planning history
- Highway and access considerations
- Design considerations including visual impact in the landscape
- Impact on ecology
- Impact on archaeology
- Drainage considerations
- Impact on amenity

## 3. Site Description

The application site lies approx 100 metres to the east of the roundabout at the junction of the Devizes Road with the Hilperton By Pass. It measures approx 8.5 hectares, is rectangular in shape, and is generally fairly level, falling approx 3 metres across its 250m width from west to east. An agricultural field, with its southern edge adjacent to the A361, the site is in a rural setting surrounded by arable fields with farm buildings opposite and stables beyond its north east corner. Its western boundary is marked by a bridleway and hedgerow; all other boundaries are marked by post and rail fencing.

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

05/00822/FUL – Proposed rugby ground including clubhouse, groundsman's store, sports pitches with floodlighting and associated landscape bunding, access and parking – permission granted 28.07.2010 following completion of S106 relating to the securing of the land by the Trowbridge Rugby Club and the implementation of offsite highway works. These are relevant to the current proposal and will be amplified later in the report.

#### **5. Proposal**

This application is a revised version of the development permitted in 2010 and incorporates the following elements:

- A single storey clubhouse centrally positioned at the front of the site approx 50 back from the road frontage. The footprint of the rectangular building measures approx 40m x 21m, is low profiled (7m) and is of a double bay construction with 3 gable projections in the front elevation and a single projection to the rear. The largely symmetrical building would be of reconstructed stone under a deep roof (4.5m) clad in concrete tiles.
- The construction and layout of 5 new pitches, including one full sized rugby pitch to the rear of the clubhouse, 2 additional pitches and 2 floodlit training areas at the rear of the site
- A landscaped carpark for 76 vehicles, 12 coaches and 6 disabled spaces to the front and west of the clubhouse served by a new vehicular access left of centre along the Devizes Road frontage.
- A landscaped bund along the eastern and frontage boundaries to act as a mitigating visual and sound barrier.
- A 4m squared groundsman's hut located to the rear of the carpark and close to the western site boundary. The structure is proposed of reconstructed stone under a pyramid tiled roof.
- The erection of 12 no floodlights around the 2 no training pitches at the rear of the site.

The application is accompanied by a Planning, Design and Access Statement; Flood Risk Assessment, Transport Statement, Heritage Statement, Badger and Bat Survey, Construction Traffic Management Plan, and Lighting Report.

As background, the original permission 08/00822/FUL was one of two applications submitted for the relocation of the Trowbridge Rugby Club to this site in Hilperton and the redevelopment of its existing site in Green Lane, Trowbridge for housing (05/00821/FUL). The residential scheme has not yet been implemented but the land has recently been sold and the proceeds used to purchase the application site to accommodate the rugby club's new ground and associated facilities.

The original scheme was more ambitious in its scope partly in response to the former West Wilts District Council and Wiltshire County Council having ambitions for the site as a wider sporting complex, and partly in anticipation of higher capital receipts for the current site in Green Lane. In reality, Council funding for a larger scheme is no longer viable and proceeds from the sale of the current ground are lower, while the permitted scheme is too expensive to construct and does not align precisely with the needs of the club. This revised scheme is therefore more modest and differs in respect of the following - a smaller and re-sited clubhouse; the revised layout of the main and secondary playing pitches; reduced carparking provision and a revised and simpler access onto the Devizes Road.

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

##### National Planning Policy Framework (NPPF)

- Promotes economic, social and environmental gains to deliver sustainable development which includes 'improving the conditions in which people take leisure (Paras 6-10);

- Supports a prosperous rural economy which includes sustainable leisure developments and sports venues that benefit communities and visitors (para 28)
- Requires that planning decisions should plan positively for the provision of community facilities (para 70)
- Notes the importance of access to sport and recreation facilities to the health and well being of communities (para 73)

### Adopted Development Plan

#### i) Wiltshire Structure Plan 2016

RLT1 – Recreation Sport and Leisure  
T8 – Transport Provision for New Developments

#### ii) West Wilts District Plan 1st Alteration 2004

C1 – Countryside Protection  
C15 Archaeological Assessment  
C31a Design  
C32 Landscaping  
C35 Light Pollution  
C38 Nuisance  
U1a Foul Water Disposal  
U2 Surface Water Disposal

#### iii) West Wilts Leisure and Recreation DPD

LP5 New Sport and Recreation facilities  
OS2 New grass pitch provision

### Emerging Development Plan – Wiltshire Core Strategy

CP29 – Spatial Strategy: Trowbridge Community Area

## **7. Consultations**

### Hilperton Parish Council

Supports the application subject to the following conditions:

- No sound reproduction or amplification equipment audible at the site boundary to be installed without prior approval (condition 21 on previous permission)
- Details of all external lighting to be submitted and agreed before development (condition 22 on previous permission)
- Hours of operation of floodlighting limited to between 1500 and 2200 hours (condition 23 on previous permission)
- The land should remain for recreational use in perpetuity.

Also “supports the concept of a ‘no right turn notice’ from the Semington side so that traffic coming to the club from that end should carry on to the roundabout and come back to enter the club entrance to the left”.

### Highways Officer

In view of the highway issues raised by this application, it is appropriate that these are reported in full as follows:

“Following early consultations between the consultants and the Highway Authority, it was made clear that road safety implications could not be overlooked and that, although the scale of the development was reduced from the original approval, a ghost island right turn lane would be a requisite for this development. The application was subsequently submitted without the addition of the right turn lane.

The development consists of a new clubhouse and approximately 90 parking spaces. Whilst it is accepted that the busiest times for the use of this site will be off peak, at evenings and week-ends, the A361 is part of the Primary Route Network and subject to a speed limit of 50mph along the development frontage. Users of the proposed site, including spectators, arriving by car will arrive at similar times and therefore the vehicular movements into and out of the site will be condensed into relatively short periods. Whilst it is accepted that the greater numbers of users will arrive from the Trowbridge direction, the need for vehicles to turn right into the site by slowing and then having to wait in the carriageway whilst waiting for a gap presents a serious road safety hazard on a 50mph "A" class road, especially when those movements are more frequent. The scale of the development continues to concern the Highway Authority that, without a ghost island right turn lane, accidents will occur. Therefore refusal must be recommended.

As the developer was aware of these concerns, a meeting took place at which an alternative scheme for the junction design was offered. This scheme involves a central island on the private club access which prevents vehicles from making a right turn into the site. However, the geometry is such that coaches must use the junction and therefore there remains space for a vehicle to make a manoeuvre which presents the same road safety concern as the normal simple junction which was initially submitted with the application. In fact a driver could misinterpret the junction or slow in confusion and again present further road safety concerns on this important primary route.

Refusal is therefore recommended on the following ground:

The development presents a significant level of traffic movements and the omission of a ghost island right turn lane will lead to the slowing and stopping of cars on the Trowbridge bound lane of a 50mph section of A361, which is part of the primary route network, to the serious detriment of road safety. A junction which prevents vehicles from turning right into the site must be clearly signed and have sufficient geometry to ensure the manoeuvre cannot take place. The proposed amended junction design does not include sufficient design features to ensure that vehicles do not make the manoeuvre and therefore continues to represent a road safety hazard."

#### Sport England

Notes that this application is a resubmission of an earlier scheme with a reduced size changing block, reduced carparking and changes to the access and has consulted with the RFU for its views on the proposal. These detail the ongoing discussions over the critical issue that the club has outgrown its current site and needs to hire and rent facilities across the Trowbridge area, and consultations over the design and funding of the new facilities. The RFU 'would be supportive of the club and will continue to support the club in providing the facilities that it needs.'

Sport England 'is satisfied that the new ground will be constructed to RFU specifications including the clubhouse and the pitches' and does not wish to raise an objection.

#### Environment Agency

Its earlier objection to the development based on the use of a non-mains foul drainage system in a publicly sewered area has since been withdrawn – 'if costs have been investigated and found extortionate then installing a system such as this is acceptable'. It is noted that an Environmental Permit will be required if discharge quantities are more than 2 cu ms per day.

Details of surface water drainage which include infiltration through the gravel carpark area, pipes to soakaways from tarmac spaces, pipes to the public sewer from the tarmac area adjacent to the highway and a rainwater harvesting system for roof water from the clubhouse are considered acceptable.

Appropriate informatives are recommended.

#### Wessex Water

Originally commented that there is a public foul sewer available for connection at the A361 roundabout and the proposed discharge to a septic tank is not acceptable; proposed surface water

drainage to the watercourse should be in accordance with the NPPF and approval by the LDA; in respect of water supply, water pressure within the area is not sufficient and on site boosted storage will be required.

Following submission of additional information, commented that 'we appreciate in this instance the proposal is just outside the distance stipulated whereby connection to the public sewer is not the first preference' and that on site arrangements will need to comply with the Building regulations with approval for discharge by the EA.

#### Archaeologist

Notes that the site was the subject of an archaeological field evaluation as part of the previous application which identified a number of archaeological features as incorporated within the submitted Heritage Statement. Agrees with the mitigation measures within that document that areas of significance will be preserved in situ beneath the pitches and other areas will be subject to monitoring. An appropriate condition is recommended.

#### Environmental Health Officer

No objection subject to conditions requiring details of a lighting scheme and noise limits for the operation of plant and machinery.

#### Ecologist

- Notes the submission of an updated Badger and Bat Survey which identifies badger setts in the north east corner and along the eastern boundary; recommends a condition relating to precautionary working measures.
- To minimise the impact of floodlighting on foraging/commuting bats, recommends the re-imposition of former conditions 16, 19 and 20 which relate to the retention, further planting and management of the hedgerow along the western boundary
- To minimise the reduction of general light pollution, recommends the re-imposition/re-wording of former conditions 22 and 23 relating to details of floodlighting.

#### Leisure Manager

Supports the application which is in line with the Council's vision for leisure but requires that the clubhouse, sports pitches and floodlights are designed and constructed in line with Sport England/RFU guidelines.

#### Rights of Way Warden

Advises that the Warden is contacted prior to the felling of any dead trees within the hedgerow along the site boundary to ensure that signage is adequate and a person is present on the byway to prevent danger to users.

### **8. Publicity**

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

Expiry date: 03.08.2012

Summary of points raised:

- One letter has been received from a resident commenting that
- the carpark is small for a growing rugby club with a junior section of at least 150 members meeting on a Sunday morning together with visiting teams (200 children)
  - the floodlights should face away from Hilperton/Paxcroft and there should be a curfew on the hours of lighting

## 9. Planning Considerations

### Principle of development

The principle of this development was fully addressed as part of the previous permission granted in July 2010 which determined that a rugby club and associated facilities was acceptable within the policy framework extant at that time. Since then, the policy framework has changed with the introduction of the NPPF, the cancellation of the former PPS7 (Sustainable Development in Rural Areas) and PPG17 (Planning for Open Space, Sport and Recreation), the adoption of the Leisure and Recreation DPD and the publication of the draft Wiltshire Core Strategy.

It is clear that both 'new' documents support the principle of accessible and sustainable recreation and leisure development which benefits local communities with the DPD actively highlighting the shortage of grass pitches within the District area. While the emerging Core Strategy can be given limited weight at this stage, it continues to save the relevant policies contained within the DPD and identifies as a key outcome of Strategic Objective 4 that 'significant progress will have been made towards addressing the identified shortfall in the range of sport, leisure and recreation facilities.'

Within this context, the general principle of the development remains acceptable

### Highway and access considerations

In approving the previous scheme in 2010, the development was intended to be served by a new vehicular access together with a new ghost island right turn lane for vehicles approaching from the Devizes direction. This required arrangement was in recognition of the fact that the new access would be directly onto part of the National Primary Route network where there is a policy presumption against new access points unless there is an overriding need, together with estimates of proposed volumes of traffic in excess of 300 vehicles per day. This requirement, together with an extension to the footpath up to the roundabout and the relocation of an existing bus stop was subsequently incorporated into the S106 agreement which accompanied the permission.

The current application does not include provision for this right hand filter lane but proposes a simple priority junction onto the Devizes Road in a position similar to that previously permitted. The justification for the amendment includes:

- the change in the policy position with the introduction of the NPPF which makes it clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'(para 32).
- as required by this paragraph, the proposed access arrangements will provide 'safe and suitable access to the site...for all users'
- estimated traffic volumes are considerably less than those assumed in the 2005 Transport Assessment and based on a more accurate methodology - approx 230 two-way movements on Sundays, 180 on Saturdays and a maximum of 140 during the week.
- vehicle movements to and from the site are unlikely in the traditional morning peak hour with estimates of only 45 in the afternoon peak.
- based on the home postcodes of the existing club membership, the majority of vehicle movements (87%) will be to and from the west (Trowbridge) with only 13% (15 vehicles per day) approaching from or leaving towards the Devizes direction.
- levels of traffic waiting to turn right into the site are predicted never to exceed one.
- there has been no change in overall traffic flows over the past 8 years despite significant new development at Paxcroft Mead and there is no evidence that levels will increase.
- six accidents within the past 5 years have occurred on the A361 between the Hilperton roundabout and the Semington turnpike, none of which are attributed to the standard of the road.
- an existing car boot sale operates further east on the Devizes Road with higher levels of right turning traffic than are likely to be associated with the Rugby Club and without the benefit of a ghost island filter lane.
- there is good bus service provision and it is proposed that the rugby Club will provide up-to-date bus timetable information within the clubhouse.
- extension of the footpath/cycleway to the west of the site will create a high standard pedestrian/cycle link to encourage non car travel.

It is the applicant's view that these factors combine to suggest that 'the ghost island right turn lane identified as part of the previous consent is no longer required'.

Revisions to the geometry of the proposed T-junction have now also been made which are intended to physically prevent vehicles approaching from the Semington direction from turning right into the site. This amended construction incorporates a larger and wedge shaped island at the access entrance requiring those vehicles to continue up to the Hilperton roundabout for approx 165m and then double back to make a left hand turn into the ground. This would be reinforced by a sign before the site entrance directing Rugby Club traffic around the roundabout.

Even later in the process, the applicant has submitted a report intended to show that this access arrangement is a 'direct comparison .. with the access geometry currently in place at Chippenham Golf Club' and is 'an almost identical configuration which has been approved for the Chippenham Golf Club and the Fairways Retirement Village, which shares the same access.' This approved access (10/02378/FUL) is served directly from the A350, approx 200m south of the transition from dual to a single carriageway, approx 155m north of the Malmsbury Road roundabout and is also in a 50 mph area. This access is via a simple priority junction but vehicles are prevented from turning right into the site by a 'No Right Turn' sign which requires them to continue up to the roundabout before doubling back to make a left hand turn into the site.

The report argues that:

- there is a near identical length diversion for vehicles wishing to turn right into both sites (165m v 155m)
- the speed limit of 50mph is the same in both locations
- the A350 passing the front of the Chippenham Golf Club is considerably busier than the A361 passing the application site
- the A350 roundabout is larger and signal controlled, therefore the time taken and level of difficulty to negotiate that roundabout is greater than the situation in Hilperton
- accident data from the Chippenham site records 4 personal injury accidents in 3 years, none of which are attributable to the form of the access; since the proposed arrangement at Hilperton would be no different, there is no reason to assume the accident record would be any different
- the pattern of vehicle movements which requires a large number arriving at the same time is similar for golf tournaments and rugby matches.
- the shift pattern for employees at the retirement village will also require a significant number of employees arriving/leaving within a short period of time.

As detailed in his consultation response in section 7 above, the Highway Officer is unable to support the proposal, even as amended, on grounds of highway safety. In the case of the simple T-junction as originally proposed, 'the need for vehicles to turn right into the site by slowing and then having to wait in the carriageway whilst waiting for a gap presents a serious road safety hazard ...'; in the case of the revised layout, 'the geometry is such that coaches must use the junction and therefore there remains space for a vehicle to make a manoeuvre which presents the same road safety concern as the normal simple junction which was initially submitted with the application. In fact a driver could misinterpret the junction or slow in confusion and again present further road safety concerns on this important primary route'.

Notwithstanding that either layout could/would be supported by directional or instructive signs close to the junction, the conclusion is that these could not physically prevent manoeuvres taking place which would represent a safety hazard.

The Highway Officer has also considered the apparently comparable arrangement at the Chippenham Golf Club, but concludes that the situation is not similar:

- the access to the golf club has been in existence for many years, as has the banned right turn, presumably because that manoeuvre was considered to be a hazard
- the Council would not have been able to build a right turn lane for a pre-existing private development which had been established when traffic levels were lower

- the section of single carriageway which directly serves the access is to be dualled as part of future development in the vicinity
- a S106 attached to the permission (which was a committee overturn of a recommendation to refuse, although not on highway grounds) required the specific dedication of land for this purpose.

Consequently, 'there were reasonable and practicable reasons to allow more development at a location where the right turn ban has operated for some time with success because we have no reports of accidents.'

Further comparisons/inconsistencies have also been drawn with a new access created further east along the Devizes Road which serves a caravan storage site (with larger, slower vehicles) but which is not supported by a right hand lane. However, this was simply to allow for the separation of the 2 existing land uses, with no increase or change in the traffic levels as a consequence.

Neither example would appear to compare with a new development generating high volumes of traffic and requiring a new access where there are no practical reasons for not delivering the appropriate standard right at the outset.

While Members may disagree with the Highway Officer's recommendation, the following points merit serious consideration:

- The objection is based solely on a consideration of highway safety and the potential hazard for road users on what is an important and busy primary route
- Adopted policy within the Structure Plan (T8) states that new developments should not be accessed directly from the National Primary Route network outside built up areas, 'unless an over-riding need can be demonstrated'. This development would be in line with the Council's vision for leisure and would clearly deliver a number of benefits but whether this constitutes an 'over-riding need' is a matter of judgement.
- While the previous scheme was approved taking access in a similar position, the Highway Authority was only prepared to support that access arrangement because of the other highway improvements which would mitigate any harm. There is little doubt that the original scheme would not have been approved without all of these being delivered and a view now needs to be taken as to whether the current proposal is sufficiently different to make these supporting works unnecessary. It is the Highway Officer's view that this reduced scheme (50% reduction in car park size and 80% reduction in clubhouse size) is still of a scale which requires all of the highway improvements to be incorporated.
- There is an accident record along this stretch of road (6 recorded in 5 years) which suggests that there may already be an issue of road safety which should not be further compromised. The accident record clearly shows that shunts are occurring at the lay-bys along this road when vehicles are making right hand turns (2) which would appear to support the case for a right hand lane.
- Pre-application discussions with the applicant made it clear that the currently proposed access arrangements would not be acceptable.
- The only impediment to delivering the right hand filter lane appears to be financial (a ball park figure of the additional cost is in the region of £155K and £175K plus VAT) although no viability analysis has been submitted to support this.

In assessing the scheme (both original and revised plans), there can be no question that highway safety considerations are fundamental. It is the consistent and long held view of the Council's highway expert that this will be compromised; it is the view of the rugby club's traffic consultant that it would not. While a planning recommendation can choose to ignore its own officer's advice, there would have to be some concern where this relates to the Primary Route Network which, by definition, has an important strategic role and which would also be contrary to adopted policy. Unfortunately the NPPF does not provide any clear guidance on transport matters, simply stating that development should only be refused on transport grounds where the cumulative impacts are 'severe'. In matters of highway safety, it could be considered that a single additional accident would be 'severe' and that

such a subjective assessment should not disregard the advice of the Highway Officer which identifies the proposal as a clear road safety hazard.

### Design considerations and visual impact

The major differences proposed by this application compared with the original can be summarised as:

- a revised layout and design of clubhouse – the proposed rectangular footprint is approx 80% smaller, providing the same number of overall changing rooms, but omitting a gym, reducing the proposed kitchen space and bar area and limiting the first floor accommodation to a simple function room which accesses a small balcony at the rear. This translates into a building which, from public views, has the visual appearance of a single storey building only rather than the one and a half storey building originally permitted. It would be located marginally closer to the site frontage and would have a consistent roof height of 7m compared with the previous which varied from 8.5m to 5m. Its now symmetrical design addresses the frontage and the former slate roof is to be replaced with concrete tiles.

- The re-positioning of the main playing pitch entirely behind the clubhouse and re-orientated through ninety degrees, necessitating an overall reduction from 6 to 5 playing areas; the floodlit training pitches at the rear of the site and position and number of floodlights will remain unaltered.

- A redesigned and repositioned groundsman's store

- A reduced and more compact carpark located entirely at the front of the site.

The details of each element are generally acceptable in themselves and Sport England confirms that the new clubhouse and pitches will be constructed to RFU specifications; this also meets the requirement of the Council's Leisure Manager.

With regard to the impact of the revised design in the landscape, although no formal appraisal has been submitted, it is clear that this reduced proposal would have no greater impact than the permitted scheme.

### Impact on ecology

In permitting the original development, the impact on ecology was a material consideration in respect of the badger sett in the north east corner, the mature hedgerow along the western boundary and the location of the site as a destination for commuting bats from Green Lane and Biss Woods. The revised scheme does not alter these considerations in any way and the Ecologist has no objection subject to the re-imposition of the relevant conditions previously attached to permission 05/00822/FUL.

### Impact on archaeology

In permitting the original development, the impact on archaeology was also a material consideration in respect of archaeological remains identified in the south east corner of the site. The mitigation proposed at that time was for preservation of key areas of significance in situ under the pitches, with other areas of development, including the bunding and clubhouse, subject to an archaeological watching brief. The revised scheme does not alter these considerations in any way and the Archaeologist recommends the imposition of a relevant condition accordingly.

Members should be aware that in order for the development to be completed in time for the 2013/2014 season, initial groundworks and the seeding of the pitches is already being carried out with the Council's consent and under the Archaeologist's supervision.

### Drainage considerations

Initial concerns were raised by the drainage authorities with regard to foul drainage from the scheme discharging into a new septic tank instead of connecting to a public sewer under the Devizes Road. These objections have since been withdrawn following additional information which confirms such connection as being financially unviable and an appropriate alternative system.

## Impact on amenity

In recommending the permitted scheme, the Planning Officer's report concluded that 'it is inevitable that a development of this size and type will have some effect on existing properties, predominantly in terms of increased traffic levels and the potential for noise nuisance.' However, the Highway Authority was satisfied at that time that the road network could safely accommodate an increase in traffic, while the Environmental Health Officer considered that noise nuisance could be limited by preventing noise being audible at the site boundary.

Aside from the highway safety issues raised above, the revised and reduced scheme would not appear to raise any further amenity concerns not previously considered.

## Conclusion

It is clear from the above that the only concern raised by this application is the matter of highway safety. Considerable discussion around the issue has not altered the overall highway view and proposed changes to the design of the access have not overcome those concerns to the extent that the highway objection can be withdrawn.

As referred to above, your Planning Officer would have reservations over dismissing the recommendation for refusal where it affects highway safety on a major route even if there are other benefits in delivering this development. The Highway Officer has maintained a consistent view throughout the pre-application process and the application was submitted in the full knowledge of the highway requirement. While it is acknowledged that the current proposal is for a less ambitious project initially attracting fewer vehicles, it is not inconceivable that the scale of the development might subsequently increase to levels previously anticipated. While a future extension to the carpark or building would require formal permission, it would clearly be more difficult at that stage to insist on significant highway works to support a modest extension to the clubhouse but which cumulatively, might result in a level of use equivalent to that permitted by the original scheme.

In the light of the above, your officer would wish to support the highway recommendation but in the event that Members consider that the 'need' for the development outweighs the highway objection, would propose that the following conditions are attached. Where relevant, they have been modified and updated since the original permission in 2010 but still relate to those original issues.

Specifically with regard to the highway conditions (nos 13 - 15), there have been 2 layouts proposed, one for a simple T-junction and one which incorporates an island within the bell mouth of the junction. It is currently uncertain which would be 'preferred' on highway safety grounds, but the wording of condition 13 would enable details of either to be agreed by the Highway Officer through the discharge of conditions process.

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

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

3. No development shall take place within the 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 in writing 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  
National Planning Policy Framework

4. The development shall be carried out in accordance with the recommendations outlined in the Ecological Appraisal dated 19 August 2005 and updated "Badger and Bat Survey" dated 13 April 2012 submitted as part of this application.

REASON: To protect and conserve the natural environment.  
National Planning Policy Framework

5. 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) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.

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

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

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

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a & C32

7. Notwithstanding the requirements of Condition 5, no development shall take place until a scheme of planting to provide a screen for the site along its boundaries has been submitted to, and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented within 6 months of the commencement of development. All planting shall be properly maintained for a period of 5 years. Any plants, which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation. The screen shall be retained thereafter.

REASON: In the interests of the amenities of neighbouring properties and the appearance of the locality.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C32 & C38

8. Notwithstanding the requirements of condition 5, the existing natural hedgerow along the west boundary of the site shall be retained and reinforced where necessary in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority before any work starts on site. Any such reinforcement shall be carried out during the planting season October-March inclusive, following the first occupation of the adjacent building/s and properly maintained for a period of five years including replacement of any plants which die, are removed or become damaged or diseased within this period with plants of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation, and the approved scheme thereafter retained. The Local Planning Authority shall be advised in writing when the planting has been undertaken so that initial compliance with the condition can be checked.

REASON: In the interests of the amenities of neighbouring properties, the protection of native habitats and to maintain and enhance the appearance of the site.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C32 & C38.

National Planning Policy Framework

9. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out in accordance with the approved details.

REASON: To secure the proper development of the site and in the interests of the establishment and long term management of the landscaped areas.

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

10. No sound reproduction or amplification equipment (including public address systems and loudspeakers) which is audible at the site boundary shall be installed or operated on the site without the prior written approval of the Local Planning Authority.

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

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

11. Notwithstanding the submitted details of floodlighting and prior to the installation of any lighting equipment, details of all external lighting within the site, including playing pitches, road areas etc and details of the lighting columns, external cowls, louvres, or other shields to be fitted to reduce light pollution shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided in accordance with the approved plans.

REASON: In the interests of nature conservation and visual and residential amenity.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C1, C35 & C38

National Planning Policy Framework

12. The floodlighting hereby permitted shall only be used between the hours of 15.00 and 22.00.

REASON: In order to minimise nuisance and protect rural amenities and protected species.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C1, C35 & C38

13. The proposed access road, footways, footpaths, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, and car parking shall be constructed and laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and methods of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner in the interests of highway safety.

14. No development shall commence until a signing scheme which prevents vehicles from making a turn into the site from the Semington direction has been submitted to and approved in writing by the Local Planning Authority. The signing scheme shall be fully installed in accordance with the approved scheme before the first use of the development and thereafter subsequently retained.

REASON: In the interests of highway safety

15. The development shall not commence until a Travel Plan which meets the current required standard and is in accordance with the Department for Transport publication 'Making residential travel plans work: good practice guidelines' and Supplementary Planning Guidance 'Development Related Travel Plans in Wiltshire', has been submitted to and approved in writing by The Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

REASON: In order to promote alternative means of travel and to manage the effects of any additional traffic in the interests of sustainability.

16. Details of storage areas for wheeled refuse bins, designed so as to minimise their impact on the appearance of the street scene shall be submitted to and approved in writing by the Local Planning Authority. The approved storage area shall be provided prior to the development being first occupied and shall be maintained as such thereafter.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a & C32

17. Notwithstanding the provisions of Part 4, Class B of The Town & Country Planning (General Permitted Development) Order 1995, as maybe subsequently amended, no car boot sales or other markets shall be permitted within the application site.

REASON: In the interests of highway safety and to protect residential amenity.

18. The development hereby permitted shall be limited to D2 (Assembly and Leisure) and ancillary D1 (Non-Residential Institutions) uses of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting that Order, with or without modification.

REASON: Because the use hereby permitted is acceptable whereas other uses including the same use class may not be.

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

Dwg 1031/001 rev C received on 20.06.2012

Dwg 1031/002 rev A received on 20.06.2012

Dwg 1031/003 rev A received on 20.06.2012

Dwg 1031/004 rev A received on 20.06.2012

Dwg 1031/006 rev E received on 20.08.2012

Dwg 1031/008 rev G received on 20.08.2012

Dwg 1031/009 rev B received on 20.08.2012

Dwg 1031/010 rev D received on 20.08.2012

Dwg 1031/011 rev B received on 20.06.2012

Dwg 1031/013 rev A received on 20.06.2012

Dwg 1031/014 rev A received on 20.06.2012

Dwg 1031/015 rev F received on 20.08.2012

Dwg 1031/016 rev A received on 20.08.2012

Dwg GA01 rev B received on 20.06.2012 or Dwg GA03 received on 20.08.2012

Dwg SPA03 received on 20.08.2012

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

**INFORMATIVES**

1. The applicant is advised to contact both Natural England and the District Ecologist with regard to protected species before and during construction.
2. The applicant is advised to contact the County Archaeologist with regard to the archaeological interest of the site and the requirements in respect of condition 3.
3. With regard to drainage, the applicant is advised that  
(a) on site arrangements for foul drainage will need to comply with the Building Regulations,  
(b) an Environmental Permit may be required from the Environment Agency depending on discharge volumes,
4. The applicant is advised that appropriate pollution measures should be used during the construction and operation of the site. The applicant should refer to the pollution prevention guidance on the following website for future information:  
[www.environment-agency.gov.uk/business/topics/potential39083.aspx](http://www.environment-agency.gov.uk/business/topics/potential39083.aspx)
4. Further to the requirements of condition 14, the signing scheme shall consist of a banned turn sign which is enforced via a traffic regulation order and an additional sign indicating that drivers shall use the roundabout to 'U' turn in order to enter the site when approaching from the Semington direction. Both signs and the order making process shall be provided at the full expense of the developer.
5. The applicant is advised to contact the Council's Rights of Way Warden (Paul Millard) when/if any dead trees are to be felled in the hedge line along the western boundary to ensure that signage is adequate and a person is present on the byway during felling to prevent danger to users.
6. Further to the requirements of condition 11, the proposed lighting scheme should comply with guidance issued by the Institution of Lighting Engineers.

Notwithstanding the above proposed conditions and informatives, the formal recommendation is for refusal for the reason given by the Highway Officer in section 7 above.

**Recommendation: Refusal**

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

- 1 The development presents a significant level of traffic movements and the omission of a ghost island right turn lane will lead to the slowing and stopping of cars in the Trowbridge bound lane of a 50 mph section of the A361, which is part of the primary route network, to the serious detriment of road safety. A junction which prevents vehicles from turning right into the site must be clearly signed and have sufficient geometry to ensure the manoeuvre cannot take place. The proposed amended junction design does not include sufficient design features to ensure that vehicles do not make the manoeuvre and therefore continues to represent a road safety hazard.

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