

22 April 2009

Planning Applications for Determination

Item No.	Application No.	Location	Parish	Page No.
01	08/00255/OUT	The demolition of the existing building and redevelopment of the site for a mix of uses including a food store, cafes, bars and restaurants, a hotel, residential apartments and associated access, car parking, landscaping and the ecological enhancement of the River Biss - Former Peter Black Toiletries Mortimer Street Trowbridge Wiltshire	Trowbridge	1
02	W/09/00377/FUL	New extension to front and rear of building to provide new entrance and living areas. - 19 Church Lane Limpley Stoke Wiltshire BA2 7WD	Limpley Stoke	47
03	W/09/00298/FUL	Extension and redevelopment of retail premises to provide additional retail floor space at ground floor and six 2 bed dwelling units above - Broadway Parade Broxburn Road Warminster Wiltshire	Warminster	53
04	W/09/00251/FUL	Extension over garage - 17 Chilmark Road Trowbridge Wiltshire BA14 9DD	Trowbridge	61
05	W/09/00627/FUL	Proposed demolition of existing bungalow and garage and replacement with new dwelling and detached garage - Court Lodge 17 Westwood Road Trowbridge Wiltshire BA14 9BR	Trowbridge	65
06	W/09/00636/FUL	Two storey side extension - 10C Church Road Heywood Wiltshire BA13 4LP	Heywood	71

PLANNING COMMITTEE

22 April 2009

ITEM NO: 01

APPLICATION NO: 08/00255/OUT

LOCATION: Former Peter Black Toiletries Mortimer Street
Trowbridge Wiltshire



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 776655 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

01	Application:	08/00255/OUT
	Site Address:	Former Peter Black Toiletries Mortimer Street Trowbridge Wiltshire

Parish:	Trowbridge	Ward:	Trowbridge East
Grid Reference	385696 157592		
Application Type:	Outline Plan		
Development:	The demolition of the existing building and redevelopment of the site for a mix of uses including a food store, cafes, bars and restaurants, a hotel, residential apartments and associated access, car parking, landscaping and the ecological enhancement of the River Biss		
Applicant Details:	Parkridge Developments And Waitrose C/o Holmes-Antill Home Farm Barn Loughborough Road Prestwold Loughborough		
Agent Details:	Holmes-Antill FAO Ben Holmes Home Farm Barn Loughborough Road Prestwold Loughborough		
Case Officer:	Mr Kenny Green <i>Phone: 01225 776655 ext 174</i> <i>Email: kenny.green@wiltshire.gov.uk</i>		
Date Received:	23.01.2008	Expiry Date:	23.04.2008

REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

The application as set out in the officer's report (Appendix 1), which was recommended for approval by officers, was considered by members at the meeting of the committee, which met on the 19 June 2008.

Members considered the officer's report and after consideration and discussion, the Committee indicated that it was minded to approve the application subject to the following:-

The application being referred to the Secretary of State for Communities and Local Government under the requirements of the Town and Country Planning (Shopping Development) (England and Wales) No. 2 Direction 1993; and, a further report for members to consider the highway issues and the highway conditions and highway requirements to be contained within a section 106 agreement. Members also decided to attach an additional planning condition to secure a phased implementation of the development..

Since the meeting, officers have discussed the s.106 heads of terms and condition matters with the applicants/agents and the key outcomes are summarised below.

Planning Condition Guidance

All Local Planning Authorities are guided by current circular guidance, in this case circular 11/95 applies, which requires that any conditions are necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. The attached conditions (contained within Appendix 1) are considered to be reasonable, necessary and would balance the needs of the community, together with the operational needs and potential impact of the proposed mixed use development and at same time, safeguard the Council's position.

Secretary of State

On 18 July 2008, the Government Office for the South West confirmed that the Secretary of State would not call in the application, thus the decision on whether or not to grant planning permission remains with the local planning authority.

Highways Issues

Since June 2008, the applicants, their agents and the Council's Highway engineers have discussed and investigated all the associated highway works affecting this planning application. Following lengthy traffic modelling work, the Council's engineers report that the proposed access arrangements and off-site highway improvements can accommodate the predicted traffic generation of the proposed development at the former Peter Black site, without causing unacceptable delays on the surrounding highway network, and in particular, the operation of the Longfield gyratory and the traffic signals at Tesco's.

The Council's highway engineers advised the applicant/agents that the impact of the development site traffic on the network would be acceptable subject to a number of measures being undertaken through planning conditions and the s.106 agreement.

s.106 Agreement

Officers have fully considered the applicant/agents proposed type and level of s.106 contributions and requirements which relate to:-

- that the retailer shall not already be present in the town of Trowbridge;
- 30% affordable housing provision (part dwellings on site and monetary contributions);
- a financial contribution to be negotiated towards the enhancement and maintenance of an off-site local children's play area;
- a financial contribution towards the enhancement and maintenance of public open space;
- an education contribution towards the provision of 8 primary school places and 6 secondary school places;
- a financial contribution for highways, a transport phasing plan and the provision of accessibility improvements including:-

- public transport improvements
- enhanced linkages between the site and the town centre
- variable message signing to the car park
- a servicing management plan
- a car park management plan

- a financial contribution of £100,000 (index linked) towards the provision of a footbridge crossing over the River Biss.

Additional Planning Condition

Members are advised to note that the additional planning condition has been incorporated within the recommendations to cover the phased implementation of works on site. The phasing requirements are covered under planning condition no. 40.

Conclusion

The proposed conditions and s.106 heads of terms are set out in the appended officer's report and it is for members to agree that they are appropriate. Officers would advise that following lengthy dialogue with the applicants and their agents the outstanding highways issues have been resolved where applicable and are contained within planning conditions and s.106 agreements.

The recommendation to approve the mixed use development is attached and in the opinion of officers would, if members decide to accept them, ensure the effective operation of the proposed development with adequate safeguards in place and with the appropriate level of financial contributions, led to the promotion of a sustainable development.

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: **The Area Development Manager be authorised to grant permission on completion of a legal agreement within 3 months of the date of this resolution to secure:-**

*** That the occupier of the foodstore shall not already be present in the town of Trowbridge;**

*** A 30% affordable housing contribution provided, with 83% of this percentage to be provided on site for rented accommodation and 17% to be provided as a commuted sum for off site provision (the mix of the units shall be subject to further negotiation involving the Council's Affordable Housing Enabler).**

*** An education contribution towards the provision of 8 primary places (currently costed at £11,356 each) and 6 secondary places (currently costed at £17, 351 each), totalling £194,954, as required by Wiltshire County Council;**

*** A financial contribution towards the enhancement and maintenance of a local children's play area to make up for the public open space shortfall;**

*** A financial contribution, a transport phasing plan and provision of accessibility improvements generated by the proposal. These shall include public transport improvements, enhanced linkages between the site and the town centre, the future provision of a foot bridge over the River Biss, variable message signing to the car park, a servicing management plan, and a car park management plan.**

*** A financial contribution of £100,000 (index linked) for the provision of a foot bridge crossing over the River Biss, following further negotiations with the District Council, the Environment Agency and the owners of the St. Stephen's Place site.**

The Development Control Manager shall also secure confirmation from the highway authority that all highway and transportation issues have been resolved to their satisfaction following the completion of the required modelling and assessment work.

The Development Control Manager shall also secure confirmation that any conditions required by the highway authority in the light of further assessment work are added to the decision notice.

The Development Control Manager shall be satisfied, following consultation with Wessex Water, that there is adequate capacity in the existing system to service the proposed development. In the event that reinforcement work is required, written confirmation from Wessex Water shall be secured prior to the production of the decision notice.

The Development Control Manager shall be satisfied, following consultation with the Environment Agency, that all flood risk handling, water conveyance and storage measures are satisfactory. In the event that additional work is required, written confirmation from the Environment Agency shall be secured prior to the production of the decision notice.

The Development Control Manager shall be satisfied that the requirements are in compliance with all the relevant Development Plan policies.

The Development Control Manager be authorised to issue the decision notice on completion of the above.

Condition(s):

- 1 The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.
- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.
- 3 Approval of the details of the design and the external appearance; ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.
- 4 The gross internal area of the food store hereby permitted shall not exceed 2712 metres square. The net sales and display areas (defined as all areas used for the display and sale of goods, including floor spaces used for checkouts, customer circulation and customer services, but excluding entrance/exit lobbies, customer toilets, any cafe and automated teller machines) shall not exceed 1657 metres square, of which not more than 75% of the net sales and display area shall be used for the sale of convenience goods.

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

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies SP1 and SP3.
- 5 No part of the net sales and display area (defined as all areas used for the display and sale of goods, including floor spaces used for checkouts, customer circulation and customer services but excluding entrance/exit lobbies, customer toilets, cafe and Automated Teller Machines (ATMs)) of the foodstore hereby permitted shall be given over to any dry cleaning services, key cutting, shoe repair, photographic, or pharmacy services dispensing medicines by prescription or post office counter services.

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

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies SP1 and SP3.
- 6 That prior to the commencement of any development on the site, the developer shall undertake the following:-
 1. A site investigation and risk assessment for chemical contamination;
 2. Provide a remediation plan and report where applicable upon the discovery of any chemical contamination on the site;
 3. Remediation validation works setting out the measures for maintenance, further monitoring and reporting to the satisfaction of the Council as planning authority.

The site investigation works shall be carried out in line with the main procedural requirements of BS 10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice. The requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment, the Environment Agency R & D Publication 20 - "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

For the avoidance of any doubt, should the applicant/developer make changes to the above listed assessments, remediation plan and/or the remediation report following its acceptance, further written approval would be required before the development hereby approved is brought into use.

REASON: In order to safeguard human health.

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

- 7 Deliveries and servicing to the foodstore hereby permitted shall be limited to the hours of 0700 - 2300 hours Monday to Saturdays, and 0900 - 1800 hours on Sundays and Bank Holidays.

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

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

- 8 Whilst in the servicing and delivery yard, any delivery vehicle's engine, including lorry and van engines, shall be switched off during loading and unloading.

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

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

- 9 That during the construction phase, no plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays, or at any time on Sundays or Bank Holidays

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

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C36 and C38.

- 10 The design of all the residential units shall minimise the exposure of habitable rooms to levels of road traffic noise in or above NEC B, as defined in Planning Policy Guidance Note 24 - Planning & Noise. Where habitable rooms are exposed to noise levels in category B or above, a scheme shall be submitted to and approved by the Local Planning Authority before the commencement of any works on site, to ensure that internal noise levels comply with the guidance given in BS8233:1999. The works shall be undertaken in accordance with these approved details.

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

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

- 11 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 BS5837:2005;

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 sitting 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 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.

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 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.

- 12 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.

The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres outside the group canopy.

Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.

The fences shall not be removed without the consent of the Local Planning Authority until the whole of the development is complete

REASON: To ensure that existing trees of value are adequately protected.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C40.

- 13 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 14 Prior to the commencement of any work on the site, details of all security measures including CCTV proposed for the development shall be submitted to and approved in writing by the Council, as planning authority, and the works shall be carried out in full accordance with the approved details.

REASON: To the interests of public safety.

- 15 Details of the hours of operation for all proposed uses on the site shall be submitted to and approved in writing by the Council as Planning Authority prior to development commencing on the site.

REASON: In the interests of protecting the amenity of the area

- 16 The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow the archaeologist to observe the excavations and record items of interest and finds.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C16.

- 17 No development, hereby permitted, shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C14 & C15.

- 18 Prior to the commencement of the development hereby permitted, further ecological surveys, 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 (following consultation with the Environment Agency). 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 2004 - Policies C7 & C9.

- 19 Details of lighting for 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 the commencement of the relevant phase of the development. The 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.

- 20 Any facilities 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%. 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%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of any bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

For the avoidance of any doubt, any oil storage facility of 200 litres or more must include a bund and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001").

[Site occupiers intending to purchase or install pollutant secondary containment (bunding) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity. Pollution Prevention Guidance 2 (PPG2) provides advice on ground storage of oil].

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 21 All surface water drainage from impermeable parking areas and hardstanding for all vehicles 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.

For the avoidance of any doubt, detergents entering oil interceptors may render them ineffective. A closure valve is therefore necessary to be installed at the oil separator outlet so as to contain any pollution material (in the event of an emergency).

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 22 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. Such a scheme shall utilise Sustainable Drainage Principles and shall not result in an increase in the rate and / or volume of surface water discharge to the local land drainage system. The works shall be undertaken in accordance with the approved details.

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

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

- 23 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 - Policies C7, C9 & U4.

- 24 No part of the development hereby permitted shall take place until a construction stage plans have been submitted to and approved in writing by the Local Planning Authority. The plans will need to agree the routing and timing of construction traffic, together with identifying the need for any temporary traffic orders that may be necessary. These works shall be undertaken in accordance with these approved details.

REASON: in the interests of highway safety.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies H4 and SP3.

- 25 A Travel Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the retail phase of the development. The Travel Plan shall include measures to minimise vehicle movements to the foodstore and a timetable for implementation, and shall be implemented in accordance with the approved scheme.

REASON: In pursuit of sustainable transport objectives.

- 26 Details of public art features shall be submitted to and approved in writing by the Council as planning authority and be implemented prior to the completion of the built development.

REASON: In order to promote public art within the development.

- 27 No development shall take place until a schedule of the materials and 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 C17 and C31A.

- 28 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas for each phase of the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.

REASON: To ensure that the development harmonises with its setting and provides clearly defined linkages to and from Trowbridge Town Centre.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A and Planning Policy Statement Planning Policy Statement 6 - Planning for Town Centres.

- 29 Details of the existing and the 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.

- 30 Details of all the associated storage areas for wheeled refuse bins for all the on-site uses shall be designed so as to minimise their impact on the appearance of the street scene, which shall be submitted to and approved in writing by the Council as planning authority. The approved storage area shall be provided prior to the buildings on the relevant phase of the development being first occupied and shall be maintained as such thereafter.

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

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C31A.

- 31 Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations associated to the hot food take-away outlet hereby granted outline permission. Prior to any commencement of work on site, details of the equipment to be used to provide acceptable levels of ventilation and filtration and at the same time limit noise and air pollution, shall be submitted in writing and be approved in writing by the Local Planning Authority. All equipment shall be installed in accordance with the approved details and in full working order to the satisfaction of the Local Planning Authority for the lifetime of the development.

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

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

- 32 Details of pollution prevention shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase of the development. The scheme shall only be carried out in accordance with the approved details which should cover the following:-

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

For the avoidance of any doubt, any invitation for tenders for sub-contracted works must include a requirement for details of how the above listed elements will be implemented.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C7, C38 & U4.

- 33 The development hereby permitted shall not be commenced until foul 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 (following consultation with Wessex Water). The works shall be undertaken in accordance with the approved details.

REASON: To ensure that the development can be adequately drained and to prevent pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1a.

- 34 That no building or land use shall be brought into use unless and until adequate sewerage infrastructure is in place to receive foul water discharges to the satisfaction of the Local Planning Authority (following consultation with Wessex Water regarding the availability, location and adequacy of the treatment facilities).

For the avoidance of any doubt, contaminated drainage or trade effluent should be directed to the public foul sewer provided that adequate capacity is available for additional flows.

REASON: To ensure that the development can be adequately drained and to prevent pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1a.

- 35 Details of inspection manholes shall be provided and clearly identified on the foul and surface water drainage systems in accordance with a scheme to be submitted to and approved by the Local Planning Authority (following consultation with Wessex Water and the Environment Agency).
- REASON: In enable discharges from individual premises or buildings to be appropriately inspected and sampled.
- POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy U1A
- 36 That prior to the commencement of works of site, a flood plan (including a suitable warning and emergency/evacuation procedures) with a flood resilience scheme showing details on flood risk handling, flood water conveyance and compensatory flood storage shall be submitted to and approved in writing by the Local Planning Authority (following consultation with the Environment Agency)
- REASON: To ensure that there is appropriate level of flood risk handling
- POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy U3
- 37 That prior to the commencement of works of site, a scheme providing vehicular access to and along the left bank of the River Biss (at any and at all times throughout the year) shall be submitted to and approved in writing by the Local Planning Authority (following consultation with the Environment Agency)
- REASON: To ensure that there is adequate access provided to to enable the Environment Agency to maintain the River Biss and implement works to reduce flood risk in the locality.
- POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C9 & U3
- 38 That prior to the commencement of works of site, a revised landscape strategy clarifying the proposed treatment of the riverbank shall be submitted to and approved in writing by the Local Planning Authority (following consultation with the Environment Agency)
- REASON: To rectify the irregularities shown within the revised FRA which states that the existing riverbank habitat would be retained despite it being re-profiled to accommodate the walkway.
- POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C7, C9 & C32.
- 39 That for the avoidance of any doubt, the finished ground floor levels shall be set no lower than 36.7 metres above ordnance datum level to provide 300mm freeboard on the 1 in 100 year (after predicted climate change) flood level to the satisfaction of the Local Planning Authority (following consultation with the Environment Agency)
- REASON: To ensure that there is appropriate level of flood risk handling
- POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy U3
- 40 A plan and schedule indicating the proposed phasing of the development of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed phasing. The works comprised in each phase of the development shall be completed before the works comprised in the next phase are commenced.
- REASON: In the interests of proper planning of the area.

Note(s) to Applicant:

- 1 The developer is advised that should any protected species or habitats be found following the required additional ecological survey work, Natural England and the Wiltshire Wildlife Trust should be contacted so as to accord with the Wildlife and Countryside Act 1981.
- 2 The developer is advised to contact Wessex Water to arrange points of contact onto the public water and sewerage system/apparatus.

- 3 The applicant/developer is advised to adopt a trolley management system to restrict the removal of trolleys from the site (and in particular prevent access for trolleys to the River Biss) which should be submitted to and approved by the Local Planning Authority.
- 4 The applicant/developer is advised that all wastes must be stored in the designated areas, which are isolated from surface drains.

If storing or treating waste from a contaminated area of the site, a waste management licence may be required. Skips should be covered to prevent dust and litter being blown out and rainwater accumulation should be regularly inspected and replaced when full.

If controlled wastes are to be utilised for construction purposes, the developer must register the activity with the Environment Agency. Waste from the development must be re-used, recycled or otherwise disposed of in accordance with waste management legislation and in particular the Duty of Care. Further guidance can be obtained from <http://www.environment-agency.gov.uk>

Any movements of hazardous waste from the site must be accompanied by hazardous waste consignment notes.

The Environment Agency must be notified immediately following any incident likely to cause pollution.

All waste oils must be collected and contained prior to disposal in an approved manner. All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway.

Vehicle loading or unloading bays and storage areas involving chemicals, refuse or other polluting matter must not be connected to the surface water drainage system.

All wash down and disinfectant waters must be discharged to the foul sewer with the prior approval of the sewerage undertaker.

Areas designated for the storage of food waste skips must be sited in areas draining to the foul sewer, particularly if a compactor is to be used on the site.

The site must be drained by a separate foul and surface water drainage system, with all clean roof and surface water being kept separate from the foul water. Only clean uncontaminated surface water from roofs and un-trafficked paved areas should be discharged to any controlled watercourse.

All foul drainage, including contaminated surface water run-off, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with a connection to a watercourse.

RELATED PLANS

Drawing : 2427 1010 received on 23.01.2008
Drawing : 400-001-PL B received on 11.03.2008
Drawing : 2427 3000 received on 23.01.2008
Drawing : 400-004-PL B received on 11.03.2008
Drawing : IMA-07-127-008 received on 23.01.2008
Drawing : 2427 2111 received on 23.01.2008
Drawing : 2427 2112 received on 23.01.2008
Drawing : 2427 1100 received on 23.01.2008
Drawing : 2427 2110 received on 23.01.2008
Drawing : 400-002-PL A received on 11.03.2008
Drawing : 400-003-PL A received on 11.03.2008
Drawing : 400-005-PL B received on 11.03.2008
Drawing : 400-006-PL B received on 11.03.2008

APPENDIX 1

Copy of the report to Planning Committee on 19 June 2008 in respect of Planning Application 08/00255/OUT in respect of a mixed use redevelopment at the former Peter Black Toiletries Site, Mortimer Street, Trowbridge.

(Plans list Item 1 refers)

APPLICATION DETAILS

This application is brought to Committee at the discretion of the Development Control Manager because of its significance to the regeneration of Trowbridge.

This is an application for outline planning permission for the redevelopment of an irregularly shaped site which was the former Peter Black Toiletries site located at Mortimer Street / Cradle Bridge in Trowbridge. Under this application, the applicants seek to establish the principle of demolishing the existing vacant industrial unit which forms part of a site measuring just over 1 hectares and redevelop it for a mix of uses comprising a food store (Waitrose – who are the joint applicants), cafes, bars and restaurants, a hotel, 46 residential apartments, associated access improvements which would involve works to the public highway with improved access junctions and visibility, car parking provision, landscaping which would include plans to ecologically enhance the River Biss.

In addition, within the planning submission, a footbridge is indicatively highlighted as a potential future feature to assist permeability to and from the site.

As an outline application, the Council can only assess the principle of the redevelopment of the site. However, in this particular case, the applicants wish to de-reserve the access, the layout of the ground floor of the buildings as well as the landscaping of the site. An indication of the likely scale and massing of the scheme, as well as the appearance of the buildings are provided within the associated design and access statements.

Should the Council, as planning authority be minded to approve the outline application, a further Reserved Matters application would be required to satisfy the remaining outstanding (reserved) matters.

Members will acknowledge (having recently determined a similarly major planning application at land to the north east of County Hall, in early March of this year) the importance of regenerating this part of Trowbridge, and how important it is for the Council to take a holistic approach to the redevelopment of several inter-connecting sites that have come forward for possible redevelopment.

The redevelopment proposal would essentially comprise the provision of three blocks ranging in heights (scaling from approximately 7.2 metre (principally 2 storeys) for the supermarket which would be erected at the eastern end of the site. The building scale would increase westwards to about 18.6 metres (6 storeys) to accommodate the hotel and multi-storey car parking. The height of the building would then scale down to about 15.6 metres then 9 metres. At the western corner of the site, a 6-storey apartment block is proposed measuring about 18.6 metres above ground floor level.

It should however be noted that the proposed design above the ground floor level is submitted for indicative purposes only. As is the massing study plan.

The site runs parallel to the River Biss and is located to the south of both the River Biss and the former Tesco site, which is also vacant, disused land. To the south of the site and beyond the public carriageway, there are mainly residential properties of mixed character.

To assist Members, the table below outlines the indicative scale of the proposed development which has been collated from the submitted supporting material:

Residential	46 flats and maisonettes are proposed
Hotel	60 beds proposed
Supermarket	A Waitrose superstore measuring about 1657 square metres of net internal floor space
Restaurants, cafes, bars, Hot food takeaway	>1600 square metres
A2 uses (financial and Professional services)	1657 square metres of internal floor space
Car parking spaces	260 spaces are proposed. However, the allocation required for disability spaces, light goods vehicles/public carrier vehicles; motorcycles and bicycles are not known at this stage.
Employment Creation	>200 part-time and full-time positions.

As a comparison, the approved planning application (at the March Committee) associated to land to the north east of the County Hall, which is considered to be in close proximity to this site, had 5 blocks ranging in height from 22 to 25 metres.

The application was submitted in January this year following pre application discussions. Since then, there have been further negotiations on various issues involving several officers of both the District and County Councils.

The Design

The design has evolved following consultations with officers of the Council, and the applicants hope that the design of the group of blocks will create a high quality landmark development for this important part of the town. As with the approval of the mixed use development on land to the north-west of the site, it is hoped that the application proposals would stand the test of time. The submission puts forward a development scheme with core development principles which have been much debated with the aim of creating a balanced mix of uses, with integrated car parking and the creation of a new active River walkway.

It is further submitted that the development would have positive spin offs for Trowbridge as a whole. With Waitrose being firmly behind the scheme, the development should complement and enhance the role of the town centre, and encourage the regeneration of the surrounding area, and notably, the St. Stephen Place site.

The applicants further submit that the land use mix and the layout design are consistent with development plan policy, commercial requirements and the characteristics of the site and its context. The applicants also argue that the redevelopment of this site, the Waterside scheme and Castel Place / St Stephens Place would contribute significantly to the regeneration of the southern gateway to Trowbridge town centre and to Trowbridge as a whole.

The analysis of the site and surrounding area identifies the accessibility and prominence of the site as key factors that inform the development of the site. The applicants stress that the development proposal has evolved from the recognition of maximising “the connectivity of the site with the immediate and wider area and to encourage travel to the site by foot and cycle. The integration of car parking within the built form, the pedestrianisation of the majority of the site and the inclusion of Waitrose and other active uses will contribute to achieving this. This mix of uses and layout proposed will encourage linked trips and minimise the trend for single shop shopping trips” (page 20 – Design and Access Statement).

Transport Assessment and the Means of Access

A Transport Assessment (TA) has been prepared by IMA Transport Planning and has been submitted in support of the application. It should be noted that the Assessment has been subject to extensive discussions with the County Council Highway Authority.

The TA examines the accessibility of the site by modes other than the private car, the suitability of the proposals in terms of helping to reduce the length of car journeys and the traffic impact on the local highway network.

The TA concludes by saying that “the site is exceptionally well located in terms of accessibility by a range of modes of transport. In particular it is well-connected, by established pedestrian routes, to primary retail area to surrounding residential and employment areas, to bus services and the rail station. As such, and in accordance with national transport and planning policy, the site is extremely well-located to accommodate retail uses which attract a large number of people”.

The means of access to the site is not reserved. Alterations are proposed to the County Way carriageway as well as making alterations to County Way to form the main access to the proposed multi-storey car park and a separate service access serving the proposed Supermarket.

The access to the scheme is proposed via a new signalised junction on County Way. The TA has demonstrated that the means of access and the improvements to the County Way / Mortimer Street junction operate satisfactorily during peak hours and that the scheme would have no detrimental affect upon the free flow and operation of the public highway.

Along with the planning submission, the following documents have been provided to assist with determining the application:-

1. Planning Statement
2. Design and Access Statement
3. Landscape Report
4. Retail Statement
5. Transport Statement
6. Ecological Assessment
7. Flood Risk Assessment
8. Site Investigation
9. Archaeological Report
10. Consultation Statement.

The above documents have been reviewed and assessed by officers of the District and County Council as well the statutory and non-statutory consultees.

Landscaping

The applicants propose to clear the River Biss of all the overgrown vegetation and open up what will become a riverside walk, which would link the east and west sections of river walks in Trowbridge. Alders, a variety of shrubs and aquatic and marginal planting would be provided along the River Biss Boulevard, which would be formed on a split level using naturally durable hardwood.

A River Biss Ecological buffer would be provided consisting of alders, willows, hazels, hawthorns, blackthorns and rowans; along with an extensive range of shrub, wildflower and aquatic planting.

Along County Way there would be a line of street trees (species:- London Plane) which would compensate for the loss of the London Planes as part of the redevelopment of the land to the east of County Hall (planning reference 07/03734/OUT) and also give pedestrians protection from the traffic. In addition, a holly and hornbeam hedgerow along the retail frontage would be planted. The ground materials along the County Way frontage shall be formed from concrete paving slabs.

The proposed central piazza would be surfaced with high quality paving slabs with a linear paving feature of recycled glass paviors. Two rows of pleached (decoratively sculpted) trees, a semi mature Ash, bench seats and planter beds would provide a welcoming visual interest to what would be an important public space.

Throughout the scheme, appropriate lighting would be installed.

SITE VISIT / STATUTORY SITE NOTICES

The site has been visited regularly since the application was submitted (23.01.2008). The site notice was displayed on a nearby lamp post on 25.01.2008. Following receipt of revised plans, another site notice was displayed on the same lamp post on 14.03.2008.

CONSULTATIONS

TROWBRIDGE TOWN COUNCIL: No objections raised but raises the following comments:-

“1. The Town Council, as operator of the Town Council CCTV system requests that the development should provide for a number of public realm CCTV cameras throughout the development which should be linked to the Town Centre scheme to allow co-ordinated monitoring and a contribution towards new and existing cameras overlooking the site for provision, upgrading, maintenance and ongoing monitoring; and,

2. The development should not be occupied until a suitable foot/cycle bridge linking the site directly to the park, across the River Biss is completed. This should not be dependent upon any agreement with the owner of the St. Stephen Place site”.

External:

COUNTY HIGHWAY AUTHORITY:-No objections raised subject to further modelling and assessment work, and add the following comments:-

“Whilst there remain outstanding technical issues to resolve through further modelling and testing work, based on the assessments undertaken to date I believe that there are no insurmountable transport difficulties associated with the proposed development”.

Should Members be minded to approve this outline application, it is recommended that authority be delegated to the Development Control Manager to issue permission subject to:-

1. Confirmation from the highway authority that all highway and transportation issues have been resolved to their satisfaction following completion of the continuing modelling and assessment work;
2. Any conditions required by the highway authority in the light of the future assessment work, subject to the District Council being satisfied that the requirements are in compliance with the relevant Circular advice;
3. Inclusion of a legal agreement of physical works and/or financial contributions as required by the highway authority upon conclusion of the further assessment work, subject to the District Council being satisfied that the requirements are in compliance with the relevant Circular advice

COUNTY LIBRARY MUSEUMS & ARCHIVES (ARCHAEOLOGY): No objection subject to the imposition of a relevant condition requiring a watching brief during the initial stages of construction to record any archaeological features which may exist given the proximity to the River, where features or finds relating to early human occupation may be uncovered.

COUNTY EDUCATION AUTHORITY: We note that 46 units (to be flatted) are proposed, with a mix of 26 2 bed units and 20 1 bed units proposed. The 1 bed units are exempt from any assessment as far as any contributions are concerned. However, the 26 2 bed units would generate a need for 8 additional primary places and 6 at secondary level. The designated area schools are Paxcroft Primary and Clarendon College, neither of which can accommodate the extra pupils within current permanent capacities.

As with other large scale developments, Wiltshire County Council shall seek contributions to fund a new primary school to serve this part of the town, and shall look for an aggregate contribution from the developer.

A contribution towards 8 primary places is required levied at £11,356 per place and 6 secondary places levied at £17,351 per place.

No distinction is made between flats and other types of housing for assessment purposes. However, it should be noted that 1 bed units (of any type) do not qualify to be assessed. It should also be stressed that the above figures (and indeed the assessment itself), can only be indicative at this outline stage in the planning process. As per WCC standard policy, another assessment will be made once a planning application is submitted, and reviewed if necessary at full/reserved matters stage in order to reflect the most up to date pupil forecasts, school capacities etc. and the final details of housing numbers/mix.

COUNTY PLANNING: The site is located within the outer edge of the Commercial Area Boundary of Trowbridge as defined in the West Wiltshire District Plan First Alteration (Adopted June 2004) and is partially within the Trowbridge Conservation Area. It is not allocated for any particular use. The site is identified as Parkside PS4 within the Trowbridge Urban Design Framework (November 2003), adopted as Supplementary Planning Guidance (SPG). This document states that “this should be a mixed use site comprising employment, residential and retail (A3) uses” and identifies it as a key gateway site into the town centre.

The Wiltshire and Swindon Structure Plan (Adopted April 2006) identifies Trowbridge as a Strategic Service Centre and places particular emphasis on provision of employment land to attract new economic activity and meet the needs of existing employers, and the regeneration of the town centre of Trowbridge (Policy DP3). Paragraph 4.13 recognises that significant potential exists for urban renewal within and around the town centre providing the opportunity to develop a strong and vibrant commercial centre. It also considers that the opportunities for urban renewal and town centre regeneration should play a key role in achieving the town’s economic potential helping promote greater self containment.

The application includes a food store comprising 2,712 square metres gross floor space with a net sales area of 1,657 square metres. The application indicates that the intended occupier of the store is Waitrose. The location of the proposed store on the application site (subject to a bridge across the river being provided) can be regarded as being located within easy walking distance of the edge of the primary shopping area in line with PPS6 and therefore is an edge of centre site. Paragraph 3.4 of PPS6 places the onus on applicants of edge of centre retail sites to demonstrate:-

1. the need for the proposal;
2. that development is an appropriate scale;
3. that there are no more central sites for development;
4. that there are no unacceptable impacts on the town centre, and,
5. that locations are accessible.

Structure Plan Policy DP6 also reflects these requirements and requires the role of centres to be maintained and enhanced by provision for shopping development which is consistent with the town’s role and promotes its vitality and viability.

A Retail Planning Statement (RPS) has been submitted in support of the application to address these matters. Of particular concern is how need and impact have been assessed. The RPS indicates that even after allowing for the proposed store that some £678,000 surplus expenditure will be available in 2012 (paragraph 3.41) and that there would be no adverse impact on the town centre. However, it is not considered that the RPS provides a robust assessment of need or impact. There appear to be a number of inconsistencies and inaccuracies within the report, which also does not contain sufficient information to enable a proper assessment of the assumptions and conclusions made. This has been raised with the applicant’s Agent. Examples of areas of concern are as follows:-

- The Catchment Plan (Appendix 2) indicates that a comparison, rather than convenience goods catchment area has been used. This is considered to be too large and does not adequately take into consideration other main food shopping destinations. Melksham in particular should be excluded. As a result the population of the catchment area is too high and available expenditure to support retailing is over estimated;
- No account appears to have been taken of existing commitments or recently implemented planning permissions for extensions to existing stores including Sainsbury's at Bradford-on-Avon, Tesco and Aldi in Trowbridge, and Lidl at Westbury. Furthermore, despite Melksham being included within the catchment area, the stores at Melksham have not been included within the Assessment of Need at Appendix 3.
- The method used for the quantitative need assessment is not based on household survey data that can be used to assess existing spending patterns within a catchment area. Instead it assumes 100% retention of convenience goods expenditure within the catchment area. This is considered to be an unreasonable assumption and does not take into consideration the influence of other significant centres such as Chippenham or Frome.

Notwithstanding the above, recent consideration by the County Council of the application for the former Usher's Brewery site in Trowbridge (application ref. 07/01911/OUT), which involved considerable discussion on retail matters, indicates that it is unlikely to be possible to adequately demonstrate quantitative need for further food retailing within Trowbridge. Furthermore, it is

recognised that West Wiltshire District Council has received advice from their retail consultants, DPDS, who has also concluded in considering the Usher's Brewery application and this application, that "neither applicant has demonstrated a quantitative need for the proposed developments in PPS6 terms" (Retail Proposals in Trowbridge, DPDS Consulting Group, March 2008).

While in principle the redevelopment of this site for the type of uses proposed in this application would undoubtedly have regeneration benefits for Trowbridge, in particular for the southern part of the town centre, there is concern given the lack of demonstrable need about the Class A1 retail element of this proposal. If there are overriding reasons why the District Council considers that a new food store should be permitted at Trowbridge despite the lack of demonstrable need, then it would be appropriate in these circumstances to consider whether the other non determined food store proposal on the former Ushers Brewery site would provide a more acceptable location. This is discussed below.

Both proposals relate to edge of centre sites. The Usher's site is located to the north of the town centre and the Peter Black site is located to the south. The Usher's site offers the potential to achieve a better distribution of main food retailing destinations around the town centre providing a more sustainable pattern of land uses in line with Policy DP1(3) of the adopted Structure Plan. The Peter Black site would mean that the proposed Waitrose store would be located in close proximity to the existing Tesco store, whereas the Usher's site would provide a new food retailing location providing the surrounding residential areas with the opportunity to access a new food store by foot or bike. The Usher's site also benefits from town centre bus services that stop close to the site.

In terms of having a positive impact on the town centre, the Usher's site has considerable potential to encourage linked trips with the Primary Retail Frontage (PRF) due to its close proximity provided that improvements to facilitate linkages and encourage pedestrian movements across Church Street can be secured. However, the Peter Black site is not as well connected in PPS6 terms to the PRF due to the current state of the St Stephen's Place site and distance. Although it is recognised that this situation could change, at present there appears to be little confidence of this happening.

It is understood that the redevelopment of the Peter Black site including a retail food store could compromise the ability of the Usher's site to attract a retail anchor to the northern part of the town. This is due to the level and type of retail and town centre development committed elsewhere, particularly to the south of the town centre. Trowbridge does not have unlimited ability to attract investment and regeneration proposals will therefore need to be considered in a balanced way.

However, equally it will be important to consider what other potential uses could be delivered on the Peter Black site if a food store on part of the site is not found appropriate.

Also, it may be worth noting that paragraph 2.44 of PPS6 in referring to the sequential approach to site selection considers that where alternative sites have similar locational characteristics in terms of the sequential approach that “local planning authorities should give weight to those that best serve the needs of deprived areas”. The Usher’s site forms part of one of the two areas in Trowbridge that are in the top 20% most deprived areas in England, whereas the Peter Black site is within an area in the top 40% most deprived in England.

Finally, the application site relates to the re-use of employment land. The Structure Plan, while recognising the need to regenerate Trowbridge, also places significant emphasis on the importance of making provision for employment to ensure balanced growth of the town. There does not appear to have been any consideration given to the potential to incorporate employment uses appropriate to a town centre location on this site, such as Class B1 business use. Such uses would be in line with the SPG relating to this site and Structure Plan Policy DP4 that seeks to ensure that adequate provision is made for economic development. The District Council may therefore wish to consider whether a mixed use scheme incorporating employment uses would be more appropriate for this site.

In conclusion, therefore, while this proposal has the potential to secure the regeneration of a disused site, the County Council has concerns about its re-use in part for a food store. As with the Usher’s proposal there is no actual demonstrable need for additional convenience floor space. The critical issue is therefore to what extent either proposal could improve or contribute to the improvement of the town centre, or at least not have a negative impact. There are advantages and disadvantages to both schemes but on balance for the reasons set out above the location of the Usher’s site is considered to offer greater potential. However, given that neither application is supported by a substantive retail need case, the District Council must be satisfied that there are other adequate overriding considerations if they are minded to permit either application.

ENVIRONMENT AGENCY: The Environment Agency reports that following the review of the revised FRA dated May 2008 (Rev D No. 07034) they are assured that the flood risk issues can be dealt with at the detailed design stage by condition.

Therefore the holding objection has been removed providing planning conditions are attached to any approval requiring the following:-

1. Floor levels be set no lower than 36.7 metres above ordnance datum level to provide a 300mm freeboard on the 1 in 100 year (after predicted climate change) flood level;
2. A flood resilience scheme be submitted for the written approval by the Council;
3. A flood plan including suitable warning and emergency/evacuation procedures be submitted for the written approval by the Council;
4. A compensatory flood storage scheme be submitted for the written approval by the Council;
5. A surface water drainage scheme be submitted for the written approval by the Council;
6. A scheme providing access to and along the left bank of the River Biss be submitted for the written approval by the Council;
7. Another protected species survey is carried out to ascertain the presence and habitat of water voles along the riverbank be submitted for the written approval by the Council;
8. Clarification on the treatment of the riverbank (where no new gabions should be installed) be submitted for the written approval by the Council;

WESSEX WATER: Network modelling is required to determine whether there is adequate capacity in the existing system to serve the proposed development. In the event that reinforcement of the system is required, to ensure adequate supplies, the developer would be expected to contribute towards the costs. In the event that there are any changes to the existing road layout as part of the scheme, existing water mains may be affected. If this is the case, Wessex Water’s Development Engineer should be contacted to agree an acceptable diversion and protection.

As far as surface water drainage is concerned, there is an existing brick storm drain sewer crosses the site and this can be abandoned as part of the development. Flows from the new development should be discharged direct to the River Biss, with the approval of the Environment Agency.

As far as foul drainage is concerned, an existing foul sewer, laid within the existing public storm sewer, crosses the site. The sewers, storm and integral foul, must not be built over, or close to. It is noted from the Flood Risk Assessment that the existing foul connections to the public sewer are intended for re-use. However, there are proposals to divert the sewer so that new connections can be made. For the avoidance of any doubt, diversion of the foul sewer must be completed and commissioned before any other site work is started. This assumes that the storm sewer has been abandoned and replaced with new storm drainage piped directly to the River Biss, as above.

ENGLISH HERITAGE:-No objections to the revised scheme.

WILTSHIRE POLICE:- No objections raised but request that crime reduction and safety aspects are fully addressed at this stage to avoid anti social behaviour in the future. To reduce the risk of anti social behaviour, all the associated car parks should be designed and built to keep crime to a minimum. Consideration should be given to Safer Parking compliance which can be reviewed at the safer parking website <http://www.saferparking.com>

Trowbridge already has an existing CCTV network and this scheme could be utilised and enhanced to incorporate security measures in the detailed scheme. Further investigations would be needed assess the capacity of the system.

Permeability to the site should be kept to a minimum to avoid unnecessary trespass. Due to the nature of the site and the evening economy this will be an important issue. However, with appropriate lighting and CCTV coverage, this should not be an issue of concern.

WILTSHIRE WILDLIFE TRUST:-No objections subject to the imposition of conditions setting out the ecological protection measures.

DPDS CONSULTING GROUP RETAIL PLANNING ADVICE:-

The differing views of the County Council policy planning officer and those of this Council's officers indicate how finely balanced this scheme is in terms of any retail benefits it will bring to Trowbridge and the surrounding area.

The application at the former bottling plant at Ushers Brewery for a mixed use scheme which includes a Sainsbury's store has added to the complexity of determining this application. As a consequence, the Council commissioned an independent retail report by DPDS Consulting Group (who have advised the Council on retail planning matters in the past). The report was commissioned to look at the impacts of both schemes and to make a comparison between them.

DPDS have concluded that:

"Need. In summary, we conclude that there is no quantitative need for either proposal. We also conclude that there is not a qualitative need in the sense that Trowbridge is losing shoppers to other centres because of the lack of a quality foodstore. This is an entirely separate matter from qualitative issues with regard to the comparison goods offer. A "quality" foodstore would not attract significantly more shoppers to Trowbridge because the shoppers who would prefer a "quality" store are currently largely using the existing food stores".

"A Sainsbury or Waitrose store may help to counteract the image of Trowbridge as a value orientated shopping centre and make it easier to attract quality comparison goods retailers, but this effect should not be over-estimated. The image of Trowbridge will only alter significantly if, and when, the comparison goods offer improves".

“Despite the lack of need, either proposal would introduce a new major retailer into the town and significantly widen the choice for shoppers in accordance with the objectives of PPS6”.

“The Council should not try to distinguish between the two applications on the basis of the occupier, since this could not be controlled”.

“Scale. The proposals are appropriate in scale to role and function of Trowbridge.

“Sequential Test. It is generally accepted that there are no more central sites available. Both are, in terms of PPS6, edge-of-centre and one cannot be preferred to the other on sequential test grounds. However, one site may be preferable in terms of other material considerations and particularly with regard to the impact (positive or negative) on the town centre”.

“Impact. Neither proposal would seriously negatively affect the vitality and viability of the town centre retail area. This would also be true of both sites being developed for food stores. In addition there would be regeneration benefits from the proposals”.

“Overall. The avoidance of doubt, although the needs test is under review, it is too easily to say what the results of that review will be. The indications of the Department of Communities and Local Government thinking from its evidence to the Competition Commission, is that the needs test would still apply to these sites because they are not contiguous with the primary retail function. However, we consider only limited weight should be given to the review at this stage”.

“In determining these applications the Council has to consider what weight it should give to the different policy tests. In view of the lack of adverse impact and possible benefits to the vitality and viability of the town centre we consider that the Council should give greater weight to this than to the lack of need in this case. The purpose of the need and sequential tests is to protect town centres from out-of-centre competition. Where proposals would not harm a town centre, or benefit them, the test must have less relevance and the general objectives to provide a wide range of shops and facilities could reasonably be given greater weight”.

“If that view is taken the arguments would apply equally to allowing both applications because it becomes impossible to say that there is a need for one but not two. Furthermore, the cumulative impact of both is unlikely to be detrimental to the vitality and viability of the town centre”.

“However, to grant planning permission to both would be likely to create a situation where neither progresses, or there is a long delay. One or other or both sites are likely to remain vacant, creating a negative view of the town and contrary to the regeneration aims of the Council and community. There would be planning commitments which are unlikely to come forward but cannot be discounted and we do not believe this to be in the interest of good planning in general, or the regeneration of the town”.

“We recommend that the Council does permit one proposal but not both. We have therefore undertaken an assessment of each of the sites. Planning decisions have to be made in accordance with the Development Plan unless material considerations indicate otherwise and we will start with the planning policy”.

“Planning Policy. The former Peter Black site is not allocated for any particular use but as a former employment site. It is subject to policy E5 which states that the loss of existing employment land will only be permitted where there is an adequate supply of genuinely available land and premises and such proposals are compatible with neighbouring land issues [that does] not give rise to, or continue, existing traffic or environmental problems. We cannot comment on the availability of the employment land supply, but former employment use is clearly not a total bar on retail development of this site. We do however note that although the proposal would generate retail jobs on this site, the store would not generate additional expenditure and there are likely to be job losses elsewhere in Trowbridge. Consequently, the Council should not give great weight to this argument”.

“Retail Impacts. The benefit of either of the proposals for the town centre arises primarily through the generation of linked trips. The Bottling Plant site was regarded as suitable for retail development with good links to the town centre by the First Secretary of State in his 2004 decision. That proposal did contain measures to improve the links including an active frontage on Manvers St to link the site with the primary retail area which are not part of the present proposal. We have expressed our concerns about the lack of visibility from the centre and legibility of the link. Nevertheless it is an easy walk which store is likely to generate a substantial number of linked trips.

“The Peter Black site is much less connected to the town centre, and the walk is either convoluted via the park or multi-storey car park, or via a very secondary commercial frontage. Both routes involve a walk past the St. Stephens Place site, which is uninviting. This situation is however, likely to change”.

“The distance to the primary frontage is greater than for the Bottling Plant site and with the smaller size of store, the Peter Black site is likely to attract fewer linked trips and provide a lesser benefit to the town centre in the current situation”.

“However, the benefits from the Bottling Plant site development would be concentrated on the northern centre edge of the primary shopping area and the entrance to the Shire’s Shopping Centre. Our assessment is that this is the strongest part of the centre at present and it is the southern edge of the town centre which is more in need of improvement. The Bottling Plant site proposal would tend to exacerbate this situation”.

“The link from the Peter Black site to the town centre can be expected to be improved in the future, particularly with the redevelopment of St. Stephens Place and the Waterside leisure development. The southern part of the town centre would benefit significantly from the Waterside Leisure development if it goes ahead. The development of the Peter Black site might encourage the development of the St. Stephens Place site. The expectation of greater footfall in that part of the town would tend to encourage a retail or other commercial use. However, the decision to go ahead on that site will depend far more on straight commercial considerations and the presence of a food store on the adjacent site is unlikely to be a major factor in that decision. The permitted scheme has not proceeded and is, in our view, unlikely to do so in that form now. Few developers would want to proceed with a retail scheme designed 4 years ago. The form of any development on the St. Stephens Place site and the way it will be linked to the town centre is, in our view, too uncertain at this stage to be given significant weight. Bearing this in mind, we believe that any benefits of the Peter Black site to the more general regeneration of the southern town centre is insufficient to outweigh the planning policy framework, which favours the Bottling Plant site or the benefits to the northern part of the town centre that that development would provide”.

“To some extent these arguments were rehearsed at the earlier Inquiry, in relation to the St. Stephen’s Place site. Although we do not agree with Inspector that the development of the site will take place because there was quantitative capacity, she also concluded that proposals at that time were at an early stage with many issues to be resolved and therefore concluded that the application at that stage should not be given significant weight”.

“This report has been concerned only with the retail planning issues and we are aware that other considerations are also relevant. However, in terms of those matters on which we have been asked to comment, we conclude that the proposal for the Ushers Bottling Plant site is preferable to the development proposed on the former Peter Black site. We also conclude that planning permission should not be granted for both schemes.”

After a challenge tabled by the abovementioned applicants at the April Committee meeting (dated 17.04.2008) at which point the Council was set to determine the planning application at the Ushers Brewery site, DPDS were asked for a response on the issues (criticisms) that they raised.

They concluded "We were asked to compare the merits of the two sites in terms of their impact on the town centre as well as considering the impact of both (originally conceived by your colleagues as likely to be negative) but there is no reason why the superiority of design of one over the other should indicate the grant of planning permission. Our recommendation that only one should be permitted was because, if both were permitted, we considered that there would be a serious risk that one or other, or both of the schemes, would not go ahead and that this would delay the development of derelict sites and the provision of other uses which the Council wished to see. This risk arises from the lack of expenditure in the catchment area to support two additional stores, competing for the same sector of the convenience market, in the context of two well-established and popular brand outlets.

"However your Council also has to have regard to its position at any subsequent appeal if it refused planning permission...I should perhaps made it clearer in my report that there is no need for the applicant on the Conigre site to demonstrate a need for the development because of the retail allocation in the Local Plan, whereas those on the Peter Black site are required to do so".

OTHER STATUTORY CONSULTEES

Internal:

REGENERATION OFFICER:-This is a very challenging site to develop in isolation (from St. Stephen's Place) given the constraints imposed by its linear nature, proximity to the River Biss and the sewer. Against these factors, the applicant deserves credit for having put together a credible scheme.

The development of this site is supportable in regeneration terms – it being a high profile derelict brownfield site on one of the key gateways into Trowbridge the development of which would significantly improve the physical appearance of the town and contribute to its overall regeneration.

The proposals are consistent with the Urban Design Framework for Trowbridge in terms of design, massing, form etc and are welcomed for their attempt to engage with the River Biss and create an active frontage along it (in terms of A3 uses).

The engagement of Waitrose in the application is positive and their presence would I believe improve the quality of the town's convenience retail offer while generating wider consumer choice.

Notwithstanding any other issues and taken on their own merit, I am of the view that the proposals are supportable and consistent with the aims and aspirations of Transforming Trowbridge.

[Following the review of the County Council's policy consultation response, the Regeneration Manager identifies the following key issues:-]

Brownfield Regeneration

The site is situated at a high profile location at one of the key gateways to the town (Cradle Bridge). It currently presents a highly visible image of dereliction at a key location in Trowbridge, an image that runs entirely contrary to the District, County and Town Council's aspirations for the town:

The aspiration to raise the profile, built environment quality and economic vitality of Trowbridge to a level commensurate with its status as the County Town of Wiltshire (Transforming Trowbridge Delivery Plan - 2007).

Given the constraints of the adjacent river and highway as well as the sewer, the development of this site was always going to be challenging. Clearly, for the site to be developed/regenerated there is a need to generate value and against the backdrop of a downturn in the residential market, the greatest value is likely to be achieved from a large floor plate retail development as a key element of a mixed use development, of the type proposed by Parkridge/Waitrose.

The delivery of the Vision for Trowbridge is a high priority for the District Council and its partners and the delivery of a major regeneration scheme on the Peter Black site will give the public, stakeholders and potential investors increased confidence in the town which in itself will create an environment where further development is likely to be attracted.

Moreover, there is the self-evident benefit that the delivery of a development on the site will see the regeneration of an unsightly and economically unproductive brownfield site to a visually engaging, vibrant commercial development.

Quality of Offer

The development of a mixed use scheme, incorporating major convenience retail and A3 uses, will add significantly to the range and quality of choice in Trowbridge which currently has a limited offer, significantly lower than would be expected of a County town) and make a major contribution to the vitality and viability of the town centre through the potential for linked trips with other retail and leisure destinations.

Synergies

The proximity of this development to the Waterside scheme has a number of regeneration benefits:

The redevelopment of the Cradle Bridge site would make a significant contribution to the regeneration of the southern edge of the town centre which is currently economically under active and of poor environmental quality and which is being partially addressed by the Waterside scheme. The build out of Cradle Bridge will complete the regeneration of this high profile southern boundary.

The two developments will link across Cradle Bridge providing a synergy of complimentary land uses – commercial and leisure at the Waterside site and convenience retail and residential at the Peter Black site, which could create the possibility of linked trips.

The Waterside scheme provides a further link to the town centre and the new Shires Gateway comparison retail development, thereby ensuring that these new developments do not exist in isolation from each other and the traditional town centre.

This would further strengthen the potential for linked trips and taken as a whole, the redevelopment would make a significant contribution to producing a coherent, legible, connected and vibrant town centre.

The redevelopment of the Peter Black site is recognised as being a vital and integral element in delivering this aim.

Both schemes (Waterside and Peter Black) view an engagement with the River Biss as a central element to their layout, design and overall offer. The approved Waterside scheme will create a fully accessible and landscaped route along the River Biss from the town centre leading to Cradle Bridge. The Parkridge scheme will continue and connect with this route and provide a high quality and accessible riverside walk linking back into the town park and the town centre, thereby completing riverside access from the town centre to the southern edge of town.

River Biss

A key element of the Parkridge proposals is the improvement of access to and the River Biss and its environment. A3 uses would actively engage with the river, positioned at either end of the mixed block fronting onto the Biss with a new twin decked riverside walkway being provided.

This would run from Cradle Bridge (where a pedestrian crossing will link with the river on the Waterside development side of Castel Street) to a new crossing point which would take people back to the town park with its route through to the historic centre.

Ecological improvements and robust landscaping are also proposed to make for an attractive riverside walk.

These proposals are entirely consistent with the policies and aspirations of the Council and its partners. The Urban Design Framework SPG for Trowbridge puts considerable emphasis on the significance of the River Biss and the opportunities it presents to become a focal point for development and access improvements in the town. It suggests that development should actively engage with the river and incorporate new opportunities for public access and environmental improvements.

It is apparent from the Parkridge proposals that these principles are central to the development and as such, they are warmly welcomed. It should also be noted that in partnership with SWRDA, the Council is working towards a Public Realm Design and Improvement Plan for the River Biss which will become an SPG later in the autumn of 2008.

While it does not possess much material planning weight at present, Parkridge have actively engaged with the development of this document and have demonstrated a willingness to adopt the emerging design principles for the public realm throughout their scheme. It is therefore submitted that the scheme would be consistent with the River Biss SPD when it is adopted.

St. Stephen's Place

The Cradle Bridge site abuts the former Tesco site at St. Stephen's Place, located to the north. This site is entirely derelict and despite the best efforts of the Council has stubbornly remained undeveloped (despite a recent but now lapsed planning approval for a retail-led scheme) for a number of years. The development of the right scheme at St. Stephen's Place is viewed as being critical for the regeneration of Trowbridge and in connecting major development sites at the town's southern edge (namely the Waterside and Peter Black sites) with the historic town centre.

The importance of this site is further demonstrated by the recent Cabinet decision to pursue a CPO (compulsory purchase order) for the site, which should enable the Council to catalyse its regeneration into an economically and environmentally productive use.

The Parkridge development overlooks the derelict St. Stephen's Place site, which presents a highly unattractive and uninviting vista from the proposed riverside walkway and the residential and A3 uses.

Parkridge have indicated a willingness to link the two sites by a foot bridge, something the Council views as being critical in delivering connectivity and increasing the likelihood of linked trips to the town centre.

It is submitted that the Cradle Bridge site has the potential to "unlock" the development of St. Stephen's Place in a way that has not been previously possible and thus, notwithstanding its synergies with the Waterside scheme, it may have a critical role to play in delivering the comprehensive regeneration of the town centre.

Conclusions and Recommendation

The Parkridge application proposals offer a range of strong regeneration benefits which can be summarised as follows:

- The regeneration of a high profile derelict brownfield site
- Diversifying the retail and leisure offer of Trowbridge
- Positive relationship with the Waterside Development
- Increased opportunity for linked trips to the Waterside scheme and the town centre
- Delivering the aspirations of the Trowbridge Urban Design Framework in terms of design quality and engagement with the River Biss

- Delivering the aspirations of the emerging River Biss SPD
- Creating the potential and rare opportunity to “unlock” the redevelopment of the St. Stephen’s Place site
- Make a major contribution to the overall regeneration of Trowbridge and delivering the longstanding “Vision for Trowbridge”

On the basis of the overwhelming regeneration benefits of the Cradle Bridge scheme to the town centre as a whole, the application is fully supported.

URBAN DESIGN AND CONSERVATION ASSISTANT:-No objections raised in terms of the principle of the proposed uses and the layout.

AFFORDABLE HOUSING:- A 30% affordable housing should be provided at nil subsidy. This 30% should be broken down into 83% of units to be provided on site for general needs rented accommodation and 17% to be provided as a commuted sum for off site provision of shared ownership. The mix of these units should be discussed further along with identifying which Registered Social Landlord (RSL) would be most appropriate for the site.

ENVIRONMENTAL HEALTH:-No objections subject to the imposition of conditions.

TREE AND LANDSCAPE OFFICER: The application in its current form is unacceptable in tree and landscape terms and would be contrary to Local Plan policies C32 and C40.

The access off the roundabout into Mortimer Street will remain a main route into Trowbridge’s centre. This should be a point of invitation or conclusion. Instead the area will be visually open, exposing hard and modern buildings. While I have no issues with any new build using modern construction methods and materials, I do strongly object to the limited use of trees to soften them.

Over the years Trowbridge, has been developed using many different styles. In the past, no regard appears to have been given to retaining the former tree-based character, and as a consequence, many trees have been lost.

An updated Arboricultural Method Statement (AMS) should include tree protection and tree management requirements for all trees to be retained both on and off-site.

In order to overcome the above concerns, the western edge of the site requires further attention by pulling back the building from the highway and new trees planted around the western boundary to be continued around to the River Biss and along the walkway from Mortimer Street.

HOUSING SERVICES: - Given the substantial housing need in Trowbridge (in the region of 726 households) there is a priority need. Given that the scheme proposes in excess of 25 residential units, there should be 30% affordable housing provided at nil subsidy.

This 30% should be broken down into 83% of units to be provided on site for general needs rented accommodation and 17% to be provided as a commuted sum for off-site provision of shared ownership. The mix of these units can be discussed / agreed at a later stage following any outline grant of planning permission.

Neighbours:

2 letter of support in favour of the application was received listing the following grounds:-

1. The scheme has been designed well as it totally fits in with the Urban Design Framework on the basis of it having a high quality public realm designed through the provision of parks, open spaces, bridges, public art and regular market/civic assembly spaces; the provision of housing, offices, retail and other mixed use development; and it is felt the development would create a new town character and enliven and add vitality at different times of the day.

2. The potential of Waitrose coming into Trowbridge is a massive coup, which demonstrates that the town is moving in the right direction. The town badly needs another supermarket or even two to compete with Tesco and Asda. Tesco has a monopoly on the town due to the higher end products it offers. To bring Waitrose in as well, is an opportunity which should not be missed.

3. The proposed ecological enhancement to the River Biss is welcomed. Opening up this area of the river to the public will fully develop its potential which would have great benefit for the town. A bridge across the river is considered important however to fully open this development up, allowing access to and from the park and also St Stephens Place. The bridge would provide an exciting linked development to the north and the town centre as a whole.

4. The applicants have a good track record with developments and through its commitment to the town with the Shires Gateway they can be trusted to deliver a good scheme.

5. The road layout and transport issues have been studied closely and no objection is raised. Most of the congestion is caused by customers of Tesco entering and exiting County Way. This proposal would alleviate the congestion by taking customers away from Tesco. As long as a new bus stop is created (perhaps at Cradle Bridge), access to the site by pedestrians would be achievable, which would again assist with reducing congestion.

2 letters of objection were received raising concerns about the application for the following reasons:-

1. There is not enough provision for parking.
2. The town already has two large stores (Asda and Tesco). The town could probably support a third store, but not a fourth.

NEGOTIATIONS / DISCUSSIONS

The application has been the subject to regular discussions and meetings both prior to and following the submission of the application at the end of January 2008.

CONSTRAINTS

Affects character of the Trowbridge Conservation Area
Affects the setting of a Listed Building

POLICIES

Regional Spatial Strategy (RPG10)

VIS1	Expressing the Vision
VIS2	Principles for Future Development
VIS3	Achieving the Vision
SS2	Regional Development Strategy
SS3	The sub-regional strategy
SS6	Other designated centres for growth
EN4	Quality in the Built Environment
EC6	Town centres and retailing
HO1	Levels of housing development 1996-2016
HO3	Affordable housing
HO5	Previously developed land and buildings
HO6	Mix of housing types and densities
TRAN1	Reducing the need to travel

Wiltshire Structure Plan 2016

DP2	Infrastructure
DP3	Development Strategy
DP4	Housing and Employment Proposals
DP6	Hierarchy of Shopping Areas
DP7	New Housing at Towns and Main Settlements

DP8	Affordable Housing
DP9	Use of previously developed land
T6	Transport - Development Management
T8	Heavy Goods Vehicles Parking
HE2	Other Sites of Archaeological or Historic Interest
HE7	Conservation Areas and Listed Buildings

West Wiltshire District Plan 1st Alteration

C7	Protected Species
C9	Rivers
C15	Archaeological Assessment
C17	Conservation Areas
C23	Street scene
C25	Shopfronts
C31a	Design
C32	Landscaping
C33	Recycling
C34a	Resource Consumption and Reduction
C35	Light pollution
C37	Contaminated land
C38	Nuisance
C40	Tree planting
E5	Loss of Employment Floorspace
H1	Further housing development in towns
H2	Affordable housing
H4	Brownfield allocations
H24	New housing design
R4	Open Space in new housing developments
SP1	Out of Centre Shopping
T9	Bus services
T10	Car parking
T11	Cycleways
T12	Footpaths and bridleways
LE1	Leisure and Entertainment
S1	Education
TC2	Traffic Management and Pedestrian Priority
TO3	Hotels, Guest Houses and Self Catering Accommodation
CF1	Community Services
U1A	Foul water disposal
U2	Surface water disposal
U4	Groundwater Source Protection Areas
I1	Implementation
I3	Access for everyone.

Supplementary Planning Guidance

Design Guidance – Principles (adopted July 2004).

Residential Design Guide (adopted November 2005).

Affordable Housing (adopted July 2004).

Open Space Provision in New Housing Developments (adopted Aug 2004).

Urban Design Framework (adopted Sept 2004).

Trowbridge Town Centre – Conservation Area Character Assessment (adopted Feb 2006).

The Emerging Wiltshire Strategic Flood Risk Assessment (WSFRA) the draft report of which was prepared by Scot Wilson and published in Oct 2007.

West Wiltshire Community Strategy 2004-2014.

West Wiltshire District Council Corporate Plan 2005-10.

National Planning Policy Guidance / Statements:

PPS1 Delivering Sustainable Development

PPG3 Housing

PPS6 Planning for Town Centres

PPG13	Transport
PPG15	Historic Environment
PPG16	Planning and Archaeology
PPG17	Sport and Recreation
PPG23	Pollution Control
PPG24	Noise
PPS25	Planning and Flood Risk

RELEVANT PLANNING HISTORY

Lengthy planning history relating to warehouse extensions and associated works, none of which are considered relevant as far as this application is concerned.

KEY ISSUES

Key to the determination of this application is whether the proposal complies with development plan policy and whether there are any material considerations to outweigh policy. The main issues in this application are -

- planning policy - regeneration and retail issues,
- flood risk and ecological interests;
- highways and transport issues;
- character and appearance of the area and how the proposal relates to the Listed Buildings and Conservation Area;
- amenity;
- contaminated land;
- affordable housing;
- education contributions;
- public open space and landscaping;
- ecology; and,
- sustainability

OFFICER APPRAISAL

Planning Policy - Regeneration and Retail Issues

The mixed-use redevelopment of the former Peter Black site would make good use of a vacant brownfield site located close to the town centre. This edge of centre site will, when redeveloped represent a logical and cohesive extension to the town centre of Trowbridge and it is submitted that the proposals would follow the aspirations of the adopted UDF and the Development Plan.

It is also argued that the loss of the existing, but vacant employment floor space would be compensated by the creation of new mixed-use employment.

As with the application site located to the north east of County Hall, which obtained permission at the 6th March planning committee, this site is considered to be a key vacant regeneration site located near to the town centre which will contribute jobs predominantly in the retail and hotel sectors. It is recognised that the proposal would not contribute any B1 uses (offices), but there would be new employment created on a vacant brownfield site. It should also be noted that given the length of time the site has lay vacant/derelict, the Council must recognise that there may not be the market demand for such employment land.

The dereliction of a site near to the town centre is a material consideration, and if, as there appears to be, no demand to utilise it for employment use, the Council must acknowledge the market conditions, and assess potential for alternative uses. In this regard, the UDF for Trowbridge outlines that the site could be developed for alternative commercial uses, and these should be given due consideration.

Local Plan Policy E5 stresses that “applications involving the loss of existing employment floor space, including proposals for retail development, will only be permitted where the following criteria are satisfied:

- (i) there is an adequate supply and mix of genuinely available land and premises elsewhere in the locality for employment uses;
- (ii) such proposals are compatible with neighbouring land uses and do not create bad neighbour uses; and,
- (iii) such proposals do not give rise to, or continue existing traffic or environmental problems”.

Notwithstanding the conclusions reached by DPDS in respect of the retail assessment, it is submitted that the proposals appear to accord with the over-riding objectives of the Trowbridge Urban Design Framework, which sets out the following key aim:-

“Trowbridge needs to attract new leisure facilities, shops, and businesses. Developers are needed to invest in the town, and both public and private sector organisations should be encouraged to base themselves here and develop Trowbridge as an attractive and economically successful county town”.

Following the completion of the Retail Assessment by DPDS and its review, one could argue that there is no actual demonstrable need for additional convenience floor space in Trowbridge. However, the Council is tasked with looking at the bigger picture in terms of facilitating regeneration in Trowbridge, and Members will be well aware that application proposals on sites in or near to town centres are subject to a long list of policy assessments, some of which have competing objectives (as the policy context list above details), and in such areas, the Council needs to consider what the critical issues are and decide what degree of weight needs to be attached to the contribution the proposal would make to the improvement of the town centre, as well as consider any negative impacts.

Notwithstanding the concerns raised by the County Council policy planning officer, this site is recognised as being a high-profile derelict brownfield site on one of the key gateways into Trowbridge town centre, located near to other key regeneration sites; and it is argued that redeveloping the former Peter Black site, could encourage and facilitate further regeneration development in the surrounding area, including the St. Stephen Place site (located on the northern side of the River Biss). There is little doubt that the development would significantly improve the physical appearance of the town and contribute to its overall regeneration.

Rather than look solely at the “need” for a food store, the Council must look at the bigger picture and recognise the mixed-use development proposals put forward by Parkridge/Waitrose and embrace a high quality development that would bring a major retailer to the town (that is not currently represented in West Wiltshire) and reinvigorate a site that has remained derelict for the past 7 years.

Whilst the County Council planning policy officer’s reservations are duly acknowledged, your officers submit that the regeneration of this site is key to the future success of the town. Your officers agree with the applicant’s agent in identifying the site (along with the Waterside scheme and the St. Stephen’s Place site) as being inter dependant, and from the details provided, the scheme should be a highly sustainable, high quality properly integrated development that should contribute greatly towards the regeneration of the southern part of Trowbridge town centre.

The continued priority placed by the Council on redeveloping the St. Stephen’s Place site is of material importance and your officers submit that this proposal would have more positives than negatives.

It must be recognised that the irregularly shaped site is not a straight forward site to redevelop. The River Biss - to the north and County Way - to the south set challenging constraints in terms of delivering a scheme that satisfies policy objectives promoting a mixed-use redevelopment that stacks up financially (from a development finance perspective) and overcomes infrastructural difficulties and satisfies ecological interests.

In the 2007 publication "Can Retail Development Prime Wider Regeneration?" by the Centre for Urban and Regional Studies at the University of Birmingham a case study concluded that "retail development can prime wider regeneration, but only as [part of a wider framework that incorporates other types of development such as suitable and adequate transport provision, housing development, education and health facilities and a range of employment opportunities...and that effective partnership working is critical in bringing about wider regeneration opportunities" (Town & Country Planning Vol. 76. No. 9 pp 316-317).

Whilst acknowledging the conclusions reached by the consultants DPDS and the County Council policy view, your officers submit that there are "adequate overriding considerations" to support this proposed mixed-use redevelopment of the former Peter Black site which would facilitate further regeneration in the immediate locality and to Trowbridge as a whole, which is seen as of critical importance both at a macro and micro planning level. Had this application been solely for a food store, the recommendation would have been different. The proposed mix of uses is considered acceptable which would offer the local population of Trowbridge and West Wiltshire as a whole more shopping options as well as a 60 bed hotel. Ultimately and notwithstanding the conclusions reached by DPDS, the market will decide whether there is any demand or need for another food store in Trowbridge.

Development Plan policy TO3 states that proposals for a new hotel, guest house or other serviced and self catering accommodation for visitors within the built up area of Trowbridge will be permitted provided that it is limited in scale, design, siting and materials of any buildings are sympathetic to the character of traditional buildings in the area. At this outline stage, the finishing materials are not subject for consideration, but having thoroughly assessed the indicative plans, it is submitted that the development would not harm the amenities enjoyed by occupiers of adjoining properties.

The highway authority reports that through appropriate modelling, the transport issues can be resolved so that the development is readily accessible by foot, bicycle and public transport. The highway authority reports that the development makes adequate provision for car parking and access, and after lengthy negotiations, the Environment Agency concludes that the development would not harm the natural environment including the water environment nor be subject to an inappropriate level of flood risk provided that adequate infrastructure and flood risk management is confirmed.

At this stage it is only possible to confirm that the application site represents an appropriate sustainable location for hotel development. Other considerations will be addressed at the reserved matters stage. Given its location it would potentially be well served by public transport. The design of the proposal will be addressed at the reserved matters stage.

Whilst the formation of another food store would add further competition (which is not material grounds to refuse a planning application), the mixed-use development should not have any significant negative connotations (providing all the above listed assessments are followed through with the implementation of appropriate mitigation measures where applicable).

The combined impact of the various proposals in the UDF on Trowbridge town centre and surrounding towns in the catchment area was assessed in a study by Roger Tym and Partners in September 2004. In summary, the study concluded that in the light of loss of trade and employment since 1990 the town centre is fragile and needs to renew itself. The comparator towns of Warminster, Westbury and Devizes all grew strongly during this period. Furthermore the study concludes that the combined planned development sites in the UDF, including the former Peter Black site is needed to ensure that Trowbridge does not fall further behind compared with neighbouring economies in the sub region. There is virtually no impact on the other towns in West Wiltshire and minimal impact on any other centre.

Trowbridge is a town which has a population of around 35,000 and represents the largest urban area within its sub region. Typically sub regional centres such as Trowbridge can be expected to have a catchment area of a 15-20 minute drive time for convenience goods and up to 30 minutes for comparison goods and commercial leisure. The 30 minute drive time catchment has a population of 363,000 but this includes most of Bath as well as Chippenham, Melksham, Devizes, Westbury, Warminster, Frome and Radstock/Norton. The precise catchment population and spending available will depend upon the relative size, range and attractiveness of facilities within competing centres within these isochrones. Higher order commercial centres such as Bath, Bristol and Swindon will have a greater sphere of influence whereas centres lower in the commercial hierarchy will have more limited catchments. When an individual centre has a particular facility or commercial advantage not offered elsewhere, the typical pattern can be distorted, but this is rarely of much overall significance.

Flood Risk and Ecological Interests

Following the submission and review of the revised FRA (revision D - dated May 2008), the Environment Agency is satisfied that all flood risk issues can be dealt with at the detailed design stage and by planning condition. Given this assurance provided by the Environment Agency, your Officers are also satisfied that flood risk mitigation can be addressed by the discharging of relevant conditions.

Planning Policy Statement 25 (PPS25) sets out the Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall. In the light of the scale of the proposed development, the existing uses and the planning history of the site.

PPS25 confirms that flooding and its impact on the natural and built environment are material considerations. It clarifies the sequential test that matches types of development against their vulnerability to degrees of flood risk and emphasises the need to carry out flood risk assessments.

As far as the sequential test is concerned, officers have previously given a written undertaking to the applicants stipulating that there are no other sites in Trowbridge capable of accommodating the proposed development. Your officers are satisfied that there are no sequentially preferable sites for the purposes of PPS25. In reaching this conclusion, your officers referred to the emerging Wiltshire Strategic Flood Risk Assessment, in accordance with advice from the Environment Agency.

The application site is identified as being within EA Flood Zone 2 and partially in Flood Zone 3 (West Wiltshire Sources of Fluvial Flooding Figure 3a). In accordance with advice in PPS25, Appendix D, it is recognised that within Flood Zone 2, developers and local authorities should seek opportunities to reduce the overall level of flood risk on these areas through the layout and form of the development, and the appropriate application of sustainable drainage techniques. In this regard, the applicants have fully considered the level and implications of flooding on the site (through the publication of a flood risk assessment) and have concluded that the site and proposals satisfies the exception test and that the site would provide wider sustainability benefits which outweigh flood risk. The proposal would deliver a scheme to enable the river corridor to be opened up and natural flood pathways to be restored, improve water habitats and biodiversity.

The proposals are deemed to satisfy the 1 in 100 year flood event test and that the development proposals would not increase flood risk elsewhere. In addition, it should be noted that vulnerable uses (i.e. residential uses) would be provided on the upper floor levels, as well as having in built measures to protect all future occupants from the risk of flooding.

If Members are minded to grant outline permission, it is recommended that the approval should be subject to planning conditions regarding surface water management, flood risk handling and flood water conveyance and storage and the provision of sustainable drainage systems.

Highways and Transport Issues

At the time of the preparation of the report, highways issues in respect of the site had not been fully resolved to the satisfaction of the Highways Authority. There remains a need for additional work to be undertaken and this is summarised in the consultation response from the County Highways Authority set out above.

Whilst this is less than satisfactory, the highways authority has at least recognised that a solution to highways issues will ultimately be able to be found to accord with PPG13 and the associated Development Plan policies.

In the circumstances, and as was the case with the application at land to the north east of County Hall (reference 07/03724/OUT), it is recommended that should Members agree with the recommendation, permission be granted at a future date, following the satisfactory completion of highway modelling and assessment work.

Impact on Listed Buildings and the Conservation Area

The proposed scheme would have a positive impact on the adjacent Conservation Area. The indicative scale, massing and range of building blocks would complement the indicative redevelopment that was approved for the Waterside scheme at land north east of County Hall in March 2008. In addition, the proposals would not have any detriment impact on the setting of listed buildings neighbouring the site.

Amenity and Access

Redeveloping the riverside, which is identified as an important natural corridor is in need of ecological enhancement, offers great opportunities through the creation of a boulevard to provide a pleasant public space. The ecological enhancements and the future provision of an important foot bridge would create an important link between Cradle Bridge, the park and the Shires Shopping Centre.

From the details provided, the site would be developed with a lot of attention attached to amenity issues. A robust planting scheme is proposed along with an interesting mix of public realm details, which would create an inviting public space. If the scheme can be accommodated within the town centre CCTV system, the site should also be a safe and secure area.

It is also submitted that with the redevelopment of the land to the north east of the County Hall, the further enhancement of the riverside would create a new focal point for the town and help reconnect the river with the town centre, aspects which the UDF identifies as current weaknesses.

Contaminated Land

An initial site investigation has revealed limited levels of ground and water contamination and concluded that as the residential use would not be provided at ground floor level, there is no direct exposure pathway or human health risk.

That said, it is recommended that a planning condition be attached to any grant of planning permission requiring additional groundwater sampling and if applicable, a detailed quantitative risk assessment.

Housing

The application site is an appropriate location for residential development. It is a sustainable brown field site where guidance and policy at all levels states that housing development should be concentrated.

The proposal will make provision for 46 flatted residential units in the first phase. No reference is made to the provision of affordable housing within the planning submission, but the applicants agent was made aware of the need for affordable housing provision at an early stage in the planning process, and should Members be minded to agree with the recommendation, this issue could be dealt with through a S106 Legal Agreement, to be signed off by the Development Control Manager.

Education Contributions

The lack of capacity at the local designated schools (i.e. Paxcroft Primary and Clarendon College) means that a new school is required to meet the growing demand for school places, and as with other approved residential schemes, the developers will be subject to making a financial contribution towards school places. In this particular case, 8 primary places and 6 secondary places are required at an estimated levy of £172,242. If Members are minded to approve the application, this shall be covered by a S106 legal Agreement.

Public Open Space and Landscape provision

Development Plan policy requires an appropriate provision of public open space for proposals of ten or more dwellings. In this case, the provision of open space has been considered in the context of the requirements of the Trowbridge UDF. This places particular importance on the improvement of the walkways on either side of the River Biss. It should be noted that similar public space analysis was given to the approved mixed-use redevelopment of land to the north east of County Hall, which was accepted by the planning committee on 6 March 2008 in respect of application reference 07/03734/OUT.

However, given the lack of any proposed formal or informal children's play facilities within the site (which would not be ideally suited to a mixed-use development site in any case), it is recommended that if the application is approved, the developer should make a contribution towards the improvement of local existing facilities, which should be secured by a S106 Legal Agreement.

It is noted that the Council's Tree and Landscape Officer is not completely satisfied about the amount of proposed tree planting to be planted around the western edge of the site along Mortimer Street and alongside the riverside. In his report, he recommends that the flatted building be pulled back further from the highway to enable additional tree planting. However, it is submitted that there would be sufficient compensatory tree planting provided along County Way (which would make up for the loss of the London Plane trees which would be lost through the approved development on land located to the north east of the County Hall (under planning reference 07/03734/OUT). It is further submitted that the associated ecological enhancements along the riverside with a robust native tree and shrub planting scheme on the northern side of the site would create a vibrant boulevard and attractive public space.

Whilst the desire for additional tree planting around the western edge of the edge is fully understood, the Council must appreciate the wide range of competing objectives on this site, which is physically difficult to develop due to its long narrow shape. The western edge of the site has been carefully designed which reflects a frontage that was adopted on the waterside proposal, and it is submitted that in combination, the two sites would create an attractive entry to the town centre off County Way.

The applicant's agent further submits that there are specific physical (the Cradle Bridge structure) and technical (Environment Agency access requirements to the broad walk) reasons as to why tree planting cannot continue around the western edge of the site.

Ecology

The ecological survey undertaken by Faulks, Perry, Culley & Rech in January 2008 is accepted by the Wiltshire Wildlife Trust, who agree with the recommendations to undertake further badger, bat and water vole surveys (prior to the commencement of any works on site) to establish whether any protected habitats would be affected by the development proposals.

Several planning conditions are recommended in the interests of protecting species, enhancing biodiversity and securing robust environmental controls (e.g. through the formulation of an environmental management plan.

Sustainability

The application proposal will deliver sustainable development in the following key respects. It will result in significant regeneration of a town centre site. It will improve conditions for pedestrians by upgrading the environment around the River Biss and linkages between the town centre and County Hall.

The proposed commitment to achieving Level 3 of the Code for Sustainable Homes is supported, and in so doing, it will comply with the requirements of Policy C34 which requires energy efficiency.

Conclusion

This proposal represents an important stage in the process of regenerating this previously developed site. It is acknowledged that as an outline application much of the detail of this proposal is yet to be determined (as far as the detailed design and external appearance of the buildings are concerned). However, the proposal has been subject to lengthy negotiations which has led to the submission of a set of proposals which are consistent with the principles of the

Development Plan policy and the Trowbridge UDF and while there are matters of detail which need to be resolved, there are no material considerations which have been identified to outweigh this policy consideration. The regeneration arguments in favour of the proposal are strong and your officer's recommend that authority be delegated by Members to the Development Control Manager to secure this vital development for Trowbridge.

For the avoidance of any doubt, outstanding issues can be addressed by relevant conditions and legal agreements and if they cannot, then the Development Control Manager will bring the report back to the Planning Committee with a revised recommendation.

RECOMMENDATION

That the Development Control Manager be authorised to issue the decision on completion of a Legal Agreement and the resolution of issues outlined in the recommendation.

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: **The application be referred to the Secretary of State for Communities and Local Government under the requirements of the Town & Country Planning (Shopping Development) (England and Wales) (No.2) Direction 1993.**

Upon the Secretary of State remitting this application to the Local Planning Authority for planning permission, it can then be granted at a future date in the event of the Development Control Manager being satisfied as to the prior agreement of legal agreements concerning the following matters:-

*** That the occupier of the foodstore shall not already be present in the town of Trowbridge;**

*** A 30% affordable housing contribution provided, with 83% of this percentage to be provided on site for rented accommodation and 17% to be provided as a commuted sum for off site provision (the mix of the units shall be subject to further negotiation involving the Council's Affordable Housing Enabler).**

*** An education contribution towards the provision of 8 primary places (currently costed at £11,356 each) and 6 secondary places (currently costed at £17,351 each), totalling £194,954, as required by Wiltshire County Council;**

*** A financial contribution towards the enhancement and maintenance of a local children's play area to make up for the public open space shortfall;**

*** A financial contribution, a transport phasing plan and provision of accessibility improvements generated by the proposal. These shall include public transport improvements, enhanced linkages between the site and the town centre, the future provision of a foot bridge over the River Biss, variable message signing to the car park, a servicing management plan, and a car park management plan.**

*** The provision of a foot bridge crossing over the River Biss, following further negotiations with the District Council, the Environment Agency and the owners of the St. Stephen's Place site.**

The Development Control Manager shall also secure confirmation from the highway authority that all highway and transportation issues have been resolved to their satisfaction following the completion of the required modelling and assessment work.

The Development Control Manager shall also secure confirmation that any conditions required by the highway authority in the light of further assessment work are added to the decision notice.

The Development Control Manager shall be satisfied, following consultation with Wessex Water, that there is adequate capacity in the existing system to service the proposed development. In the event that reinforcement work is required, written confirmation from Wessex Water shall be secured prior to the production of the decision notice.

The Development Control Manager shall be satisfied, following consultation with the Environment Agency, that all flood risk handling, water conveyance and storage measures are satisfactory. In the event that additional work is required, written confirmation from the Environment Agency shall be secured prior to the production of the decision notice.

The Development Control Manager shall be satisfied that the requirements are in compliance with all the relevant Development Plan policies.

The Development Control Manager be authorised to issue the decision notice on completion of the above.

Condition(s):

- 1 The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 3 Approval of the details of the design and the external appearance; ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 4 The gross internal area of the food store hereby permitted shall not exceed 2712 metres square. The net sales and display areas (defined as all areas used for the display and sale of goods, including floor spaces used for checkouts, customer circulation and customer services, but excluding entrance/exit lobbies, customer toilets, any cafe and automated teller machines) shall not exceed 1657 metres square, of which not more than 75% of the net sales and display area shall be used for the sale of convenience goods.

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

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies SP1 and SP3.

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

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

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies SP1 and SP3.

- 6 That prior to the commencement of any development on the site, the developer shall undertake the following:-

1. A site investigation and risk assessment for chemical contamination;
2. Provide a remediation plan and report where applicable upon the discovery of any chemical contamination on the site;
3. Remediation validation works setting out the measures for maintenance, further monitoring and reporting to the satisfaction of the Council as planning authority.

The site investigation works shall be carried out in line with the main procedural requirements of BS 10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice. The requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment, the Environment Agency R_D Publication 20 - "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

For the avoidance of any doubt, should the applicant/developer make changes to the above listed assessments, remediation plan and/or the remediation report following its acceptance, further written approval would be required before the development hereby approved is brought into use.

REASON: In order to safeguard human health.

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

- 7 Deliveries and servicing to the foodstore hereby permitted shall be limited to the hours of 0700 - 2300 hours Monday to Saturdays, and 0900 - 1800 hours on Sundays and Bank Holidays.

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

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

- 8 Whilst in the servicing and delivery yard, any delivery vehicle's engine, including lorry and van engines, shall be switched off during loading and unloading.

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

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

- 9 That during the construction phase, no plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays, or at any time on Sundays or Bank Holidays

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

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C36 and C38.

- 10 The design of all the residential units shall minimise the exposure of habitable rooms to levels of road traffic noise in or above NEC B, as defined in Planning Policy Guidance Note 24 - Planning & Noise. Where habitable rooms are exposed to noise levels in category B or above, a scheme shall be submitted to and approved by the Local Planning Authority before the commencement of any works on site, to ensure that internal noise levels comply with the guidance given in BS8233:1999. The works shall be undertaken in accordance with these approved details.

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

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

- 11 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 BS5837:2005;

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 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.

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 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.

- 12 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.

The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres out side the group canopy.

Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.

The fences shall not be removed without the consent of the Local Planning Authority until the whole of the development is complete

REASON: To ensure that existing trees of value are adequately protected.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C40.

- 13 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 14 Prior to the commencement of any work on the site, details of all security measures including CCTV proposed for the development shall be submitted to and approved in writing by the Council, as planning authority, and the works shall be carried out in full accordance with the approved details.

REASON: To the interests of public safety.

- 15 Details of the hours of operation for all proposed uses on the site shall be submitted to and approved in writing by the Council as Planning Authority prior to development commencing on the site.

REASON: In the interests of protecting the amenity of the area

- 16 The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow the archaeologist to observe the excavations and record items of interest and finds.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C16.

- 17 No development, hereby permitted, shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C14 & C15.

- 18 Prior to the commencement of the development hereby permitted, further ecological surveys, 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 (following consultation with the Environment Agency). 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 2004 - Policies C7 _ C9.

- 19 Details of lighting for 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 the commencement of the relevant phase of the development. The 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.

- 20 Any facilities 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%. 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%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of any bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

For the avoidance of any doubt, any oil storage facility of 200 litres or more must include a bund and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001").

[Site occupiers intending to purchase or install pollutant secondary containment (bundings) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity. Pollution Prevention Guidance 2 (PPG2) provides advice on ground storage of oil].

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 21 All surface water drainage from impermeable parking areas and hardstanding for all vehicles 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.

For the avoidance of any doubt, detergents entering oil interceptors may render them ineffective. A closure valve is therefore necessary to be installed at the oil separator outlet so as to contain any pollution material (in the event of an emergency).

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 22 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. Such a scheme shall utilise Sustainable Drainage Principles and shall not result in an increase in the rate and / or volume of surface water discharge to the local land drainage system. The works shall be undertaken in accordance with the approved details.

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

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

- 23 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 - Policies C7, C9_ U4.
- 24 No part of the development hereby permitted shall take place until a construction stage plans have been submitted to and approved in writing by the Local Planning Authority. The plans will need to agree the routing and timing of construction traffic, together with identifying the need for any temporary traffic orders that may be necessary. These works shall be undertaken in accordance with these approved details.
- REASON: in the interests of highway safety.
- POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies H4 and SP3.
- 25 A Travel Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the retail phase of the development. The Travel Plan shall include measures to minimise vehicle movements to the foodstore and a timetable for implementation, and shall be implemented in accordance with the approved scheme.
- REASON: In pursuit of sustainable transport objectives.
- 26 Details of public art features shall be submitted to and approved in writing by the Council as planning authority and be implemented prior to the completion of the built development.
- REASON: In order to promote public art within the development.
- 27 No development shall take place until a schedule of the materials and 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 C17 and C31A.
- 28 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas for each phase of the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.
- REASON: To ensure that the development harmonises with its setting and provides clearly defined linkages to and from Trowbridge Town Centre.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A and Planning Policy Statement Planning Policy Statement 6 - Planning for Town Centres.
- 29 Details of the existing and the 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.

- 30 Details of all the associated storage areas for wheeled refuse bins for all the on-site uses shall be designed so as to minimise their impact on the appearance of the street scene, which shall be submitted to and approved in writing by the Council as planning authority. The approved storage area shall be provided prior to the buildings on the relevant phase of the development being first occupied and shall be maintained as such thereafter.

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

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C31A.

- 31 Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations associated to the hot food take-away outlet hereby granted outline permission. Prior to any commencement of work on site, details of the equipment to be used to provide acceptable levels of ventilation and filtration and at the same time limit noise and air pollution, shall be submitted in writing and be approved in writing by the Local Planning Authority. All equipment shall be installed in accordance with the approved details and in full working order to the satisfaction of the Local Planning Authority for the lifetime of the development.

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

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

- 32 Details of pollution prevention shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase of the development. The scheme shall only be carried out in accordance with the approved details which should cover the following:-

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

For the avoidance of any doubt, any invitation for tenders for sub-contracted works must include a requirement for details of how the above listed elements will be implemented.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C7, C38 _ U4.

- 33 The development hereby permitted shall not be commenced until foul 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 (following consultation with Wessex Water). The works shall be undertaken in accordance with the approved details.

REASON: To ensure that the development can be adequately drained and to prevent pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1a.

- 34 That no building or land use shall be brought into use unless and until adequate sewerage infrastructure is in place to receive foul water discharges to the satisfaction of the Local Planning Authority (following consultation with Wessex Water regarding the availability, location and adequacy of the treatment facilities).

For the avoidance of any doubt, contaminated drainage or trade effluent should be directed to the public foul sewer provided that adequate capacity is available for additional flows.

REASON: To ensure that the development can be adequately drained and to prevent pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1a.

- 35 Details of inspection manholes shall be provided and clearly identified on the foul and surface water drainage systems in accordance with a scheme to be submitted to and approved by the Local Planning Authority (following consultation with Wessex Water and the Environment Agency).

REASON: In enable discharges from individual premises or buildings to be appropriately inspected and sampled.

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

- 36 That prior to the commencement of works of site, a flood plan (including a suitable warning and emergency/evacuation procedures) with a flood resilience scheme showing details on flood risk handling, flood water conveyance and compensatory flood storage shall be submitted to and approved in writing by the Local Planning Authority (following consultation with the Environment Agency)

REASON: To ensure that there is appropriate level of flood risk handling

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy U3

- 37 That prior to the commencement of works of site, a scheme providing vehicular access to and along the left bank of the River Biss (at any and at all times throughout the year) shall be submitted to and approved in writing by the Local Planning Authority (following consultation with the Environment Agency)

REASON: To ensure that there is adequate access provided to to enable the Environment Agency to maintain the River Biss and implement works to reduce flood risk in the locality.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C9_ U3

- 38 That prior to the commencement of works of site, a revised landscape strategy clarifying the proposed treatment of the riverbank shall be submitted to and approved in writing by the Local Planning Authority (following consultation with the Environment Agency)

REASON: To rectify the irregularities shown within the revised FRA which states that the existing riverbank habitat would be retained despite it being re-profiled to accommodate the walkway.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C7, C9 _ C32.

- 39 That for the avoidance of any doubt, the finished ground floor levels shall be set no lower than 36.7 metres above ordnance datum level to provide 300mm freeboard on the 1 in 100 year (after predicted climate change) flood level to the satisfaction of the Local Planning Authority (following consultation with the Environment Agency)

REASON: To ensure that there is appropriate level of flood risk handling

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy U3

Note(s) to Applicant:

- 1 The developer is advised that should any protected species or habitats be found following the required additional ecological survey work, Natural England and the Wiltshire Wildlife Trust should be contacted so as to accord with the Wildlife and Countryside Act 1981.

- 2 The developer is advised to contact Wessex Water to arrange points of contact onto the public water and sewerage system/apparatus.
- 3 The applicant/developer is advised to adopt a trolley management system to restrict the removal of trolleys from the site (and in particular prevent access for trolleys to the River Biss) which should be submitted to and approved by the Local Planning Authority.
- 4 The applicant/developer is advised that all wastes must be stored in the designated areas, which are isolated from surface drains.

If storing or treating waste from a contaminated area of the site, a waste management licence may be required. Skips should be covered to prevent dust and litter being blown out and rainwater accumulation should be regularly inspected and replaced when full.

If controlled wastes are to be utilised for construction purposes, the developer must register the activity with the Environment Agency. Waste from the development must be re-used, recycled or otherwise disposed of in accordance with waste management legislation and in particular the Duty of Care. Further guidance can be obtained from <http://www.environment-agency.gov.uk>

Any movements of hazardous waste from the site must be accompanied by hazardous waste consignment notes.

The Environment Agency must be notified immediately following any incident likely to cause pollution.

All waste oils must be collected and contained prior to disposal in an approved manner. All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway.

Vehicle loading or unloading bays and storage areas involving chemicals, refuse or other polluting matter must not be connected to the surface water drainage system.

All wash down and disinfectant waters must be discharged to the foul sewer with the prior approval of the sewerage undertaker.

Areas designated for the storage of food waste skips must be sited in areas draining to the foul sewer, particularly if a compactor is to be used on the site.

The site must be drained by a separate foul and surface water drainage system, with all clean roof and surface water being kept separate from the foul water. Only clean uncontaminated surface water from roofs and un-trafficked paved areas should be discharged to any controlled watercourse.

All foul drainage, including contaminated surface water run-off, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with a connection to a watercourse.

PLANNING COMMITTEE

22 April 2009

ITEM NO: 02

APPLICATION NO: W/09/00377/FUL

LOCATION: 19 Church Lane Limpley Stoke Wiltshire BA2 7WD



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 776655 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

02	Application:	W/09/00377/FUL
	Site Address:	19 Church Lane Limpley Stoke Wiltshire BA2 7WD

Parish:	Limpley Stoke	Ward:	Manor Vale
Grid Reference	378700 160282		
Application Type:	Full Plan		
Development:	New extension to front and rear of building to provide new entrance and living areas.		
Applicant Details:	Mrs Jane Feghali 19 Church Lane Limpley Stoke Wiltshire BA2 7WD		
Agent Details:	Designscape Architects F A O Mr James Feghali Bath Brewery Toll Bridge Road Bath BA1 7DE		
Case Officer:	Miss Julia Evans <i>Phone: 01225 776655 ext 140</i> <i>Email: julia.evans@wiltshire.gov.uk</i>		
Date Received:	17.02.2009	Expiry Date:	14.04.2009

REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

This application is brought to Committee because Councillor Walker requested before 31.03.09 that Committee considers the application in the interests of public debate.

PURPOSE OF REPORT

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

MAIN ISSUES

This application raises the following planning matters: -

- * Impact on the Western Wiltshire Green Belt;
- * Planning history of number 18 Church Lane, Limpley Stoke;
- * Impact on Cotswolds Area of Outstanding Natural Beauty (AONB);
- * Impact on Sites of Nature Conservation Importance (Policy C6 of the West Wiltshire District Plan – 1st Alteration);
- * Amenity;
- * Design.

SITE DESCRIPTION

Number 19 is a two-storey semi-detached property within the Limpley Stoke village. It lies in an elevated position on the southern side of Church Lane, and is constructed of Ashlar stone with slate to the roof. The property is very visible in the surrounding landscape, and it possesses extensive views over the Limpley Stoke valley.

To the front of the property lies a gravelled car parking space, with the garden to the south. A coursed rubble stone retaining wall runs along the boundary with Church Lane. To the rear (ie southern elevation) of the property lies more garden, terraced in different levels to reflect the rising ground level.

The property is bounded to the east, west and north by detached residential properties in spacious gardens. To the south lies agricultural land.

PROPOSAL

This full application proposes two single-storey extensions to number 19 Church Lane: -

- * An Ashlar store and glazed and slate and flat roofed extension to the front (ie northern elevation) of the property measuring approximately 3.0m x 4.9m;
- * An Ashlar store and glazed and slate and flat-roofed extension, plus Bath stone chimney, measuring approximately 4.7m x 4.2m.

Both extensions would have completely glazed eastern elevations. They would provide additional ground floor living space. The existing gravel parking space would be reduced in size by the proposed front elevation extension.

CONSULTATIONS

Parish/Town Council

LIMPLEY STOKE PARISH COUNCIL – state “The Parish Council are unsure of whether these would be considered material objections, but have raised concerns on the proximity of the new front wall to the road, and also whether this would increase car parking on the road. It was discussed that the new extensions were of inappropriate design and visually not in keeping and too modern for the building. Also there is the expanding footprint affecting the ‘openness of the Green Belt.’

“The Parish Council hope that these points are addressed when considering whether to approve the application.”

External

N/A

Internal

N/A

PUBLICITY

Site Notices/Visits

Date of visit: 25 February 2009

Date of Site Notice: being posted 25 February 2009

Neighbours

One letter has been received making the following comments:-

- * The proposal is very detailed with clear drawings; and
- * The north extension will balance well with the north extension on number 18.

PLANNING HISTORY

74/00726/HIS – Outline for cottage and garage – Refused 30.09.1974

99/00745/FUL – Replace garage roof and create studio/garden room within roof space – Permission 28.06.1999

For number 18 Church Lane, Limpley Stoke the following history is relevant: -

00/00632/FUL – Rear and side extension including enlarged car parking area – Permission 01.06.2000

03/00040/FUL – Change of Use of farmland to domestic curtilage including the planting of the new boundary – Permission 04.09.2003

PLANNING CONSIDERATIONS

This application raises the following planning matters: -

- * Impact on the Western Wiltshire Green Belt;
- * Planning history of number 18 Church Lane, Limpley Stoke;
- * Impact on Cotswolds Area of Outstanding Natural Beauty;
- * Impact on locally important nature conservation sites;
- * Amenity; and
- * Design.

Planning Policy Guidance Note 2 – Green Belts prescribes against inappropriate development, which by definition is harmful to the Green Belt. Concerning extensions to existing dwellings, “provided that it does not result in disproportionate additions over and above the size of the original dwelling, the extension or alteration of dwellings is not inappropriate in Green Belts.” (para 3.6, PPG2). The proposed ground floor extensions would effectively double the footprint of the original dwelling (ie the original footprint is approximately 37 square m, with the proposed extensions being 34 square m. Although only single-storey, the proposed extensions are large additions to the original dwelling, which are considered disproportionate additions to the host building, resulting in a loss of openness of the Green Belt.

The neighbouring property, number 18, has been extensively extended, both in terms of the house and garden. The permitted extension is very visually prominent and of a contemporary modern design, which has more than doubled the footprint of the original dwelling. Although this scheme was recommended for permission by officers, this was approved at a time when the Local Planning Authority had a very liberal interpretation of Green Belt policy. This is no longer the case, and if an application for the permitted proposal was considered today it would be regarded as contrary to Green Belt policy, and a visually discordant feature in the Area of Outstanding Natural Beauty which has little respect for the size, form, materials, and design of the host dwelling. Consequently, it is felt that the extensions to number 18 are not very special circumstances to justify permitting the scheme for number 19.

In terms of design, the host building has a defined appearance, characterised by its natural materials, fine detailing, and narrow width. The proposed extension would fundamentally alter the character and appearance of the host dwelling, and due to its contemporary design and appearance is considered to be an alien and visually discordant addition both to the existing dwelling and the nationally important landscape character of the Cotswolds Area of Outstanding Natural Beauty. This forms a further reason for refusal.

The proposal is not considered to have a greater impact on the locally important Nature Conservation Importance of the area over and above the existing use of the site.

As regards amenity, the windows to the proposed extensions would be looking towards the south-east, and due to the distances to neighbouring properties, plus the existing situation, it is not considered that it results in a worsening of any of the neighbour's amenity.

RECOMMENDATION: Refusal

Reason(s):

- 1 Planning Policy Guidance Note 2 – Green Belts and Wiltshire Structure Plan 2016 Policy DP12, state that in the Western Wiltshire Green Belt approval will not be given, except in very special circumstances, for development other than the limited extension of existing dwellings provided it does not result in disproportionate additions over and above the size of the original building. The size of the proposed extension will result in a disproportionate addition over and above the size of the original building and the proposal is not supported by any material consideration which would justify making a decision contrary to Government Guidance and Development Plan policy. The proposed development is, therefore, inappropriate development resulting in a loss of openness of the Green Belt.

- 2 Policy C2 of the West Wiltshire District Plan – 1st Alteration 2004 states that priority will be given to the landscape over other considerations and that development proposals likely to be detrimental to the special landscape character will not be permitted. Policy C31a of the West Wiltshire District Plan – 1st Alteration 2004 requires new development on prominent and sensitive sites to pay particular attention to proportion, composition, form, and scale, and utilise high quality materials, finishes and details. The proposal by reason of its prominent location, its siting, proportion, composition, form, scale, use of materials and details, is considered to be a visually discordant addition to the host building and the Cotswolds Area of Outstanding Natural Beauty, and thereby contrary to Development Plan policy.

RELATED PLANS

Drawing : 168/S/001 received on 17.02.2009
Drawing : 168/S/002 received on 17.02.2009
Drawing : 168/S/301 received on 17.02.2009
Drawing : 168/S/303 received on 17.02.2009
Drawing : 168/S/302 received on 17.02.2009
Drawing : 168/S/100 received on 17.02.2009
Drawing : 168/S/102 received on 17.02.2009
Drawing : 168/S/201 received on 17.02.2009
Drawing : 168/S/202 received on 17.02.2009
Drawing : 168/P/301 received on 17.02.2009
Drawing : 168/P/303 received on 17.02.2009
Drawing : 168/P/302 received on 17.02.2009
Drawing : 168/SK/003 received on 17.02.2009
Drawing : 168/P/100 received on 17.02.2009
Drawing : 168/P/102 received on 17.02.2009
Drawing : 168/P/204 received on 17.02.2009
Drawing : 168/P/201 received on 17.02.2009
Drawing : 168/P/202 received on 17.02.2009
Drawing : 168/P/203 received on 17.02.2009
Drawing : 168/P/001 received on 17.02.2009

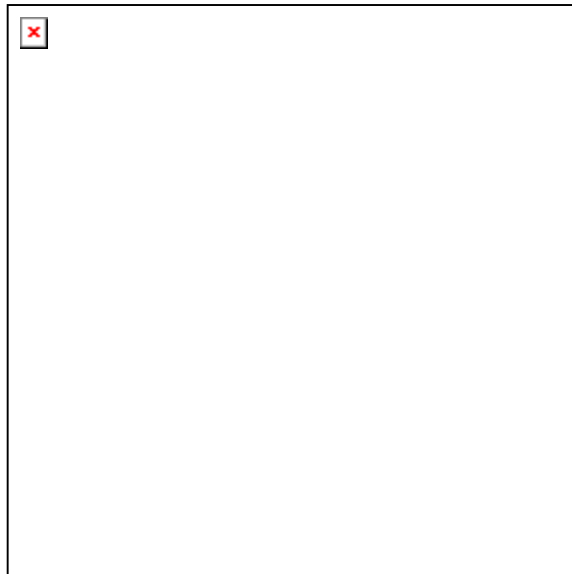
PLANNING COMMITTEE

22 April 2009

ITEM NO: 03

APPLICATION NO: W/09/00298/FUL

LOCATION: Broadway Parade Broxburn Road Warminster
Wiltshire



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 776655 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

03	Application:	W/09/00298/FUL
	Site Address:	Broadway Parade Broxburn Road Warminster Wiltshire

Parish:	Warminster	Ward:	Warminster West
Grid Reference	386303 144562		
Application Type:	Full Plan		
Development:	Extension and redevelopment of retail premises to provide additional retail floor space at ground floor and six 2 bed dwelling units above		
Applicant Details:	Blackpool And Capital Ltd F A O Mr R Waple Laila 7 Ashley Rise Walton On Thames Surrey		
Agent Details:	Knight Frank F A O MS Jenny Offord Crown House 37/41 Prince Street Bristol BS1 4PS		
Case Officer:	Mr Matthew Perks <i>Phone: 01225 776655 ext 207</i> <i>Email: matthew.perks@wiltshire.gov.uk</i>		
Date Received:	05.02.2009	Expiry Date:	02.04.2009

REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

This application is brought to Committee because the Warminster Town Council objects and officers recommend approval. Councillor Humphries has also requested that Committee consider the application in the interests of public debate. Both the Town Council comments and Councillor Humphries comment were received before 31.03.09.

PURPOSE OF REPORT

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

MAIN ISSUES

The report on application 08/01916/FUL acknowledged the acceptability of development of the proposed type within town policy limits and on this focal-point site. Additional dwelling units in the form of flats would accord with local plan and national policy, and the increase in retail floorspace are also accepted. The reasons for refusal related only to design and ventilation details. The key issues in this case are therefore whether or not the revisions to the plans provide for acceptable development in this setting and if the additional information on ventilation is satisfactory.

(Whilst neighbour comments on highway-related issues are noted, highway safety, delivery and parking aspects have been addressed to the satisfaction of the highway authority, which raises no objection. There were furthermore no highway reasons for refusal of the previous application).

SITE DESCRIPTION

The site is located on a corner plot where Thornhill Road, Broxburn Road and Masfield Road feed into the roundabout in Broadway Estate. Development on the site currently comprises of a detached part single, part two storey mixed use building. The building is largely flat roofed with a central two storey element and an end mono-pitched roof. There is a large open grass verge in front of the building with access/egress points on either side of the site for customer/delivery access and parking.

The surrounding area is characterised by a mix of mainly single storey and some two storey dwellings. The site is at the base of a natural bowl with generally higher but varying land levels in the wider surrounding area.

The existing development incorporates 4 retail units, the largest unit being occupied by Tesco Express (Class A1). The remaining units are occupied by a hairdresser (Class A1), a fish bar/takeaway (Class A5) and another takeaway 'Jade Kitchen' (Class A5). In addition there is a 3 bedroom maisonette at first floor level.

PROPOSAL

The proposal revises a previously refused application for 6 new flats and 2 additional ground floor retail units which was refused for the reasons in relation to design and lack of detail of ventilation equipment.

The proposed development would spread across and extend the footprint of the existing building and present a modern ground floor retail level with two floors of residential accommodation above, in the form of 6 x 2-bedroom flats. The scheme provides for a total of 23 parking spaces, 17 for the retail usage and 6 for the flats above (1 car per unit). The application also provides for a 35m² bin storage area and 14 cycle-parking stands, 8 of which would be in a secure bike store.

The current proposals differ from the previous application 08/01916/FUL in the following respects:

- the previously proposed additional gross internal retail floor area has been reduced by 102m² to a total of 492m² (two new units would be provided); and
- the building design and configuration of the residential units has been revised;

CONSULTATIONS

Parish/Town Council

The Warminster Town Council objects. The application should be refused "...on the grounds of basic rights of privacy to all the local residents and that the parking was a real issue. There is also a worry about the brook and flooding issues."

External

HIGHWAY AUTHORITY

Following discussion and the reduction in number of units the authority is now satisfied with parking proposals and the sustainable locality of the site. No objection subject to conditions in relation to parking.

COUNTY PLANNING

No strategic objection to the proposal. The housing part of the proposal is consistent with Policy and the proposed additional shopping provision would enhance local retail and be of an appropriate scale for a local centre such as this.

WESSEX WATER

No objection.

Internal

ENVIRONMENTAL HEALTH

No objection subject to conditions in relation to ventilation and noise attenuation.

PUBLICITY

Site Notices/Visits

Date of visit: The site was visited on several occasions, with a site notice being posted on 19 February 2009.

Neighbours

Ten responses were received to advertising procedures. Objections are as follows:

- The building would be out of keeping with the surrounding area;
- The traffic situation is already problematic. The proposals would exacerbate this situation and also increase pedestrian traffic;
- Inadequate parking;
- Increased noise disturbance;
- Additional drainage problems;
- Overlooking onto neighbouring properties;
- Lack of consideration in layout for delivery vehicles;
- Increase in antisocial activity, especially where bench seating is proposed as part of the scheme;
- Takeaway shops should not be allowed as part of the scheme; and
- Devaluation of surrounding properties.

PLANNING HISTORY

08/01916/FUL: New residential development including additional floor space: Refused:
20.11.2008

The original development was permitted permission in 1967 and a number of minor advertisement, extended opening hours and change of use applications have been submitted and determined but none that would be relevant to the consideration of the current wholesale redevelopment of the site.

PLANNING CONSIDERATIONS

Building form and relationship to surrounds

The proposed building has been re-designed to address the overall primary elevation imbalance and unacceptable north elevation as proposed under application 08/01916/FUL. The arrangement of rooflines with subservient elements to either side of a more prominent and centrally located second storey is now considered to present an acceptable arrangement, particularly to the roundabout-facing frontage to the building.

With regard to neighbour concerns in respect of overlooking, the residential elements to the building on the first and second floors would be located some 22m from the nearest neighbouring dwelling unit, with the proposed upper-level windows being a minimum of 19m from the nearest boundary (to the west). These windows face the side elevations of the neighbouring dwellings in that direction. Whilst small balconies of approximately 4.5m² are proposed to the east and north elevations, these are orientated towards Masefield Road and would be a minimum of 24m from the dwellings on the opposite side of that road. Issues of unacceptable loss of privacy and/or overshadowing would therefore not arise. The local topography is furthermore such that the building is situated close to the base of a natural "bowl" where there is an existing sense of overlooking from the majority of directions.

The proposal would result in an increase in height over the central section of the building by approximately 4.5m and increase in footprint of 120m². The site is however at focal point currently housing local centre shopping facilities as well as residential accommodation. The existing building presents nondescript and outdated frontages onto the street scenes. It is considered that the proposed building would constitute a replacement local landmark on this focal site that would not however be over-dominant.

The proposals include landscaping with street furniture and planting onto the Masfield Road/roundabout frontage. Neighbours raise concerns about existing and possibly increased anti-social behaviour. The proposals would provide for a significant improvement to the street scene as well as surveillance over this area by the proposed flats. Thus, whilst anti-social activity may well exist in the locality and is an issue that is ultimately a police matter, the upgrading of the area and increased surveillance levels by future residents, are considered to be possible positive influences towards limiting these activities.

Additional information on ventilation

Application 08/01916/FUL was also refused on grounds of lack of information on ventilation, considering possible effects on future residents to the flats. The agents have provided specifications for future air-conditioning, cooling, heating and ventilation flues. Council's Environmental Health section was consulted on these details and has no objection subject to conditions in relation to the ventilation and air-conditioning equipment. This is considered to overcome the reason for refusal.

Retail use

The additional ground floor retail space (117m²) is proposed for A1 (Retail Use). This would preclude any new takeaway floorspace, which is an issue for neighbours. Currently prevailing operating hours and use rights for the existing retail and takeaway units would remain in place as far as the existing units are concerned. No new nuisance issues would therefore be anticipated.

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 The development hereby approved shall not be occupied until 23 car-parking spaces have been provided within the curtilage of the site.

Reason: In the interests of highway safety.

- 4 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 proposed planting and street furniture.

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

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

- 5 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 - 1st Alteration 2004 - Policy C32.

- 6 The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

- 7 The development hereby permitted shall not begin until a scheme of works for the attenuation of noise and vibration from refrigeration, air conditioning and any other similar plant, has been submitted to and approved in writing by the local Planning Authority. Any works which form part of the approval scheme shall be completed before the premises are first used and maintained in effective condition at all times thereafter.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C36 and C38.

- 8 Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations on the premises. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All equipment shall be installed in accordance with the approved details and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

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

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

- 9 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.

- 10 The proposed ground floor extension shall be used only for purposes permitted in Class A1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

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

RELATED PLANS

Drawing : 01C received on 05.02.2009
Drawing : 03F received on 03.04.2009
Drawing : 04F received on 03.04.2009
Drawing : 05G received on 03.04.2009
Drawing : 06F received on 03.04.2009
Drawing : 07A received on 05.02.2009
Drawing : 08A received on 05.02.2009
Drawing : 09A received on 05.02.2009
Drawing : 10A received on 05.02.2009
Drawing : 12A received on 05.02.2009
Drawing : 02G received on 03.04.2009

PLANNING COMMITTEE

22 April 2009

ITEM NO: 04

APPLICATION NO: W/09/00251/FUL

LOCATION: 17 Chilmark Road Trowbridge Wiltshire BA14 9DD



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 776655 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

04	Application:	W/09/00251/FUL
	Site Address:	17 Chilmark Road Trowbridge Wiltshire BA14 9DD

Parish:	Trowbridge	Ward:	Trowbridge North West
Grid Reference	384223 158196		
Application Type:	Full Plan		
Development:	Extension over garage		
Applicant Details:	Mr P Treanor 17 Chilmark Road Trowbridge Wiltshire BA14 9DD		
Agent Details:			
Case Officer:	Miss Carla Rose <i>Phone: 01225 776655 ext 283</i> <i>Email: carla.rose@wiltshire.gov.uk</i>		
Date Received:	28.01.2009	Expiry Date:	25.03.2009

REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

This application is brought to Committee because Councillor Seager feels the proposal meets all planning requirements. His requests that Committee considers the application was received before 31.03.09.

PURPOSE OF REPORT

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

MAIN ISSUES

Street scene
Neighbour amenity

SITE DESCRIPTION

The site is characterised by semi-detached, detached small terraced residential properties. A public house is also located close by.

PROPOSAL

The proposal is an extension above an existing garage and to the side of the garage.

The extension above the garage would be to ridge height of the existing property. The extension to the side of the property would at an angle and would be approximately 1.2m at the front of the property and approximately 2.7m at the rear. Matching materials are proposed to be used.

CONSULTATIONS

Parish/Town Council

TROWBRIDGE TOWN COUNCIL: No objection subject to no significant loss of neighbouring amenities.

External

None

Internal

LANDSCAPE AND ARBORICULTURAL OFFICER: - No objections, subject to conditions.

PUBLICITY

Site Notices/Visits

Date of visit: 9th February 2009

Neighbours

No response received to neighbour notifications.

PLANNING HISTORY

None

PLANNING CONSIDERATIONS

Street Scene

Supplementary Planning Guidance advises that 'an extension should be a subservient element to the host building and not upset the symmetry of the building as a whole.' The proposed side extension is to ridge height of the existing dwelling. The proposed extension would introduce a visually discordant element to the property, which would fail to respect the overall symmetry of the building as a whole and would have an adverse impact on the character and appearance of the street scene. The property is very close to the street scene, which would make the unsympathetic extension highly visible from the public realm. In addition the angle of the proposed extension would make the extension a more dominant feature. The adjoining property has an attached garage, which is flush with the front of the property and does not have an adverse impact on the symmetry of the building.

Extensions to ridge height can be seen in the area; however were built before the introduction of the Supplementary Planning Guidance.

There is a tree close to the proposed extension. The Council's Landscape and Arboricultural Officer was consulted and raised no objections subject to conditions

Overall, the height, mass and bulk of the extension would have an adverse impact on the street scene.

Neighbour Amenity

The proposed extension is located away from neighbouring properties therefore there would be no adverse impact.

RECOMMENDATION: Refusal

Reason(s):

- 1 The side extension would introduce a visually discordant element, which would fail to respect the overall symmetry of the building as a whole and would have an adverse impact on the character and appearance of the street scene contrary to C31A of the West Wiltshire District Plan and to the guidance contained within the SPG – House alterations and Extensions.

RELATED PLANS

Drawing : DRG NO 0818 ISSUE 1 received on 28.01.2009

Drawing : SITE MAP received on 28.01.2009

PLANNING COMMITTEE

22 April 2009

ITEM NO: 05

APPLICATION NO: W/09/00627/FUL

LOCATION: Court Lodge 17 Westwood Road Trowbridge
Wiltshire BA14 9BR



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 776655 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

05	Application:	W/09/00627/FUL
	Site Address:	Court Lodge 17 Westwood Road Trowbridge Wiltshire BA14 9BR

Parish:	Trowbridge	Ward:	Trowbridge North West
Grid Reference	383970 158385		
Application Type:	Full Plan		
Development:	Proposed demolition of existing bungalow and garage and replacement with new dwelling and detached garage		
Applicant Details:	Mr And Mrs Fowler 25 Castell Close Hilperton Trowbridge Wiltshire BA14 7UL		
Agent Details:	Cousins Thomas Rose 10 Church Walk Trowbridge Wilts BA14 8DX		
Case Officer:	Miss Carla Rose <i>Phone: 01225 776655 ext 283</i> <i>Email: carla.rose@wiltshire.gov.uk</i>		
Date Received:	03.03.2009	Expiry Date:	28.04.2009

REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

The application is brought to committee because Trowbridge Town Council objects and officers recommend permission. The Town Council objections were received before 31.03.09.

PURPOSE OF REPORT

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

MAIN ISSUES

Street scene
Neighbour amenity

SITE DESCRIPTION

The site is within a residential area which is characterised by detached and semi-detached properties. Court Lodge, 17 Westwood Road in Trowbridge is a single-storey dwelling

PROPOSAL

The proposal is for the demolition of the existing bungalow and garage and replacement with a new dwelling and detached garage.

Permission has already been granted for extensions to the existing dwelling (08/02218/FUL) and a letter advises it is more economical to demolish and rebuild the property.

Changes to the previous permission include the demolition of the dwelling and the following changes to the appearance of the new dwelling.

The number of windows in the north western elevation has been reduced from three windows to two windows and another door has been added. A smaller window is proposed in the roof of the south eastern elevation. The Velux window in the south western elevation has been reduced in size and relocated. The windows on the ground floor have been reduced in size and relocated.

The position and size of windows on the ground floor of the north eastern has been changed. A Velux window has also been removed from this elevation.

The garage is proposed to be set back further from the street scene and in from the neighbouring boundary. A hipped roof is proposed instead of a garage with gables.

The gates are proposed to be a maximum height of approximately 2.1m. Two pillars are proposed either side of the gates and are proposed to be approximately 2.2m in height.

CONSULTATIONS

Parish/Town Council

TROWBRIDGE TOWN COUNCIL: - Objection: an overbearing design which is poorly related to the neighbouring properties and the street scene.

External

WESSEX WATER: Wessex Water advised the applicant should agree a point of connection onto the sewage and water system and a connection onto Wessex Water infrastructure.

Wessex Water also advised: -

'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 within (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.'

Internal

HIGHWAYS: The proposal will not have an adverse effect on the highway; therefore, no Highway objection is raised.

PUBLICITY

Site Notices/Visits

Date of visit: 26 March 2009

Neighbours

One letter was received in response to neighbour notifications. It raises concerns about privacy due to the size of the windows proposed on the rear elevation and the Velux window on the south western elevation. Concerns are expressed of overlooking from this window and it has been requested that the window is non-opening.

RELEVANT PLANNING HISTORY

08/02218/FUL Extensions to dwelling. Permission with conditions 22/10/2008

PLANNING CONSIDERATIONS

Street Scene

There is mixed development in the surrounding area. The proposals would not look out of character with the surrounding area. The changes that are proposed to be are small compared to what has already been permitted under application 08/02218/FUL for extensions to the existing dwelling.

Trowbridge Town Council raised an objection due to the 'overbearing design which is poorly related to the neighbouring properties and the street scene.' There is much mixed development in terms of the size and design of dwellings in the area. The proposed dwelling is set in from the boundaries; therefore would not have an overbearing impact on the neighbouring properties and the street scene. In addition permission has already been granted in terms of the mass and size of the dwelling. The new changes are relatively minor and include, changes to windows and doors, relocation and change in the design of the garage and relocation of the driveway. Details of the new gates are also submitted.

The garage is proposed to be set back further than has been given permission (application 08/02218/FUL), which has reduced the impact on the street scene. Supplementary Planning Guidance does not encourage garages to the front of the properties. However, other garages are located at the front of properties in this area; therefore the proposed garage would not look out of character with the street scene.

The proposed new location of the driveway would have no adverse impact on the street scene. In addition the Highway Authority has raised no objection. New solid timber gates are proposed with brick piers. Although these styles of gates are quite bulky in design they are not located in a conservation area. Pillars are a characteristic of the area, and there are gated openings in the locality. The proposed gates and pillars would not have an adverse impact on the street scene.

The design of the garage has been changed, but due to the mix of development types and designs in the street scene would not have an adverse impact on the character of the area.

Neighbour Amenity

A neighbour has raised concerns about the large amount of glass on the rear elevation. It can be seen from the plans that there is a 600mm overhang, which would reduce overlooking of the neighbouring window.

Concerns were raised about the Velux window on the south western elevation. The window does not directly overlook the neighbouring window. The window is to a bathroom and a condition is recommended that the window should be obscure glaze. Due to the nature of the window and the fact that the window serves a bathroom it is not felt reasonable that the window should be non-opening.

JUSTIFICATION FOR RECOMMENDATION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds as the proposed replacement dwelling would not have an adverse impact on the street scene or neighbouring amenity therefore permission has been recommended subject to conditions.

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 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 The velux window in the south western elevation on the plans hereby approved shall be obscure glazed prior to the first occupation of the development and shall be maintained as such at all times thereafter.
- REASON: In the interests of amenity and privacy
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - C38
- 4 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 or rooflights, other than those hereby approved, shall be added to the first floor or in the roof of the South West elevation of the development hereby permitted.
- REASON: In the interests of amenity and privacy
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38
- 5 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.

Note(s) to Applicant:

- 1 You are advised to contact Wessex Water to agree a point of connection onto the sewage and water system and a connection onto Wessex Water infrastructure.
- Please also note the note below from Wessex Water: -
- '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 within (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 : 3347/100 received on 03.03.2009
 Drawing : 3347/101 received on 03.03.2009
 Drawing : 3347/102 received on 03.03.2009
 Drawing : SITE LOCATION PLAN received on 03.03.2009

PLANNING COMMITTEE

22 April 2009

ITEM NO: 06

APPLICATION NO: W/09/00636/FUL

LOCATION: 10C Church Road Heywood Wiltshire BA13 4LP



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 776655 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

06	Application:	W/09/00636/FUL
	Site Address:	10C Church Road Heywood Wiltshire BA13 4LP

Parish:	Heywood	Ward:	Ethandune
Grid Reference	387017 153716		
Application Type:	Full Plan		
Development:	Two storey side extension		
Applicant Details:	Mr Mark Giles 10C Church Road Heywood Wiltshire BA13 4LP		
Agent Details:	Mr H Grist 32 Daniell Crest Warminster Wilts BA12 8NZ		
Case Officer:	Mr Steve Vellance <i>Phone: 01225 776655 ext 107</i> <i>Email: svellance@westwiltshire.gov.uk</i>		
Date Received:	05.03.2009	Expiry Date:	30.04.2009

REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

This application is brought to Committee at the request of Councillor Newbury. The request was received before 31.03.09.

PURPOSE OF THE REPORT

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

MAIN ISSUES

The key planning issues that need to be considered within this planning application are the potential impact on the host building, neighbouring amenity and the existing street scene.

SITE DESCRIPTION

The application site is 10c Church Road, Heywood, which is a semi detached dwelling set within an established residential area. The building is constructed from red brick with concrete interlocking roof tiles.

PROPOSAL

The proposal is for a first floor extension which is to be built on top of the existing garage. The additional final outward projection at first floor level, on the front elevation would be 1.3m and on the rear aspect of the building would be 1.8m.

The overall proposed dimensions of the extension would be 11.4m by 3m with a pitched roof height of 7.5m.

CONSULTATIONS

Parish/Town Council

HEYWOOD PARISH COUNCIL: No response received, but have been informed that any comments must be submitted by the 22 April 2009.

PUBLICITY

Site Notices/Visits

Date of visit: 20 March 2009.

Neighbours

Received one email of support and one letter of concern from a neighbouring property, raising the following points:

1. The front north east proposal would have a detrimental effect, causing a loss of light to the front of the house especially to the bedroom and bathroom on this elevation. The writer states that the extension would project 10 feet and would be 3 feet away from his property.
2. The north-west proposal would be 3 feet away from a bedroom window and would cause a loss of light.
3. The first floor window of the rear south west elevation will overlook the rear garden of number 10d, which would lead to a loss of privacy.

RELEVANT PLANNING HISTORY

None.

PLANNING CONSIDERATIONS

Part of this proposal is to be located on the front elevation of the host building and would be visible from the street scene. This element would include a front gable, which would be located on top of the existing garage of the host building and would not project further forward than the garage does at present. It is considered that this level of projection would not cause a significant loss of light.

A similar two-storey gabled proposal is intended for the rear aspect of the dwelling which would project approximately 1.8 metres to the rear of the building. The occupiers of the neighbouring dwelling are concerned that this would lead to a loss of privacy by overlooking. However, the garden of the objector is already overlooked. Furthermore, 11a has constructed a two-storey rear extension of similar gabled design, to that which is proposed. This design principle would therefore be difficult to resist in this location. It is not unusual for first floor windows to overlook rear garden amenity space.

From a design perspective, it is considered that the proposed scheme complies with the SPG on House Alterations and Extensions, in that the front of the house, visible from the street scene, would mirror that as built at number 10b Church Lane. Number 10b has constructed an identical scheme to what is being proposed within this planning application. If implemented, the proposed scheme will serve to make the host building appear balanced and visually symmetrical, which arguably is not achieved at present.

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 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.

RELATED PLANS

Drawing : 09005 received on 05.03.2009