

PLANNING COMMITTEE

8 January 2009

Planning Applications for Determination

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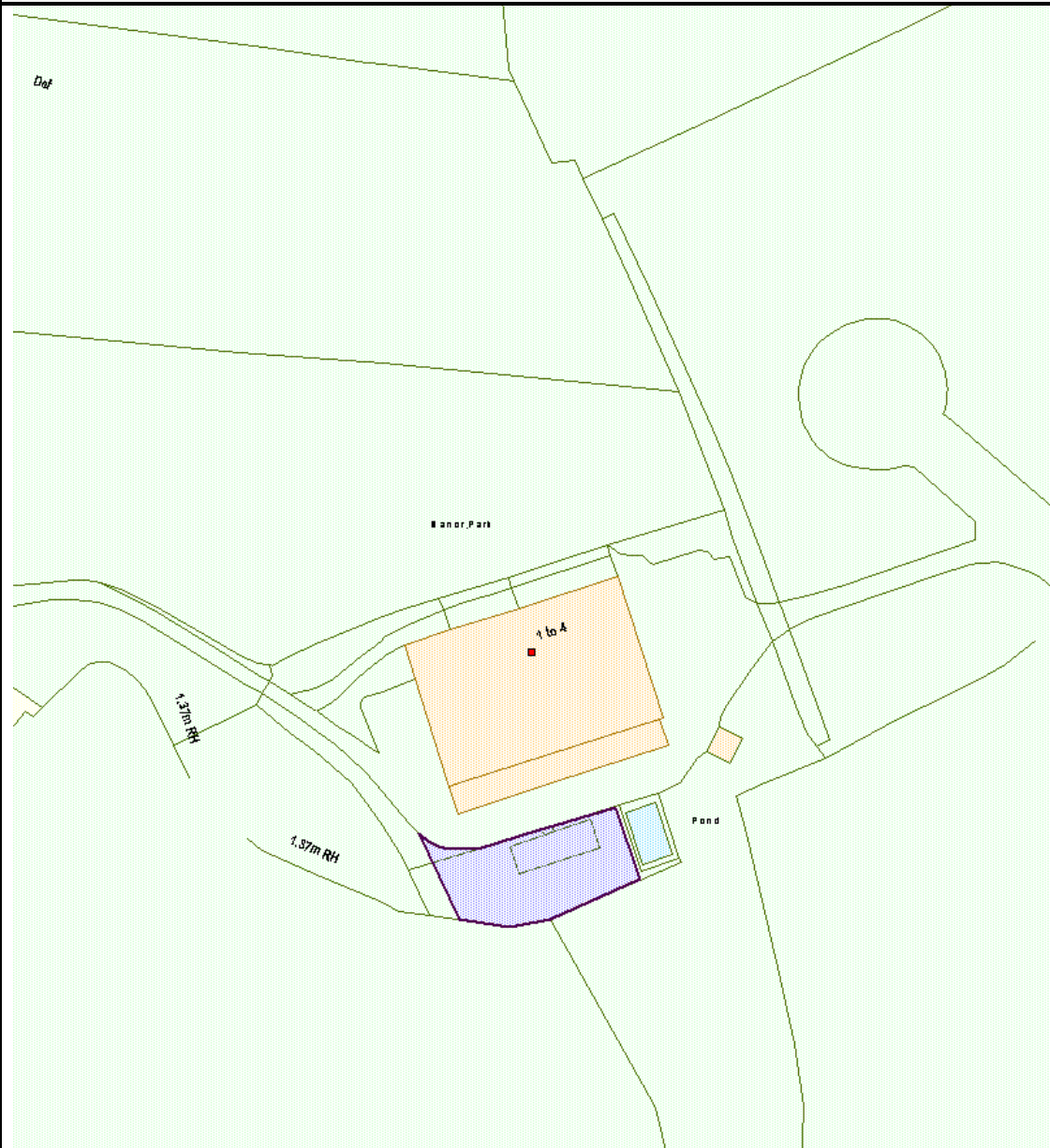
PLANNING COMMITTEE

8 January 2009

ITEM NO: 01

APPLICATION NO: 08/02974/FUL

LOCATION: Manor Park The Strand Steeple Ashton Wiltshire



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SLA: 100022961

01 Application: 08/02974/FUL

Site Address: Manor Park The Strand Steeple Ashton Wiltshire

Parish: Steeple Ashton Ward: Summerham
Keevil

Grid Reference 391038 157033

Application Type: Full Plan

Development: Erection of five storage sheds

Applicant Details: Fastglobe (Mastics) Ltd
2 Manor Park The Strand Steeple Ashton Wiltshire BA14 6ER

Agent Details: Mr D G Norcross
St Edith's Lodge St Edith's Marsh Bromham Chippenham Wiltshire

Case Officer: Mr Kenny Green
Phone: 01225 776655 ext 174
Email: kgreen2@westwiltshire.gov.uk

Date Received: 15.10.2008 Expiry Date: 10.12.2008

COMMITTEE REPORT

This application is brought to Committee because both Keevil and Steeple Ashton Parish Council's object to the proposed development contrary to your officer's recommendation.

APPLICATION SITE & SURROUNDING AREA

This application was deferred by the Committee on 4th December 2008 for a site meeting which is to be held on 8th January 2009.

Manor Park is located outside the established village policy limits of Steeple Ashton and comprises an existing warehouse (a B8 class use) which is serviced off Church Street and The Strand, a narrow lane that is located off the High Street. The surrounding land abutting the application site is agricultural land associated to Manor Farm, which is located about 170 metres to the north west of the warehouse.

PROPOSAL

Under this application, the applicants seek planning permission for the erection of 5 no. storage sheds measuring about 17.6 square metres and 2.4 metres in height. The sheds would be sited to the south of the existing warehouse facility and be used for storage purposes for one of the existing warehouse units.

The storage sheds would be of metal construction and be painted olive green to blend in with the surrounding landscape and match the colouring of the warehouse facility.

The applicant submits that the sheds would be adequately screened by existing landscape planting and also intends to construct a grassed bund to the rear of the sheds. No details of the bund has however been submitted.

The sheds would be used for the storage of paints, primers, silicones, felt and other associated materials.

Prior to the submission of this application, the applicants and their agent met with a representative of the County Council Highway Authority and submit that the trips to the warehouse premises (prior to the habitation by the present occupiers) would have been 8 car / small van trips per day and an average of 2 large delivery vehicles trips per day. There were additional trips by the contractors during the refurbishment works comprising 8 small vans per day. For the avoidance of any doubt, the refurbishment work has been completed.

The applicants submit that the local objections (raised previously) were made "in anticipation of increased traffic flow". The applicants maintain that the traffic flow would "remain the same" as it has since it first occupied the building (in May 2008). The applicants also submit that the level of traffic generated by the existing 23,000 square foot warehouse facility (a B8 Class Use) "falls in line with the amount of trips they would be entitled to under the TRICS Indices as guided by their expert advisors SLR Consultants".

The additional 5 no. storage sheds are urgently required to replace the temporary storage containers sited externally. If given approval, the applicant would accept a condition requiring their removal upon the completion of new sheds.

CONSULTATIONS

Parish/Town Council

KEEVIL PARISH COUNCIL - Objects to this application citing the following reasons:-

The number of cars, commercial vehicles and HGV movements are a key factor in this planning application. Both Keevil and Steeple Ashton Parish Councils are very concerned already about the level of traffic, particularly HGVs, using The Strand and Church Street. The Strand is a narrow carriageway tapering to nearly a single vehicle width in places leads to Church Street, the junction of which on to High Street suffers poor visibility.

Any increase in usage would be detrimental to existing resident's amenity. The addition of any storage units would almost certainly lead to increased vehicle movements.

There are already parking difficulties on these residential roads which can cause traffic problems. Access for emergency vehicles would be difficult on occasions.

STEEPLE ASHTON PARISH COUNCIL - Objects to this application citing the following reasons:-

Whilst recognising that the application site falls within the Keevil Parish, the only access to the site is through Steeple Ashton village, which falls within Steeple Ashton Parish.

The principal concern held by the Steeple Ashton Parish Council relates to the extra traffic any further building would generate. The traffic, which could include large articulated vehicles, would have to drive along narrow, restricted lanes to reach the village from the main routes, and then drive along the even narrower Church Street and The Strand, which tapers to near single vehicle width in places and then traverses a farm yard.

23 dwellings are serviced by the lane formed by Church Street and The Strand. Of these, 7 do not have off-street car parking provision and many times there are vehicles parked on the pavement (this being the only way that passage can be made for HGV and farm vehicles). This, in turn forces pedestrians, often the elderly who are hard of hearing, and others, sometimes pushing infants in prams to walk in/on the road.

Many of these 23 dwellings are significantly old, particularly on the eastern side of The Strand, which has 5 listed buildings. 2 of the 5 are over 400 years old with others approximately 300 years old. These properties are only a narrow footpath's width from the road and were not built to withstand the daily shaking by large vehicles.

The junction of The Strand and the High Street suffers from poor visibility and without any doubt, any increase in usage would be folly and detrimental to existing residents and their amenity.

Additional traffic generation would likely increase the risk of traffic accidents/incidents and the further destruction of the road surface.

It is acknowledged that the applicant believes that the sheds would not create any more traffic than at present, however, the Parish Council are concerned that if the sheds gain permission, traffic levels would increase, as in previous years, with serious consequences for the village.

In determining an appeal in March 2002 for residential development, the Planning Inspectorate noted that "The fall back position of lawful use for warehousing with ancillary accommodation is clearly possible, including the use by heavy goods vehicles. However the width, nature and configuration of The Strand and Church Street and the route of the narrow access track through a working farm are factors what would render access by such vehicles difficult and undesirable". In the Inspectors opinion, "they would act as a deterrent to potential users requiring regular frequent traffic movements involving heavy goods vehicles. From the representations it is apparent that there is little traffic to the site at present. Although more active marketing might give rise to greater use than is currently the case (the Inspector was in) in little doubt that the proposed development would lead to a significant increase in the use of roads leading to the site". The Inspector also concluded that "the presence of parked vehicles on the residential streets, the substandard visibility available at some points and the lack of passing places on the access track...the use would add to the risk of accidents, detrimental to highway safety".

Such a conclusion has been proved correct. More active marketing has given rise to greater use and the Parish Council and villagers are concerned that further development will lead to even added use.

The planning history for the site must be considered. Originally permission to use the site for the current purpose was granted in 1968 with access from an airfield. It must be recognised that the site would unlikely gain approval for its present use today due to the access problems. Its current use is permitted through an established use certificate dating from 1988.

When the owners of the property applied for an Established Use Certificate in 1988 as warehousing with ancillary accommodation, there was much concern over the traffic that would be generated and indeed in 1990, WCC objected to a license being held for the operator of the warehouse due to concerns of the access and detriment to the area. In the ensuing 20 years, Lorries have got larger and heavier and it is feared that if this application is approved, even heavier traffic will travel over these narrow lanes in the future.

The Parish Council recommends that if permission is granted, a condition is attached restricting any further building on the site. A speed limit and weight limit should also be placed upon Church Street and The Strand from the High Street to the application site.

The Parish Council recommends that the application is refused and that Members of the Planning Committee visit the site to appreciate the access constraints.

External

THE FRIENDS OF STEEPLE ASHTON - Raise queries about whether conditions applied to the original approval of using the hangar for storage purpose were complied with.

There has been a long history of local protest about the traffic using The Strand to access the site. Over the years, vehicle numbers and their tonnage has become increasingly intrusive and damaging.

The Strand is one of the narrowest lanes in the village. Residents accept the fact that The Strand is a route to the farm. What has always caused anxiety is the frequent passage of large articulated Lorries, plus the accompanying fleets of vans and cars. The size and volume has increased enormously over the last two decades and at every stage of the hangar's commercial use, there have been complaints from the residents whose dwellings are shaken by vehicles larger than the buildings and whose quality of life deteriorates by the year.

As Friends of Steeple Ashton have suggested before, there must be grounds for establishing weight limits and/or permitted traffic levels which would ensure a more reasonable use of the storage available. This idea was given official consideration 20 years ago. It is necessary now.

The Friends of Steeple Ashton would therefore object to any additional construction on the site, whatever its purpose. To set a precedent for building on adjoining land outside the former hangar, or for increasing the space internally for additional storage purposes, seems inappropriate and irresponsible.

THE ENVIRONMENT AGENCY - No objection but recommends that a directive is attached to any permission stating that the applicant contacts the Agency to discuss drainage issues.

COUNTY COUNCIL HIGHWAY AUTHORITY - No objections. The Highway Authority recognises that the access road serving the site is narrow in areas and not considered suitable for an increase in traffic. Therefore, the Authority would not accept any future proposals that would result in any increase in traffic.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 22.10.2008 - The site notice was attached to a pole along The Strand, close to the access entrance to Manor Farm.

Neighbours

4 letters of objection were received from third parties raising the following observations:-

If the existing buildings are replaced with permanent structures, then it would be a matter of time before the applicant would apply to extend them again at a later date and get what they requested in their original application. The proposed units are spaced only 1 metre apart which could in time lead to one permanent structure being created.

The Strand is not suitable for the existing heavy traffic e.g. commercial vehicles both large and small - the road is badly pot-holed and narrow. Some of the vehicles drive at speed and as there is no pavement in certain areas, there is likely to be an accident in the future.

Our bedroom backs onto Manor Farm entrance and if a permanent building does go ahead we are concerned that the vibrations could damage the integrity of our listed property in the future.

If local objections are out-voted, would it be possible that if planning permission were granted a 15/20 mph speed limit be enforced on The Strand, and that the road be resurfaced at the expense of the developer and retained in good condition at all times (not from individual ratepayers) as the existing volume has caused the damage.

There should also be a restriction placed on the size of vehicles using the route from the public highway to the application site.

The existing warehouse facility already has 4 storage outbuildings next to the brick garage, which were erected without the requisite approval of the Council.

It is also submitted that the applicants chose to let the hangar to other third parties only to find that they insufficient space for their own use.

RELEVANT PLANNING HISTORY

79/01386/EUD - Application for Established Use Certificate - Withdrawn - 01.03.1980

88/00227/EUD - Application for an Established Use Certificate as warehousing with ancillary accommodation - Approved 30.08.1988

89/00402/OUT - Residential Development - Refused - 16.05.1989

02/00456/OUT - Residential Development following demolition of existing structures - Refused 03.07.2002

08/01098/FUL - Erection of nine storage sheds - Withdrawn - 11.08.2008

KEY ISSUES

The key planning issue relates to road safety.

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration (2004)

C31a - Design
C32 - Landscaping
C38 - Nuisance
E6 - Rural Employment

OFFICER APPRAISAL

West Wiltshire Local Plan Policy E6 clearly states that development proposals involving the extension to an existing employment enterprise should only be permitted provided it does not create significant highway problems. As far as the application is concerned, the applicants and their agent have satisfied the County Council Highway Authority that the proposed sheds would not generate additional traffic to and from the site. On the basis of the above, the District Council would have great difficulty defending a refusal decision on road safety issues, without the support of roads engineers. The highway problems illustrated by the Parish Councils and locals relate to longstanding existing circumstances. That said, the County Council Highway Authority have clearly stated that any further development which would increase traffic flow, would not likely be supported.

Placing speed and weight limits on the public road network (which services the application site) is not considered to be necessary (it should also be noted that the County Council Highway Authority does not highlight this as being necessary) and therefore, any such condition would fail to accord with the "Wednesbury" Principles - which defines six tests which all planning conditions must conform to.

Policies E6, C31a and C38 also refer to the need for development proposals being of an appropriate scale, design and siting to ensure that the surroundings and neighbouring land uses are not compromised. The proposed storage sheds would be erected in close proximity to an existing warehouse facility. In design terms, the sheds would not appear visually obtrusive. The bunding proposal would ensure that the sheds are appropriately screened. However, with the absence of any detailed plans of the bunding, it is necessary to condition the construction of the bund so that the Council is satisfied about its form and landscape planting to satisfy local plan policy C32.

The Council is aware that there are unauthorised outbuildings and external storage associated to the warehouse. This breach was passed to the Council's Enforcement team to investigate and discussions were held with the Development Control Manager to decide on the best course of action. In this particular case, officers decided that if the proposals were to be supported, a planning condition requiring the removal of the unauthorised storage buildings would be appropriate. If however, the application is not supported by Members, enforcement action is an option the Council would need to consider.

Whilst the unauthorised outbuildings fall outside the red line boundary of the application site, they are contained within the blue line denoting the ownership of the application. This provides the Council with the opportunity to condition the removal of unauthorised outbuildings and external storage upon the completion of the 5 no. storage sheds.

CONCLUSION

Whilst the local objections are fully recognised, the fact that the County Council Highway Authority reports that there would be no discernible additional traffic generation, and thus, received the full support of the Highway Authority, there are no material grounds to refuse this application. The design, detailing and siting of the storage sheds is considered acceptable and with a planning condition requiring the removal of the unauthorised outbuildings, the development of the existing premises would accord with the above listed policies.

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

- 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 - Policy C31A.

- 3 Prior to development commencing a plan showing the unauthorised buildings shall be submitted to the Local Planning Authority and these buildings shall be permanently removed from the site before bringing into use the five sheds approved by this permission.

REASON: To avoid a clutter of unauthorised and inappropriate buildings in this countryside location.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 Policy C1.

- 4 Details of the construction of the grassed embankment / earth bund shall be submitted to and approved in writing by the Local Planning Authority, and its construction completed, prior to the first operational use of the storage sheds hereby permitted. The bund shall not exceed 4 metres in height above ground. Where necessary, the details submitted shall include measures to conserve trees and hedges and to prevent spillage of material on to adjacent land.

REASON: In the interests of pollution prevention and amenity.

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

- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 6 No materials shall be deposited in a bund other than naturally occurring soil and subsoil, clay, rock, stone, broken brick and broken concrete. All bunds shall be finished with a minimum thickness of 150 mm of topsoil suitable for the planting of grass shrubs and trees in accordance with the approved landscaping scheme.

REASON: In the interests of pollution prevention and amenity.

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

- 7 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

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

- 8 There shall be no outside storage or display of goods, materials, plant, machinery, equipment, waste or other items.

REASON: In the interests of the appearance of the site.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies E2, E4 & E6.

- 9 The development hereby approved shall remain ancillary to the main warehouse use in this application.

REASON: To prevent separation of the activity and in the interests of road safety and to prevent additional traffic generation.

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

Note(s) to Applicant:

- 1 The applicants are advised to contact the Environment Agency prior to the commencement of works on site to agree the satisfactory discharge of foul or contaminated drainage. For the avoidance of any doubt, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.

RELATED PLANS

Drawing : SITEMAP received on 15.10.2008

Drawing : 0801/F1 B received on 15.10.2008

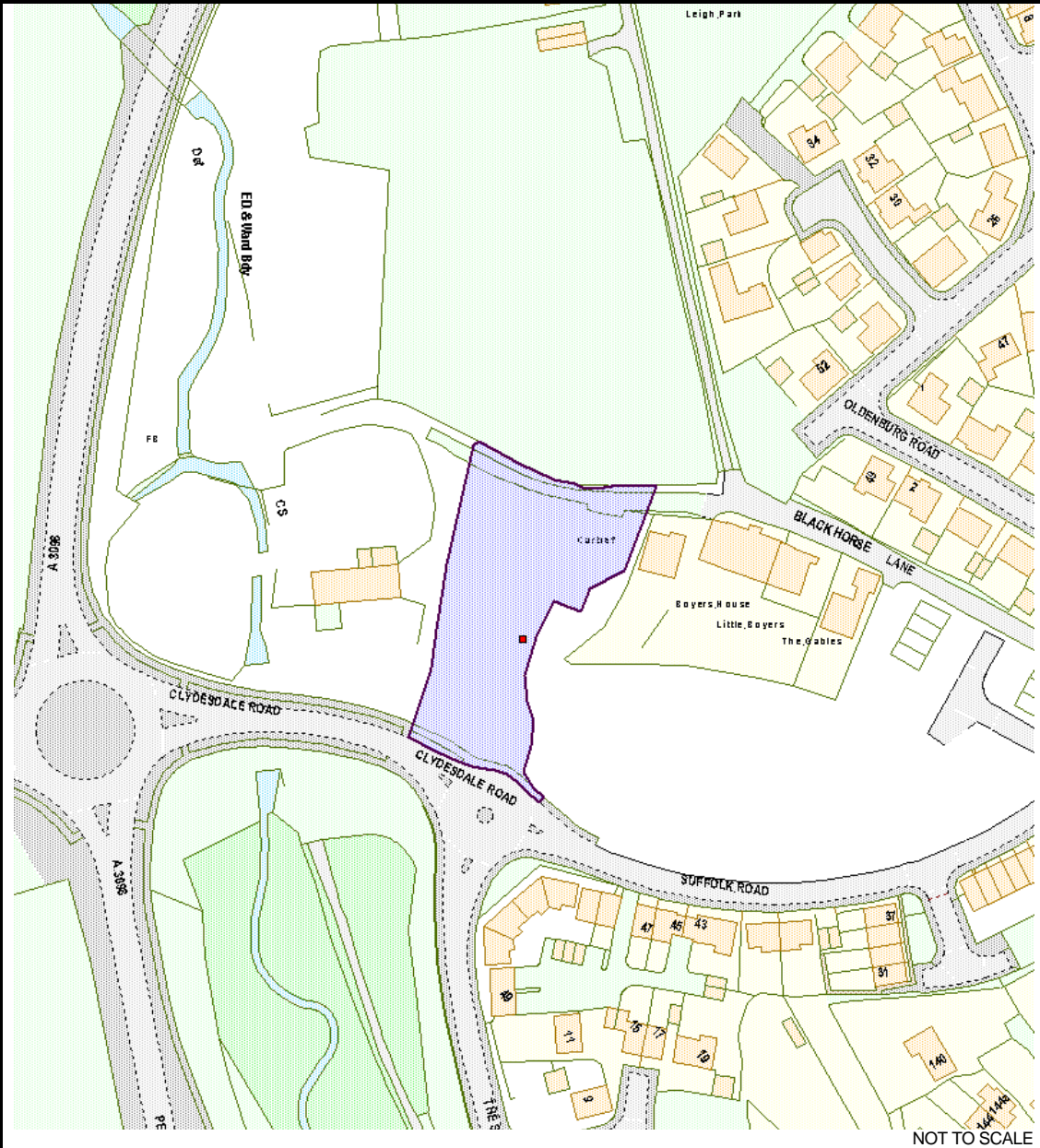
PLANNING COMMITTEE

8 January 2009

ITEM NO: 02

APPLICATION NO: 08/02155/FUL

LOCATION: Land Rear Of Stables Black Horse Lane Westbury
Wiltshire



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SLA: 100022961

02	Application:	08/02155/FUL
	Site Address:	Land Rear Of Stables Black Horse Lane Westbury Wiltshire

Parish: Westbury Ward: Westbury Laverton

Grid Reference 385883 150024

Application Type: Full Plan

Development: Construction of 10 dwellings and associated works

Applicant Details: Andrew Fleming Associates
27 St Johns Street Devizes Wiltshire SN10 1BN

Agent Details: Eric Cole And Partners
15 The Woolmarket Cirencester Gloucestershire GL7 2PR

Case Officer: Mr Matthew Perks
Phone: 01225 776655 ext 207
Email: mperks@westwiltshire.gov.uk

Date Received: 14.07.2008 Expiry Date: 13.10.2008

COMMITTEE REPORT

This application was deferred by Committee at its meeting of 18 December 2008 for a site visit.

This application is brought to Committee because the Westbury Town Council and the Dilton Marsh Parish Council object and officers recommend permission.

APPLICATION SITE & SURROUNDING AREA

The application site of 0.3 ha in extent ((including a previously approved access road) lies immediately north of the newly constructed link road of the Leigh Park housing development, on the western edge of Westbury Leigh. It falls within Westbury Town Policy limits and is a portion of the Leigh Park housing allocation site.

The area to the south and east of the site, known as "Area R14" is in the final stages of new development. New dwellings have been erected to the south east, whilst to the immediate east there is a public open space on which there are a number of large trees.

A public right of way lies immediately to the west of the site and the pedestrian extension to Black Horse Lane lies to the north. To the north east of the site is a grouping of older dwellings including the Grade II listed Boyers House, which itself lies to the east of the nearest dwelling in the grouping to the proposed development, known as "Cartref".

Planning permission already exists for a road that will bisect the site. This road will be aligned above existing foul and surface water drainage systems that constrain the possible arrangement of development of the site.

PROPOSAL

The proposal is for the construction of 10 dwellings and associated works. Dwellings would reflect the design of those already approved within the Leigh Park developments. Proposals include 3 x two-bedroom houses, 2 x three bedroom houses and 5 x four-bedroom houses. Parking at a ratio of two places per dwelling is proposed, and would be comprised of four garages and sixteen spaces. These would be accessed via the approved road (original application Ref 04/01489/FUL).

The dwellings would be arranged over three separate buildings. At the southern end of the site there would be a terrace of three x two-bedroom units. A semi-detached pair of three-bedroom houses is proposed in the north-eastern sector of the site, whilst in the north western sector a terrace of 5 x four bedroom units would be provided.

A tree survey and design and access statement have been submitted in support of the application.

CONSULTATIONS

Parish/Town Council

WESTBURY TOWN COUNCIL

Objects to the proposal on grounds of:

- "- shortfall in Public open Space;
- industrial access lane inappropriate for residential use;
- loss of trees within red-line area;
- adverse affect on nearby listed building."

DILTON MARSH

Objects:

- "- The Parish Council is determined to preserve the rural buffer zone to its greatest extent and to prevent the coalescence between the village of Dilton Marsh and Westbury Leigh;
- the development of this site was not included in the original discussions and the outline plan approval of June 1996. It was specifically excluded;
- this application appears to conflict with the application to give access to the Romsey Management site;
- there is a strong possibility of contamination by heavy metals or anthrax on this site;
- The Council has consistently identified the problem of heavy traffic on the B3099 and A3098 due to the increase of traffic from Leigh Park. This proposed development will exacerbate the problem and give rise to additional highway safety concerns."

External

HIGHWAY AUTHORITY

In initial comments, additional information was requested by the Highway Authority to show that ground levels could be reduced so that safe pedestrian access can be obtained to the Black Horse Lane and footpath 26. Subject to this there would be no highway objection, provided that footpath 26 is improved in accordance with a scheme to be submitted for further LPA approval; and is reconstructed in accordance with the approved scheme before occupation of development fronting the footpath. Conditions are also recommended so that the highway authority could further approve full construction, with details of the internal access road to be submitted for further approval of LPA before the start of development; and the internal access road must be constructed in accordance with the approved details to road basecourse level before occupation of any dwelling. The access point to the roundabout is shown satisfactorily subject to the full engineering details being submitted for further approval.

The agents provided additional information in the form of site levels and a "street-scene" elevation drawing onto Black Horse Lane. These were considered by the highway authority with final comment as follows resulting:-

- the recommended conditions in the earlier comment are confirmed;
- the upgrade to footpath 26 should also include street lighting;
- the parking bays should be at least 4.8m x 2.4m with a 6m aisle also provided, this could be conditioned.

There are also two further recommended conditions:

1. Provision shall be made for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the LPA.
2. Driveway and access way gradients shall not exceed 1 in 12.

ENVIRONMENT AGENCY

The proposal falls outside the scope of matters on which the Agency is a consultee. No comment.

WESSEX WATER

No objection subject to agreement by the developer in regard to connection to systems.

EDUCATION AUTHORITY

Seeks contributions towards the provision of education needs. A full developer contribution is required. Current 2008/09 cost multipliers are £11 356 per primary and £ 17351 per secondary school place, but if the housing number/mix change an updated assessment will be applied.

DISTRICT ECOLOGIST

An ecological survey should be undertaken on the site to identify the potential for or presence of protected species. This should be sent to the District Ecologist before a decision is made. If the site holds the potential for protected species, further surveys may be required. If species are found, suitable mitigation will need to be drawn up.

Internal

HOUSING SERVICES

The application site falls within a housing allocation area where affordable housing policy applies. 30% Affordable Housing would apply in this scheme. There are 242 people in priority need in Westbury, the predominant need being for small family housing.

LANDSCAPE OFFICER

There are no arboricultural reasons to refuse this application. Conditions recommended in respect of landscaping and tree protection.

HERITAGE OFFICER

The proposed development are of simple design and would be subsidiary in the street scene relative to the listed building. No negative impact on the setting would result.

PLANNING POLICY

Housing development on the site is clearly acceptable in principle as it falls within the boundaries of the H13 land allocation in the District Plan. It is also within Town Policy Limits. Affordable Housing Policy applies. With regard to the Dilton Marsh Parish comments, there was a rural buffer in the 1996 Local Plan. However this related to land to the west of the new distributor road, and was removed from the 2004 Plan. This is no longer a valid objection.

Subject to the provision of affordable housing the proposal is acceptable in principle.

NOTIFICATIONS

Site Notices/Visits

Date of visit: The site was visited on 24 July 2008.

Neighbours

Two neighbours responded to advertising. Comments were as follows:

- the new Westbury Leigh development contains inappropriate and bulky buildings not in keeping with the setting. The current proposals do not have to follow this trend;
- there needs to be clarity on whether or not the road would terminate before Black Horse Lane, and what boundary treatments are proposed at the end of the turning area;
- there are land level issues;
- the modest house design for plots 1 to 3 is welcomed;
- plots 4 to 8 are overly tall, and would be domineering in this landscape. They are four bedroom houses but have small gardens;
- one less unit should be provided;
- plots 9 and 10 may have issues of access - there is no clarity on levels;
- the new houses should not dominate Cartref;

- the proposal would impact negatively on the nearby listed building settings and on a listed wall;
- just because Black Horse Lane has become surrounded by modern and characterless houses this does not mean that the older houses have to be completely swamped by "tasteless constructions";
- the lane will become a car park.

Prior to the committee meeting of 18 December three further representations were received as follows:

A neighbour who had previously commented draws attention to discrepancies on the submitted plans and between these and the sketch design information submitted with the application. He has drawn a small sketch to identify differences in levels and the position of existing and proposed buildings which varies from the plans submitted with the application. He is also concerned that no chimney stacks are shown on the proposed house types whereas they appear in the streetscene sketch. Concern is also expressed that Blackhorse Lane may become obstructed with cars and that the public footpath may be used by motor vehicles when vehicle access should be banned.

The second letter is from a neighbour who has not previously commented.

He states that they had received no formal notification of this application and wonder why, as they are the property most affected. He continues that they agree with all the comments contained within the letter from their neighbour (précised above). He continues that they are further concerned that the adjacent lime trees are not damaged and that the bat habitat is not disturbed in an area where they have seen at least 2 species of bats flying around their house and the trees. He questions whether an environmental impact survey been prepared for this site? Finally, he is very concerned about the possibility of cars being parked in Blackhorse Lane in an area where there was inadequate consideration of roadside parking for the houses built opposite and the large amount of kerbside parking on the roads creates a hazardous.

A third letter from a local resident requests that the Committee considers a site visit. Concern is expressed that the report fails to mention the history of the extension to Leigh Park into this area and draws attention to the planning appeal history of the site.

RELEVANT PLANNING HISTORY

04/01489/FUL: Formation of highway access: Permission: 27.03.2006

06/01979/FUL: Erection of 62 dwelling houses, associated public open space, road infrastructure and works to Blackhorse Lane: Permission: 05.07.2007 (adjacent site).

KEY ISSUES

The key issues in this case are acceptability in policy terms, highway safety, affordable housing provision, the setting of listed building, TPOs in the area and nature conservation.

RELEVANT PLANNING POLICIES

Wiltshire Structure Plan 2016

DP7 Housing in towns and main settlements

DP8 Affordable housing

West Wiltshire District Plan - 1st Alteration 2004

C7 Protected species

C31A Design

C32 Landscaping

C37 Contaminated Land

C38 Nuisance

C40 Tree Planting

R4 Open space in new housing developments

R11 Footpaths and rights of way

H2 Affordable housing

H13 Leigh Park, Westbury

T10 Car parking
S1 Education
U2 Surface water disposal

National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG15 Planning and the Historic Environment

OFFICER APPRAISAL

Principle of the Development

This site is part of the Policy H13 allocation for housing in the adopted West Wiltshire District Plan - 1st Alteration 2004. It also lies within Westbury Town Policy Limits. The proposal is for 10 dwellings and is acceptable in principle, given the underlying Policy. The density for the scheme is approximately 33 dwellings per hectare, which accords with the minimum national average of 30 units/ha. suggested by PPS3. The principle of residential development of this site has been established through the District Plan process and constitutes the efficient use of land when considered in terms of PPS3 guidance.

The comments of the Dilton Marsh Parish Council relating to a "buffer zone" and the non-inclusion of this site in the 1996 outline application are noted. However, a rural buffer has not been established in the West Wiltshire District Plan - 1st Alteration 2004 and the site falls within the housing allocation area as well as Westbury Town Policy limits. This is also a full application that must be considered on its own merits, again within the context of policy applicable to the area.

Design and Impact on Listed Buildings

Development Plan policy and PPS3 require development to have a mix of sizes and types of dwellings. Policies C31A and H24 of the West Wiltshire District Plan - 1st Alteration, plus the supporting Supplementary Planning Guidance, attempt to ensure that new development is integrated into its local environment.

The proposed development reflects the new housing types that have been accepted on the rest of the Westbury Leigh site. The proposal site lies directly to the north of the Area R14 development of Westbury Leigh, which is characterised by modern housing that includes dwellings of fairly substantial 2½ storey proportions prominent to street frontages. This form of building is characteristic to the wider area that makes up the Policy H13 area as well.

The layout of the development is constrained to a degree by the alignment of the approved access road and the services that underlie it. Given this context and the requirement for the efficient use of land while providing a mix of housing sizes, the layout should be supported.

Dwellings are orientated in a manner that avoids issues of privacy within the development. No loss of privacy or harm to neighbouring amenity would arise where the dwellings on plots 9 and 10 address Black Horse Lane along the same alignment as the only dwelling immediately adjacent to the site, known as "Cartref". No windows to habitable rooms would be placed in the end elevation to this building facing "Cartref". There are no other dwellings on abutting properties.

The site levels have been disturbed with the result that the land adjacent to Black Horse Lane is raised above the level of the lane itself. The street scene that has been submitted shows that the site would be subject to re-levelling in order to achieve an acceptable relationship to neighbouring properties. Any permission should include a condition requiring full final site level and finished floor details prior to the commencement of development.

Boyers House is the Grade II listed building referred to in the Council comments and neighbour observations. (The reference to the listed wall appears to relate to the wall which lies to the east near Boyers House, which would not be affected by the application). Boyers House would be separated from the proposed development by "Cartref".

The street scene view from Black Horse Lane shows (subject to ground levelling as referred to above) that the new dwellings on plots 9 and 10 would not be out of scale with Cartref, which itself is wholly subservient to the size and scale of Boyers House. The building on plots 9 and 10 would be visually separated from Boyers House by Cartref and would also be aligned with the front of Cartref relative to Black Horse Lane. This is approximately 7m set back from the frontage of Boyers House. To the north of Boyers House is the "Area R1" element of the Westbury Leigh development. Dwellings within this development are all of modern form and the nearest of these are in closer proximity to Boyers House than the dwellings now proposed.

There would be no harm to the setting of the listed building.

Highways

The proposed residential development is arranged around the already approved access road. The highway authority has no objections, subject to conditions as referred to above. Whilst noting the comments on the access and traffic from the Town and Parish Councils respectively, it is considered that, provided the recommended conditions are made applicable, highway issues are satisfactorily addressed.

Blackhorse Lane is a public footpath for part of its length and protected by the relevant highways legislation which prevents vehicles from using public footpaths. As such vehicular traffic would not be able to use it. This would be a matter for action by the Highway Authority if vehicles were subsequently found to be using it. Furthermore, if those parts of Blackhorse Lane, which is predominantly single track, where traffic can legitimately gain access, were to become obstructed this would be dealt with under the relevant highways legislation by the Highway Authority/Police.

The highway authority was consulted on the application and had no objection on road safety grounds. Vehicular access to the proposed dwellings is clearly shown as off Clydesdale Road not Blackhorse Lane and this access was previously approved under planning application 04/01489/FUL.

The permission, if granted, would be subject to a condition requiring large scale details of the parking, servicing areas and access thereto being submitted for further approval and for improvements including lighting to Footpath 26.

Affordable Housing

Following negotiation the applicant agreed to provide the 3 dwellings on plots 1 to 3 as affordable housing units. This would accord with the requirements of Council's housing services section. This would need to be confirmed by way of a S106 agreement.

Protected Trees and Landscaping

There are a number of protected trees in and around the site, and in addition to these there are other trees, particularly on the site boundary, which are worthy of retention. The landscape officer is satisfied that the proposal is acceptable from the perspective of tree protection, subject to conditions.

Contaminated land

Recent developments in the vicinity have been subject to a condition requiring a land contamination survey where the land falls within a designated "historic landfill site" area. Whilst studies carried out in these other cases has not lead to any major issues being identified and this site is a relatively limited portion of the whole area, a condition should be imposed requiring a study on the same basis as for previous permissions.

Nature Conservation/Protected Species

The site has been disturbed and used partially as parking and a depot whilst development of Area R14 has progressed. Permission also exists for the construction of the road through the site. In these circumstances, and whilst noting the comment of the District Ecologist, it is considered acceptable that a condition be imposed on any permission requiring a protected species survey prior to the commencement of development or further clearing of the site.

Other considerations

Public Open Space Provision and Contributions

Policy H13 requires public open space provision within the Westbury Leigh development, and Policy R4 of the West Wiltshire District Plan - 1st Alteration requires all development proposals of 10 or more dwellings to make appropriate provision for public open space or a contribution to off-site facilities. In considering the application for the larger adjacent development (Area R14) it was noted that adequate provision had been made for to "meet the Leigh Park public open space requirement". In this case therefore it is considered acceptable that no on-site provision is made but that contribution towards the off-site provision of facilities/maintenance of public open space be provided.

Education Contributions

Policy S1 of the West Wiltshire District Plan - 1st Alteration requires a planning obligation to be provided by the developer where the residential development gives rise to the need for additional education provision. The Education Authority, Wiltshire County Council, have identified a need based on the requirement for 3 primary and 2 secondary age pupils needing places. As neither the designated primary or secondary schools can accommodate these increases, a financial contribution of £11356 per primary and £17351 per secondary school place has been requested. This would need to be addressed by way of S106 agreement, but with allowance for an updated assessment at the time that the agreement is concluded.

Other Matters Raised by Interested Persons

There are some slight variations between the drawings submitted with the application of the streetscene elevation and those of the neighbour even though they are both shown as being to scale. Although there are differences between them, the elevation facing onto Blackhorse Lane is merely indicative. It is a sketch plan to show the streetscene and relationship between the different buildings rather than their definitive relationship. The dwellings, if the scheme is approved, would be built in accordance with the large scale site plans and house type plans, which must be assumed to be accurate. If any discrepancy should arise in setting out the development, which is unlikely, then this would need to be the subject of a further application. The development will in any case be monitored by our Implementation Team.

The permission, if granted, would be subject to a condition requiring further details and site survey information of existing and proposed site levels being submitted.

The Council's records indicate that all adjoining neighbours were notified of the application by letter on 21 July 2008 but one did not respond. The owner of the next door property and another near neighbour did respond.

Despite the neighbours concerns regarding the impact of the proposals on trees the Council's Landscape Officer has no objection subject to the imposition of conditions relating to landscaping and tree protection. Similarly there is a requirement under condition for an ecological survey report to include mitigation for any protected species which would include bats.

The appeal history of a site although a material consideration, is not relevant in this case as the site is an existing housing allocation as identified in the adopted District Plan and is within the development policy limits. Furthermore, the objector refers to a decision on adjacent land, which does not form part of the current application site and as such this is not a material consideration.

Conclusion

The proposal is considered to be in accordance with Development Plan policies, and subject to satisfactory completion of the required Legal Agreements and the attachment of the suggested conditions, no planning objections are raised.

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: That the Development Control Manager be authorised to grant permission on completion of a Section 106 agreement to secure the following:

(a) Affordable housing provision in accordance with Policy H2 of the West Wiltshire District Plan and the SPG on Affordable Housing;

(b) An index linked financial contribution towards primary and secondary education provision in accordance with the education authority approved formula dependent on the level of Affordable Housing provision; and

(c) An index linked financial contribution of £6953 towards the provision of public open space.

Condition(s):

- 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 A schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

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

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

- 3 Prior to any site clearance or commencement of the development hereby permitted, an ecological survey, investigating and recording details of all protected species and their habitats, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

REASON: In the interests of natural species which have statutory protection.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C7.

- 4 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

REASON: In the interests of highway safety.

- 5 Driveway and access way gradients shall not exceed 1 in 12.

REASON: In the interests of highway safety.

- 6 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 development commences. The detailed proposals shall indicate the provision to be made for the draining of the parking and servicing areas, the individual marking of car parking spaces, the landscaping of the parking and servicing areas where appropriate, and full details of the method of construction. Car parking bays shall have minimum dimensions of 4.8m x 2.4m, with a 6m aisle where provided. All works referred to in this condition shall be completed, and the parking and servicing areas shall be available for use before the premises are occupied.

REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy T10.

- 7 The dwellings hereby approved that shall not be occupied prior to the completion of improvement works, which shall include lighting, to Footpath 26 in accordance with a scheme to be submitted and approved by the Local Planning Authority.

REASON: In the interests of highway safety.

- 8 Before any works commence on site, details of all highway works, comprising the new access road and its access to the adjacent roundabout, shall be submitted to and approved in writing by the Local Planning Authority. Details and drawings at a scale of 1:50 shall be submitted showing the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, cuttings, visibility splays, accesses, carriageway gradients, and street furniture. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction shall be submitted to the Local Planning Authority. The drawings shall also include details of the measures and works being undertaken to protect the Protected Trees near the site. The works shall take place in accordance with these approved details.

REASON: To ensure highway and pedestrian safety, and to protect the Protected Trees near the site.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy C40.

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

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

- 10 An investigation and risk assessment in respect of land contamination must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 12 No development shall take place until proposals for the landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels. Upon approval:

- The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) 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; and
- The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants

POLICY: West Wiltshire District Plan, First Alteration June 2004 - Policy C32.

- 13 An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837;
- A schedule of tree works conforming to BS3998;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;

- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

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

POLICY: West Wiltshire District Plan, First Alteration June 2004 - Policy C32.

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

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

POLICY: West Wiltshire District Plan, First Alteration June 2004 - Policy C32.

Note(s) to Applicant:

- 1 The applicant is advised to contact Wessex Water (01225 526000) with regard to the adoption of sewers serving the site, the connection to water infrastructure and to check the routing of existing infrastructure over the site.

RELATED PLANS

- Drawing : LOCATION PLAN received on 17.07.2008
- Drawing : 05.111.100 received on 17.07.2008
- Drawing : 825/PL1 received on 17.07.2008
- Drawing : 825/PL4 received on 17.07.2008
- Drawing : 05.111.110 received on 17.07.2008
- Drawing : 05.111.111 received on 17.07.2008
- Drawing : 05.111.112 received on 17.07.2008
- Drawing : EXTRACT FROM SURVEY received on 22.08.2008
- Drawing : 05.111.120 received on 22.08.2008

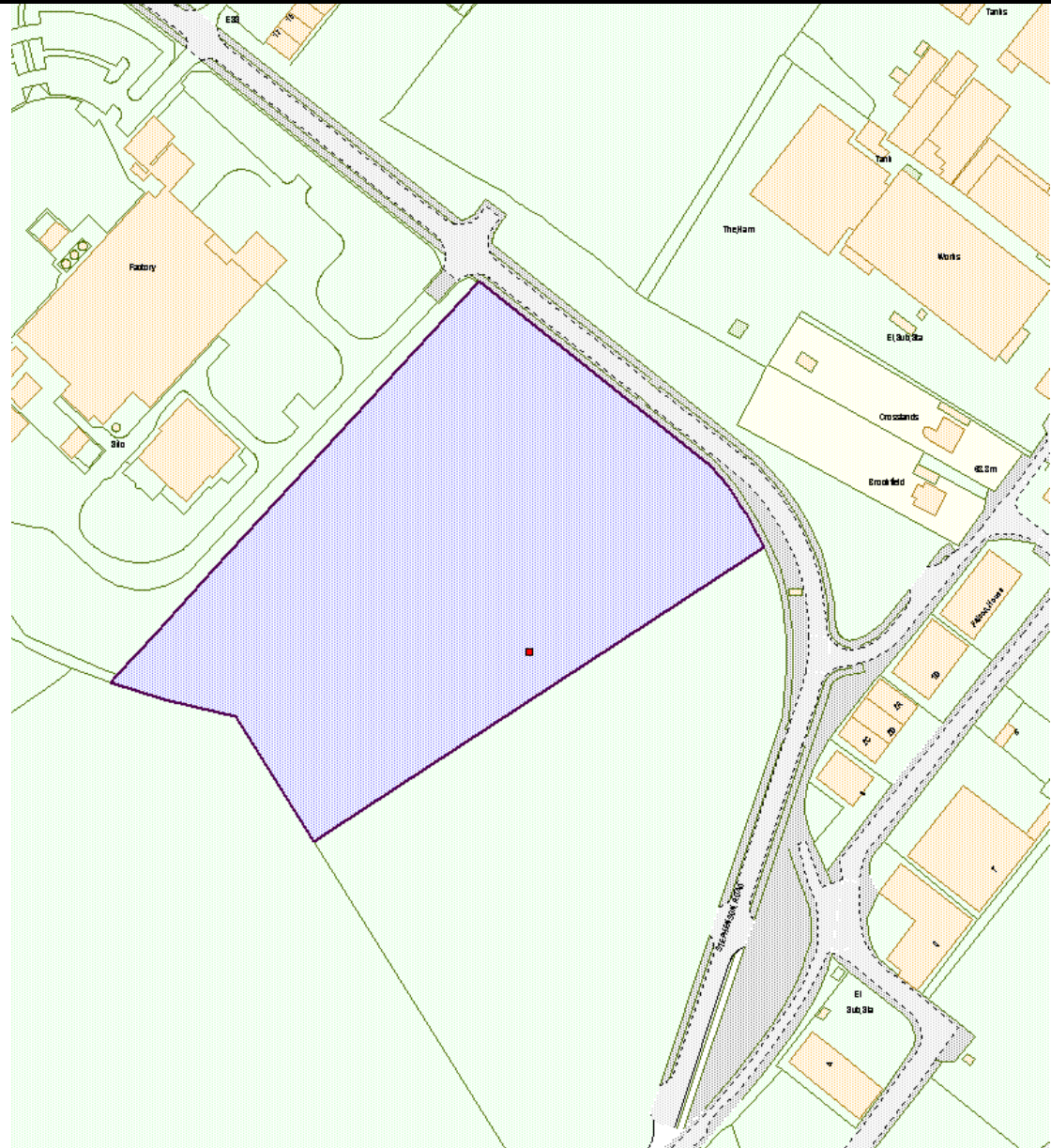
PLANNING COMMITTEE

8 January 2009

ITEM NO: 03

APPLICATION NO: 08/02651/REM

LOCATION: Area J2 Stephenson Road Northacre Industrial Park
Westbury Wiltshire



NOT TO SCALE

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www.westwiltshire.gov.uk

SLA: 100022961

HEYWOOD PARISH COUNCIL: No Objection

External

ENVIRONMENT AGENCY: The Environment Agency has no objections in principle to the proposed development but recommends a condition and informatives.

COUNTY HIGHWAYS: Recommend that no highway objection be raised subject to a condition relating to details of the gradient of the new site access being attached to any permission granted.

Internal

PLANNING POLICY: "The applications in question are clearly intended to offer some flexibility in future use as well as generating income in the short term.

"I note the Town Council's concern over the potential loss of employment opportunities which would be caused by open storage. However, storage is a necessary component of the overall employment use of the area. Given the present economic circumstances, I do not consider the proposal unreasonable. With regard to employment in the area generally, we are seeking through the preparation of the Local Development Framework to provide sufficient employment land both across the District and for each principal town. This will almost certainly be in excess of the Regional Spatial Strategy targets, and will be in tune with the needs identified in the current Workplace Employment Study, being undertaken by DTZ and coordinated by Wiltshire County Council.

"Overall, then, no policy objection to 08/02651."

NOTIFICATIONS

Site Notices/Visits

The site has been advertised with a Public Notice Site Notice.

Neighbours

Neighbour notifications have been undertaken. One letter has been received objecting to the possible unsightly nature of an open storage use

RELEVANT PLANNING HISTORY

97/00903/OUT - Industrial park (outline) - Permission 07.10.1998

98/1058 - Surface Water Attenuation Pond – Permission 19.10.98

01/01264/FUL - Renewal of outline consent for industrial development - Permission 26.11.2001

04/01476/FUL - Section 73 application to vary Conditions 1 and 3 of planning permission
01/01264/FUL - Permission 22/12/2004

06/00576/FUL - Section 73 application to remove Condition 14 of planning permission
04/01476/FUL - Permission 05.10.2006.

06/02532/FUL - Section 73 application for variation of time limit in relation to approved application
04/01476/FUL – Permission 16.11.2006

08/02106/REM - Area J2 - Industrial & storage building - Approved 25.11.2008

08/02136/REM - Area J2 - New office and warehouse - Approved 25.11.2008

KEY ISSUES

Key issues to be considered on this application are as follows.

1. Does the proposal represent an appropriate use for general employment land
2. Has site drainage issues been resolved
3. Archaeological issues
4. Ecological issues

RELEVANT PLANNING POLICIES

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP3 Development strategy
- DP5 Town centres, district centres, and employment areas
- T4 Transport interchanges
- T5 Cycling and walking
- T6 Demand management
- C5 The water environment
- HE2 Other sites of archaeological or historic interest

West Wiltshire District Plan - 1st Alteration 2004

- C14 Archaeological Field Evaluation
- C15 Archaeological Assessment
- C16 Archaeological Investigation and recording
- C31a Design
- C32 Landscaping
- C35 Light pollution
- C36 Noise
- C38 Nuisance
- C40 Tree Planting
- E1 New employment land allocations
- E2 Employment policy areas
- T8a Rail freight facility
- T10 Car parking
- T11 Cycleways
- U1A Foul water disposal
- U2 Surface water disposal
- U3 Flooding
- U4 Groundwater Source Protection Areas
- I1 Implementation
- I3 Access for everyone

National Guidance

- PPS1 Delivering Sustainable Development
- PPS9 Biodiversity and Geological Conservation & Guide to Good Practice
- PPS25 Flooding & Guide to Good Practice
- PPG4 Industrial and commercial development in small firms
- PPG13 Transport

OFFICER APPRAISAL

This application is for part of the site which has outline consent for industrial development dating back to 1997 (97/00903/OUT) with a subsequent renewal and variations of conditions granted since then. The original permission was subject to conditions and two Legal Agreements: one with the County Council to secure highways works, and the other for the future maintenance of all landscaping and open space areas.

The site lies within the E1 and E2 employment areas, and over an Area of High Archaeological Interest or Potential.

This application is for details pursuant to those outline consents and asks for open storage B8 use of the site for originally asked for access, appearance, layout and scale to be determined.

Does the proposal represent an use for general employment land

This proposal as seen as an alternative to the other applications on this site which involve buildings being constructed. No buildings are included within the proposal. The application only seeks permission for a temporary period.

Storage of cars or portacabins are now indicated as the proposed use and this can be controlled by conditions..

In view of the Policy comments no objection is seen to the low employment density that would arise from the application.

The area is characterised by modern building of a variety of heights and styles built a different times. The approvals given for buildings on the site reflect that style.

The open storage of portacabins if taking place at excessive height could give rise to adverse visual impact. Consequently the height of such storage should be controlled both in terms of an overall height restriction limited to less than the ridge height of the approved buildings. A more restrictive height limitation is also considered necessary closer to the main estate road to prevent an unacceptable impact on the street scene.

Landscape details are yet to be submitted.

Site drainage issues

The applicant have referred to a surface water attenuation pond approved in October 1998 (W98/1058) to serve this and earlier phases of development amount to some 27.5ha. The applicants indicate that surface water will discharge to the storm water drain and then to this pond. This provided the overview for drainage of the whole site but preceded any advice in PPG25 as amended by PPS25. The whole site is stated to be surfaced with a 300mm deep layer of Type 6F2 stone material which will provide a permeable surface . The application states that ground level of the site will be no lower than 60.00m AOD.

The Environment Agency have no objections subject to a condition and informatives. The floor level specified in the Environment Agency condition is below the general site level.

Archaeological issues

An archaeological evaluation of the site was undertaken in January 2000 by AC Archaeology. The Wiltshire County Council indicated in letter of 1st February 2000 that as nothing of regional or national importance was located no further work was required on this part of the site. Consequently there is no objection the proposal on those grounds.

Ecological issues

No condition requiring an ecological survey was imposed on any of the outline planning permissions and consequently none has been submitted with the application. Some time has elapse since the original outline permission but the Local Planning Authority are at this stage unable to introduce such a requirement.

It is suggested that this position is handled by the insertion of an informative drawing the applicants attention to the contents of ODPM Circular 06/2005, Defra Circular 01/2005 and Annex A of the Circular which sets out the details of the range of wildlife species which receive statutory protection under various legislative provisions.

CONCLUSION

The proposal open storage use for this site on within this industrial area is considered acceptable in respect of those details submitted and subject to the suggested conditions to ensure submission of future details the proposal is in accordance with Development Plan policy.

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Approval

Condition(s):

- 1 The use hereby permitted shall be discontinued and the land restored to its former condition on or before 1 January 2011, in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

REASON: Because this is a form of development which would not be appropriate on a permanent basis.

- 2 The site shall be used for the open storage of cars and portacabins only; and for no other purpose, including any other purpose in Class 8; of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class 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 within the same use class may not be.

- 3 In so far as the details required by conditions 7, 8, 9, 10 & 12 have not been discharged details shall be submitted for approval in writing of those details prior to commencement of development. Such details will be required to have regard criteria as set out in the Environment Agency letter dated 2nd October 2008 and shall ensure that finished floor levels shall be set no lower than 52.8 metres above Ordnance Datum. All details as approved shall be implemented prior occupation of any part of the development hereby approved

REASON: In the interests of flood prevention and to protect the development from the residual risk of flooding.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U3

- 4 The height of any materials, plant or other items stored on the site shall not exceed 7m above the ground level immediately adjacent to the items stored. Within 15m of the footpath of Stephenson Road the height of stored items shall not exceed 4m. Unless otherwise agreed in writing with the Local Planning Authority .

REASON: To ensure a form of development in keeping the character of the area.

- 5 Before the development hereby approved is commenced, details of the gradient of the new site access to Stephenson Road shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety

- 6 Finished floor levels shall be set no lower than 52.8 metres above Ordnance Datum.

REASON: To protect the development from the residual risk of flooding.

Note(s) to Applicant:

- 1 You are advised that the developer must comply with the conditions imposed on Outline Permission reference 06/02532/FULL insofar as they have not yet been discharged, and with the additional conditions now imposed.
- 2 The applicants attention to the contents of ODPM Circular 06/2005, Defra Circular 01/2005 and Annex A of the Circular which sets out the details of the range of wildlife species which receive statutory protection under various legislative provisions and require permissions under other legislation.
- 3 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.
- 4 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 5 Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.
- 6 Any washing of vehicles or vehicle wash facilities must be carried out in a designated area positively drained to foul sewer, subject to the consent of the sewerage undertaker.

RELATED PLANS

Drawing : 918/G27 SITE LOCATION PLAN received on 21.08.2008

Drawing : 918/G26A OPEN STORAGE SITE PLAN received on 19.08.2008

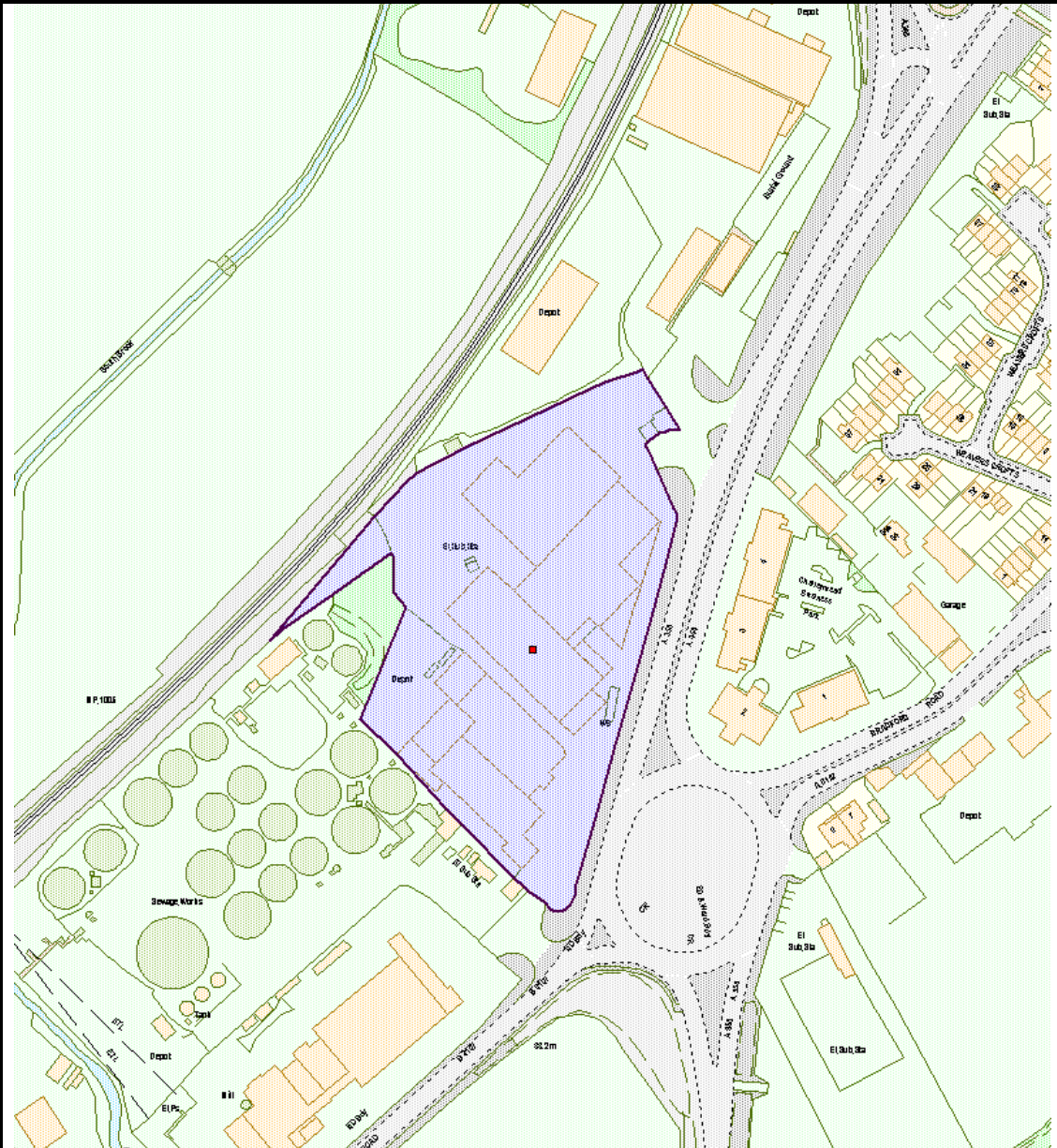
PLANNING COMMITTEE

8 January 2009

ITEM NO: 04

APPLICATION NO: 07/03866/FUL

LOCATION: Country Wide Farmers Ltd Bradford Road Melksham
Wiltshire SN12 8LQ



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SLA: 100022961

04	Application:	07/03866/FUL
	Site Address:	Country Wide Farmers Ltd Bradford Road Melksham Wiltshire SN12 8LQ

Parish:	Melksham (Town)	Ward: Melksham Without
Grid Reference	389940 164146	
Application Type:	Full Plan	
Development:	Regeneration of site to include demolition of existing buildings and erection of new food store together with car park and landscaping	
Applicant Details:	Asda Stores Limited And Countrywide Farmers PLC C/O Planning Potential Magdalen House 136 Tooley Street London SE1 2TU	
Agent Details:	Planning Potential FAO Mr Alastair Close Magdalen House 136 Tooley Street London SE1 2TU	
Case Officer:	Miss Julia Evans <i>Phone: 01225 776655 ext 140</i> <i>Email: jevans@westwiltshire.gov.uk</i>	
Date Received:	17.12.2007	Expiry Date: 17.03.2008

COMMITTEE REPORT

This application is brought to Committee because it is a significant departure from the development plan.

APPLICATION SITE & SURROUNDING AREA

The site is currently occupied by the Countrywide Stores shop to the southern half of the site, with the vacant animal food-stuff buildings to the north of this. These buildings are proposed for demolition. They are a mix of materials, heights, and design, reflecting the existing and previous use of the site. The site slopes gently towards the west.

There are currently two vehicular accesses to the site, one off the B3107 at the south of the site, and the other off the one-way A350 system to the north. There is no pedestrian access to the site from the town or surrounding areas.

The site is surrounded by a mix of uses, including the railway to the west of the site (beyond which is farm land), further vacant manufacturing buildings to the south, the A350 to the eastern boundary beyond which are offices and residential uses. To the north is a car garage with further employment uses beyond this. The Melksham Sewage Treatment Works lies adjacent to the east of the site, and shares one of the site's accesses.

PROPOSAL

This is a full application for a new Asda superstore at Countrywide Farmers, Bradford Road, Melksham. The existing buildings would be demolished and a new store erected which would have a gross area of 4,645m², with a net sales area of 2,601m². Of the 2601m² net sales floorspace, 1,858m² would be for convenience goods and 743m² for comparison goods. The building would be located to the southern corner of the site, with its car park and access to the north. The service yard would be to the rear of the building, to the southern edge of the site.

The building would be constructed of white cladding panels with an aluminium roof. A small detached building would be located to the north-east corner of the store to provide ATM facilities.

The application has been supported by the following documents:-

- * A Planning and Retail statement;
- * A Floor Risk Assessment;
- * A Design & Access statement;
- * A Statement of Community Involvement;
- * A Sustainability Statement;
- * A Transport Assessment;
- * A draft Travel Plan;
- * A S-Paramics Microsimulation Model Testing report; and
- * An Odour Control report.

In summary, these reports provide justification for the development of the site as a supermarket.

CONSULTATIONS

Parish/Town Council

MELKSHAM TOWN COUNCIL state "The Town Council noted that reports were available on the retail justification for the store in the town and what changes could be made to the highway if the application went ahead. The transport report included details on improvements to encourage non car modes of transport, such as enhanced pedestrian and cycle access and public transport enhancements.

"Councillors welcomed the additional information but "RESOLVED: To make no changes to their original comments, ie: "The Town Council welcomed this application and felt it showed that Asda had faith in developing in Melksham. However, the Council has concerns relating to access to the site:

"1. Vehicle access. This needs to be looked at more closely. The proposed junction is on a very busy road, which already suffers from considerable congestion.

"2. If traffic lights are used at the proposed junction these need to be synchronised with others nearby.

"3. The proposed pedestrian/cycle. This needs to be looked at more closely. It was felt there is an opportunity to link in with Footpath 22 which crosses the road at the proposed junction point from Bradford Road/Old Broughton Road then across to the railway line on the other side. It was asked whether a footbridge could be used at this point. It was also asked if the possibility of linking an underpass to the site from the current underpass could be used. This would mean that the development was likely to comply with planning Policy SP1 (C) and (D).

"4. The need for good public transport links into town, the east side of Melksham and the outlying villages and/or dedicated shop buses.

"5. The need for some form of link to the train station.

"The Town Council also would ask that any Section 106 Agreement money be used to improve transport links. The Town Council requested that the application be considered by the Planning Committee at WWDC."

External

HIGHWAY AUTHORITY state: "I am writing to let you have our final observations on the above application. A considerable amount of discussion has taken place between us and the applicants particularly in terms of the viability of providing good access by public transport and making sure the traffic modelling work is robust. We have serious misgivings about the impact of this development, for the following reasons:

"1) Effect on the A350

It can be seen by comparing the 2009 base traffic model (ie. predicted traffic without the development) with the 2009 base + development model that the introduction of additional traffic and the signal controlled access into the site have a serious detrimental impact on the functioning of the A350. The Friday PM peak model is of most concern. This shows that southbound journey times would increase and queues back from the new junction would extend across the existing

A350/A365 junction, causing issues with the functioning of this junction. The introduction of the signals also has some detriment to northbound traffic, at times the model shows queues extending back from the signals onto the roundabout. This means vehicles on the B3109 would have difficulty getting onto the roundabout, leading to large queues and most likely rat-running on alternative roads

"2) Access onto the A350

Policy T8 of the Wiltshire and Swindon Structure Plan states that: "Proposals for 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. Developments should provide appropriate mitigating measures to offset any adverse effects on the transport network arising from traffic generated at both construction and operational stages." The A350 is a national primary route. Given that the speed limit past the site is derestricted, from a transport perspective the site is not in a built-up area. Therefore the proposal to install a new access off the A350 would not be acceptable in principle under policy T8.

"3) Access by sustainable modes of transport

Discussions have been held between our public transport section and the applicant's consultant about how the site could be accessed by public transport. Although there are a number of services which pass the site on the A350, putting stops on the A350 is not viable. If there were lay-bys it would be difficult for buses to pullout here and if the buses stopped in the line of traffic it would cause congestion. The possibility of diverting services into the site has been discussed but this could lead to considerable delays for services and existing passengers. A350 southbound buses would have to go right around the roundabout, access the site from a specific bus access off the roundabout and then have to queue with the rest of the traffic leaving the site to turn right onto the A350 again. Northbound buses would use the restricted access and would also have to queue with the rest of the traffic.

"In addition to this, although a proposed designated footway and cycleway down the east side of the A350 and pedestrian phases on the signals are proposed, it would not be possible to make this a pleasant route for cyclists or pedestrians to use so would not encourage these modes of transport.

"The applicant has been unable to overcome the issues that we have raised in my previous letters to you, therefore our reasons for recommending refusal are as before:

"1) The proposal is contrary to Policy T8 of the Wiltshire and Swindon Structure Plan 2016 since the proposed development derives access from the A350 National Primary Route where no overriding need has been demonstrated. Detailed modelling has proved that the development would have a detrimental impact on the function of the A350.

"2) The development is poorly sited to encourage access by non-car modes and is therefore contrary to Policy DP3 of the Wiltshire and Swindon Structure Plan 2016, and Policy SP3(E) of the West Wiltshire District Plan 1st Alteration. "

LIBRARY & HERITAGE state: "Although no archaeological features are recorded within the Proposed Development Area, the Avon Valley is rich in archaeological material particularly along the gravel terraces which formed a favoured location for earlier settlement and related activity. Neolithic pottery and Bronze Age socketed spearheads have been recorded in the vicinity and to the south of the site, a number of ring ditches indicative of Bronze Age funerary activity have been recorded from aerial photography. Furthermore Romano-British pottery sherds and roof tiles have been found to the west and south east of the site.

"Although the site still has potential, given the area will have been disturbed in part by the earlier development on the site it, I advise that an archaeological watching brief is carried out during the initial stages of development to record anything of interest. I recommend that the following condition, as set out in DoE Circular 11/95, is placed on the application to enable a watching brief to take place:

'No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.'

COUNTY PLANNING state: "Thank you for consulting Wiltshire County Council as strategic planning authority on additional information received in respect of the outline application for the development of the above site comprising new retail foodstore (4,645 square metres gross floorspace), car parking and landscaping.

"I have now had the opportunity to fully consider the additional information provided by Planning Potential and apologise for the delay in responding. My colleague, Allan Creedy has already provided a response to you on transportation matters (letter of 29 July 2008), which is referred to later in this letter.

"A Supplementary Retail Statement (SRS), dated July 2008, has been submitted to clarify the methodology and assumptions made in the original Planning & Retail Statement (P&RC), December 2007. This mainly relates to the quantitative need for the proposals. The concern expressed in my previous response that a sufficiently robust assessment has not been undertaken still stands. In particular, this is due to the size of the Primary Catchment Area (PCA) that has been identified and used as the basis for the retail analysis. As you will recall at the meeting on 17 June 2008 I raised this as a particular issue with the applicants.

"The PCA is a fundamental part of any retail assessment and provides the key basis for the analysis. The NEMS Household Survey undertaken in May 2006 relates to the whole PCA and I suspect does not allow analysis by smaller areas or zones, which may be why the PCA has not been reconsidered and revised as requested. As such, any conclusions drawn from the information are likely to be flawed. Clearly if a PCA relating to a particular site or centre is too large it will not provide a fair representation of local shopping patterns and it will not be possible to robustly assess issues such as trade loss and claw back.

"In addition, the Survey itself, undertaken May 2006, may also now be considered a little dated. Since the date of survey a number of extensions to main food stores at Bradford-on-Avon, Chippenham and Trowbridge have been implemented that could have influenced shopping patterns within the PCA as defined.

"The additional information in the SRS, particularly Section 2, has sought to address some of the detailed points set out in my letter dated 2 April 2008. The points raised in the SRS are discussed in turn below:

"Primary Catchment Area

"The additional information provided in support of the defined Primary Catchment Area (PCA) refers to the Competition Commission Report (CCR) 'Market investigation into the supply of groceries in the UK' (April 2008). The Government has not yet fully reported on the findings of this report and neither PPS6 nor the recently published Draft PPS6 refers to the need to consistently apply a 10 minute drive time when defining primary catchment areas. While the application of a 10 minute drive time may be common practice that is accepted in particular circumstances, local variances may apply that justify a smaller or larger area to be defined. In the Melksham context, a smaller primary catchment area can clearly be justified.

"It is appreciated that the CCR has considered shopping patterns and store catchment areas. However, it should be recognised that this analysis is general and does not show the wide range of differences that may be apparent in the base data if stores were considered on an individual basis.

"As stated in my original letter, the PCA is considered to be unreasonably large for Melksham particularly given its close proximity to the larger higher order centres of Chippenham and Trowbridge as well as the availability of alternative main food shopping destinations located outside of Melksham. The PCA is even showing parts of the urban area of the towns of Bradford-on-Avon, Chippenham and Trowbridge within it. All these towns contain alternative main food shopping destinations that are closer than the proposed new store at Melksham. As is recognised in paragraph 5.40 of the P&RS, the PCA should be defined as that where "future customers should find their shopping trips more convenient than other competing destinations" (emphasis added). As is clearly appreciated within paragraph 5.42 of the P&RS, it would be unsustainable for people to travel further than they have to, to undertake a main food shop.

"I am particularly concerned about the reference in paragraph 2.21 of the SRS, which states that there is a compelling argument to increase the PCA for the ASDA store. This implies that the type of store being proposed would be inappropriate in scale to the role and function of Melksham. Paragraph 2.22 also goes on to explain that 20% of the stores trade would be drawn from outside the PCA.

"Population Growth Rate

"More detailed information would be required to check the population figures and growth rates used in the assessment to determine whether the figures are reasonably consistent with the County Council projections. This has not yet been checked due to the outstanding issue about the size of the PCA, which should be revised for the reasons set out above.

"Convenience Expenditure Growth Rates

"The growth rates are in line with the most up to date MapInfo Information Brief 07/02, although higher than previous Briefs. The rate used is therefore reasonable in the absence of a more up to date Brief. It is of course possible given the current economic climate that a new Brief for 2008 may indicate a different rate.

"Special Forms of Trading

"Paragraph 3.28 of the West Wiltshire Retail Study 2007 indicates that non-store sales (i.e. special forms of trading SFT) would be at 4.3% in 2011 even taking into account a weaker-case scenario for internet growth. It would appear that SFT has not been over compensated for contrary to the statement at paragraph 2.39 of the SRS.

"Turnover of Existing Stores Efficiency Growth

"Paragraph 5.65 of the P&RS only clarifies that a 0.75% productivity growth rate has been applied to the proposed store. Table 3 of the capacity tables provides estimates of store turnovers at 2003 based on the survey information but does not consider the turnover of these stores in 2013 (the design year). No explicit allowance has therefore been made for sales densities of other stores to improve.

"Lidl, Melksham

"It is acknowledged that the Lidl store is mentioned in paragraph 5.56 of the P&RS with a proposed turnover of £2.9m. It is perhaps disappointing that this information was not included within the original capacity tables found within the Appendix.

"New capacity tables have now been provided that incorporates this commitment (Tables 4A, 4B and 4C). However, it is noted that no allowance has been made for Lidl to improve its sales density (i.e. efficiency growth).

"ASDA, Chippenham

"The appeals relating to a new ASDA store at Chippenham have now been dismissed [Appeal Ref: APP/J3910/A/2062538 (Appeal A) & APP/J3910/A/2062541 (Appeal C) Decision date: 5 August 2008]. The potential implications of the delivery of ASDA's proposals at Chippenham are therefore no longer relevant, although some of the Inspector's conclusions may be of interest.

"Trowbridge

"There is insufficient information within the Melksham Shopping Survey results in Appendix 4 of the PR&S to substantiate the comment in paragraph 2.51 that "a significant contributing factor to those stores overtrading is trade being drawn from Melksham". The survey results are not broken down into zones and as the catchment area extends outwards to the edge of, and indeed includes parts of the urban area of, Trowbridge it is unclear how much of the overtrading can genuinely be attributed to trade being drawn from Melksham.

"Notwithstanding this, it is also important to recognise that Trowbridge is identified as a Strategic Service Centre within the adopted Wiltshire and Swindon Structure Plan 2016 and is one of the Region's Strategically Significant Cities and Towns within the Draft Regional Spatial Strategy. It is therefore expected that Trowbridge draws trade from a wide catchment area and it is of course possible that people undertaking main food shopping trips at Trowbridge are doing this as part of a combined trip with other activities within the Town.

"Clawback of Trade

"As discussed previously, the retail analysis submitted in support of this application is based on an unreasonably large primary catchment area that does not properly take into account the nearby higher order centres of Chippenham and Trowbridge, which in themselves are sub-regional settlements with significant main food shopping opportunities. The level of expenditure that should be retained within Melksham in order to promote sustainable patterns of growth is therefore likely to be over-estimated and the case for claw-back is not based on sound evidence.

"Potential Impact /Linkage

"As referred to in paragraph 2.70 of the SRS, it is recognised that impact can be positive as well as negative.

"However, the analysis undertaken in paragraphs 2.75 to 2.83 is flawed. The Survey only asks people whether they ever combine their main food shopping trip with any other activities in Melksham town centre (Question 7). 102 respondents or 20% said yes, of these just 60% did on either all or most trips. It is possible that a significant proportion of these are already shopping at main food shopping destinations in Melksham Town Centre. In total, 149 respondents do their main food shopping at Sainsbury's, Somerfield and Iceland within Melksham Town Centre (Question 1). The reason why they may be combining their main food shopping activity could very well be due to the fact the these stores are located within the town centre and as such encourage linked trips to take place. It is unclear from the survey information to what degree other out of town stores such as the one proposed are able to encourage linked trips with town centres and therefore the likelihood of the proposal having a positive benefit on the town centre. In light of the above, the uplift of £4.1 m could be over-estimated.

"Although it is appreciated that some improvements are now proposed for pedestrian and cycle access, the route would not be pleasant and so would not encourage these modes of transport. This view is shared by my colleague's transportation comments. The A350 could be perceived as a major barrier between the site and the town centre, and therefore unlikely to encourage linked trips by sustainable means. To reiterate my previous response, the proposal is likely to serve as a standalone shopping destination that is primarily accessed by car and offers little potential to support the vitality and viability of the Town Centre.

"Specifically, in terms of the comments at paragraph 2.84 of the SRS, it is perhaps not surprising that II ASDA and Countrywide's proposals have not been subject to objections from existing retailers in Melksham" due to the recent investigation by the Competition Commission into retailing.

"In addition, to the above comments, it is noted that the convenience sales floorspace information (Table 3, Appendix 6) has not been reconsidered in light of the County Council monitoring data. This underestimates the level of existing convenience sales floorspace, in particular Tesco and Asda at Trowbridge, and Sainsbury's and Morrisons at Chippenham. Also, insufficient detail is provided within the Table to consider whether the estimated turnovers and national average turnovers are reasonable, particularly for the "other" stores. The sales floorspace information has been used to estimate levels of over and under trading and forms part of the justification for the proposed store.

"In conclusion, it is clear that a robust assessment of retail matters has not been carried out by the applicant, not least because the PCA that underpins the retail analysis does not reflect the Melksham context. While further discussion and negotiation with the applicants could continue to work towards addressing the detail within the assessment it is unclear whether an agreed position could be reached. Nevertheless, even if an agreed position could be reached, the issue still remains about the location of the store as set out in my earlier letter.

"An objection to the application is therefore still maintained. In particular, the proposal is considered to be contrary to Policies DP1, DP3 and DP6 of the adopted Wiltshire and Swindon Structure Plan 2016 in that it would not achieve a pattern of land of land uses which minimise the need to travel and support increased use of non-car modes of travel. "

ENVIRONMENT AGENCY state: "Thank you for consulting the Environment Agency on the above planning application. We have no objection to the proposed development subject to the following conditions (or similar) being included within any planning permission granted. This is discussed below.

"Flood Risk

"Our flood zone outlines were recently updated using more definitive ground level calibration. Consequently, our flood zone 2 outline now follows approximately the 35.10m AOD contour as shown on the submitted drawing 002/8. Therefore, we would support the sequential test logic and the selection of this site for the development as set out in section 5.2 of the Flood Risk Assessment (FRA).

"We agree with the proposed surface water attenuate on site up to the 1:100 year climate change event through two below ground attenuation systems, which would address the current onsite surface water flooding issues and lower the pre-development run off rate.

"CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation, including provisions for pollution prevention where appropriate, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

"REASON: To prevent the increased risk of flooding and to prevent pollution of the water environment.

"NOTE -We also recommend all manhole covers on the surface and foul sewerage systems be identified and preferably colour coded.

"CONDITION: Finished floor levels of the development should be set no lower than 35.25m AOD

"REASON: To protect the development from flooding

"Pollution Control

"CONDITION: Any drainage from areas where waste food materials are stored, waste skips or compactors are sited should either be totally contained or directed to the foul sewer.

"REASON: To prevent pollution of the water environment.

"NOTE - We recommend provisions are put in place to prevent any shopping trolleys from being taken outside the perimeter area of the store and its car park .

"Contaminated Land

"The development overlies a Minor Aquifer as defined by the Environment Agency's Policy and Practice for the Protection of Groundwater (PPPG), but does not lie within any Source Protection Zone, as described in the same PPPG. An Aquifer is a body of rock beneath the surface which stores water.

"Activities carried out at this site may have caused contamination of soil, subsoil and groundwater present beneath the site and may present a threat to nearby surface waters, especially as a result of the proposed development.

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

"1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

"2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

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

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

"Any changes to these agreed elements require the express consent of the local planning authority.

"REASON: Although generic remedial options are available to deal with the risks to controlled waters posed by contamination at this site, further details will be required to ensure that risks are appropriately addressed.

"This practice is considered important so that the site operator/owner, the regulatory authorities and other parties, such as the general public, potential purchasers or investors, can have confidence in the outcome, and any subsequent decisions made about the need for action to deal with any contamination at the site.

"We recommend using the following documentation:

- The risk management framework provided in CLR11 , Model Procedures for the Management of Land Contamination when dealing with land affected by contamination. It provides the technical framework for structured decision- making regarding land contamination. It is available from www.environment-agency.gov.uk.

- BS 101752001 , Investigation of potentially contaminated sites -Code of Practice as a guide to undertaking the desk study and site investigation scheme.

"Pollution Prevention During Construction

"Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

"Such safeguards should cover the use of plant and machinery , oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

"We recommend referring to our Pollution Prevention Guidelines, which can be found at: www.environment-agency.gov.uk/business/444251/444731/PQg/

"Storage of Oils, Fuels or Chemicals

"CONDITION: Any facilities for the storage of oils, fuels or chemicals shall be sited on imperious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

"REASON: To prevent pollution of the water environment.

"4 Water Efficiency

"We strongly recommend water efficiency measures be incorporated into this scheme. It would assist in conserving natural water resources and offer some contingency during times of water shortage. Please note the following condition has been supported in principle by the Planning Inspectorate.

"CONDITION: No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

"REASON: In the interests of sustainable development and prudent use of natural resources.

"NOTE TO APPLICANT: The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps and white goods (where installed) with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered .

"The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development. Further advice can be found at:

- <http://www.environment-agency.gov.uk/> > Subjects > Water Resources > How We Help To Save Water > Publications > Conserving Water in Buildings; and
- <http://www.savewatersavemoney.co.uk/>.

"A scheme of water efficiency should be submitted in accordance with the information supplied on the website.

"Sustainable Construction

"We strongly recommend that the proposed development includes sustainable design and construction measures, which comply with the Code for Sustainable Homes. The development should aim to achieve the highest number of stars possible, preferably six. For detailed advice on how to comply with the Code please visit: [http://www.planningportal.gov.uk/uploads/code for sust homes.pdf](http://www.planningportal.gov.uk/uploads/code%20for%20sust%20homes.pdf). It includes sections on energy and water efficiency and will soon be compulsory for all housing.

"In a sustainable building minimal natural resources and renewables are used during construction, and the efficient use of energy is achieved during subsequent use. This reduces greenhouse gas emissions and helps to limit and adapt to climate change. Running costs of the building can also be significantly reduced."

WESSEX WATER state: "Our discussions focused on when the planning application is to be determined and on Wessex Water's view as to the desirability of dealing with odour mitigation measures by way of planning condition.

"To confirm our position:-

"1) Wessex Water is currently assessing the outputs from an odour survey carried out by Entec.

"2) This process will involve an appraisal of what mitigation measures might be necessary to allow Wessex Water to withdraw its objection to the above planning application together with the preparation of outline designs and reporting on the matter to internal approvals teams.

"3) This process is likely to take another 6-8 weeks.

"4) At this stage Wessex Water is not in a position to say with any certainty what works might be required or even if mitigation measures will satisfactorily remove the risk of odour issues at the proposed Asda store.

"5) Given the above we are not in a position to agree to the imposition of a planning condition as being an appropriate way forward in this matter let alone what the wording of any such condition might be.

"6) Our preference is that planning permission should not be granted unless and until an agreement is entered into between the developer and Wessex Water for the funding and carrying out of mitigation measures to an agreed design.

"7) As indicated above we are some way from this position.

"8) In our opinion potential odour issues should have been the subject of discussions between the developer and Wessex Water well in advance of the submission of the planning application.

"9) In view of the above Wessex Water maintains its objection to the planning application."

WILTSHIRE WILDLIFE TRUST state: "The Trust has no objection to this application, and has the following comments:

"Protected Species. Clearance of vegetation and felling of trees may impact on roosting bats and breeding birds.

"Bats. All bats are protected under the Wildlife and Countryside Act 1981 (as amended) and under the Conservation (Natural Habitats & c) Regulations 1994." A condition of any planning permission should be to ensure protection of any bats on site.

"Breeding Birds. A condition of any planning permission should be protecting breeding birds.

"Measures to Enhance Biodiversity. The Trust is pleased to see that native species of local provenance are proposed for landscaping on the site.

Measures to Increase Sustainability. The developer should use an energy supplier that is 100% renewable energy-based. A green roof would be a further measure, with wide positive sustainability impact."

NATURAL ENGLAND state: "The information forwarded to Natural England is of no use to determine whether or not the development will have an adverse effect on any protected species. Therefore, Natural England's initial objection still stands. However, if a wildlife survey is submitted then Natural England will be happy to make comment."

REGIONAL DEVELOPMENT AGENCY has not responded.

NETWORK RAIL state: "Thank you for your letter and enclosures dated 28 December 2007, together with the opportunity to comment on this proposal. Below are some standard guidelines that should be considered with any application on or adjacent to railway owned land or infrastructure.

“DRAINAGE. Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail’s culverts or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail’s boundary.

“SAFETY. No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail’s structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land.....

“GROUND LEVELS. The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

“SITE LAYOUT. It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail’s infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment’s guidelines.

“LANDSCAPING. In the interests of safety, all new trees to be planted near Network Rail’s land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to this office for prior approval.

PLANT, SCAFFOLDING AND CRANES. Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall onto Network Rail land.”

Internal:

PLANNING POLICY state:

"Key Issues:

"The potential proposal site lies on the western edge of Melksham, to the immediate west of both the A350 (Western Way) and River Avon. The proposal site is currently in mixed use with one quarter of the site being retail use and the remainder being in employment use under Use Classes B1 (Offices) and B8 storage. The proposal seeks to redevelop the northern half of the Countrywide Farmers site for retail/ foodstore uses (approx 28,000 sq ft) and associated car parking.

"The surrounding area is predominantly industrial/employment use in character, with a sewage treatment works, and a car showroom and repair garage immediately adjoining the site. Warehousing and a kitchen manufacturing factory are to the immediate north and a further vehicle repair facility is to the south. Some of these uses have an ancillary retail element. The site is bounded by the Trowbridge – Swindon Rail line. The proposal site, and the other sites surrounding it, is identified within the West Wiltshire Employment Land Assessment as being a key (non-allocated) employment site within Melksham.

"The site is physically distant from Melksham Town Centre – 310 metres to the nearest point of the town centre commercial area boundary (as the crow flies) and 550 metres walking distance to the nearest point of the town centre commercial area boundary. The site is 625 metres distant (centroid to centroid – as the crow flies) from the heart of the commercial area boundary (Primary Retail Frontage), or 940 metres walking distance. The site is physically separated from the town centre and adjoining residential areas by the A350 and the River Avon. Based upon this information the site can be described as being out of centre (in terms of distance from town centre primary retail frontages) and potentially out of town due to it being physically separated from both the town centre and urban residential areas (as per PPS6).

"Retail Need

Government policy is set out within PPS6, paragraphs 2.28 - 2.31 discuss site selection and analysis within the development control context. Our own retail planning Policy SP3 addresses the issue of out of centre shopping along similar criteria – namely, need, sequential approach (to site selection), harm to town centre vitality and viability and site accessibility.

"The applicant has produced both a quantitative and qualitative needs assessment. The quantitative needs analysis is based upon a 500 household telephone survey within a 10 minute (drive time) catchment area. The applicant's assessment challenges the detail of the District Council's own district wide retail needs assessment. Whilst the District Council's assessment states that there is no further quantitative need for additional foodstore provision within the town, the applicant's contrary position is that there is a need. Their conclusion is based on the assumption that their survey methods are more specific to the town, rather than being district wide. I recommend that the District Council takes further advice on the validity and robustness of the applicant's assessment methodology.

"I note that the applicant's methodology does not take into account the implications of either recent retail commitments, or the potential impact (upon need) of current applications. Clearly, were the District Council minded to allow current proposals in Trowbridge Town Centre and in Melksham itself (Lidl), there would be an impact upon the need for further floorspace - as calculated by the applicant.

"The applicant also claims that the provision of (their) additional foodstore floorspace will make a positive contribution in terms of 'clawing back' customer seepage into the town - namely, bringing back resident customers (and indeed non-residents), who currently shop elsewhere. This is a mistaken assumption. Claw back can be a consideration in the determination of retail proposals. However, it can only be justified in locations where the existing foodstore retail offer is limited. That is not the case in Melksham. In qualitative terms, the proposal is for an ASDA store; Melksham already has a Sainsbury, Somerfield and Aldi stores, which provide a wide selection of comparison retail offer for the town. It is difficult to see how an ASDA will provide a qualitative improvement or substantially increase the range of offer.

"The applicant has produced a sequential approach study to justify their site selection. The site analysis included within their study is at not very detailed and in a number of areas superficial. I recommend that we seek further advice on the robustness and validity of this part of their supporting information.

"Town Centre Impacts

The potential negative impact of the proposal upon the existing town environment is of great concern. PPS6 states that even where a need for a new retail use can be demonstrated there will still be an impact upon the town centre. PPS6 continues by explaining how positive impacts will be achieved if the proposal is either within or well related to the town centre. This is clearly not the case with the proposal site, which is both distant and remote. It is extremely unclear how a distant and remote site such as this will provide a positive benefit to the town centre as the links between the two are non-existent. Whilst the applicant has suggested the introduction of improved accessibility arrangements, these elements of the proposal are geographically limited to the site and its immediate surroundings. It remains unclear how the site will connect, access and function with the town centre. The primary concern is that the proposal will be predominantly reliant upon the private car for access at the exclusion of trips to the town centre itself. As the proposal include a comparison, in addition to foodstore, element there is significant scope of an extremely negative impact upon Melksham town centre.

"Accessibility

Current safe pedestrian and cycle links between the site, the town centre and Melksham's residential area are non-existent. Public transport links are limited to bus stops on the busy A350. Whilst the site is highly accessible for employment purposes, particularly for goods traffic, it significantly less accessible to prospective shoppers, who will rely upon the private car to access the site - such access arrangements are unlikely to encourage shared trips to this prospective store and the town centre.

"The applicant has not demonstrated how access can be sustainably improved.

"The Highway Authority has expressed great concern about this application in terms of it being able to provide viable access improvements from the A350 onto the site. Current highway access is for a much smaller store and employment uses, which will not have sufficient capacity to accommodate a proposal of this nature.

"Given the likely reliance upon the private car to travel to this remote site there are also access associated sustainability issues.

"Loss of Employment Land/ Floorspace

Whilst part of the site (approximately one quarter) has a certificate of lawfulness permitting the current ancillary retail uses, the proposal seeks to expand retail activities across the whole of the northern site. The resultant retail use being entirely free standing. The applicant has failed to provide any justification for the loss of the remaining employment land.

"The applicant notes the contents of the District Employment Land Assessment and concludes that there is sufficient employment land provision. This is curious as the Employment Land Assessment states a conservative need for at least another 50 ha of new employment land over the Core Strategy period (until 2026) over and above current provision. The assessment also notes the negative impacts of the trend of employment land lost to other uses, and that such land lost to other uses has to be made good by new allocations elsewhere.

"Whilst the proposed use will generate new jobs this point is overplayed. Many of the new jobs will be part time. Most will be poorly paid service sector jobs. This is unlikely to positively contribute to the district's economy, or employment market.

"The applicant has not considered or tested other/ alternative employment uses on the site. I expected an analysis of the site and demonstration of its fit-for-purpose status as employment land. Such an analysis should include details of how the site was marketed for employment uses – successfully or otherwise.

"Employment sites such as this, located on the edge of settlements, provide a valuable contribution towards the urban employment offer. If redeveloped for small scale employment uses/ business start ups, such sites provide a sustainable alternative to more remote/ rural sites – namely, where such uses are currently pushed out to.

"Sewage Treatment Works

The sites proximity to a sewage treatment works is a major concern. Wessex Water the works operators have expressed this concern and stated that it will be impossible to mitigate the impact of the treatment works upon the proposed foodstore. Given the Foodstore use will include food sale and preparation (items not currently for sale on the site) the potential nuisance impact of the treatment works is likely to be considerable.

"I note the contents of the applicant's odour study. The statement that there have been no odour complaints pertaining to the proposal is understandable given it's current status as an employment site, with limited retail provision. It can be assumed (using the applicant's logic) that the proposed intensification of public uses upon the site would in reality raise the potential for future odour complaints rather than lower them.

Flood Risk

Although the proposal site does not sit within the current functional flood plain it does lie within Flood Zone 2. Land to the immediate south of the site, south of the Western Way Bridge (over the River Avon) is subject to one in five year flood events. Current guidance, under PPS25 identifies retail uses as falling within the less vulnerable category and acceptable within all but functional flood plain. Given current guidance, the EA's advice is not to provide a refusing objection. However, given the increasing sensitivity of flood risk to new development a FRA for the proposal is highly advisable.

"Conclusions:

The proposal is not acceptable in principle. The District Retail Needs Assessment states that there is neither a quantitative or qualitative need for further comparison retailing within Melksham. Given the applicant's challenge to our study, I recommend that we take further advice on their methodology, assumptions and conclusions. Nevertheless, there are genuine concerns that the proposal will have a significant negative impact upon the town centres continued vitality and viability. The site has poor accessibility, particularly by alternative modes other than the private car. The proposal will result in the loss of existing urban employment land alternative employment uses have not been considered. The site's close proximity to the sewage treatment works and the associated (significant) nuisance is also noted.

"Policy Recommendation:

Unacceptable in policy terms."

ENVIRONMENTAL HEALTH state: "Matters Considered: Odour, flies, birds, noise and light causing loss of amenity. Food Comments: N/A. Licensing Comments: N/A. Safety Comments: N/A. Protection Comments: The site is located next to the Wessex Water sewerage works that serves Melksham and the surrounding villages. Odour. Odour incidents can be expected throughout the year, however, it can be particularly bad during the summer dryer months. The smelliest odour producing processes of the works are located near to the boundary of the proposed development. These processes are:

- Screw Pump (raw sewage intake, which is open to the atmosphere)
- Screening Handling (removes all the paper, sanitary towels and non-sewage solids) washes, grinds, dries and then discharged to an open skip
- Grit Rake and Paddle, discharges to an open skip
- 2 Primary Tanks and 2 Overflow tanks

"Rats. The distribution chambers are open to the surrounding environment to allow the natural breakdown of the sewage. Thus providing a readily available food source for the rats.

"Birds

The distribution chambers are open to the surrounding environment to allow the natural breakdown of the sewage. Thus providing a readily available food source for birds such as ducks and gulls.

"Flies

There is the potential for insect complaints to be generated from the sewage works as insects are seen as an integral part of the purification of the sewage. A mixed and diverse micro- and macrofauna is highly desirable for the efficient working of a filter bed.

"The inconvenience or annoyance resulting from the presence of insects may lead to a statutory nuisance.

"Noise and Light

The site is currently sufficiently far enough away from residential properties to alleviate any concerns regarding noise and construction nuisance. However, if nuisance arises from the site, Environmental Protection have the capacity to use their primary legislation.

"Recommendation: Recommend refusal due to the incompatible nature of the proposed use with existing important infrastructure.

"Light

If you are minded to recommend approval, please reconsult.

"Informatives: N/A"

REGENERATION OFFICER states: "I am of the view that these [revised information] do not significantly alter the fundamental issues within this application. I would not seek to add to my original comments." These stated:

"The Retail Needs Assessment also showed that by 2012 Melksham would have an additional convenience floorspace need of 237-473sqm which is considerably less than the 28,000sqft gross store proposed by ASDA. While ASDA's consultants argue that the DC's assessment is conservative and does not account for factors such as population growth it should be noted that major residential development will be situated to the east of Melksham without a direct road link to the application site and thus the proposed ASDA store would not practically cater for the growing local population it being situated on the opposite side of town. Inevitably should residents of the East of Melksham development wish to visit this store they are more than likely to do so by car which would increase traffic congestion and undermine any sustainability case made by the applicants.

"In their critique of the DC's Retail Needs Assessment the applicant claims that the development would attract visitors from beyond the boundaries of the District. Given the relatively isolated nature of the site and its reliance on vehicular access any inflow of expenditure from beyond the District will be inevitably car-based and thus detrimental to traffic flows and congestion. It is also likely to favour park and shop visits with little opportunity to capture economic benefits to Melksham Town Centre.

"Access/Transport: With 255 car parking spaces it is apparent that the applicant views car access as the principle means of visiting the site. The site itself being situated on the boundary of the urban area and being isolated from the residential areas by the A350 and adjacent land uses, is effectively "out of town" being beyond the zone that could readily be viewed as "edge of town centre". By virtue of location and emphasis on vehicular access and car parking capacity the development encourages "drive and shop" and therefore limits opportunities for existing retail etc in the town centre to share the economic benefits of this scheme. Moreover, despite the applicant's claims to the contrary, the pedestrian/cycle route proposed does not directly link to the town centre but instead emerges adjacent to the Cooper Tyre plant (not a town centre site) and to the west of the Avon. In addition this route does not link to a major residential area. I would contend that on this basis the proposed development offers no benefits to the economy or regeneration of Melksham Town and could in fact have a deleterious impact on the vitality of the town centre as it pulls trade away from established retailers. Moreover the site is only minimally connected to the town.

"The applicant stresses the proximity of the site to Melksham railway station as a positive for access and transport but I would argue that given the very poor service on this line and its connections to towns already well supplied with convenience and comparison retail, it is of no meaningful relevance. The application therefore fails to prove its sustainability in terms of access.

"It is worth noting that the applicant's Transport Assessment claims that this development would create a change in customer/visitor behaviour in that it would attract customers who currently use the existing convenience stores in the town centre. Thus by their own admission the applicant admits that this development would take trade from the town centre and thus cannot be regarded as anything other than detrimental to the vitality and viability of Melksham Town Centre.

"In terms of Regeneration, the only benefit would be aesthetic by replacing the rather "tired" looking Countrywide Store with new architecture (albeit a "clone" of ASDA stores elsewhere and not locally distinctive) and landscaping. However, the proposed site is already a successful retail outlet and as such there is not a strong case for the sites "regeneration" as described by the applicant. As described above I am of the view that the negative impact of a convenience store on this site to town centre retail makes the application harmful to town centre regeneration."

DRAINAGE ENGINEER has not responded.

LANDSCAPING OFFICER has not responded.

ECONOMIC DEVELOPMENT has not responded.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 09.01.08

Neighbours

Neighbour notifications have been undertaken. Ten letters were received making the following comments:

- the store will generate additional traffic which will add to congestion on the A350 and A365, and the B3017 and A3102;
- it includes a footway alongside a busy main road;
- public transport is limited to bus stops, which will not encourage use, and will also block an already busy road;
- the proposal does encourage use of the private motor vehicle;
- no practical connection to the nearby rail station;
- proximity to sewerage treatment works will cause nuisance, especially smells, in close proximity to food;
- another supermarket is not needed by the town;
- the A350 roundabout regularly floods;
- although the present building is unattractive it is relatively unobtrusive compared to the large white hanger-like building proposed;
- the proposal will result in light pollution if not strongly controlled;
- increase in traffic pollution which will impact on the vitality and viability of the town centre;
- Melksham Chamber of Commerce & Industry have concerns as regards the store's access off the A350; poor pedestrian access; and poor public transport links; and
- one letter of support for the store as it provides an alternative to the existing stores; it will regenerate this side of the town; and will encourage new public transport links.

RELEVANT PLANNING HISTORY

77/00011/ADV - Illuminated sign - Consent 29.07.1977

84/00942/ADV - Non illuminated sign - Consent 20.11.1984

84/01164/FUL - Change of use to office area in plant depot building - Permission 23.10.1984

84/01165/ADV - Eight flagpoles and flags - Consent 24.10.1984

84/01166/ADV - Applied lettering to facade of building - Consent 24.10.1984

84/01220/FUL - Change of use to premises for the display and sale of agricultural and horticultural products farm hardware accessories equipment and related goods - Permission 21.11.1984

84/01471/FUL - Placing of three temporary portable offices on existing depot - Permission 08.01.1985

84/01472/FUL - Erection of engineers store and garage - Permission 08.01.1985

85/00097/FUL - Infilling of factory doors and provision of windows - Permission 05.03.1985

85/00390/ADV - Advertising sign on facade of building - Consent 15.05.1985

85/00524/FUL - New entrance to B3107 - Permission 11.06.1985

86/00545/FUL - Provision of fire escape - Permission 10.06.1986

92/00714/FUL - Erection of vehicle canopy - Permission 06.07.1992

94/00548/FUL - Extension to warehouse construction of loading bays and erection of silo and bin storage - Permission 13.06.1994

96/01125/FUL - Sectional building - Permission 23.10.1996

97/00325/FUL - Extension to warehouse and bulk intake area - Permission 09.04.1997

97/01256/ADV - Replacement logo - Consent 03.11.1997

98/00904/FUL - Erection of blending bins and weighbridge - Permission 02.09.1998

00/01351/FUL - LPG autogas facility for re-fuelling vehicles - to be used by store customers/account holders - Permission 09.04.2001

01/00990/FUL - Enlargement of LPG facility - previous application 00/01351 - Permission 07.08.2001

01/01139/FUL - Installation of an additional silo - Permission 03.09.2001

05/03029/EUD - Certificate of Lawfulness for retail use of the site - Withdrawn 06.03.2006

06/01720/EUD - Application for Certificate of Lawfulness for retail use (A1 use) - Approved 23.10.2006

KEY ISSUES

This application raises the following planning matters:

- retail issues;
- highway matters;
- design;
- the water environment and flooding;
- nuisance & pollution issues;
- railway;
- protected species;
- archaeology;
- loss of employment

RELEVANT PLANNING POLICIES

Wiltshire & Swindon Structure Plan 2016

DP1	Priorities for sustainable development
DP2	Infrastructure
DP3	Development strategy
DP5	Town centres, district centres and employment areas
DP6	Shopping
T3	Public passenger transport
T5	Cycling and walking
T6	Demand management
T8	Transport provision for new developments
C1	Nature conservation
C6	The water environment
HE2	Other sites of archaeological or historic interest

West Wiltshire District Plan - 1st Alteration 2004

C15	Archaeological assessment
C31A	Design
C32	Landscaping
C34A	Resource consumption and reduction
C35	Light pollution
C37	Contaminated land
C38	Nuisance
T11	Footpaths and rights of way

H1	Further housing development within towns
E5	Loss of employment floorspace
T9	Bus services
T10	Car parking
T11	Cycleways
T12	Footpaths and bridleways
SP3	Out of centre shopping
U1A	Foul water disposal
U2	Surface water disposal
U4	Groundwater Source Protection Area
U5	Sewage treatment works
I1	Implementation
I3	Access for everyone

National Guidance

PPS1	Delivering Sustainable Development
PPG4	Industrial & Commercial Development in Small Firms
PPS6	Planning for Town Centres
PPG13	Transport
PPG16	Archaeology & Planning
PPS23	Planning & Pollution ~Control
PPG24	Planning & Noise
PPS25	Development & Flood Risk

OFFICER APPRAISAL

Retail Matters

PPS6 - Planning for Town Centres defines out of centre retail sites as being "A location which is not in or on the edge of a centre but not necessarily outside the urban area" (Annex A, Table 2). Both the District & County Council have taken the view that the Countrywide site is an out of centre site. As such, any application for a new superstore needs to meet the tests set out in PPS6, which also clearly puts the onus on the applicant to demonstrate:

- "a) the need for the development;
- b) that the development is of an appropriate scale;
- c) that there are no more central sites for the development;
- d) that there are no unacceptable impacts on existing centres; and
- e) that locations are accessible." (Para 3.4)

These requirements are reiterated in Adopted Development Plan Policy (SP3 Out of Centre Shopping) in the West Wiltshire District Plan - 1st Alteration 2004.

The application was supported with a "Planning & Retail Statement" (12/07) and then during the processing of the application with a further "Supplementary Retail Statement" (dated July 2008). This additional report was submitted in order to clarify the methodology and assumptions used for justifying the need for this type of store at this particular site.

The Local Planning Authority has been consistent in its advice to the applicant and their agents. Even at the pre-application discussions for the proposed store, the applicant has been advised that the proposal could not satisfy all the requirements in PPS6 and SP3. Despite this advice, an application was submitted. However, even with the supporting retail document the proposal raises a number of fundamental retail concerns that cannot be addressed. The very location of the proposal means that the site has very limited potential "to encourage access by sustainable modes of transport". The A350 effectively separates the site from the town. Despite the proposed public transport and pedestrian linkage measures, the physical separation of the site from the town by a very busy road will be highly unlikely to encourage shared trips to the proposed store and town centre. Indeed the physical attributes of the site is unlikely to result in sustainable usage, necessitating single trip private car usage to the site which is contrary to PPS6 and PPG13, Development Plan policy, and sustainability aims. This forms a robust reason for refusal.

Both the County and the Local Planning Authority have questioned the applicant's retail justification for the store. Neither authority can support the proposal in terms of its negative impact on Melksham's vitality and viability. In particular, the impact of the store on the town centre is of great concern, as the very location of the store means that linkages between the two areas are virtually non-existent, and it is unclear how the site will connect, access and function with the town centre. The evidence provided by the applicant is, therefore, insufficiently robust, and would create a standalone store that would harm the vitality and viability of Melksham town centre. In addition the West Wilts Retail Needs Survey (April 2007) indicates that there is little need within the short term for future retail development at Melksham. This forms a further robust reason for refusal.

Highways Issues

During the processing of the application, a considerable amount of discussion and negotiation has occurred to address the fundamental highways concerns this proposal raises. The Highway Authority have "serious misgivings about the impact of this development", for three main reasons:

- the effect on the A350 and surrounding road network;
- the access onto the A350; and
- access by sustainable modes of transport.

Despite the provisions of a Transport Assessment and modelling, the Highway Authority are fundamentally concerned that the new store would create serious congestion problems on the A350, which would extend onto the neighbouring network, particularly the A350/A365 junction. Even with the introduction of signals, the proposal would still result in queuing onto the surrounding network, impeding the functioning of the roundabout, and leading to large queues and rat-running on alternative roads. In addition, the A350 is a national primary route, whereby an access off it is contrary to Policy T8 of the Wiltshire & Swindon Structure Plan 2016. As a result, the proposal cannot be supported on highway safety grounds.

Numerous discussions have also been held with the Highway Authority to discuss how the site could be accessed by public transport. The applicant has proposed a lay-by bus-stop off the A350, but the Highway Authority have raised objection to this as it could further add to the congestion proposals caused by the scheme. Diverting existing services into the site is also not supported due to the possible delays for services and existing passengers, and for adding to the congestion onto the A350.

In addition to the bus services, the Highway Authority also object to the proposed footway and cycleway, which are considered to be an unpleasant route for these uses which would not be conducive to its use. The applicant has not been able to overcome these issues, so refusal is also recommended on sustainable access grounds.

Melksham Sewage Treatment Works

Policy U5 of the West Wiltshire District Plan - 1st Alteration 2004 states that "Proposals for housing or other development which is sensitive to odour pollution will not be permitted within the sewage treatment works buffer zones, as defined on the Proposals Map, where the proposed development cannot reasonably co-exist in proximity to a sewage treatment works." The whole site lies within this odour-sensitive area, and has raised objections from both Wessex Water and the Council's Environment Health Section. Although extensive negotiations have occurred with Wessex Water to address this matter, to date no agreement or satisfactory solution has been arrived at to overcome the problems of odour nuisance. In addition to the odour nuisance, Environmental Health have also raised objection to the other pests and vermin that the works generate, such as rats, birds and flies. It is considered that all of these are likely to create a statutory nuisance problem for the store and its users. The proposal is, therefore, considered contrary to Policy U5.

Loss of Employment Floorspace

Policy C5 is concerned with the loss of existing employment floorspace. Approximately part of the site has a Certificate of Lawfulness permitting retail uses, but the site extends into the industrial area to the north of the existing store. The Planning Policy Section raise concern over the loss of the employment uses on the site. Although the applicant argues that the proposed use will generate new jobs, many of these will be part time, poorly paid service sector ones, which are considered unlikely to positively contribute towards the district's economy or employment market. The applicant has also not tested whether other and/or alternative uses are appropriate for the site. In such a location, the site currently provides a valuable contribution towards urban employment, particularly in respect of the need to find at least another 50 hectares of new employment land over the Core Strategy period (until 2026). The proposal is, therefore, considered contrary to Policy E5, and this forms a further reason for refusal.

Water Environment

The site lies just outside the 100 year flood plain, and the area and road network does experience flooding most years. The Environment Agency have raised no objection to the proposed development, subject to conditions concerning flood risk, pollution control, contaminated land, storage of chemicals, water efficiency, and sustainable construction. It is not felt that with this expert opinion that an objection on flooding grounds could be substantiated.

Protected Species

Both the Wiltshire Wildlife Trust and Natural England have been consulted on the application. Although Natural England have objected to the proposal, the Trust have no objection subject to conditions concerning the protection of protected species, and breeding birds, plus measures to enhance biodiversity and sustainability. In view of the current built-up nature of the site, it is felt that the conditions suggested by the Trust would be acceptable.

Railway

The northwestern boundary of the site is delineated by the railway line. Network Rail have been consulted and have suggested a number of conditions to ensure the safety of the railway.

Design

Policies C31A and SP3 are concerned with the design of a proposed development. The store design is a large white shed, with a first floor. In terms of design, its location within an area characterised by a mix of employment uses and types and styles of building would mean that it is likely to be difficult to substantiate a reason for refusal on design.

Amenity

In addition to the nuisance issues raised by the proposal's proximity to the Sewage Works, control would also need to be exercised over lighting measures to the store. This would also be achieved by condition.

Archaeology

The County Archaeologists are aware that the area is rich in archaeological deposits. Although they consider that the site may still have archaeological potential, due to the existing developed nature of the site they are satisfied that an archaeological watching brief is sufficient and that this could be dealt with by condition.

CONCLUSION

The proposal is considered unacceptable and contrary to Government Guidance and Development Plan policy. It is not felt that these fundamental objections can be overcome by condition, and so the application is recommended for refusal.

RECOMMENDATION: Refusal**Reason(s):**

- 1 Planning Policy Statement 6, Policy DP3 and DP6 of the Wiltshire & Swindon Structure Plan 2016 and Policy SP3 of the West Wiltshire District Plan - 1st Alteration 2004 states that new out of centre superstores will only be permitted if there is a need for the development, there are no suitable and viable sites within town centre and edge of centre locations, and that the development does not harm the vitality and/or viability of nearby centres. The need for the store has not been satisfactorily justified, and the proposal would harm the vitality and viability of nearby town centres by virtue of it being a stand-alone shopping destination. The proposal is therefore considered contrary to Government Guidance and Development Plan policy.
- 2 Planning Policy Statement 6, Policies DP3 & PPG6 of the Wiltshire & Swindon Structure Plan 2016, and Policy SP3 of the West Wiltshire District Plan - 1st Alteration 2004 state that new out of centre superstores will only be permitted if the development is accessible by a choice of means of transport, including by foot, bicycle, and public transport, and that the development is sited so as to reduce the number and length of car journeys. The location of the proposed superstore is such that it cannot be satisfactorily and safely accessed by non-car modes and is therefore detrimental to highways and public safety, and contrary to development plan policy.
- 3 Policy T8 of the Wiltshire & Swindon Structure Plan 2016 requires new development not to be accessed from the national primary road network, outside built-up areas, unless an overriding need can be demonstrated. No overriding need has been demonstrated, and detailed modelling has proved that the development would have a detrimental impact on the functioning of the A350. The proposal is therefore contrary to development plan policy and highways safety.
- 4 Policy E5 of the West Wiltshire District Plan - 1st Alteration 2004 states that applications involving the loss of existing employment floorspace, including proposals for retail development, will only be permitted whereby there is an adequate supply and mix of genuinely available land and premises elsewhere in the locality for employment uses, where such proposals are compatible with neighbouring land uses, and whereby such proposals do not give rise to, or continue existing traffic problems. The proposal has not satisfactorily demonstrated that the loss of employment premises is acceptable, it is not compatible with the neighbouring sewage treatment works, and it will give rise to traffic problems. The proposal, is therefore, considered contrary to this policy.
- 5 Policy U5 of the West Wiltshire District Plan - 1st Alteration 2004 states that development which is sensitive to odour pollution will not be permitted where the proposed development cannot reasonably co-exist in proximity to a sewage treatment works. The proposal will experience odour, vermin and insect nuisance in particular that cannot be satisfactorily addressed to ensure compatibility with the sewage treatment works. The proposal is, therefore, considered contrary to development plan policy and incompatible with the adjoining sewage treatment works.

RELATED PLANS

Drawing : PL_02E received on 04.02.2008
Drawing : PL_01 received on 17.12.2007
Drawing : PL_08 received on 04.02.2008
Drawing : PL_09 received on 04.02.2008
Drawing : PL_03C received on 17.12.2007
Drawing : PL_04 received on 17.12.2007
Drawing : PL_06 received on 17.12.2007
Drawing : PL_05 received on 17.12.2007

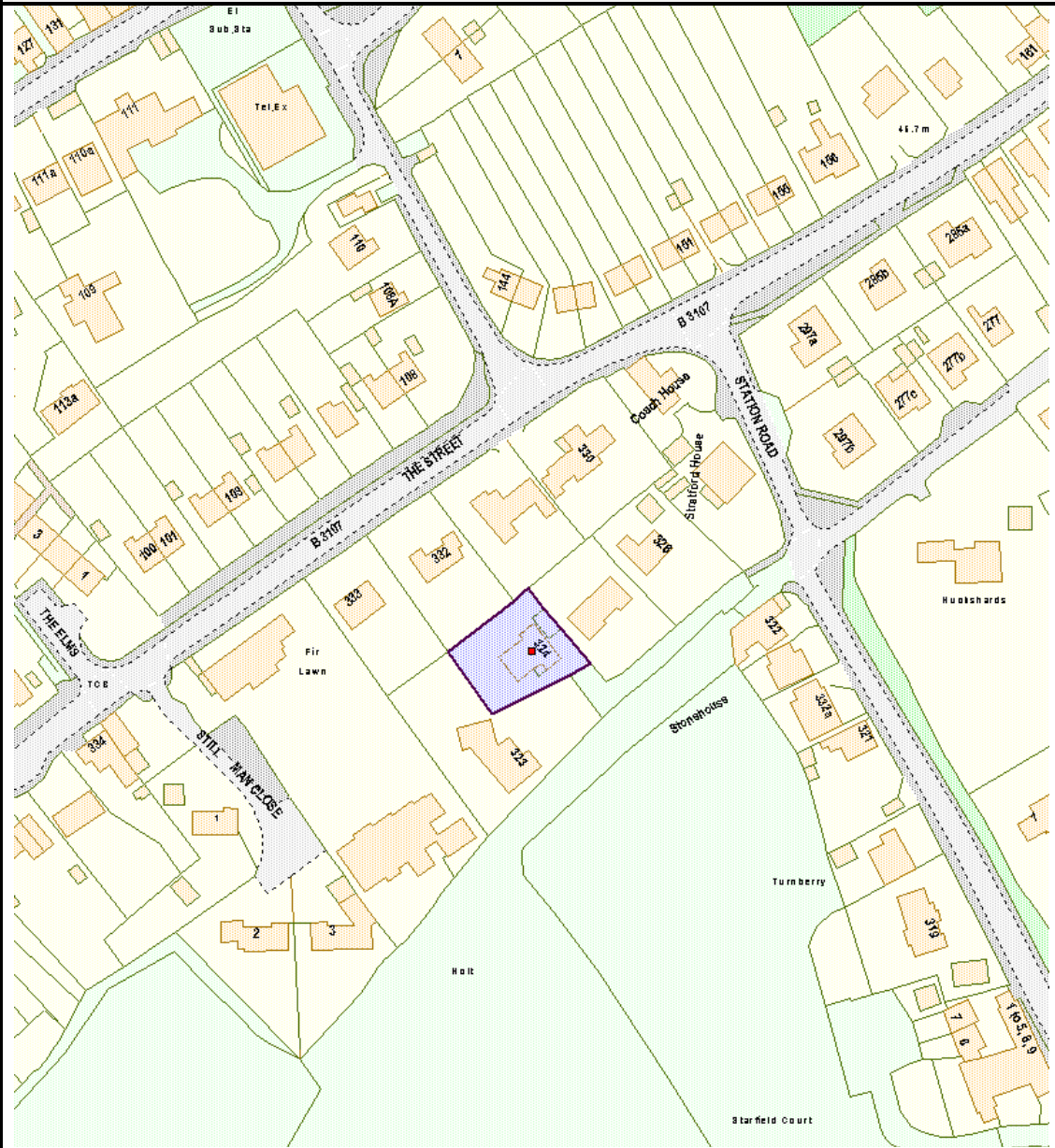
PLANNING COMMITTEE

8 January 2009

ITEM NO: 05

APPLICATION NO: 08/02607/FUL

LOCATION: 324 Station Road Holt Wiltshire BA14 6RD



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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

05	Application:	08/02607/FUL
	Site Address:	324 Station Road Holt Wiltshire BA14 6RD

Parish: Holt Ward: Avonside

Grid Reference 386366 161964

Application Type: Full Plan

Development: Alteration and raising of roof over dwelling and rear extension

Applicant Details: Mr P Stone
324 Station Road Holt Wiltshire BA14 6RD

Agent Details: Mr Peter Withey
3 Hill Deverill Warminster Wilts BA12 7EF

Case Officer: Miss Jennifer Fivash
Phone: 01225 776655 ext 297
Email: jfivash@westwiltshire.gov.uk

Date Received: 22.10.2008 Expiry Date: 17.12.2008

COMMITTEE REPORT

This application is brought to committee as Hilperton Parish Council object contrary to your officer's recommendation.

APPLICATION SITE & SURROUNDING AREA

This is a full planning application for alterations and raising the roof of the dwelling and a rear extension. The property is a detached bungalow located towards the end of a narrow lane which serves 4 properties. The property is surrounded by two storey dwellings of various size and design, with hedges and a few trees around the boundary of the property. To the rear of the site are other detached dwellings of various size and design.

The dwelling already has a conservatory to the front of the property and a covered porch area to the front which currently incorporates a bedroom.

The dwelling is located within the Conservation Area of Holt.

PROPOSAL

The proposal is for an extension to the rear of the property and increasing the height of the roof to allow for three bedrooms in roof turning the property into a chalet bungalow. The proposed rear extension is for the kitchen which would have a hipped roof and would be single storey. The proposed raising of the roof would incorporate two dormer windows in the front elevation with one roof light and four roof lights in the rear of the property. The alteration to the roof would result in gable ends to the dwelling with hipped roof extensions.

The proposed extension would be 2.2 metres by 4.65 metres with a height of 4 metres at the highest point.

The roof would be raised by 1.7 metres from 5.1 metres to 6.4 metres. The two dormers would be hipped dormers.

CONSULTATIONS

Parish/Town Council

Holt Parish Council – Objects. The alteration is not subservient to the host building, it upsets the symmetry of the building as a whole and does not respect the neighbours' amenities. Comment received 26 November 2008.

External

None

Internal

Conservation Officer – Recommendation Permission. Policy C18 of the West Wiltshire District Plan states that within conservation areas, where development proposals would affect the setting, in particular, views into or out of the area, the preservation of their special character and /or appearance will be the primary consideration. The proposed alterations would preserve the character of this area by reason of the proposed design retaining the low profile of the existing building. Comments received 8 December 2008.

Tree and Landscape Officer – Proposal is not desirable in relation to the Copper Beech. Requests further information be submitted by way of an Arboricultural Method Statement before decision is made. If the information is not received then recommends refusal on basis of lack of information. If information is received recommends consent subject to condition. Comments received 17 November 2008.

The Arboriculture Method Statement can be submitted a condition will allow this. Comment received 27 November 2008.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 27 October 2008 statutory notice on public right of way post at the end of the lane.

Neighbours

4 Objection letters received stating the following concerns;

- Overlooking
- Loss of privacy
- Overbearing
- Overshadowing
- Loss of a tree
- Loss of light
- Parking issues
- Over development within the Conservation Area

One letter also raised information contained within the Supplementary Planning Guidance: House Extensions and Alterations.

RELEVANT PLANNING HISTORY

08/00158/FUL – Ground and first floor extension to existing bungalow – REFUSED 21.04.2008
92/01305/FUL – Study and utility extension – PERMISSION 23.03.1993

KEY ISSUES

- Impact on Conservation Area
- Impact on neighbours
- Impact on street scene

RELEVANT PLANNING POLICIES

West Wiltshire District Plan First Alteration 2004
C18 New Development in Conservation Areas
C19 Alterations in Conservation Areas
C31A Design
C38 Nuisance

SPG Design Guidance Household Alterations and Extensions

OFFICER APPRAISAL

The proposal is to raise the roof of this bungalow and put a small extension onto the rear of the property. The alteration to the property would be modest in proportion to the host building. The roof alteration would raise the current roof from 5.1 metres to 6.4 metres at the ridge. The proposed extension would project from the rear by 2.2 metres.

Conservation Area

Policy C19 of the Local Development framework states planning permission will only be granted providing the alteration either enhances or preserves the conservation area and the design is sympathetic to the scale, form and fenestration of the building, and the alteration retains features of the existing building which are important to the character of the area, materials and open spaces are also key.

The proposal would not harm the character of the area due to the low profile of the building being maintained and not over extending to the size of the surrounding buildings.

Neighbours

The proposal would not harm the amenities of the surrounding neighbours who are concerned about loss of light, overlooking, overbearing and other matters such as parking and loss of a tree. The concerns about development within the conservation area have been addressed in the previous section with regards conservation policy.

The increase in height of the bungalow's roof would have a slight impact however the roof lights in the rear would be at a height that no overlooking would occur to the rear and the dormers on the front elevation would not detrimentally affect the privacy of number 323 and is therefore on balance acceptable. The roof lights in the rear elevation of the proposal are high enough in the roof not to cause any overlooking into the garden and property behind.

To ensure that privacy levels are maintained a condition has been placed to restrict any further windows are inserted without planning permission first being given.

Street scene

The proposed extension would not harm the street scene due to the position to the rear of the property.

The proposed roof alteration would not harm the street scene due to the low profile of the property being maintained and the rest of the properties in this location being two stories in height.

The proposal complies with policy.

CONCLUSION

Permission

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

- 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 - Policy C31A.

- 3 All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

REASON: To prevent trees on site from being damaged during construction works and in accordance with Policy 32 of the West Wiltshire District Plan First Alteration, June 2004.

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

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and in accordance with Policy 32 of the West Wiltshire District Plan First Alteration, June 2004.

- 5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows, other than those hereby approved, shall be added to the development hereby permitted.

REASON: In the interests of amenity and privacy.

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

- 6 This permission shall relate to the revised plan 647/2 proposed floor plan and elevations, received by West Wiltshire District Council on 12 December 2008.

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

RELATED PLANS

Drawing : 647/2 received on 12.12.2008

Drawing : SITE NOTICE received on 22.10.2008

Drawing : 647/1 received on 22.10.2008

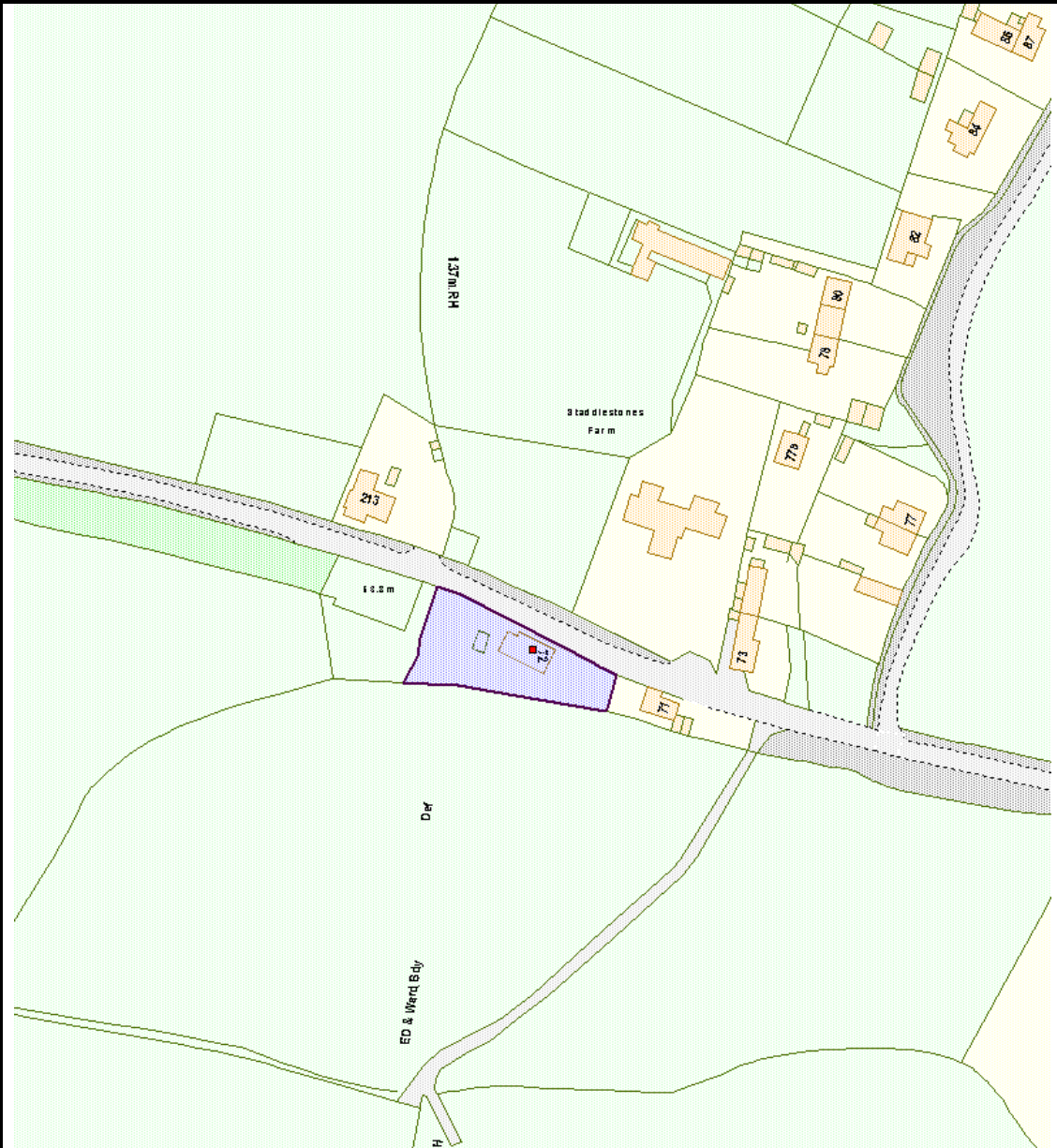
PLANNING COMMITTEE

8 January 2009

ITEM NO: 06

APPLICATION NO: 08/03233/FUL

LOCATION: Boundary House 72 The Common Broughton Gifford
Wiltshire SN12 8NE



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

Internal

Conservation Officer - This is a small cottage within a rural edge-of-village setting within a Conservation Area. The building has been extended in the past but these are at least small and subservient and consequently do not detract significantly from the overall character of the building.

The proposal to extend this building and turn it into a much more substantial dwelling would be at odds with the special character and appearance of the Conservation Area.

The Conservation Area extends west from The Common towards Coombe Lane to take in this property and its neighbour. This property is at the western entrance to the Conservation Area and therefore is of paramount importance to the views into and out of the Conservation Area.

To alter the character of this building would have a demonstrable impact on those views and would therefore result in harm to the special character and appearance of the Conservation Area.

Policy C19 of the West Wiltshire District Plan 1st Alteration (2004) requires of proposals to alter an unlisted building within a Conservation Area that the design is sympathetic to the scale and form of the existing building.

The scale of the existing building is one of a small rural cottage. The proposed extensions would convert this into a more substantial dwelling and would irreparably and detrimentally alter its original scale. The introduction of rear facing gables that would be readily seen from the side views would do much to raise the visual impact of this building. Similarly, the existing roof form of the building is that of a simple roofline. The proposed multi-gabled extension would destroy this.

In addition, the proposed two storey side extension although continuing the existing fenestration form of the frontage, would unbalance the façade from its existing symmetrical nature.

Recommendation: Refuse due to harm to the special character and appearance of the Conservation Area.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 24.11.2008

Neighbours

No third party representations were received.

RELEVANT PLANNING HISTORY

80/00121/HIS - Extension to provide physiotherapy treatment room - Approved 18.03.1980

93/00174/FUL - Erection of timber stable and tack room - Approved 25.03.1993

KEY ISSUES

Conservation Area
Design and Detailing
Precedent

RELEVANT PLANNING POLICIES

Government Guidance
PPG15 - Planning and the Historic Environment

West Wiltshire District Plan 1st Alteration
C17 - Conservation Areas
C19 - Alterations in Conservation Areas
C31a - Design
C38 - Nuisance

Supplementary Planning Guidance
SPG - House Alterations and Extensions

OFFICER APPRAISAL

PPG 15 and Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 highlights that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character and appearance of the Conservation Area. Local Plan Policies C17 and C19 follow the government guidance which requires new development to be of a design which is "sympathetic to the scale, form and fenestration of the building...and to the character of the area". SPG on House Alterations and Extensions require residential extensions "to be subservient elements to the host building and not upset the symmetry of the building as a whole".

The proposed extensions on to the western gable and southern rear elevations would not be subservient and it is submitted that the creation of the first floor accommodation would detrimentally affect the simple form of the existing house. The proposed development would therefore be harmful and would not accord with the guiding criterion contained within the above stated Local Plan Policies.

The side extension would disturb the balance and style of the host building. The extensions would significantly alter the historic form of the property creating an obviously larger building when viewed from the public highway and from the side and rear.

Whilst it is recognised that the extended property has an element of an imbalance, the additions are nonetheless subservient and do not overwhelm the host building. The proposed extensions would not be sympathetic to the scale and form of the existing dwelling and such imbalance would create significant detriment to the character and appearance of the Conservation Area.

CONCLUSION

The proposed development is considered to be inappropriate development and is recommended for refusal.

RECOMMENDATION: Refusal

Reason(s):

- 1 The two-storey side and rear extensions by reason of the lack of subservience, increased size and bulk and poor design relationship with the host building would create an incongruous and unsympathetic addition that would be harmful to the balance and symmetrical appearance of the front elevation. The application is therefore contrary to Policy C31a of the West Wiltshire District Plan 1st Alteration (2004) and to the advice contained within the Council's Supplementary Planning Guidance - House Alterations and Extensions (2004).

- 2 The two-storey side and rear extensions by reason of the lack of subservience, increased size and bulk and poor design relationship with the host building would create an incongruous and unsympathetic addition that would be harmful to the special character and appearance of the Broughton Gifford Conservation Area. The application is therefore contrary to Policies C17 and C19 of the West Wiltshire District Plan 1st Alteration (2004).

RELATED PLANS

Drawing : 2009/1 received on 19.11.2008
Drawing : 2009/P received on 19.11.2008
Drawing : 2009/2 received on 19.11.2008
Drawing : 2009/3 received on 19.11.2008
Drawing : 2009/4 received on 19.11.2008
Drawing : 2009/5 a received on 19.11.2008
Drawing : 2009/6 received on 19.11.2008
Drawing : 2009/7 a received on 19.11.2008

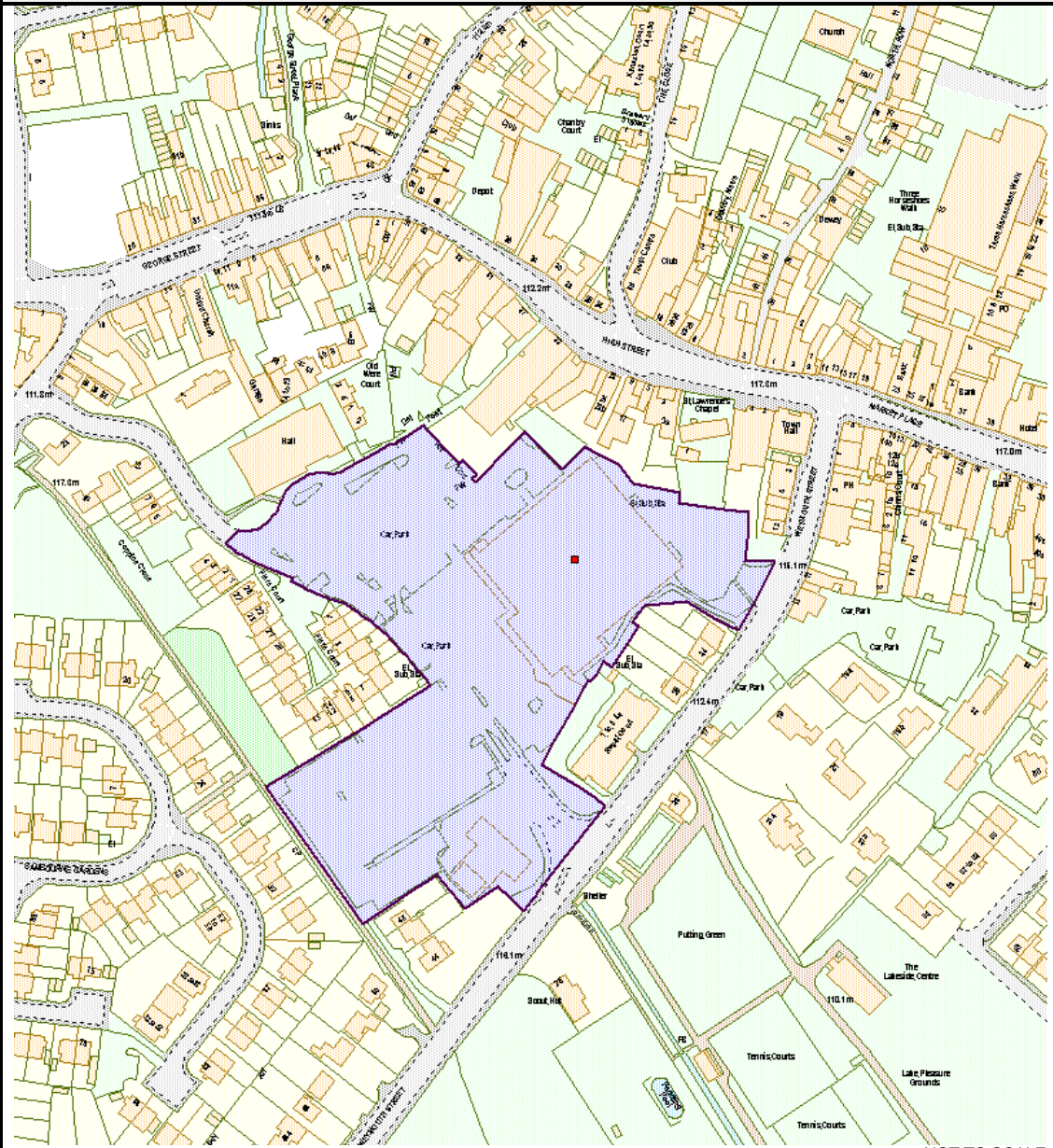
PLANNING COMMITTEE

8 January 2009

ITEM NO: 07

APPLICATION NO: 08/01046/FUL

LOCATION: Morrisons Weymouth Street Warminster Wiltshire
BA12 9NT



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SLA: 100022961

Floor areas changes

Total existing - 3866sq.m

Total post development - 5,141sq.m

Gross increase - 1,275sq.m

Increase of approx. 33% in new retail, warehouse, café and ancillary floor area.

In order to achieve the above development the applicant will need to take control of further land to the northwest which presently forms council car parking land and relocate the existing Beech tree.

The application is accompanied by a Design and Access Statement, a Retail and Planning Appraisal and Transport Assessment

CONSULTATIONS

Parish/Town Council

WARMINSTER TOWN COUNCIL: Members of our Planning Committee have no issue with the extension of the Store, but the loss of Public Parking concerns the members. Concern has been expressed by the members, specifically on the car park which may come into the ownership of WM Morrison's which could necessitate difficulties in access for ourselves and residents in Flers Court and Old Were Court. Raise objection.

External

HIGHWAYS AUTHORITY: Following detailed negotiations with the applicant the Highways Authority have secured additional safeguards and improvement to the original highway layout and traffic safety measures (amended plan G2131 - P01 - Rev.H) on top of a financial contribution to encourage sustainable travel modes. The funds to be secured by way of a s106 agreement have been agreed at £80,000 for cycle provision and a further £10,000 for bus service publicity.

The Highway Authority raised no objection to the application.

COUNTY PLANNING OFFICER: Wiltshire County Council as strategic planning authority does not wish to raise an objection to the proposed extension of the Morrisons store in Warminster. However, given that the proposal will result in a significantly larger store, consideration should be given to the use of conditions to control the level and type of retailing that can be undertaken from the store in line with paragraph 3.31 PPS6.

WESSEX WATER: 'We have advised Smith Design Associates that this extension, in current form, would not be feasible due to the proposed build over a high pressure rising main from the Property Sewage Pumping Station which serves most of Warminster. Furthermore a 300mm foul sewer also crosses the site. We have invited Smith Design Associates to discuss the options available to them but to date they have not been in contact. We have also advised that even after appraisal it cannot be guaranteed that the sewers could be diverted. Any costs for diversions will be borne by the applicant.

We therefore request that a 'Condition' be included in any detailed planning permission that your Council may grant for the proposed development.

Condition – Prior to redevelopment of the site the applicant should seek agreement with Wessex Water to ensure that the high foul rising main and 300mm foul sewer which cross the development site are not built over.

Reason – To protect the sewers from structural damage and collapse. To prevent flooding and pollution. To ensure safe access for maintenance and repair. To ensure an uninterrupted service for customers.'

Internal

TREE & LANDSCAPE OFFICER: No objection subject to replanting conditions

POLICY OFFICER: Warminster has been classified by the District Council as a Development Policy B settlement, as defined by the Draft Regional Spatial Strategy for the South West. This classification denotes the important role the town will play during the plan period for the forthcoming Wiltshire Council Core Strategy. The existing concentration of business and employment, the realistic potential for expansion of employment opportunities and the importance of the shopping and cultural services within the town are all recognised.

The application for expansion of the existing Morrisons food store within Warminster should be considered partly in relation to the future role of Warminster, set out above, and Policy SP1 within the West Wiltshire District Plan First Alteration 2004.

It is felt that the application is consistent with Policy SP1. Although the store is not within the primary retail frontage (criterion Aa), it is immediately behind this frontage and is within the commercial area boundary. The application is fully compliant with criteria A to D within Policy SP1.

The existing West Wiltshire Retail Needs Study published in April 2007 does identify the need for some additional convenience goods floorspace in Warminster in the period up to 2012 and beyond. Although the proposed extension would provide more floorspace than suggested by the Retail Needs Study in the period up to 2012, this report was published before the future role of the town was identified. The fact that the store is seeking to expand during a period of economic difficulties suggests ongoing support for the town.

There are no policy objections to the proposal in principle.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 01/12/2008

Neighbours

None received

RELEVANT PLANNING HISTORY

Various other applications in the early 1990's related to the original planning consent for the store and subsequent reserve matters applications.

W98/0854 - Proposed extension to foodstore - Withdrawn October 2004

03/00228/FUL - Installation of sprinkler storage tank and pump house in existing service yard - Approved 2003

03/00229/FUL - Extension to existing foodstore to provide additional warehouse space - Approved 2003

KEY ISSUES

- Character
- Conservation Area
- Neighbouring Amenity
- Highway Flows
- Parking
- Retail Impact
- Employment
- Trees

RELEVANT PLANNING POLICIES

Wiltshire and Swindon Structure Plan 2016

DP1 - Sustainable Development

DP3 - Development Strategy

DP4 - Housing and Employment Proposals

DP5 - Town Centres, District Centres and Employment Areas

DP6 - Hierarchy of Shopping Centres

T3 - Public Passenger Transport

T5 - Cycling and Walking

T16 - Demand Management Measures

HE7 - Conservation Areas and Listed Building

West Wiltshire District Plan First Alteration (June 2004)

SP1 - Town Centre Shopping Development

T10 - Car Parking

T11 - Cycleway

T12 - Footpaths and Bridleways

I3 - Access for Everyone

C17 - Conservation Areas

C23 - New Development in Conservation Areas

C31A - Design

C32 - Landscaping

C40 - Tree Planting

Regional Planning Guidance/Regional Spatial Strategy for the South West

EC6

PPS1 Delivering Sustainable Development

PPS6 Planning for Town Centres

PPG13 Transport

PPG15 Planning and Historic Environment

OFFICER APPRAISAL

The proposal seeks the enlargement of the existing single storey Morrison's food store which is located in a secondary position, but close to the primary retail shopping frontage of Warminster town centre. The new extensions would in part enlarge the food retail space, in part enlarge an existing customer café by over 100% and would provide further ancillary floorspace including a larger rear warehousing area.

The extensions are all single storey in nature and flat roof in design. All the extensions are close to the existing main food store building. However the extension to the side will overspill into adjoining land presently owned by the Council and used for public parking.

The scale and percentage of additional floor space whilst considerable can readily be accommodated within the enlarged site area without appearing overly dominant or overbearing on the mixed character of the area.

The proposal also requires additional land which Morrisons is seeking to take over which presently provides public car parking spaces to the north of the site with a reduction in the number of available parking spaces within the existing store parking area. This car park is mainly owned by West Wiltshire District Council with a small proportion owned by Warminster Town Council. The applicant has now updated their notifications to all site owners including Warminster Town Council who had previously been missed. This was served on the 30th October 2008.

Separate negotiations are currently under way with West Wiltshire District Council to acquire the additional land but this is a separate issue and land ownership is not a matter for consideration as part of the planning process.

The new parking provisions of the store would be 292 with a further 133 parking spaces being provided for town centre shopping use to the north-west in the public car park. The net loss of parking to the town centre parking area provision would fall from 182 existing down to 133 parking spaces and a further 9 parking spaces have been lost within the dedicated Morrison's car park.

The Highways Authority have reviewed the applicants highway assessments and mitigation plans and have raised no objection to the proposed development and loss of parking spaces subject to agreed amendments being implemented as detailed in amended plan G2131 - P01 - Rev.H. Furthermore, the developer has agreed to pay contributions towards supporting more sustainable transport provisions including £80,000 for cycle provision and a further £10,000 for bus service publicity.

The Parish Council have raised concern about the use and control of an frontage access area in front of the existing town hall and parking controls. Access to the front of the town hall drop off point is not considered an essential requirement for the functioning of the Town Hall. Notwithstanding this the applicants have made no plans to remove or limit this access either. Access for customer parking to the assembly room will be provided and controlled by way of conditions to safeguard parking provisions for store and non store customers alike.

Retail Impact

The proposal will increase the net tradable floor space of the store in addition to providing an enlargement of the onsite customer café from 74 covers to 164 and an enlargement of the warehouse floorspace. The Council's and County Council's policy officers have reviewed the applicants retail impact assessment and have concluded that the new extensions would not materially harm the primary retail shopping parade of Warminster, but would rather compliment it and enhance the service of the local store in its secondary position. No objection has been raised on policy grounds subject to appropriate conditions.

Employment

The proposal will increase the number of staff by 13, of which 5 will be full time staff and 8 part-time with the company seeking to fill the posts locally as per its own recruitment policy.

Amenity Impact

The proposed extensions are to an existing commercial building set within a large open ground with extensive parking areas. The existing residential properties adjoining the site already have an outlook onto the existing store. The new extensions, by reason of their single storey scale, location and flat roof form would not detrimentally alter the outlook from neighbouring properties into the site. The location of the rear warehouse extension would be largely enclosed by the site wall and would not

Conservation Impact

The existing store is located on the edge of the Warminster Conservation Area. The immediate character of the site and its surrounding building is general in appearance with no significant buildings or other structures of interest within the visible vicinity of the site. The form, siting and scale of the extensions would not materially depart from the appearance of the existing commercial building. It is not considered that the proposed extensions would have any adverse impact on the character or setting of the adjoining Conservation Area.

Tree Impact

The development will lead to the removal of an existing TPO tree however the Council's Tree & Landscape Officer has raised no objection in principle to the development subject to replanting of trees elsewhere on the site to be controlled by way of conditions.

Other matters

A number of advertisements have been identified on the new extensions, these have not been considered as part of the planning assessment and consequently separate advertisement consent will need to be sought for the inclusion on any external advertisements.

Wessex Water has raised concerns regarding its infrastructure but has no objection subject to any permission being conditional on measures being taken to ensure the integrity of its services.

CONCLUSION

Approval is recommended subject to a S106 agreement and conditions.

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a legal agreement to secure:

An index linked financial contribution to encourage sustainable transport initiatives in the area to comprise £80,000 for cycle provision and an additional £10,000 for bus service publicity.

Condition(s):

- 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 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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

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

- 3 Prior to the occupation of the new extension the parking spaces shall first be laid out and made available to the public in accordance with revised drawing number G2131- P01 Rev H.

REASON: In the interest of maintaining satisfactory town centre car parking provisions and car parking provisions for customers of the enlarged store.

- 4 Prior to any development commencing the applicant shall first provide full construction details of all internal safety measures as indicated on drawing G2131- P01 Rev H to be submitted for the written approval of the Local Planning Authority before the start of development. The approved details shall be constructed prior the first use of the extended floorspace.

REASON: In the interest highway safety.

- 5 1no. Extra Heavy Standard tree, of a species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Part 1 and 4) BS4043 and BS4228 in the earliest planting season following implementation of this permission. The tree shall be thereafter maintained for a period of five years including the replacement of any tree, or any tree planted in replacement for it, which die, are removed or become damaged or diseased within the period with tree(s) of a similar size of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing when the tree(s) have been planted so that compliance with the condition can be confirmed.

REASON: In order to preserve the visual amenities which at present exist on the site and to ensure that the work is carried to current best practice.

POLICY: West Wiltshire District Plan First Alteration 2004 - Policy C32.

- 6 No development shall take place until proposals for landscaping of this site have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels.

Upon approval: The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) 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; and

The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

POLICY: West Wiltshire District Plan First Alteration 2004 - Policies C32 & C40.

- 7 Prior to the commencement of any development the applicant shall seek agreement with Wessex Water to ensure that the high foul rising main and 300mm foul sewer which cross the development site are not built over.

REASON: To protect the sewers from structural damage and collapse, to prevent flooding and pollution, to ensure safe access for maintenance and repair and to ensure an uninterrupted service for customers.

- 8 The new floor space created shall be used ancillary to the main store only and operated within the existing time controls permitted for the main store only

REASON: To control of use and operations of the new extensions.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy SP1.

- 9 The proposed warehousing and A3 café floor space shall only be used for the purposes identified in the approved plans and shall not be used for any other uses including Class A1 retail.

REASON: To prevent against uncontrolled changes of use occurring without fully assessing any resulting impacts.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy SP1.

Note(s) to Applicant:

- 1 The applicant is reminded that the proposed Advertisements shown on the proposed plans will required separate advertisement consent.

RELATED PLANS

Drawing : P02 B received on 04.04.2008
Drawing : E01 C received on 04.04.2008
Drawing : P01 F
Drawing : NN01 received on 04.04.2008
Drawing : E02 A received on 04.04.2008
Drawing : E03 A received on 04.04.2008
Drawing : E04 A received on 04.04.2008
Drawing : P04 B received on 04.04.2008
Drawing : P03 C received on 04.04.2008

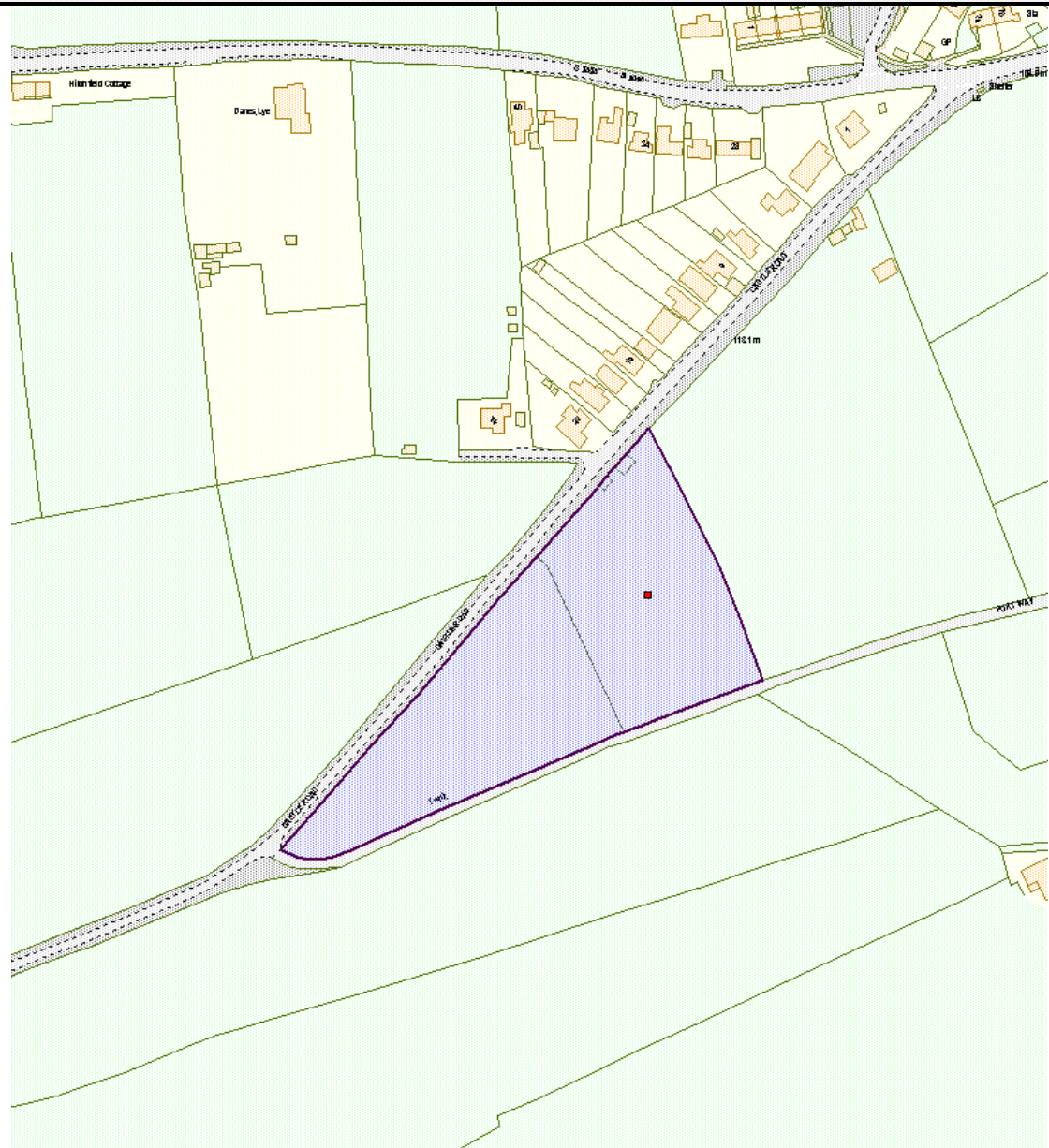
PLANNING COMMITTEE

8 January 2009

ITEM NO: 08

APPLICATION NO: 08/03096/FUL

LOCATION: Land Opposite 25 Castle Road Bratton Wiltshire



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SLA: 100022961

08 Application: 08/03096/FUL

Site Address: Land Opposite 25 Castle Road Bratton Wiltshire

Parish: Bratton Ward: Ethandune

Grid Reference 391016 152061

Application Type: Full Plan

Development: Retention of wooden stable building (retrospective)

Applicant Details: Mr And Mrs Bush
48B The Butts Westbury Wiltshire BA13 3EX

Agent Details:

Case Officer: Mr Steve Vellance
Phone: 01225 776655 ext 107
Email: svellance@westwiltshire.gov.uk

Date Received: 29.10.2008

Expiry Date: 24.12.2008

COMMITTEE REPORT

This application is brought to Committee because Bratton Parish Council objects and officers recommend permission.

APPLICATION SITE & SURROUNDING AREA

The planning application site is located along Castle Road, Bratton, within a Special Landscape Area and consists of an established paddock field used for the grazing of horses and measures approximately 1.3 ha in area.

PROPOSAL

The application is retrospective and is for the recent erection of a wooden stable building. The building is divided into five parts and consists of a tack room, hay barn, feed room and two looseboxes.

The dimensions of the building are 19.2 metres by 3.1 metres with a shallow pitched roof height of 2.9 metres. The structure is constructed from shiplap tannalised timber with black Onduline corrugated sheets for its roof.

CONSULTATIONS

Parish/Town Council

BRATTON PARISH COUNCIL: Object to this application on the following grounds:

- The application is retrospective.
- The new building is not built on a like for like basis.
- Do not approve the new gate and fence.

External

WESSEX WATER: No objections, but state the following:

- The LPA to be satisfied with the disposal of surface water from the site.
- Developer to agree with Wessex Water connection to the infrastructure.
- Developer to check with Wessex Water for unchartered sewers.

HIGHWAYS DEPARTMENT: No objections.

Internal

ENVIRONMENTAL HEALTH (PROTECTION): No objections, but request that a condition restricting the burning of materials and waste on site is imposed, in the event that planning permission is granted.

NOTIFICATIONS

Site Notices/Visits

Date of visit: Site visit carried out on the 12 November 2008, with the site notice being displayed on the same day.

Neighbours

Neighbours consulted on the 4 November 2008.

RELEVANT PLANNING HISTORY

03/00814/FUL - Two 12' x 12' timber stables on a hard standing for personal use only -
Permission 01.07.2003

KEY ISSUES

The key planning issue in this instance is the effect of the proposal on the character and appearance of the area within the open countryside.

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration (2004)

C1	Countryside Protection
C3	Special Landscape Area
C6a	Landscape Features
C31a	Design
C38	Nuisance
E10	Equestrian

OFFICER APPRAISAL

The property history to this site shows that this site has, historically had stables for equestrian purposes sited on it, as far back as 2003. The 2003 planning permission was implemented by the previous owner/applicant and the stables were allowed to deteriorate. The current owner has removed the derelict structures and replaced them on the same location with a new and fully functioning stable building, on approximately the same footprint.

The location of the stable is such that it is sited adjacent to a mature and tall hedge and sited in a part of the field where the land levels are comparatively low. The resultant visual effect is that the structure is not readily visible from the highway or the surrounding countryside. This in turn serves to maintain the visual qualities of the open countryside, pursuant to policies C1 and C3 of the local District Plan. Although PPS 7 encourages diversification in the open countryside, policy C1 seeks to maintain its quality and variety, which is considered to be achieved in this instance.

Similarly, Equestrian policy E10 relates to equestrian facilities and states that equine proposals must minimise their effects on the appearance of the open countryside, by having consideration to siting, design and materials utilised in their construction. The applicant has achieved these measures by a sensitive choice of material which will weather and blend in more with its surroundings through the passage of time. No neighbour objections were submitted, instead two letters of support were received.

Other Matters

In response to the concerns raised by the Parish Council, the planning application is retrospective and the role of the planning system is to examine the planning merits of the application irrespective of whether or not the development is retrospective. The fact that the submission is retrospective is not a valid reason for refusal.

It is agreed that the replacement is not a like for like replacement. However it is considered that the stable building would have minimal impact on the countryside.

Finally, the Parish Council does not approve of the metal fence and gate structure. This aspect does not form a part of this planning application. The land owner has been informed that a separate planning application is required for this element of the overall development, the merits of which will be considered at a later date.

CONCLUSION

There are no planning objections and planning permission is recommended subject to the imposition of the attached conditions.

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

- 1 Within three months of gaining planning permission details of manure storage and disposal, together with provisions for the drainage of foul water run off from mucking out activities shall be submitted to and approved in writing by the Local Planning Authority.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policies C36 & C38.

- 2 No controlled waste including horse manure shall be burnt on site.

REASON: In order to minimise nuisance.

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

- 3 Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.
- REASON: To minimise the risk of pollution of the water environment.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.
- 4 The development permitted shall not be used for commercial purposes, including the keeping of horses at livery or as a riding school.
- REASON: In order to safeguard the amenities of the area.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policy C38.
- 5 Details of any lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation at the site. Any lighting scheme shall only be carried out in accordance with the approved details.
- REASON: In the interests of pollution prevention.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35.

Note(s) to Applicant:

- 1 The applicant is advised to contact Wessex Water with regard to connection onto the Wessex Water infrastructure and also to ascertain whether there are any unchartered sewers or water mains within or very near to the site. Contact details are: 01225 526000

RELATED PLANS

Drawing : ELEVATIONS _PLAN VIEW received on 29.10.2008
Drawing : SITE LOCATION PLAN received on 29.10.2008
Drawing : SITE BLOCK PLAN received on 29.10.2008

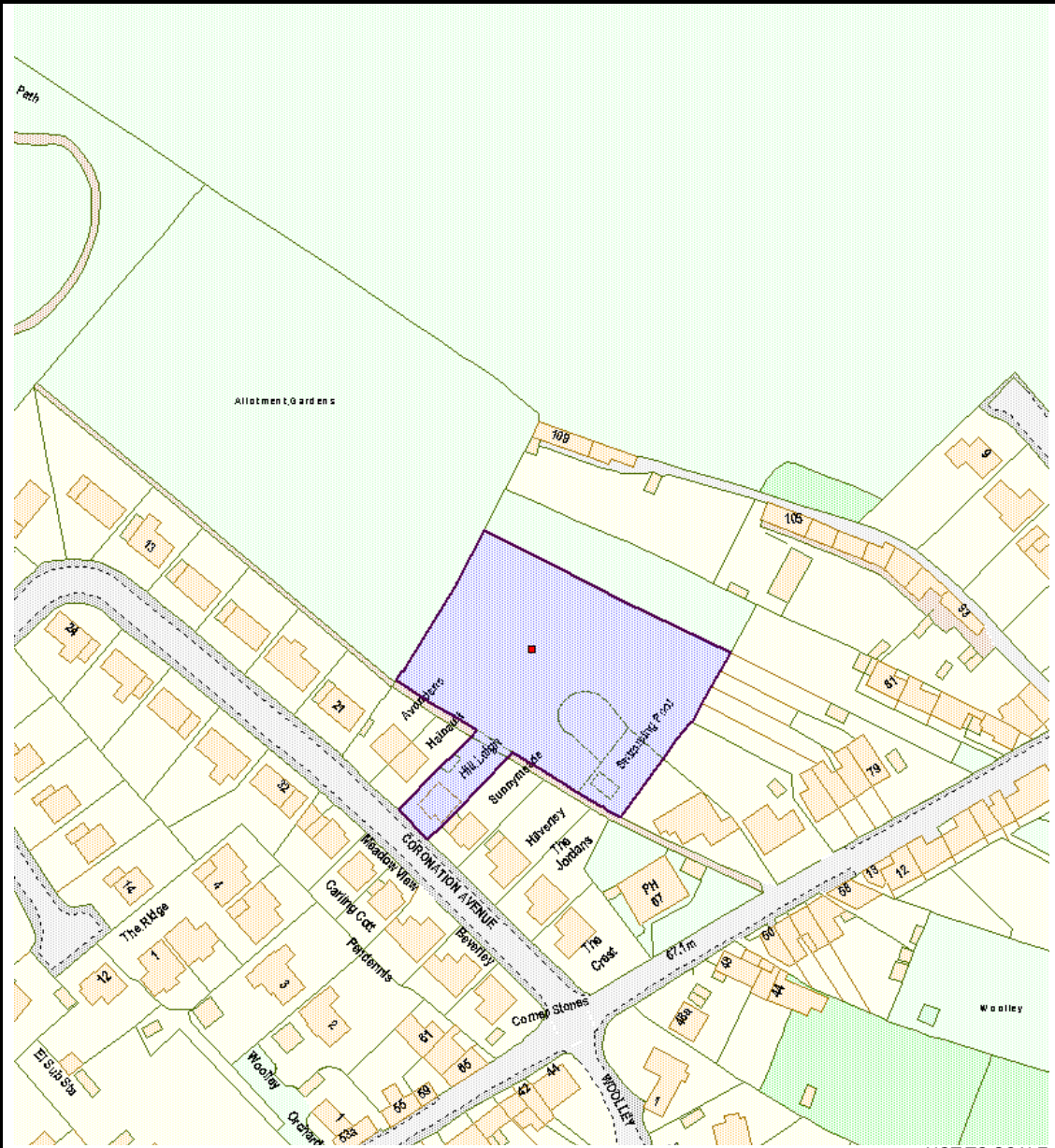
PLANNING COMMITTEE

8 January 2009

ITEM NO: 09

APPLICATION NO: 08/02912/FUL

LOCATION: Land Rear Of 69 Woolley Street Bradford On Avon
Wiltshire



NOT TO SCALE

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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

The proposed housing on the site would be two storey in height and comprise 6 three-bedroom dwellings and 2 two-bedroom dwellings. These are arranged in a terrace with a walkthrough provide towards the centre of the terrace with ridge line of each pair of properties stepping down across the site. The properties on the end of the terrace have gabled ends to the front elevation with hipped roof to the flank.

Submitted materials are stone facing for wall, timber casement windows with the roofing materials to be agreed.

The scheme has been revised following refusal of planning permission for 9 properties (06/02441) and discussions with Officers in order to address issues arising from the last refusal.

CONSULTATIONS

Parish/Town Council

BRADFORD ON AVON TOWN COUNCIL

Parish recommendation:- Refuse on 04/11/2008.

The Town Council recommends refusal. This is inappropriate development in a Conservation Area. There are issues regarding safety and access and materials etc. The Town Council endorsed Mrs Gillian Ellis-King's letter dated 31 October 2008.

This backland proposal by reason of its overall design, density and layout is not in keeping with the characteristics of the surrounding area and does not preserve or enhance the character of the Conservation Area. This contrary to policies H1 and C18.

External

ENVIRONMENTAL SERVICES WCC (HIGHWAYS)

I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-

1. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of Highway Safety.
2. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
Reason: To ensure that the development is served by an adequate means of access
3. Prior to being brought into use the private parking areas shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of Highway Safety.
4. Before the access hereby permitted his first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of the access and points on the carriageway edge 90m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above the height of 600mm above the nearside carriageway level, and thereafter maintained free of obstruction at all times.
Reason: In the interests of Highway Safety.

ENVIRONMENT AGENCY (NORTH)

This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee.

Therefore we have no comment to make on this application.

WESSEX WATER

We have no objection in principle to this proposal, providing there is not impact on Wessex Water infrastructure.

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

NATURAL ENGLAND

No comments received

Internal

CONSERVATION OFFICER WWDC

The majority of the existing site is an open space on the edge, but within, the Conservation Area. The site of Hill Leigh is outside of the Conservation Area and is proposed to be demolished to form the entrance to the larger site.

There would be a substantial amount of open space left within this site as part of the proposed development. The trees on the north and western boundaries are protected and would be retained. The centre of the site contains a number of ageing fruit trees, the remnants of an orchard on this area, that would be removed. I understand these trees are not worthy of protection in themselves as they are fruit trees that are coming to the end of their lives. However, the use of the area as an orchard is an important feature within the Conservation Area and this should be preserved.

The proposed scheme would replace the removed fruit trees with new orchard planting. These new trees would be sited in a linear form as existing, but moved to the north and eastern part of the site. The use of the site as an orchard would therefore be preserved and the new trees would have a much greater longevity than the existing trees.

The additional planting and landscaping proposed around the boundaries of the site, and the repair of the historic stone walls, would be of benefit to the special character and appearance of the Conservation Area.

The form of the terrace would echo the line of other terraces in the immediate vicinity within the Conservation Area. The central location of the terrace would retain the feeling of space around the building which is so characteristic of the site at present.

The design of the terrace reflects the historic buildings in the Conservation Area and would not harm the special character and appearance of the Conservation Area. The fenestration is varied enough to give visual interest and does not appear to be overly repetitive, and yet the proposed building would not appear visually incoherent. The use of chimneys and a stepped roofline with stone parapets is also welcome.

The quality of materials as stated in the application is high, assuming the window surrounds will be natural stone and the roofing a natural slate.

The parking as proposed would be tucked into the corners inside the entrance and this would seem to be the locations to give the least impact on the visual amenity of the area.

The division of the site to provide separate gardens for each property is a little disappointing as this does remove the sense of openness. However, if the boundaries are implemented in hedging rather than a hard boundary (close boarded timber fences or stone walls) then the effect would be greatly softened. Hedging is shown on the layout plan as the garden boundaries. I would suggest a condition removing permitted development rights for boundary treatments and extensions in order to preserve the special character and appearance of the Conservation Area.

The entrance would require the demolition of Hill Leigh, this does not add to the street scene in a significant way and it is outside of the Conservation Area. There is no objection to its demolition.

The entrance drive is proposed to be 4.5 metres wide. A narrower entrance would be beneficial with regard to the Conservation Area, but if properly landscaped would not have a huge impact.

TECHNICAL SERVICES - DRAINAGE ENGINEER

No comments received

TREE & LANDSCAPE OFFICER WWDC

There has been much interest in this site for a number of years and the need to protect trees within it. Trees worthy of protection were so in 2004 and 5, and included most trees surrounding the site. There are a number of fruit trees within the site that were not protected and it is my opinion that they remain unprotected.

Although some arboricultural information has been included on the landscape scheme, it falls short of providing adequate information in relation to trees on site. If consent is to be granted, an Arboricultural Method Statement (ASM) must be submitted and acceptable before a decision is issued.

With the exception of the ASM, the submission is satisfactory in tree and landscape terms. Although the proposed planting will be juvenile for a number of years, the scheme attempts to address general character issues.

In the schemes favour, existing protected trees and proposed orchard trees will remain in the control of the Council, once the Public Open Space (POS) has been layout and maintained to the satisfaction of the of the Council. In the Landscape Specification and Management documents, it states that the POS will be maintained by the contractor of a period of 12 months, this should be revised to read maintained until formal transfer and in accordance with the section 106 agreement.

Although it's not my area of expertise, I note there is no formal wildlife or habitat survey details on file. Due to the extent of vegetation and foreseeable habitats on site, which vary in state of health, this information should also be submitted and any concerns addressed before determining this application.

Arboricultural Method Statement - Submission Required - pre determination

An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837;
- A schedule of tree works conforming to BS3998;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

Reason - In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and in accordance with Policy C32 of the West Wiltshire District Plan, First Alteration June 2004.

Landscaping scheme to be implemented

The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:

- The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) 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; and
- The whole scheme shall be subsequently retained.

Reason - In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants in accordance with Policy C32 and C40 of the West Wiltshire District Plan First Alteration 2004.

Implementation Landscape Management Plans

All works relating to landscape maintenance and general management shall be carried out as specified in the approved Landscape Management plan and shall be supervised by the appointed landscape consultant and where appropriate an arboricultural consultant holding nationally recognised qualifications.

Implementation of Arboricultural Method Statement – Once approved

All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

Reason -To prevent trees on site from being damaged during construction works and in accordance with Policy 32 of the West Wiltshire District Plan First Alteration, June 2004.

Arboricultural Supervision

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

Reason - In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and in accordance with Policy 32 of the West Wiltshire District Plan First Alteration, June 2004

RECOMMENDATION:

There are no arboricultural or landscape reason to refuse this application once an acceptable ASM has been submitted. However any consent must be subject to the aforementioned conditions.

DISTRICT ECOLOGIST, WCC

No comments received

CHIEF FIRE OFFICER - HILPERTON ROAD

No comments received

WILTSHIRE POLICE (COMMUNITY SAFETY)

No comments received

NOTIFICATIONS

Site Notices/Visits

The application was published in the Wiltshire Times as development within a Conservation Area on 24/10/08 with an expiry dated for representations of 14/11/08.

Neighbours

Those submitting objections to the previous application were notified of this application on 14/10/08.

As a result of public consultation some 19 letters and e-mails have been received, raising concerns about the proposal. When last reported to the planning committee points set out were summarised as follows.

- The revised plans does not address previous comments
- The site is outside the built up area of the town and close to the Green Belt boundary
- The site was included within the Conservation Area with no highway access
- The proposal is backland development
- It requires access onto quiet residential road
- The design of the house is poor and styles are inconsistent and uncharacteristic of the area - it is superficial pastiche
- The design and layout creates development with little regard to compatibility with existing character and densities
- The cul-de-sac approach is not in character with Woolley
- Woolley has a village character. the integrity of which would be threatened by this development

- Result in the destruction of an orchard and a wildlife habitat - the TPOs would not have long-term protection in the development
- Traffic impact on surrounding residents and roads
- Harm to pedestrian safety and danger of unsafe junction
- Contrary to Policies H1 and C18
- The fruit trees should be retained - The entrance would be blind
- The road is quiet
- Design, appearance, layout, scale and density not in keeping with the character and street scene of the area and does not conserve or enhance the character of the Conservation Area
- Contrary to West Wiltshire District plan 1st Alteration 2004 Policies C4, C17, C18, C31a, C34a, H1 and H24
- Visibility splays not possible and poor
- Houses are cramped
- Loss of green space • impact on Conservation Area - Severe effect on residents of Coronation Avenue
- The junction of Coronation Avenue and Woolley Street is already a problem
- Impact on local traffic, highway safety and pedestrian safety - Increase in traffic and parking
- Development is not appropriate for this area
- Queries over land ownership
- Loss of quiet enjoyment and privacy for surrounding residents
- Harm to nature - many species reported in the area
- Backland development bringing traffic and associated noise and disturbance • No cycle parking
- No refuse collection points or waste recycling
- Contrary to PPG13 and PPG15
- Demolition in Conservation Area
- Inadequate access from site to surrounding road network
- Demolition of house will change character of the area
- Impact on services and utilities
- More houses are not needed - other areas such as Kingston Mills could be developed
- Materials should match surroundings
- Increase in air pollution
- Effect on TPO trees
- Should be 5 houses maximum

The submitted objections to the current application in the main consider that the loss of one unit from the development still gives rise to all those previously raised objections to the last scheme as set out above

RELEVANT PLANNING HISTORY

05/01304/FUL Demolition of Hilleigh and erection of 14 no. 3 refused

06/02441/FUL Demolition of Hill Leigh and erection of 9 no. 2, 3 and 4 bed dwellings and associated parking refused 15/02/2007 for the following reason:-

- 1) The proposal by reason of its overall design, density and layout would neither preserve nor enhance the character or appearance of the conservation area contrary to Policies C17 & C18 of the West Wiltshire District Plan 1st Alteration 2004, and would, furthermore, disrupt the character of Coronation Avenue and the surrounding area contrary to Policies H1 and H24 of the West Wiltshire District Plan 1st Alteration 2004.
- 2) The proposal by reason of its layout does not make provision for the protection of existing TPO trees contrary to Policy C32 of the West Wiltshire District Plan 1st Alteration 2004.

KEY ISSUES

1. Does the scheme preserve or enhance the character of the Conservation Area?
2. Does the proposal affect protected trees?
3. Has to scheme addressed concerns raised by neighbours?

RELEVANT PLANNING POLICIES

Wiltshire Structure Plan 2016

HE7	Conservation Areas
DP1	Priorities for Sustainable Development
DP3	Development Strategy
DP7	Housing Development at Towns and Main Settlements
DP9	Development of Previously Developed Land

West Wiltshire District Plan - 1st Alteration 2004

C17	Conservation Areas
C18	New Development in Conservation Areas
C31a	Design
C32	Landscaping
C38	Nuisance
H1	Further Development Within Towns
H24	New Housing Design
T10	Car Parking

PPS1	Delivering Sustainable Development (Jan 2005)
PPS3	Housing
PPG13	Transport
PPG15	Planning and the Historic Environment

SPG	Design Principles
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OFFICER APPRAISAL

1. Does the scheme preserve or enhance the character of the Conservation Area?

As reported to the Committee in February 2007 detailed consideration was given to the Principle of Residential Development and Impact on the Conservation Area. In this respect as the site lies within the built-up area the principle of residential development here, would not be in conflict with Policy H1

As this site is located within the Bradford on Avon No.2 Conservation Area, key Development Plan policies are those relating to Conservation Areas. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 puts a statutory duty on Local Planning Authorities, to pay special attention to the "desirability of preserving or enhancing the character or appearance of that area".

The West Wiltshire District Plan Policy C17 states that the special character or appearance of the designated Conservation Areas and their setting in West Wiltshire will be preserved and enhanced. This is consistent with the legal requirement of the Local Planning Authority as set out in PPG15.

Policy C18 states that proposals for new development in a Conservation Area will be permitted only if the following criteria are met.

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

The character of the Conservation Area in this location is of open land. As a result, the advice of the Council's Urban Design and Conservation Assistant is in support of the proposal stating that it will not be to the detriment of the character of the Conservation Area or the wider characteristics of the locality. This is still the view made in respect of this latest proposal.

With regard to the layout, scale and form, this proposal has a reduced density of development and, by including a design which echoes the residential development in Woolley Street, the proposal is broadly consistent with the character of the area. This consistency will be further increased by the use of a palette of materials to match development in Woolley Street. A suitable condition to achieve this is recommended.

There are no historically important boundaries on the site.

In respect of the openness of this part of the Conservation Area, the application proposal has been amended and reduced by one unit so that more of the site will remain open.

The concerns of the objectors that the proposal will result in the loss of an important open area are noted. However, on balance the Applicants statement that the proposed terrace has been placed much closer to the southern boundary of the site and footpath so enabling a much greater proportion of the area to remain open and undeveloped, is supported. The incorporation of gardens to the rear of the proposed dwellings coupled with the use of grasscrete will assist in ensuring that the overall open character of this site is retained.

The siting, layout and design of the proposed development is considered to be acceptable as it is considered to be traditional, in scale with and would respect the appearance of the surrounding area. The detailing is not unsympathetic and therefore is acceptable within a scheme of new residential development such as this. The proposal is therefore regarded as being consistent with Policy C31a.

The materials to be employed in this development will match existing residential development in Woolley Street. This can be secured by the imposition of relevant conditions.

The conclusion reached therefore is that the proposed development would preserve the character and appearance of the Conservation Area.

2. Does the proposal affect protected trees?

The trees on the site which are the subject of a tree preservation order are retained. The mature hedgerow which separates the application site from the footpath to the rear of properties in Coronation Avenue will, with the exception of the portion required to be removed to facilitate the access road, be retained. As the proposal is for less than 25 dwellings on a site with an area of less than a hectare, there is no requirement to provide affordable housing. The proposal is therefore consistent with Policy C32.

3. Has the scheme addressed concerns raised by neighbours

Many of the issues raised by neighbouring residents are covered in the considerations set out above in relation to its impact on the conservation area and changing character that would result from development this site. However, there have been concerns about highway, aspects and in this respect it should be noted that the overflow to raise no objection subject to the imposition of conditions. Therefore considers that there is no high reason to refuse this proposal was one advanced in relation to the last proposal.

Application has been submitted with the habitat survey and concern regarding the loss of this site has been raised by objections. The part of the site will be developed for Bush to remain around and to average significant green areas and planting show providing some natural habitation. There is no turning region for projection to the proposal on these grounds.

The design and layout and relationships neighbouring properties is not considered to have any adverse act on those surrounding the sufficient to warrant refusal .

CONCLUSION

For these reasons set out above. It is considered that this revised proposal would preserve and enhance the character and appearance of the Conservation Area, does not detract from the surrounding area and overcomes the previous reason for refusal. It is therefore recommended for permission.

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

- 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 - Policies C31A.

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

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

REASON: In the interests of Highway Safety.

- 5 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access

- 6 Prior to being brought into use the private parking areas shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of Highway Safety.

- 7 Prior to being brought into use the private parking areas shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of Highway Safety.

- 8 The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:

- The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) 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; and
- The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

POLICY: West Wiltshire District Plan First Alteration 2004 - Policies C32 & C40

- 9 All works relating to landscape maintenance shall be carried out as specified in the approved Landscape Management plan unless otherwise approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out.

POLICY: West Wiltshire District Plan First Alteration 2004 - Policies C32 and C40.

- 10 All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

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

POLICY: West Wiltshire District Plan First Alteration 2004 - Policy C32.

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

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

POLICY: West Wiltshire District Plan First Alteration, June 2004 - Policy C32.

Note(s) to Applicant:

- 1 The applicant is reminded to seek the advice of Natural England in respect of any development that may affect species protected under the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats &c) Regulations 1994 and the Protection of Badgers Act 1992.
- 2 The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

RELATED PLANS

Drawing : 001 received on 06.10.2008
Drawing : 007/001 received on 06.10.2008
Drawing : 007/002 received on 06.10.2008
Drawing : 4492/200/001 received on 06.10.2008
Drawing : 69W/LP/070 received on 06.10.2008
Drawing : 0700/SEC/01 received on 06.10.2008
Drawing : 001A received on 06.10.2008
Drawing : 0700/SS/01 received on 06.10.2008