

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	23.06.2010		
Application Number	W/10/00914/FUL		
Site Address	R And R Coaches Ltd Bishopstrow Road Warminster Wiltshire BA12 9HQ		
Proposal	Additional car parking area (retrospective application) for staff use		
Applicant	Beeline (R_R Coaches Limited)		
Town/Parish Council	Warminster		
Electoral Division	Warminster East	Unitary Member:	Andrew Davis
Grid Ref	389141 144160		
Type of application	Full Plan		
Case Officer	Mr Matthew Perks	01225 770344 Ext 5207 matthew.perks@wiltshire.gov.uk	

Reason for the application being considered by Committee

Members will recall that an application on this site under reference W/09/03629/FUL was on the agenda for the meeting of 17.02.2010, but was withdrawn at the request of the applicant. Councillor Andrew Davis had requested that that item be determined by Committee due to considerations in relation to:

- * Visual impact upon the surrounding area
- * Design - general appearance; and
- * Car parking

The Councillor requested that Committee consider the matter where, although the Warminster Town Council supports the application, he had been made aware of concerns raised by the Bishopstrow Parish Council.

Although the Councillor has not called the current application in, it is submitted to Committee for consideration in the light of this previous history.

1. Purpose of Report

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

In the interests of providing the full background the following extract of the report which was initially up for consideration at the meeting of 17.02.2010 is submitted for information:

1. Purpose of Report

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

2. Main Issues

The key issues in this case are:

- Highway safety;
- The protection of the natural environment; and

- Potential impacts on neighbouring amenity and the appearance of the area.

3. Site Description

The site of approximately 335m² in extent is located to the south western roadside edge of the land currently occupied by R and R Coaches Ltd, as a coach depot. The parking area lies \pm 100m south east of the intersection of Boreham Road and Bishopstrow Road. Existing buildings within the R and R development include a workshop, office and staff facilities. The workshop is of a light industrial scale and is constructed of profiled steel cladding on a steel frame.

There are residential properties to the south and west of the site, on the opposite side of the road and beyond the river respectively.. The physical boundaries to the site are defined by the River Wyllye/Mill Pond to the north, east and south and by the Bishopstrow Road to the west. The Bishopstrow Conservation Area lies to the south, on the opposite side of the river.

4. Relevant Planning History

Records indicate that the use of the site for coach parking and administration has been established since at least the early 1980's, with various minor applications having been submitted between that period and 1997; and

08/03468/FUL: Demolition of the existing buildings and the construction of 9 business units Use Class A2 and B1 in individual and terraced buildings together with access and parking: Permission : 17.04.2009

5. Proposal

This is a retrospective application for the demolition of a redundant workshop building and the construction of surface car parking with access from, and alterations to, the Bishopstrow Road site frontage. The development involved the creation of 14 new parking spaces within a parking area measuring some 335m² in total. 8 right-angle bays, including one bay for disabled persons, are sited to the west of the depot, directly onto Bishopstrow Road, whilst 6 bays are provided within an area 18m deep and 9m wide to the south of the depot and adjacent to the "Mill Pond" branch of the Wyllye River. The parking areas are macadam surfaced with concrete blockwork retaining walls to the riverside element.

6. Planning Policy

West Wiltshire District Plan 1st Alteration, 2004

E6 - Rural Employment

C3 - Special Landscape Areas

C6 - Areas of High Ecological Value, Regionally Important Geological or Geomorphological Sites and Sites of Nature Conservation Interest.

C9 - Rivers

C38 - Effects of development on neighbouring properties

T10 - Parking

7. Consultations

Town/ Parish Council(s)

The Warminster Town Council supports the application.

The Bishopstrow Parish objects for the following reasons:

- the removal of the vegetation to the river bank and surrounds has exposed the existing buildings on site to view, harming the approach to the Bishopstrow Conservation Area;
- the car parking area with access directly onto the road presents a road safety hazard and encourages parking near the bridge and the roundabout. It also appears that part of the parking areas is built on the public roadside verge; and

- the development departs significantly from the plans granted permission under application Reference W/08/03468/FUL. Parking on the roadside did not form part of that proposal, and the screen hedging was shown as being retained.

Highways

The highways officer recommends refusal because the additional parking areas require vehicles to use Bishopstrow Road for manoeuvring space to enter and leave the parking spaces at a point where visibility is restricted, this being detrimental to all users of the highway.

Heritage Development Officer

The Officer advises that, given that this site has been in use as a coach park for many years and has a valid consent for a business redevelopment, this work is minor and has no impact either on the Bishopstrow Conservation area or the two listed bridges over the River Wylie.

Environment Agency

The Agency restates its view previously expressed to the Planning Compliance Officer that the area of bank that has been destroyed by this development was probably of limited ecological value. However, the Agency is very concerned that these changes were made without regard to their commitment to the creation of a 5m buffer zone for wildlife along all the watercourse boundaries of the site. (This formed part of the redevelopment proposals under application W/08/03468/FUL). The work has been done without further consultation with the LPA or the Agency, reducing the proposed mitigation and potentially impacting on water voles which are a protected species. The Agency does not recommend refusal, but suggests a condition to any permission requiring the applicant to carry out further mitigation for the loss of habitat perhaps by increasing the wildlife buffer in another part of the site. An informative is also recommended to be attached to any permission granted to the effect that Flood Defence Consent from the Agency and separate from any planning permission for any works within 8m of the top of the bank of the River Wylie. There is also concern that no remediation strategy has been provided in respect of the condition imposed on permission issued under W/08/03468/FUL.

District Ecologist

Verbal discussions were held with the District Ecologist who expressed similar concerns to those of the Environment Agency, and also in relation to drainage into the river.

Environmental Health

No comment received.

8. Publicity

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

Expiry date: 14.01.2010.

Three neighbour responses were received (with more than one item received from two of these). The points raised are as follows:

- highway safety being compromised by the parking as well as the manoeuvring of vehicles;
- the visual impact of the parking on the adjacent conservation area and bridges;
- possible oil/fuel spillage threat to the river;
- loss of vegetation exposing the buildings to view;
- increased runoff from the site; and
- displacing cars from site allows for intensification of the use on site.

9. Planning Considerations

The parking serves the coach depot, which has a long history as a rural employment site (it is located immediately outside of the Town Policy Limit for Warminster) and the development therefore must be

considered in relation to the West Wiltshire District Plan 2004 Policy E6, which applies to Rural Employment sites. This Policy relates to small scale employment enterprises and permits extensions subject to criteria in relation to highway safety, flood risk, design and nature conservation considerations, residential amenity and neighbouring land use.

Highway safety

Highway officer advice is that the development is unacceptable where it has given rise to a situation where manoeuvring of vehicles to access and leave the site is hazardous in particular because of restricted visibility. The parking layout is such that the right-angle parking requires manoeuvring within Bishopstrow Road in order to enter or leave the bays. The bays provided adjacent to the southern boundary of the site have limited turning space of 4.5m behind them which encourages reversing either into or out of this area. This is considered to be detrimental to all users of the highway. Parish and neighbour comments also highlight this issue. The application should be refused on highway safety grounds.

Flood Risk

The Environment Agency has not raised any planning concerns in respect of flood risk, but has advised that separate legislation applies in terms of which the applicant should have obtained Flood Defence Consent from the Agency prior to any works being carried out. Thus, whilst flood risk per se would not form a reason for refusal on planning grounds in relation to the parking area, an informative advising the applicant of the obligations in terms of the Water Resources Act 1991 and Drainage Byelaws would be appropriate.

Visual impact on surrounding area and neighbouring amenity

The Heritage Development Officer is of the view, in the light of the long-established presence of the coach park on this site that the works are minor and would not impact on the Conservation area or the setting of the bridge. It is acknowledged that the clearance of the vegetation has created a greater exposure of the buildings on site to Bishopstrow Road, as has been noted in the neighbour and Parish comment. However, the site is not within the Conservation Area and it is considered that the clearance of the roadside overgrowth could have taken place irrespective of any planning permission. Trees to the river bank providing a screen to the Conservation Area to the south remain. The part of the building that has been demolished extended to the river bank and previously presented a blank corrugated iron side elevation to the Bishopstrow road frontage. Seen in this context and whilst the removal of the vegetation screen is regrettable, the visual impact of the removal of the building and creation of parking spaces is not considered to constitute a reason for refusal.

The nearest neighbouring dwelling is some 30m distant on the opposite side of Bishopstrow Road. The primary impact on these neighbours would relate to the highway safety issues as discussed above.

Other Considerations

Consultees including the Parish Council and the Environment Agency have raised questions in respect of why the works do not conform with the development proposal granted permission under application 08/03468/FUL (Demolition of the existing buildings and the construction of 9 business units Use Class A2 and B1 in individual and terraced buildings together with access and parking).

According to the supporting documentation the site clearing and parking has been carried out in order to provide for staff car parking space for R and R staff due to the demands for coach parking to satisfy the continuing growth of that business. The justification is stated to be the separation of cars and staff from the depot yard in order to maintain a safe working and operational environment on a site constrained on all sides by Bishopstrow Road and the River Wylye. The development does not therefore represent the commencement of implementation of the scheme approved under 08/03468/FUL, but is instead related to the R and R employment site. Application 08/03468/FUL is a separate scheme. However, the parking area does have an effect on the approved scheme where it encroaches onto a zone allocated in that proposal for a conservation buffer. It is considered that, in

order to implement the scheme under 08/03468/FUL, the parking area would have to be removed, the area re-instated and the buffer zone required under conditions to that application provided.

With regard to ownership of the land, the application form has been completed to the effect that the land within the red-line application site is under the ownership of the applicants. Highway officers have not indicated that there has been an encroachment onto highway land (which is the area that would be the subject of any encroachment). However, it does appear that the right angle bays, particularly to the northern end of the application site, could project into public highway land. This matter has been brought to the attention of highway officers for investigation.

The recommendation arising from the report was for refusal for the following reason:

"The parking areas, because they require vehicles to use Bishopstrow Road for manoeuvring space to enter and leave the parking spaces at a point where visibility is restricted, are detrimental to the safety of all users of the highway."

2. Main Issues

The key issues to consider with the revised application are:

- * Whether or not the additional highway information indicates that the previous recommendation should be revisited; and
- * Whether or not there have been any material changes to circumstances that indicate that the recommendation should be altered in some other way.

3. Site Description

The site has remained as described in the previous report.

4. Relevant Planning History

As before, but with the addition of the application Ref W/09/03629/FUL, which was withdrawn.

5. Proposal

As before, the application is for the retrospective approval for the construction of surface car parking with access from, and alterations to, the Bishopstrow Road site frontage. The development involved demolition of a redundant shed and the creation of 14 new parking spaces within a parking area measuring some 335m² in total. 8 right-angle bays, including one bay for disabled persons, are sited to the west of the depot, directly onto Bishopstrow Road, whilst 6 bays are provided within an area 18m deep and 9m wide to the south of the depot and adjacent to the "Mill Pond" branch of the Wylve River. The parking areas are macadam surfaced with concrete blockwork retaining walls to the riverside element.

6. Planning Policy

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C9 - Rivers

C38 - Effects of development on neighbouring properties

T10 - Parking

7. Consultations

Town/ Parish council

The Warminster Town Council supports the proposal.

Although the site is not within Bishopstrow Parish, it is some 250m north west of the Boundary between Warminster and Bishopstrow Parish areas. Having raised objections before, the Parish was consulted. Bishopstrow Parish Council again objects on the following grounds:

- the parking hazard remains unchanged;
- the grubbing-out of the bank, tree and hedge to create the parking space has been harmful to the approach to the Conservation Area on the opposite side of the river;
- the bus parking area on site may have increased, but forcing staff to park outside has created a significant traffic danger, especially on the roundabout exit;
- since the visual screen was intrinsic part of an earlier application for the redevelopment of the site it is only consistent that it should be retained;
- the road hazard and harm to the appearance of the area indicates that the application should be refused. Committee should also require that the roadside bank and hedge should be retained for the future development of the light industrial units.

Highways

The highways officer notes that this proposal was subject to a previous planning application (W/09/03629) and advises that, after on-site discussions, visibility measurements and observations, the visibility as illustrated on drawing no. 29073-10 submitted with the application was deemed acceptable. Therefore no highway objection is raised subject to a condition in relation to the visibility splays.

Following representations from a contributor, highway officers were approached for further comment, including in respect of the question of parking on public land. Officers confirmed that the matter of visibility was indeed the reason for refusal and that a subsequent site visit led to the conclusion, based on measurements and with due consideration for local speed limits, that the reason for refusal could not be sustained. The officer also confirmed that the parking area of the site is not within any area of public highway and that this is illustrated on the Highway Records.

Environmental Health

No objections or conditions suggested.

Environment Agency

The Environment Agency raised concerns that details in respect of the potential contamination of controlled waters have not been addressed notwithstanding previous comments in this regard on the earlier application. An objection was raised on those grounds. Further information was then submitted to the Agency by the agent. The conclusion was that the risks to controlled waters associated with this application are unlikely to merit detailed assessment at this stage. These risks will however have to be quantified if development proceeds under previous permission 08/03468/FUL.

The Agency notes that the presence of contamination on the wider site was established some 18 months ago and there appears to be little progress on assessing or remediating this.

District Ecologist

The District Ecologist expressed similar concerns to those of the Environment Agency with regard to further information, and also in relation to drainage into the river.

Heritage Development Officer

The Officer had no additional comment on this application but had expressed the view on the withdrawn application that the use as a coach park for many years together with the minor nature of

the works meant that the proposal had no impact either on the Bishopstrow Conservation area or the two listed bridges over the River Wylie. There was no objection.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 19.04.2010.

Six parties responded. Summary of points raised:

- the only difference between these and the withdrawn plans is the imposition on the plans of the sight-line representation;
- this was not detailed in the reason for refusal and was not a ground for refusal;
- the hazard remains as before and the application should again be refused;
- the parking is taking place on public land and can't be permitted;
- the access remains inadequate for coaches;
- the parking has created a significant increase in traffic build-up at the entrance to the village, creating new hazards including for walkers, cyclists and joggers;
- the hedge may be protected under the Hedgerow Regulations of 1997;
- the loss of the hedge exposes the unsightly buildings to view;
- inappropriate signage has been affixed to the bridge;
- potential pollution to the river;
- the development was deliberately done without planning permission;
- litter is blowing across from the coach site towards the neighbour;
- the listed bridges are being damaged.

9. Planning Considerations

9.1 Highway considerations

The comment from highway officers that led to the recommendation for refusal of application W/09/03629 was based on the information available at that time. Following withdrawal, a site meeting was held which established to highway officer satisfaction that the visibility splays as illustrated on the drawing no. 29073-10 submitted with the application enables withdrawal of the recommendation for refusal. This revised view arose following a site meeting and physical measurements on the ground.

In the light of the revised highway opinion it is considered that the previous planning officer recommendation for refusal is no longer sustainable.

9.2 Any other material change to circumstances

The neighbour contributions and views of Bishopstrow Parish Council re-inforce the previous objections raised. Warminster Town Council remains in support of the proposal. There has been no physical change noted to circumstances on the site since the withdrawn application.

The objections regarding the removal of the hedge were raised verbally with the Landscape Officer, who is of the view that the locality of the hedge not adjacent to open countryside means that its removal wouldn't have required permission. The ground works involved would have constituted development, but that would form part of the regularisation of the parking area in terms of this application.

The Environment Agency and District Ecologist concerns in relation to existing contamination on the site were again raised, but the Agency revised its previous comments to an objection. Following clarification of the separation between this application and that for redevelopment of the whole site under application 08/03468/FUL (demolition of the existing buildings and the construction of 9 business units Use Class A2, B1/B2), the Agency withdrew the objection. The Agency is of the view that the risks to controlled waters resulting from this development are unlikely to merit detailed assessment at this stage in view of the relatively small area of the total site involved. A future

development under 08/03468/FUL would however require the full assessment. Environmental Health officers have raised no objection or recommended conditions in respect of site contamination.

9.3 Conclusion

Whilst it is unfortunate that the works to the site were carried out without permission, the submission of this application is aimed at regularising the situation. Whereas highway officers are satisfied that the proposals are acceptable after more detailed investigation it is considered that the previous recommendation for refusal on the grounds of hazards associated with sight-lines cannot be sustained. A condition based on that recommended by the highway officer with due consideration for the retrospective nature of the application should however be imposed.

Recommendation: Permission

For the following reason(s):

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

Subject to the following condition(s):

- 1 The visibility splays shown on the approved plans shall have been provided with no obstruction to visibility at or above a height of 900mm within 30 days of the date of the granting of this permission. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 2 A plan showing details for the discharge of surface water from the site, incorporating sustainable drainage details and details of measures for the protection of the river from any polluted runoff, shall be submitted to and approved in writing by the Local Planning Authority within 30 days of the date of this permission. Any mitigating measures required in terms of the plan shall be completed within 90 days of the date of this permission.

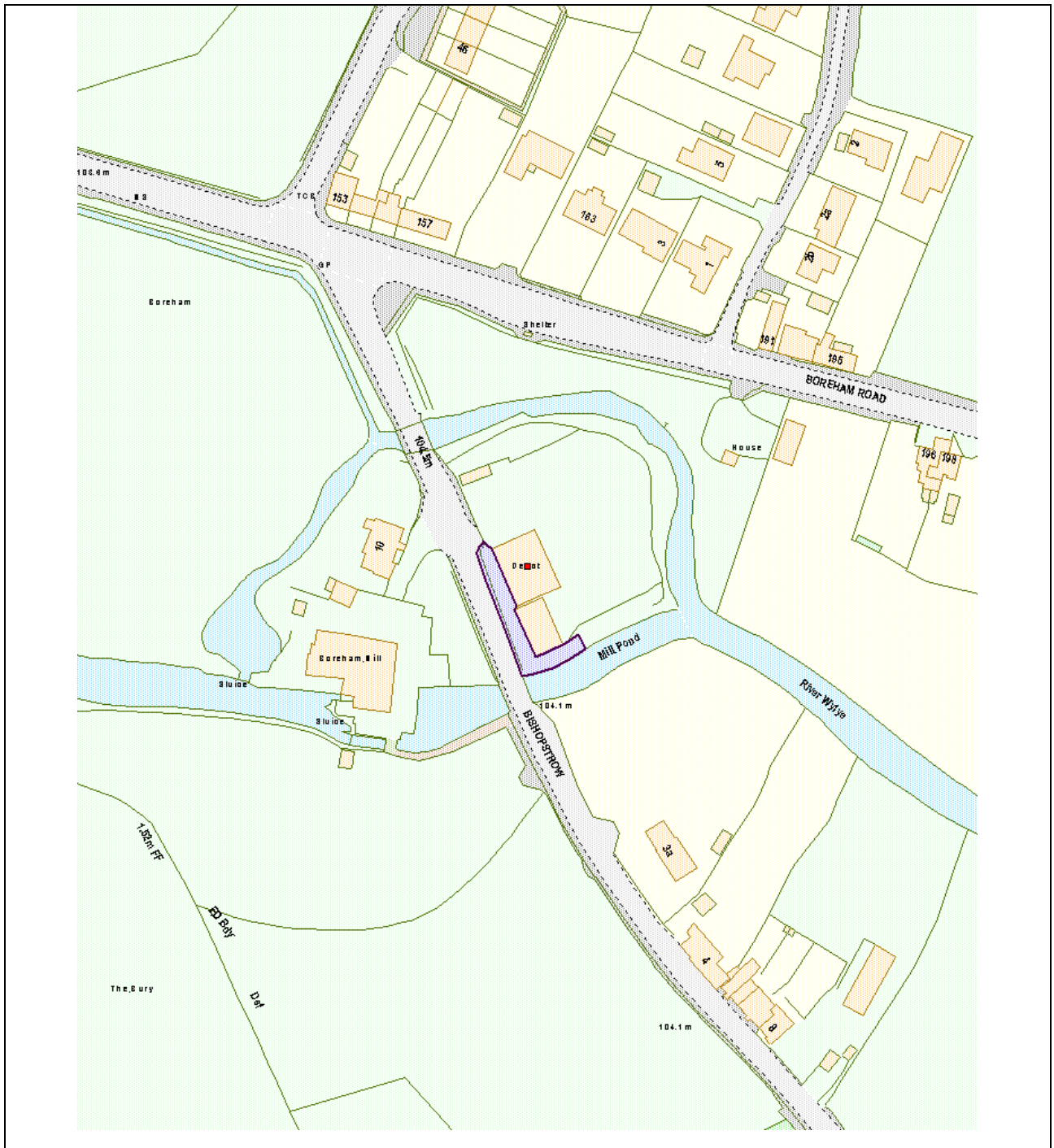
REASON: To ensure that the development can be adequately drained.

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

Informative(s):

- 1 The applicant is advised to contact the Environment Agency with regard to updating the Agency on progress on assessing the possible contamination of the Coach Depot site as a whole.
- 2 The Environment Agency advises that 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 or structures in, under, over or within 8 metres of the top of the bank of the River Wylye, designated a 'main' river. This may include buildings, fences etc. The need for this consent is over and above the need for planning consent. Notwithstanding the retrospective nature of this application the applicant is advised to contact Daniel Griffin on 01258483351 in this regard.

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



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RELEVANT APPLICATION PLANS

Drawing : 29073-01 received on 23.03.2010
Drawing : 29073-02 received on 23.03.2010
Drawing : 29073-03 received on 23.03.2010
Drawing : 29073-10 received on 23.03.2010