

WESTERN AREA PLANNING COMMITTEE

5 August 2009

Planning Applications for Determination

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 01

Date of Meeting	05.08.2009		
Application Number	08/02692/OUT		
Site Address	Land North West Of Cricket Ground Seymour Road Trowbridge Wiltshire		
Proposal	New primary care centre and extension to existing surgery		
Applicant	Wiltshire Primary Care Trust		
Town/Parish Council	Trowbridge		
Electoral Division	Trowbridge Adcroft	Unitary Member:	Tom James MBE
Grid Ref	385550 158611		
Type of application	Outline Plan		
Case Officer	Mr Matthew Perks	01225 770344 Ext 207 matthew.perks@wiltshire.gov.uk	

Reason for the application being considered by Committee

The application was first considered by Committee on the 24th June following receipt of an objection from Trowbridge Town Council. At that meeting members deferred consideration to allow officers to seek further information as follows:

- a detailed break down of how the figure of £140,000 was arrived at and details of how it will be used.
- clarification from the applicant that the land is needed and that the existing site could not be used.
- absolute clarification from the Policy Officer with regard to policy.

1. Purpose of Report

This supplementary report provides the information members requested and again sets out the key material considerations which are relevant in determining the application in line with the Council's adopted policy. The original report is appended and the recommendation remains unchanged, outline planning permission should be granted.

2. Additional Information

- The £140,00 pound figure was based on the costs of providing new cricket related facilities on another site and was made up as follows:-

Facility/equipment	Cost in £
Relocation of Cricket Nets	20,000.00
Safety Nets Cricket Ground	12,000.00
Safety Nets	15,000.00
Provision of Replacement Cricket Wicket (Grass)	17,000.00
Provision of Replacement Cricket Wicket (Synthetic)	11,000.00
Site drainage	12,000.00
Water supply point to pitch	5,000.00
Sub Total	92,000.00

Commuted Sum

Maintenance Costs Year 1 - 3 (3k Per Annum)	9,000.00
Maintenance costs Year 4 - 10 (£1,500 per year)	10,500.00
Water Supply Year 1-3 (1,500 per Annum)	4,500.00
Water Supply Year 4-10 (1,000 per Annum)	6,000.00

Sub Total **30,000.00**

Maintenance Equipment

Roller	6,015.00
Mower	3,300.00
Scarifier 2mm Adaption	660.00
9 blade fine cut adaption	825.00
Boundary Rope	175.00
Other equipment	1,000.00
Sight Screens	1,900.00
Sub Total	13,875.00

Legal Fees **1,000.00**

Total **136,875.00**

The PCT has agreed to round this figure up to £140,000 and if permission is granted this sum will be paid to Wiltshire Council. The money will then be "ring-fenced" for use towards the formal provision of sports facilities within Trowbridge. As mentioned in the original report, this money could be pooled with other developer contributions to provide a new multi-purpose sports pitch facility at a location in or close to the town, possibly in conjunction with existing local sports clubs.

This sum is considered by officers to be a reasonable amount to address the loss of a cricket pitch which has been leased to the Cricket Club by the PCT on the basis that it was a temporary arrangement which could be terminated should the land be required for use by the PCT to improve community health care facilities.

b) With regard to the need to use this site, the applicant has confirmed that there is an identified need to provide a new Primary Care Centre (PCC) to serve the needs of the Trowbridge community and that the existing hospital and clinic are no longer suitable to provide the services required.

The existing hospital buildings are in poor condition and are a mix of listed, old, single storey and temporary buildings. These require significant investment, are inefficient to use and require replacement.

It has been stated that for practical reasons it is not possible to develop new healthcare facilities on the existing hospital site, given the need to retain the existing listed building and maintain existing service provision while the replacement is built.

The proposed PCC will enable the NHS to provide a range of services in a single new building from which it will be able to deliver improved patient services.

The use of the application site will also facilitate the expansion of the adjacent Adcroft Surgery and relocation of the Bradford Rd Surgery to new purpose built premises.

c) The Council's Spatial Planning Team has confirmed that there is no policy objection to the proposal.

Policy CF8 clearly states that "Land adjacent to "... Trowbridge Hospital is allocated for the development of community health care facilities." The explanatory text specifically states that "Land adjacent to Trowbridge Hospital is safeguarded for use as a cricket pitch in Policy R7 until such time as it is needed for the provision of health care facilities."

The site is therefore specifically mentioned in the 'development plan' as being earmarked for exactly the type of community health care facilities now being proposed.

Government advice is that an applicant is entitled to planning permission if the development accords with the provisions of the development plan unless there are other material considerations which indicate otherwise. In this case there are other material considerations, principally the loss of a much valued piece of land currently used for sporting purposes. Members have to bear in mind, however, that that land has been leased to the cricket club on the basis that should it be required for healthcare purposes, the lease would end. There has never been a commitment on the part of the NHS that the land would remain dedicated to sporting use in perpetuity.

3. Representations received since the first report was considered

Trowbridge Cricket Club has reiterated its objection to the loss of the pitch and provided evidence that it is used extensively by the club - the 3rd, and 4th adult teams, all of their 4 youth teams, 14 youth football teams throughout the winter months as well as many other individuals and groups throughout the whole year. The club also states that if, at the end of all the deliberations, the hospital ground is the only viable option for this development it would withdraw its objection. It feels, however, that the extension to the Adcroft surgery should go a head and that the applicant should build on the site of the existing hospital with the remainder of the hospital field site being retained for use by Trowbridge Cricket Club.

The Club also indicates that it wrote to Sport England in January 2009 providing information on the use of the pitch and has been in contact since the deferral of the application in June.

Sport England has written to clarify its position. It objected to the application in October 2008 on the basis that the proposal would result in the loss of an area of existing playing fields and it does not consider that any of the five exceptions contained in its Playing Field policy apply to the proposal. The policy relates to all or any part of a playing field or land last used as a playing field, or land allocated for use as a playing field in an adopted or draft plan, whether the land is in public, private or educational use. It confirms that following an exchange of correspondence with the applicant's agents it believed that the application would not have to be referred to the Secretary of State, should the Council be minded to grant permission. Having subsequently been in contact with the Trowbridge Cricket Club which has provided evidence of usage, Sport England now believe that there may again be a need to refer the application and ask the Council to take the evidence into account in deciding whether or not the application should be referred.

4. Conclusion

It is always difficult to make choices between competing community needs but on this occasion the policy position is clear, land adjacent to the hospital is safeguarded for use as a cricket pitch until such time as it is needed for the provision of health care facilities. The relevant policies arose from earlier proposals by the former NHS Trust to develop the playing pitch for healthcare facilities and earlier planning permission to develop part of the site in association with a then proposed improvement to the hospital and health care facilities in 1993, subsequently renewed (but now lapsed) in 1996.

The applicant has offered a sum of £140,000 to be used to provide appropriate alternative sporting provision and that is considered by officers to be reasonable.

Arguments have been advanced that the applicant should utilise the existing hospital site and in response, the applicant has set out why this is not a practical proposition.

In conclusion, while there are obvious and very worthwhile benefits to the community of retaining the application site as a sports facility, similarly there are benefits which stem from improving community health care facilities. Had the development plan not specifically identified the site for the type of development now proposed, and had there not been difficulties and constraints on building on the existing site, officers may have been able to reach a different conclusion but based on information available and the policies in force, this is clearly an application which is in line with the Council's adopted policies and there are no grounds to refuse permission.

5. Recommendation

The report which follows is the one considered on the 24th June and the recommendation remains the same; subject to referral to the Secretary of State, grant permission subject to the conditions set out and the prior completion of a legal agreement securing a £140,000 contribution towards appropriate alternative cricket and associated recreational facilities.

(Because the evidence of use by educational institutions is now questioned by Sport England, it is still recommended that the application be referred to the Secretary of State as a precautionary measure if the Committee is minded to grant permission.)

Reason for the application being considered by Committee

This application is brought to Committee because the Trowbridge Town Council objects and officers recommend permission. The objection was received before 31 March 2009.

1. Purpose of Report

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

2. Summary of Main Issues

The main issues in this case are:

- the appropriate alternative provision of cricket and associated facilities in terms of policy that specifically applies to this site;
- highways and accessibility; and
- ecological considerations.

3. Site Description

The site of approximately 1.52ha in extent is the land adjacent and to the north east of the existing Trowbridge Community Hospital.

The existing hospital comprises a principal listed building and curtilage listed buildings and structures.

The land is separated from the existing Hospital by a fence and a number of trees. It is bounded to the north west by Seymour Road and to the north east by Trowbridge County Cricket Ground. The Adcroft Surgery and several industrial workshops back onto the site to the south east. There is a residential area consisting predominantly of semi-detached and terraces houses to both the south west and east of the site. The surrounding area therefore has a mixed character.

The site is level and is currently used as a playing field that occupies approximately 1.3ha of the total area. This is currently leased by the Primary Care Trust (PCT) owners to the cricket club.

4. Planning History

92/00728/OUT: New primary care centre and extension to existing surgery: Refused: 29.11.1992

5. The Proposal

This is an outline planning application to develop a new, three storey Primary Care Centre. At this stage approval of the access only is being sought, with all other matters (appearance, landscaping, layout and scale) being reserved for subsequent consideration.

Indicative plans and descriptions have been submitted showing a centre with a gross floor area of 3,000 square metres and a two storey extension to the existing Adcroft Surgery with a gross floor area of 1,400 square metres. The development would all be on the land owned by Wiltshire NHS Primary Care Trust (PCT).

The design and access statement accompanying the application (although this is an outline proposal) provides indicative detail that the new Primary Care Centre would provide modern, purpose built accommodation to deliver healthcare services for the local community. The proposed building would accommodate services that would transfer from the existing Trowbridge Community Hospital and the Halve Health Centre. An extension to the Adcroft Surgery would form part of the development. This would allow for the extension to the Adcroft Surgery enabling the merger of this practice with the Bradford Road practice and the provision of a wider range of services for patients.

The illustrative plan and supporting documentation indicate that the proposed centre would be constructed over 3 storeys with a total floor area of up to 3,000 square metres (i.e. up to 1,000 square metres per floor). The centre would incorporate approximately 33 consulting rooms and ancillary accommodation including about 500m² of offices for community teams. Proposed services include:

- physiotherapy, including a rehabilitation gym, 6 physio examination cubicles and a treatment room;
- occupational therapy;
- other outpatient services including 4 consulting rooms, 8 examination rooms, treatment and interview rooms;
- podiatry;
- speech therapy;
- audiology;
- diagnostic services including an X-Ray and ultrasound room and an external pad to accommodate a mobile diagnostic unit;
- a minor Injuries Unit incorporating 6 consulting/treatment rooms and ancillary facilities;
- a birthing unit; and
- ancillary waiting areas, offices and other accommodation.

The Bradford Road Surgery is approximately 1.5 km to the south west of the site and it is intending to merge with the Adcroft Surgery on the eastern part of the application site. The combined surgeries would serve a patient population of over 20,000.

Indicative proposals for the extension to the existing Adcroft Surgery state that it would comprise a two storey building with a link corridor. The new combined practice would have improved consulting and treatment facilities.

The supporting documentation further states the development would incorporate approximately 200 car parking spaces for visitors, patients and staff. Separate parking areas would be provided for staff and patients for the PCC and GP surgery. The 33 car parking spaces at the existing GP surgery would be retained. Cycle parking is also proposed in secure, covered shelters.

6. Planning Policy

West Wiltshire District Plan 1st Alteration, 2004

C32 - Landscaping

C38 - Effects of development on neighbouring properties

CF1 - Community Facilities

CF8 - Allocation of land adjacent to Trowbridge Hospital for community health facilities.

C31a - Design

I3 - Access for everyone

R7 - Trowbridge Cricket Ground

T10 - Parking

PPG 1 - General Policies and Principles

PPG 17: Planning for open space, sport and recreation

Leisure and Recreation DPD

7. Consultations

Town/ Parish council

The Town council objected during a first round of consultation. There was re-consultation when additional information was received, and The Town Council made a resolution as follows:-

- i) To note the additional information relating to Ecology.
- ii). To sustain an objection with regard to Transport on the basis that, whilst recognising the offer to provide for pedestrian access from Adcroft Street through the old hospital site as part of a reserved matters application, this was not a sufficient guarantee that this would be provided and that any such proposal should be in the form of a revision to the outline application. Additionally this would not improve pedestrian access from the East side and that an additional pedestrian access route should be provided via Lower Court.
- iii). To sustain an objection with regard to Appropriate Alternative Recreation Facilities on the basis that whilst an offer of an s106 agreement to fund improvements to cricket facilities up to a sum of £140,000 is welcome, the proposed location is not satisfactory. It is not clear how and to what extent the facility at St Augustine's would be accessible to the wider community and the changing facilities at St Augustine's are inadequate. Additionally the site at St Augustine's would overall lead to a reduction in Sports Pitch Provision. The adopted Leisure and Recreation Development Plan identifies a significant shortfall in formal sports pitch provision in Trowbridge and therefore any development should result in no further diminution of sports pitch provision. The Town Council does not therefore accept that what is proposed is sufficient to satisfy the requirements of Local Plan Policy R7.
- iv) The Town Council further noted that a more coordinated and strategic approach needs to be taken towards the development of sports pitches in and around Trowbridge, noting a recent agreement for a contribution of £412,000 from developers at Green Lane. The Town Council believes that if the sum of £140,000 is considered an appropriate level of contribution from the PCT this could be pooled with other contributions to provide a new multi-purpose sports pitch facility at a location in or close to the town, possibly in conjunction with existing sports clubs. The Town Council resolved to write to Wiltshire Council demanding action from them to identify a suitable site and progress this issue with a coordinated strategic approach.

Highways

The Highways Officer advises that, following extensive discussions, no objections are raised on transport grounds. A condition requiring a Travel Plan should be imposed, which should include reference to a "Draft Method Statement for Wiltshire PCT - Travel Strategy" that was the outcome of negotiations.

Libraries and Heritage

There are no known archaeological sites within the proposed development area and the potential for previously unrecorded archaeology is low. No archaeological recommendations are made.

District Ecologist

In an initial response the District Ecologist identified the need for an ecological mitigation report in respect of Great Crested Newts prior to permission being granted and recommended conditions in respect of other species. An "Ecological Method Statement" was then submitted as additional information. Following further discussion between the agent and the ecologist, a mitigation strategy in the event that surveys reveal the presence of Great Crested Newts was outlined. Potential issues identified included the likely requirement for an amphibian exclusion barrier and the creation of improved boundary planting to provide a suitable habitat. An initial survey carried out indicates the presence of newts in the pond at the neighbouring garden centre. The pond is surrounded by a wall, but there may be gaps within it, through which GCN could gain access to the cricket pitch. The future mitigation strategy proposed would therefore comprise:

- the submission of an application for a Natural England GCN licence;
- method statement that will include proposals to:
 - * erect a Tritex© amphibian exclusion fence around the construction site perimeter;
 - * perform a supervised destructive search during stripping of the soil;
 - * incorporate proposals for Great Crested Newt habitat creation on the site.

The PCT's ecologists have advised that the detailed landscaping design should incorporate links between habitat areas. A revised indicative layout has been submitted to incorporate such habitat. It is considered that the detailed design of the landscaping of the site can be achieved by way of suitably worded planning conditions. An appropriate condition would also require the submission of a comprehensive mitigation strategy as part of the reserved matters application as well as implementation requirements for such a strategy.

Natural England

Also raised objections in an initial response, on the same grounds as those raised by the District Ecologist. No response was received in respect of re-consultation.

Environmental Health

Recommends approval with conditions in relation to contaminated land and procedures in relation thereto and an informative relating to noise.

Sport England

Sports England is aware of the relevant policy (R7) but is of the view that all alternative sites should be explored, including re-developing the existing Hospital Site. If it is shown that the site is the only possible alternative, then consideration should be taken of the fact that the field is also used for football in winter and the inadequate provision of Sports Fields in Trowbridge according to the local "Leisure and Recreational Development Plan". Sports England would not wish to see the loss in overall quantity of playing pitches in Trowbridge.

Sport England objects to the proposal on the grounds that the site has been used in the last 5 years by an educational institution (St Augustine's School). It further advises that, if Council is minded to permit the application, the matter would have to be referred to the Secretary of State under the Town and Country Planning (Playing Fields) Direction 1998.

Leisure Manager

The Leisure Manager recommended that a decision on the application be deferred until possible alternatives for the location of a Primary Care Centre have been evaluated.

Wessex Water

Wessex Water will welcome discussions and agreement with regard to connections to infrastructure and on the detailed design aspects.

Environment Agency

No objections in principle subject to conditions in respect of surface drainage and contaminated land. An informative regarding Flood Defence Consents requirements of the Environment Agency.

Economic Development - Sustainable Communities

The officer had no comments to make on the application.

8. Publicity

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

Expiry date: The overall expiry date for contributions was 2.03.2009. A total of 13 responses were received.

Summary of points raised:

- The provision of better health care facilities is supported, but this should not be at the expense of recreation land;
- Harm to the activities of the Trowbridge Cricket Club;
- The loss of the field would be contrary to the aims of encouraging healthy sports activity, especially amongst the youth;
- The field is currently well utilised;
- Increased traffic through town and on Seymour Road;
- there is a question of whether or not the PCT would be able to sell the existing hospital site to a developer for housing;
- there would be a problem with any access via Lower Court. Protected trees would be affected and there are issues relating to the width of the road;
- the site should only be considered for development once all other options have been explored;
- full information on existing facilities should be provided to prove the need for the facility;
- a sequential test needs to be applied

Letters of support were received from the Trowbridge Civic Society and "Trowbridge Community Area Future", with the proviso that arrangements can be made for alternative facilities. "Trowbridge Community Area Future" also recommends that Wiltshire Council explore possibilities of interim alleviating measures while replacement land is being found. Enhanced use of Seymour playing field could be considered.

9. Planning Considerations

Policy considerations in relation to the provision of alternative facilities

Policy CF8 of the West Wiltshire District Plan 1st Alteration, 2004 relates to land that is adjacent to both the Melksham and Trowbridge Hospitals. The Policy allocates the land the development of community health care facilities, but acknowledges that in the case of Trowbridge the area that is the subject of this application is "...safeguarded for use as a cricket pitch in Policy R7 until such time it is needed for the provision of health care facilities."

Policy R7 in turn indicates that the Trowbridge Cricket Ground (as a whole) is allocated specifically for cricket and associated recreational use unless an appropriate alternative provision is to be made in the locality. This Policy states that "...the area adjacent to the main pitch, is in the ownership of the Health Authority. No development will be permitted on this particular area unless it is specifically required to be used for improved community health care facilities. The supporting text recognises the importance of the Cricket Ground but reflects Policy CF8 in that it states that a "...part of the overall area in use for the cricket ground is in the ownership of the Health Authority. In order to secure the continued viability of the cricket ground, its practice facilities and its ability to stage major events, it is important that this part of the area remains in use in association with the existing pitch. It is acknowledged, however, that should the Health Authority require the land to provide enhanced health care facilities, then it ought to be utilised for that purpose."

The West Wiltshire Leisure and Recreation Development Plan Document was approved by the then West Wiltshire District Council on 21 January 2009 and was formally adopted by the Wiltshire Council Implementation Executive on 26 February 2009. Whilst the DPD leisure and recreation spatial planning policies replace several recreation-related Policies contained in the West Wiltshire District Plan First Alteration 2004, Policy R7 was one of 5 policies which was not superseded and remains in force. The plan states that there is inadequate provision for pitch sports in the old West Wiltshire District area, especially in Melksham, Trowbridge and Westbury. The Leisure and recreation Needs assessment that fed into the DPD indicates an overall requirement of 300,500m² of sports pitches and courts in Trowbridge and there are currently 278,005 m² (including the PCT land) and there is therefore a shortfall of 22,495 square metres. If the PCT site is developed, a shortfall of approximately 32,000m² would arise. However, the needs analysis also indicates that Trowbridge has an overall surplus of more than 208,000m² square metres of open space in the town (Table of Quantity Standards; Pg.127-128). Although the DPD identifies the provision of new pitches at Wood Marsh in North Bradley and the dual use of school playing fields, the Trowbridge Town Council has recommended (see below) that the possibility of utilising funding arising out of the PCT proposals towards a new multi-purpose pitch be explored.

In view of this Policy background (and where planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise) it is considered that the proposed use of the site for a new Primary Care Centre, accords with the current Development Plan and should be supported on that basis.

However, the issue of what would constitute "...appropriate alternative provision..." and how that is to be achieved must be resolved. In this regard the applicants and the Recreation Manager at Council's Trowbridge hub have pursued possible solutions which included a possible upgrading and opening to wider use of land at St Augustine's College for this purpose. No firm proposals have arisen. The Trowbridge Town Council has in turn made it clear that it objects to the proposal if this would result in the "...further diminution of sports pitch provision" and does not support the provision of the replacement facilities at St Augustine's. However, the Town Council believes that, if the sum of £140,000 is considered an appropriate level of contribution from the PCT, this could be pooled with other contributions to provide a new multi-purpose sports pitch facility at a location in or close to the town, possibly in conjunction with existing sports clubs. This stance is supported by the Community Partnership known as "Trowbridge Community Area Future". (Trowbridge Future will have representation at the West Wiltshire Local Strategic Partnership, the body producing the "West Wiltshire Community Strategy" - and provides representation on the Wiltshire Strategic Board). The sum of £140 000 reflects an approximation of costs that were calculated during discussions by the Leisure Manager for the replacement of cricket facilities, maintenance costs and equipment, and is therefore considered a reasonable contribution.

It is recommended that any permission be subject to a S106 Agreement that would secure the £140 000. The agreement should be worded so as to "ring-fence" the funds to be allocated to be used towards the formal provision of sports facilities within Trowbridge.

With regard to the Sport England objection on the grounds that St Augustine's College has used the fields within the last five years and that the matter should be referred to the Secretary of State on that basis, a query was made to the school. The College has advised that it does not use the PCT land as a playing field. The Directive in terms of which referral would be required (Town and Country Planning (Playing Fields) Direction 1998) has in the interim been replaced by the Town and Country Planning (Consultation) (England) Direction 2009, but this latter direction only came into effect on 20 April 2009. At the time of the receipt of the application the previous direction still applied. The old direction states that the Secretary of State should be consulted, inter alia, if Sport England has made representations objecting to an application referring to a deficiency of playing fields in an LPA area and where an educational institution has at any time in the five years before the making of the application made use of the land as a playing field. Whilst not questioning the advice from St Augustine's, Sports England did refer to this aspect in its letter of objection and it is therefore considered appropriate that the matter should be referred to the Secretary of State for consideration.

Highways and accessibility

The then County Highway Authority raised a number of issues on initial consultation, leading to negotiations. The outcome has been agreement by highway officers that permission can be recommended subject to the submission of a Travel Plan. The Plan would include the provision of site-specific proposals to be approved by the Local Planning Authority prior to occupation, the design of the internal layout of the site, the provision of a pedestrian link between the site and Adcroft Street, the relocation of the existing bus stop and other road improvements and an appropriate visibility splay to the main vehicular access. Provided that the condition as recommended is imposed it is considered that the Plan would address the concerns of the Trowbridge Town Council in relation to pedestrian access from the Adcroft Street side. (Access from the Lower Court, or eastern, side would be over land outside of the control of the Authority and not a public right of way or adopted road).

Ecological issues

It is considered that the ecological matters specifically in relation to Great Crested Newts can be dealt with by way of an appropriate condition, in the light of the information provided, as discussed under the ecological consultations section above. The probable presence of newts in the garden centre has been confirmed, but appropriate mitigation strategies have been proposed.

Conclusion

Permission is recommended, subject to referral to the Secretary of State and the securing of the funding towards the provision of alternative sporting facilities.

- Recommendation:**
- i) That the application be referred to the Secretary of State in accordance with Town and Country Planning (playing fields) (England) Direction 1998, and that planning permission be granted at a future date in the event of the Development Control Manager being satisfied that the Secretary of State remits the application to this Council for decision; and**
 - (ii) That the Development Control Manager being satisfied with the completion of a legal agreement to secure a contribution of £140 000 towards the appropriate alternative provision of cricket and associated recreational facilities in the locality as required by Policy R7 of the West Wiltshire District Plan 1st Alteration 2004.**

For the following reason(s):

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

Subject to the following condition(s):

- 1 The development hereby permitted shall be begun 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 to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following matters in respect of which approval is expressly reserved have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 An application for the approval of all 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: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 No development shall commence on site until details and samples of the materials to be used for the external surfaces 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: In the interests of visual amenity and the character and appearance of the area.

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

- 5 No development shall commence on site until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results. The Travel Plan (and eventual approval) will be based on the "Framework Travel Plan" accompanying the application and the Draft Method Statement for Wiltshire Primary Care Trust "Travel Strategy" sent under cover of the Agents' letter dated 10th February 2009.

REASON: In the interests of road safety, reducing car traffic to the development, and ensuring that patients without access to a car are not disadvantaged.

- 6 No development shall commence on site until details have been submitted to and approved in writing by the Local Planning Authority in respect of the following:
- (i) the design of the internal roads, footways, parking arrangements and surface drainage;
 - (ii) the design of a pedestrian link between the proposed development and Adcroft Street, through the existing Trowbridge Community Hospital site;
 - (iii) the provision of a pedestrian refuge island in Seymour Road to the north east of the junction with Melton Road;
 - (iv) the relocation of the existing bus stop located outside of the community hospital frontage in Seymour Road to a more suitable location to serve the development; and
 - (v) visibility splays to the vehicular access to the site in accordance with the indicative plan SK03, or a variation of that plan as may be agreed by the Local Planning Authority.

REASON: In the interests of road safety and suitable pedestrian and public transport access to the site.

- 7 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

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

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

- 8 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

- 9 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

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

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5.1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5.2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.3.

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

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

- 11 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time agreed in writing with the Local Planning Authority., and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

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

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

- 12 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- viii) measures for the protection of the natural environment.
- ix) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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

- 13 No development shall take place until proposals for the landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels. Possible impacts on the protected trees to the east of the site in Lower Court shall be considered as part of this scheme. Upon approval:
- The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
 - All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
 - The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
 - The whole scheme shall be subsequently retained.

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

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

- 14 An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:
- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
 - A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837;
 - A schedule of tree works conforming to BS3998;
 - Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;

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

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

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

- 15 Development shall not commence prior to the submission and approval in writing by the Local Planning Authority of a surface water run-off limitation scheme. The submitted detail shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

POLICY: PPS 25: Development and Flood Risk

- 16 The reserved matters application shall include a mitigation strategy for the protection of Great Crested Newts. This strategy shall include:
- a time frame for the submission of an application for any relevant licences required for development where Great Crested Newts may be affected;
 - a method statement to include proposals for:
 - * the erection of an amphibian exclusion fence around the construction site perimeter;
 - * performing a supervised destructive search during stripping of the soil; and
 - * the incorporation of proposals for Great Crested Newt habitat creation on the site.

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

- 17 Development shall not commence prior to the submission a survey in respect of any trees to be felled to determine their suitability and use by bats for roosting. Proposals for mitigation measures in respect of the loss of trees found to suited to roosting bats shall be submitted to and approved in writing by the Local Planning Authority prior to their felling.

REASON: In the interests of natural species.

- 18 Development shall not commence prior to the submission and approval in writing by the Local Planning Authority of a plan showing measures for the protection of the site from the cricketing activities on the adjacent sports field, to include the provision of protective netting in respect of cricket balls struck in the direction of the site. The approved scheme shall be implemented in accordance with the approved programme and details.

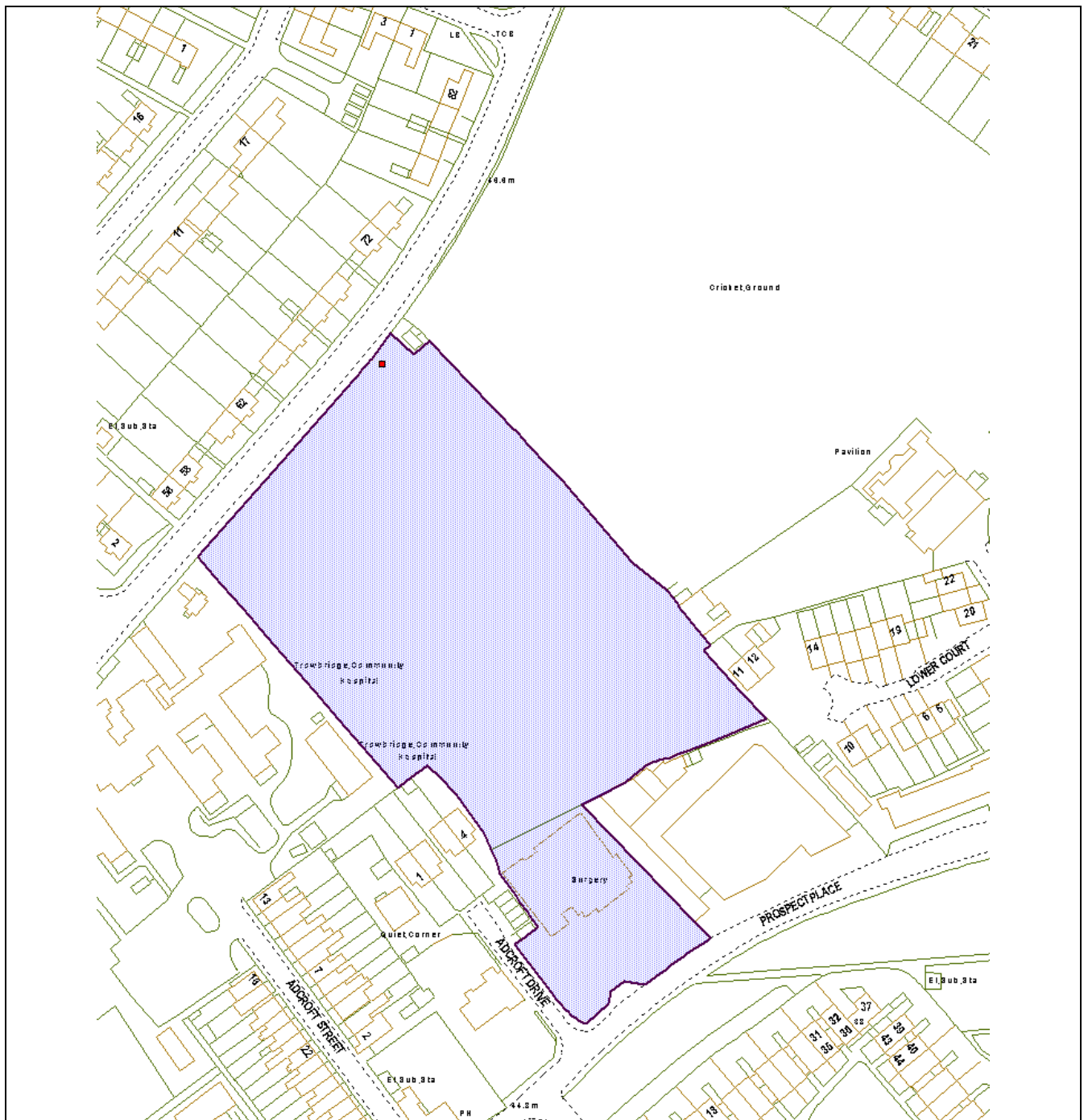
REASON: To prevent future damage to buildings, windows and vehicles on the site.

Informative(s):

- 1 The applicant is advised to contact Wessex Water (01225 526 000) at an early opportunity with regard to connection to and protection of water and sewerage systems.

- 2 The applicant is advised to contact the Development Control team at the Environment Agency (08708506506) with regard to any Flood Defence Consents that may be required for the proposal.

Appendices:	None
Background Documents Used in the Preparation of this Report:	None



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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : A048436DRGP01-E received on 24.09.2008
 Drawing : A048436DRGP02-A received on 24.09.2008
 Drawing : 48436DRGP03-A received on 24.09.2008
 Drawing : 48436DRGP04-A received on 24.09.2008
 Drawing : 48436DRGP05-C received on 24.09.2008
 Drawing : 48436DRGP06-D received on 03.04.2008
 Drawing : SK03 received on 12.02.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 02

Date of Meeting	05.08.2009		
Application Number	W/09/00583/FUL		
Site Address	Land Rear Of 16 High Street Codford Wiltshire		
Proposal	Extension to enlarge dwelling to create a new semi-detached dwelling, new garage block to replace existing and associated works (revised scheme of 07/03111/FUL)		
Applicant	Mr R Cole		
Town/Parish Council	Codford		
Electoral Division	Warminster Copheap And Wylde	Unitary Member:	Christopher Newbury
Grid Ref	397247 139720		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 169 james.taylor@wiltshire.gov.uk	

1. Purpose of Report

This application is now subject to a planning appeal for non-determination within the statutory time period. It is brought to committee so that members may determine what decision they would have made, based on the information available, if the applicant had not lodged an appeal. The decision will now be made by the Planning Inspectorate.

This application was previously brought to Committee on 13 May 2009 because Codford Parish Council raised objections prior to 1 April 2009 and officers were minded to recommend permission. Members deferred a decision "for a full flood risk assessment, to include a sequential approach and exception test, to be undertaken."

The applicant has declined to submit a flood risk assessment with a sequential approach and exception test. Members will now have to consider what decision they would have made had they been in apposition to do so.

The material circumstances surrounding this development remain the same as previously detailed to members at the committee on 13 May 2009.

Your officers' opinion is unchanged and remains, on balance, that approval can be granted in light of the extant planning permission for similar development on site and the enhanced design now being proposed.

2. Summary of Main Issues

The main issues to consider are:

- * Extant planning history.
- * Design impact on the host building and the street scene
- * Neighbouring amenity
- * Flooding

- * Highway safety
- * Impact on the special landscape character of the nationally important Area of Outstanding Natural Beauty.
- * Comments received in the consultation process

3. Site Description

The application site is within the rural village of Codford on the High Street on a relatively flat piece of land within the built fabric of the village and the designated village policy limits.

The site is currently occupied by a modest elongated period property that fronts onto the main road through the village. It is two-storeys in height and to the rear it has a modest lean-to rear extension running its length. To the rear are extensive gardens with two detached outbuildings. The rear boundary of the site is marked by a stream.

The wider area has been designated as a landscape of national importance; an Area of Outstanding Natural Beauty. Further the application site is in a recognized flood zone 3 based on the current flood maps provided by the Environment Agency.

The site has extant planning approval from 2008 for extension and subdivision to form an additional dwelling and the erection of detached garage block to the rear.

4. Planning History

04/01518/FUL - Erection of three dwellings on land to the rear of 16 High Street - Withdrawn

05/00289/FUL - Erection of three dwellings on land to the rear of 16 High Street – Refusal on 25.08.2005 (Appeal dismissed 05.05.2006)

07/00073/FUL - Extension and alterations – Permission on 06.03.2007

07/03111/FUL - Extension to enlarge dwelling to create a new semi detached dwelling, new garage block to replace existing and associated works – Permission on 08.02.2008

5. The Proposal

This is a full planning application for a revised scheme to planning approval 07/03111/FUL in order to provide for an alternative design. In principle the proposals remain alterations and extensions to the rear of a residential property in order to facilitate its subdivision into 2 houses. Further it is still proposed to erect a detached pair of garages in the rear garden area and subdivide this garden to facilitate separate private rear amenity space.

Access to the garages would be shared by the two properties as approved in 2008, utilising an existing but modified vehicular access.

In order to facilitate the extensions the existing single storey extension would be demolished; other outbuildings are also proposed for demolition or part demolition.

The revised design to the rear extensions would have a range of heights, staggered building lines and features such as dormer windows and lantern finial. The proposal would utilise a range of materials including clay tiles to the roof, brick plinths and timber boarding. The previously approved scheme was all 2-storey in height with uniform building lines and concrete tiles over rendered walls.

In support of the application a simple Flood Risk Assessment has been submitted that was prepared by Asha Environmental Limited, dated February 2009. Also a design and access statement has been submitted.

Following consultation responses the applicant has written a letter to address the comments of Codford Parish Council and the agent has written a letter to address the comments of the Environment Agency.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)
C2 Area of Outstanding Natural Beauty
C31a Design
C38 Nuisance
H17 Village Policy Limits
H24 New Housing Design

Supplementary Planning Guidance on house alterations and extensions
Supplementary Planning Document: Residential Design Guide

National guidance
PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport
PPS25: Development and Flood Risk

7. Consultations

Codford Parish Council

Objects: The Council's primary concerns relate to the new proposal for the garage.

The existing timber barn will be incorporated in the proposed new development. The Council is concerned with the proposal to demolish this and utilise it as part of the residential development as the garden of No.16 is listed on the Environment Agency map in the highest risk category Flood Zone 3. Planning permission was previously refused for three dwellings and failed at Appeal after the Agency accepted that the area was liable to flood. The present sewerage disposal works perfectly well most of the time but during periods of flooding or when the springs rise it has flooded. The further detached building was used as living accommodation during WWII, as were many other buildings used as temporary accommodation during this period. It has not been inhabited for decades, possibly not since the end of the war and certainly there has been no residential use in at least 30 years. All the evidence has been it was used rather for storage in the manner of a garden shed. Therefore it cannot be claimed as ancillary to the main building in the residential sense.

The footprint of the proposed structure would seem to be unnecessarily large garage space for the proposed usage. The purpose of the building is a garage to provide parking for a pair of semi-detached properties. One of the past concerns regarding development in the garden of 16 High Street was the possibility of secondary flooding to neighbouring properties in the event that large amounts of hard standing were laid.

The Council disputes the claim that the tin shed was used as ancillary accommodation for decades. Therefore when it is demolished there is no reason to replace residential space elsewhere. There is an undisputed need for garage but the Council believes if approved, in this form, its use will become partially residential. There is no need for a one and half storey structure to be built for a garage with storage space – a single storey will suffice. The proposed solution to build extra accommodation for the main property over the garage in place of ancillary residential usage that does not exist is not justified. The existing outbuilding due to be demolished can easily be replaced as storage space by garden shed.

The Environment Agency has yet to comment on the amended scheme. They may not have commented on the earlier plans to turn No.16 into two properties because the house already exists. Their position to this proposal will depend on whether they see the planned extension on the site of the timber barn at risk from flooding, given that the garden is now mapped as Flood Zone 3. There is additional risk of flooding that threatens the property when the springs rise.

Conclusion: Having commented on the planned extension onto a flood plain for consideration by the Planning Officer, in consultation with the Environment Agency, the Parish Council would not object to the proposed residential application. The Council does object to the proposed plan for the garage in this form, but would be prepared to withdraw its objection and support an application that included a single storey garage without a studio.

Highway Authority

No comments received on this application, but raised no objection to the previous application reference 07/03111/FUL.

Wessex Water

No objection.

Environment Agency

Objects: The applicant has submitted a simple FRA, more appropriate to 'Householder and other minor extensions in Flood Zones 2 and 3'. However, the proposed development is the extension of an existing dwelling to form a new semi-detached dwelling. Therefore a far more detailed FRA should be prepared and submitted to the Local Planning Authority (LPA) in support of this new full planning application. We understand that the 'principle' of the proposed development has already been accepted by the LPA, because a previous similar scheme (07/03111/FUL) was granted permission in 2008. But, at that time our published Flood Map showed the site to lie within Flood Zone 1; now the updated Flood Map shows that the site lies wholly within Flood Zone 3, as confirmed in the FRA.

The FRA submitted in support of this new full application should be prepared in accordance with guidance contained within Annex E of PPS25, the recently published Practice Guide to PPS25, and, more specifically FRA guidance note 3 available at:

www.environment-agency.gov.uk/static/documents/Research/FRAGuidanceNote3.pdf

We can offer the following comments on the content of the submitted FRA (Asha Environmental, Ref: J09.009, February 2009) and the drawings submitted to the LPA in support of the application. They are not intended to be exhaustive, and we may wish to make additional comments upon receipt of a more detailed FRA.

The site layout plan (Drawing No: 2226:01, December 2008) shows general raising of ground levels within the floodplain (Section A-A, existing and proposed land levels). This element of the scheme is unacceptable because it would result in a loss of floodplain storage capacity and may affect flood flow conveyance, both of which increases the risk of flooding elsewhere. General site ground levels should remain as existing.

All references to 'Householder and other minor extensions in Flood Zones 2 and 3' in the FRA should be removed, because the proposed development is considered 'operational development less than 1 hectare' in Flood Zone 3. For guidance refer to our flood risk standing advice at:

www.environment-agency.gov.uk/static/documents/Research/New_FRSA_system_26_01_092.pdf

More detail is needed in section 2 of the FRA. There are other possible sources of flooding, such as groundwater, which should be investigated. And, more detail is needed to determine a predicted design flood level and corresponding flood depths across the site. Also, no mention of the possible future impact of climate change is made. An appropriate contingency allowance should be included within the design flood level. The assumption that a flood event will always be short lived is considered inappropriate. Flood events last considerably longer than a few hours in areas where high groundwater levels combine with high fluvial flows, such as the River Wylfe Valley.

Section 3 of the FRA outlines the proposed flood mitigation measures; however no details of these measures are included. For example, details of existing and proposed finished floor levels and threshold levels, alongside the design flood level is needed. A concern is that no attempt is being made to explore the possibility of raising existing floor levels, ideally above the predicted design flood level. Whilst it may prove impractical to raise floor levels fully above the design flood level, any raising of floor levels to help prevent water entry during a flood event is recommended. Every effort should be made to prevent flood water entering residential units, and raising floor levels is one of the most effective flood mitigation techniques available.

Only a very brief explanation of the proposed management of surface water is included. It is unclear whether existing soakaways will be utilised, or if the strategy for the management of surface water will abandon these and incorporate a new surface water outfall to Chitterne Brook. What measures are proposed to ensure that there is no increase in surface water runoff from the site? The FRA should include full details of existing and proposed surface water drainage arrangements.

For further advice on flood defence matters, please contact Development Control Engineer, on 01258 483368.

We would remind the LPA and the applicant that PPS 25 requires the Sequential Test to be demonstrated for proposals other than those that meet the description in footnote 7 of the PPS and Change of Use. Where the proposal is for 'Non-Major' development (such as this) we will not object on the lack of evidence of the Sequential Test. However it is still a requirement of PPS25 and the LPA must be satisfied that the Sequential Test has been demonstrated and the Exception Test applied.

8. Publicity

The application was advertised by neighbour notification.

Expiry date: 24 March 2009

Summary of points raised:

No comments received.

9. Planning Considerations

The main thrust of this application relates to making a more sympathetic proposal in terms of the aesthetics, design and range of ancillary accommodation provided in the built form. The principle of further development on the site has been established under recent planning applications when substantial extensions were allowed in 2007 and a revised scheme to include subdivision and garaging as well was approved in 2008.

The previous proposals on this site from 2007 and 2008 were far from ideal in terms of design, paying little regard to the context of the area in preference for a rather formulaic approach in order to satisfy general design principles set out in the Council's adopted guidance on house alterations and extensions. At that time the best information from the Environment Agency had the application site being at a low risk of flood i.e. flood zone 1.

This proposal is quite radically different in that it would result in a final design that would enhance the existing building which is falling into a very poor state of repair. Following negotiation some minor changes to the design have been adopted to ensure that the development remains sympathetic to the host building, and this without curbing the architectural enhancements; in short the proposals enhance and respect the host building and the character of the area.

The proposal creates a rear elevation to the host building that has a varied and interesting appearance with single storey and two storey elements, varying projections, incorporation of dormer windows and the use of roof lantern finial. Further the proposal makes use of a range of materials that are sympathetic to the rural character as well as reflecting the adjacent properties, including clay tiles to the roof, brick plinths and timber cladding.

The proposal makes use of the established footprint with a replacement of the elongated storage barn for a permanent structure with habitable accommodation. This would not be visible from the street scene and would have a design and form which would respect and enhance the host building by adding interest and variety. In short the proposals represent a significant enhancement compared to previous schemes at the site.

The complicating factor in regards to this element of the project is that the Environment Agency data now indicates that the site is in flood zone 3 i.e. the highest flood risk. Because the proposal is ultimately for the creation of a new dwelling the Environment Agency standard requirements are for a detailed flood risk assessment and this has not been provided, rather only a simple flood risk assessment has been made, consistent with the previous application. Some of the EA concerns have been addressed by the revised plans, i.e. there will be no raising of ground levels in the project. Not all of their concerns can be addressed though without a more comprehensive flood risk assessment.

On balance, and giving weight to the planning history on the site and the significant enhancements in design being proposed then it is not considered that the proposals represent demonstrable harm. Approval 07/03111/FUL could be implemented today and this proposal in principle is little different in terms of flood implications. There are some minor changes to footprint; however on balance these revised designs are not likely to cause significant harm over and above the approved development in terms of flood risk. Taking a pragmatic approach then despite the objection of the Environment Agency it is considered that planning permission can be granted. In reaching this conclusion consideration has been given to the simple flood risk assessment that has been submitted which highlights that a precautionary approach has been taken.

The rear garage building has been fundamentally altered in design terms compared to that previous approved. Whilst this has resulted in a higher ridge line, again the revised proposal has a far superior design compared to the suburban garage block previously approved. The building would be timber clad with a brick plinth and utilise half hipped roof form. The result would be a building of a rural barn character. Concern and scepticism appears to remain with Codford Parish Council to some extent regarding the future use of this building, especially with the first floor space being proposed. However each case must be taken on its merits and this is an application for ancillary accommodation and garage. This can be reasonably controlled by condition in order to define the terms of this permission and for the sake of clarity and prudence.

The flood matters in regards to the garage are the same as the main dwelling; on balance and with a pragmatic approach in light of the extant planning history then the proposals can be recommended for approval.

The concerns of Codford Parish Council are generally focussed on the garage element of the proposals, and that they would like to see single storey garage buildings, stating that these would be sufficient. It is not the role of planning to consider what is sufficient or what the applicant needs/wants or thinks they need/want. Rather it is the role of planning to consider an application on its merits against the relevant development plan policies then any other material considerations. The proposed garage building with first floor studio space would not result in any demonstrable harm over and above the extant approval for very similar development, as such planning permission is recommended.

In summary the proposal would result in quite substantial development of the site and would change the character of this modest cottage dwelling. However it is not considered that the manner in which it is being proposed would cause any harm, indeed it would enhance the building and provide for a further dwelling. It would be an exciting and valuable addition to the street scene, certainly in light of the extant alternative proposals.

The application site is within an area now acknowledged as being flood zone 3 on the Environment Agency maps, a 1:100 year flood event. The application has been submitted with a simple flood risk assessment (FRA) which details the efforts that have been made to mitigate the impact of this flood risk. More significantly it is noted that permission is extant on the site for a very similar form of development and this proposal is not significantly different in terms of flooding issues.

The submitted FRA acknowledges the flood risk and proposes a precautionary approach with the new development and measures to be incorporated in the scheme to mitigate against the risk from flooding. Whilst it is acknowledged that a further dwelling is being created, it is noted that this is being formed by extension and alteration; and that the garage building, closer to the source of flooding i.e. Chittern Brook is not intended to be habitable accommodation at ground floor and remains only ancillary to the existing dwelling. Given this and the planning history then no significant concern exists on this point.

The impact of the proposals in terms of neighbouring amenity has been given careful consideration. In terms of the extensions to the host building, 16 High Street the development would not result in any harm to neighbouring amenity. The garage building, although enlarged, would not cause any significant harm to neighbouring amenity. It is sited in the same position as previously adjacent to neighbouring outbuildings. It has a higher ridge and slightly greater bulk; however this is mitigated to some extent with the half hipped roof form and the distance from the neighbouring properties. The proposal would result in no overlooking and would not cause any demonstrable harm from loss of light to neighbouring properties.

The proposals for the reasons detailed above are acceptable in design terms. Given this and the siting of development within the established built form and development boundaries of the village it means that no significant landscape concerns exist. The proposals would cause no harm to the special landscape character of the AONB.

The proposal includes largely the same access and intensity of development as approved previously and as such poses no highway safety concerns. The proposal makes some minor alterations to the access approved previously including increasing the width and this is seen to be a positive alteration.

Conclusion

In summary the proposals, after negotiation, in design terms are considered to be a significant improvement over the extant permission. Overall the scheme has significant design merits which reflect the established built form and the rural locality and would enhance the host building over both the existing and the approved scheme.

Any concerns regarding the scheme are outweighed by the improved design credentials of this project and the creation of additional dwellings on brownfield land within the established development boundaries of Codford. The issue of flooding is fully acknowledged, but this has to be considered in light of the extant permission and it is concluded that the proposal is unlikely to result in any significant additional harm in regards to flooding compared to the extant approval.

Codford Parish Council's concerns regarding the garage building especially can be adequately controlled by the appropriate use of conditions.

Recommendation: **The Planning Inspectorate be informed that had the Council been in a position to make a decision on the application, it would have granted permission for the following reasons.**

For the following reason(s):

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

Subject to the following condition(s):

- 1 The 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 dwelling hereby approved shall not be occupied until the access, parking (including garaging) and turning space shown on the submitted plan has been provided and properly consolidated and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. The turning space shall be kept clear of obstructions at all times.

REASON: in the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy H17.

- 4 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway in accordance with details submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy H17.

- 5 Prior to the first occupation of the development hereby approved the footway widening works shall be completed in accordance with the approved details submitted on drawing reference 2226:01 or otherwise in accordance with further details submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy H17.

- 6 This permission shall be alternative to planning permission 07/00073/FUL given on 6 March 2007 and/or planning permission 07/03111/FUL given on 8 February 2008 and shall not be exercised in addition thereto or in combination therewith.

REASON: To ensure that two alternative permissions are not both implemented.

- 7 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, the garage building shall at all times remain available for the garaging of cars and be ancillary to the enjoyment of the main dwelling houses only. The garage building shall not be sold or let separately to the main dwellings.

REASON: To ensure that the adequate provision is made for parking, that inappropriate development within an area at risk of flooding does not occur and in order to define the terms of this permission.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C38 and H17; and Planning Policy Statement 25: Development and Flood Risk.

- 8 Prior to the first occupation of the development hereby approved the demolition works detailed on plan reference 2226:01 shall be carried out and the resulting building waste shall be removed from the site; unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to define the terms of this permission and ensure that the character of the area is preserved.

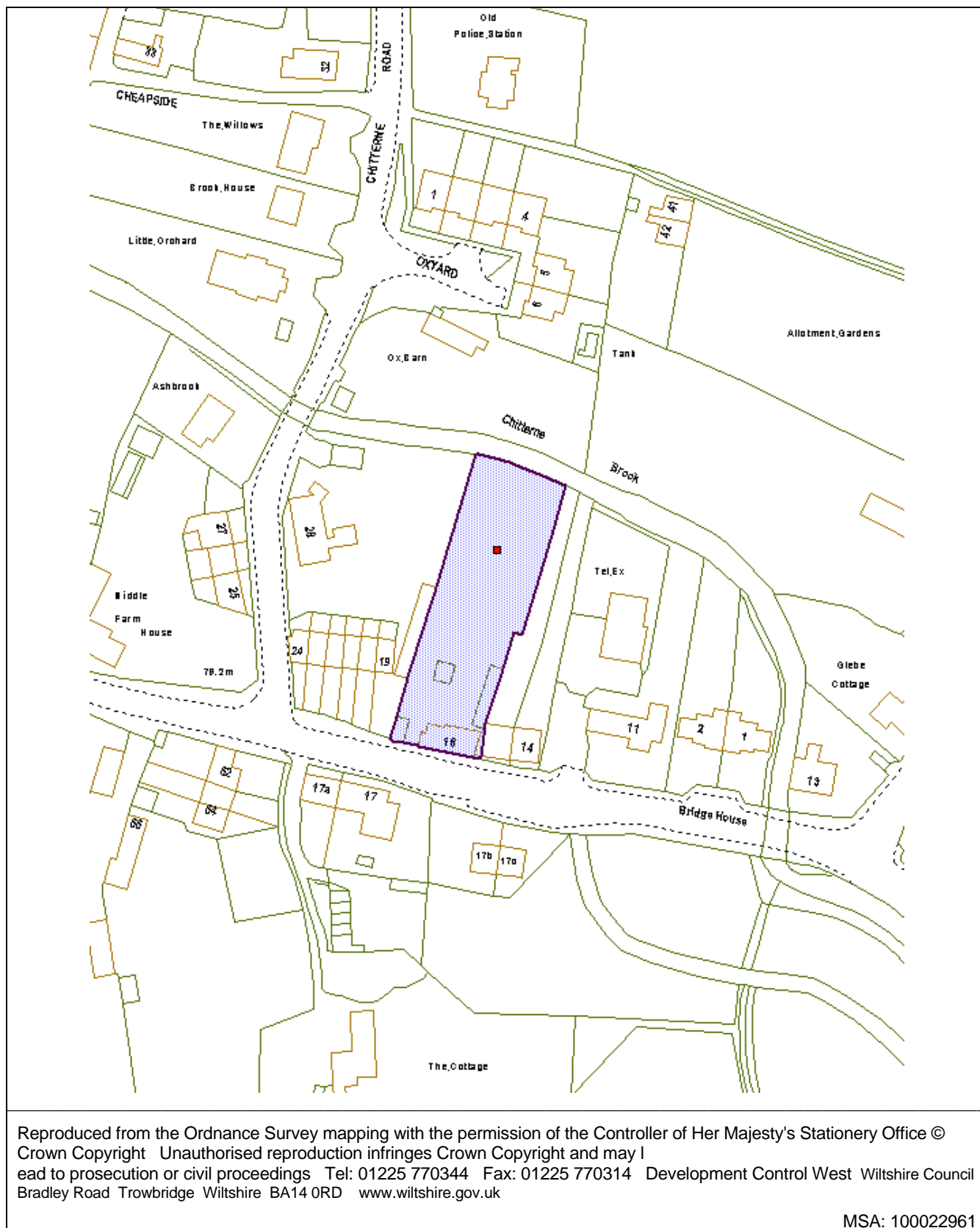
POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy H17.

- 9 There shall be no land raising carried out as part of the implementation of the plans hereby approved.

REASON: In order to avoid the reduction of the flood plain's storage capacity, in the interest of maintaining the character of the area, to avoiding impacting on the neighbouring amenity and in order to define the terms of this permission.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies H17 and C38; and Planning Policy Statement 25: Development and Flood Risk.

Appendices:	None
Background Documents Used in the Preparation of this Report:	Policies and planning history as stated in the report.



RELEVANT APPLICATION PLANS

Drawing : 2226:02 received on 24.02.2009
Drawing : 2226:01A received on 22.04.2009
Drawing : 2226:03A received on 22.04.2009
Drawing : 2226:04A received on 22.04.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 03

Date of Meeting	05.08.2009		
Application Number	08/03266/FUL		
Site Address	Dents Accessory Ltd 12 Fairfield Road Warminster Wiltshire BA12 9DA		
Proposal	Redevelopment of existing site to provide new supermarket store, cafe and non food retail units, access and parking		
Applicant	Henry Boot Developments Ltd		
Town/Parish Council	Warminster		
Electoral Division	Warminster East	Unitary Member:	Andrew Davis
Grid Ref	387774 145054		
Type of application	Full Plan		
Case Officer	Mrs Rosie MacGregor	01225 770344 Ext 597 rosie.macgregor@wiltshire.gov.uk	

Reason for the application being considered by Committee

This application is brought to Committee because the application has been called in by Cllr March (former WWDC Councillor) for Committee determination prior to 1 April 2009.

1. Purpose of Report

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

2. Summary of Main Issues

Impact on existing retail facilities
Impact on adjoining neighbours
Town Centre Regeneration
Employment
Urban Design and setting of Conservation Area
Highways, access and parking
Trees

3. Site Description

The site itself is located on the edge of the town centre, within the commercial area and on the edge of but outside the Conservation Area.

The application site extends to around 0.86ha and is situated on Fairfield Road adjacent to Buttons Yard which is less than 5 minutes walk from the town centre. The site is currently occupied by Dents Factory, Warminster Press and Spencer Lane-Jones Ltd.

The surrounding area is predominately a mix of retail, business and residential uses. Castlemore Retail Park is located to north of the site on the opposite side of Fairfield Road and the properties to the south are mainly residential in character and sited within the Conservation Area.

The site which is in a sustainable location is located close to Warminster Railway station which is within a short walking distance approximately 5 minutes walk away. There is dual vehicular access to the site off Station Road and Fairfield Road.

4. Planning History

4.1 None on this site.

4.2 However, planning applications on three nearby sites are relevant.

4.3 The first of these was an application by Dents for a new factory at Furnax Lane on the edge of the town.

W09/00758/REM – Erection of industrial building with associated access and parking – Approved 01.06.09.

4.4 The second is a recent application for an extension to an existing Morrisons Supermarket to the rear of the south side of the High Street in Warminster was refused by the council on grounds of loss of parking provision.

08/01046/FUL – Extension to supermarket – Refused 12.03.2009

No appeal to the Planning Inspectorate has been made against this decision.

4.5 The third is an application for another food retail store together with a new library, a tourist information centre and the redevelopment of part of the central car park.

W09/01471/FUL – Redevelopment of existing car park to rear of 3 Horseshoes Mall for a new Class A1 Foodstore (3980 sq m) and a new Class D1 Library/museum/tourist information building (1200 sq m) and associated works – Pending.

4.6 Alternative current retail scheme as identified at 4.5 above.

This application proposes a new retail store on an existing car park area and demolition and replacement of the existing library. It is considered to be a sequentially preferable location for a new superstore as it is more closely related to the town centre and to the primary retail frontages.

Following discussions with the agents the Council is currently awaiting revised plans before coming to a decision on this alternative proposal. Although this is a sequentially preferable site the proposals will need to be tested against other policies and material considerations prior to any recommendation being made.

5. The Proposal

The proposal is for the redevelopment of existing functional but 'outdated' industrial premises to create three A1 retail units and one A3 café/ restaurant unit.

The dominant element of this scheme would be the development of a new supermarket of approximately 2,348 square metres in gross floor area of which part would be at first floor level. There would be approximately 1,147 square metres of net sales area.

In addition there would be two further smaller retail comparison goods units, having a total gross area of some 367 square metres equating to an anticipated 257 square metres net sales floorspace. These two units are likely to be 176 square metres and 192 square metres respectively.

The A3 restaurant unit would be of an estimated 180 square metres. Thus overall the development would have a gross development footprint of 2,892 square metres.

The development would be built from a mix of natural stone, render, vertical timber cladding, glass and metal sheet roofing.

Access to the development is proposed via Fairfield Road from Station Road. The development would include parking provision for a total of 119 vehicles with separate service access for the foodstore. Separate pedestrian access would be provided and is described in detail in a Transport Assessment submitted in conjunction with this application. Details of the design and layout together with landscaping are similarly described within the Design and Access Statement.

The applicants originally identified Waitrose as the likely occupants of the proposed supermarket. However, Waitrose subsequently wrote to the Council to advise it had no legal interest in the site at that time. The Council, in the light of this information amended the description of the application since registration to omit the inclusion of 'Waitrose'. The applicant's agent was made aware of this change and raised no objection.

Notwithstanding the above information the development will be considered on its own merits as the name of any potential future occupant or occupants is not a material planning consideration.

The applicant's agent also seeks to demonstrate that the major employment operator currently occupying the application site, Dents, is seeking to be relocated within the locality, specifically on the fringes of Warminster Town within a new site at Furnax Lane. The applicant has submitted a separate planning application under reference number W09/00758/REM for the relocated factory and factory outlet shop. This application has recently been approved by the council. The applicant seeks to show that the owners of Dents intend to relocate their employment operations to this improved location within local area.

The applicant's agent has submitted, during the course of the application, revised plans which seek to amend the general design, form and mass of the proposed store. The key changes being to the general design of the proposed building.

These amended plans have been subject to public and third party consultation.

The application is supported by a Design and Access Statement, a Transport Assessment, A Travel Plan, a Retail Planning Statement, A Geo-Technical Report, a Bat and Bird Survey, an Arboricultural/Landscaping Assessment, an Archaeological Assessment, and External Lighting Statement.

Following the submission of an application for a superstore on an alternative site in Warminster the applicant's agent has submitted an assessment of both applications including a transport assessment of the other scheme and an addendum to the original Retail Planning Statement which concludes that in their opinion the proposals for the Central Car Park site cannot be considered a sequentially preferred location.

6. Planning Policy

Wiltshire and Swindon Structure Plan 2016

DP1 - Sustainable Development

DP3 - Development Strategy

DP4 - Housing and Employment Proposals

DP5 - Town Centres, District Centres and Employment Areas

DP6 - Hierarchy of Shopping Centres

T3 - Public Passenger Transport

T5 - Cycling and Walking

T16 - Demand Management Measures

HE7 - Conservation Areas and Listed Building

West Wiltshire District Plan First Alteration June 2004

E5 - Loss of Employment Floorspace

SP1 - Town Centre Shopping

C15 – Archaeological Assessment

C17 - Conservation Areas

C31a - Design

C32 - Landscaping

C34a – Resources Consumption & Reduction

C35 – Light Pollution

C36- Noise

C38 – Nuisance

C40 – Tree Planting

TC2 – Traffic Management and Pedestrian Priority

T10 – Car Parking

T11 – Cycleways

T12 – Footpaths and Bridleways

PPS1 – Delivering Sustainable Development

PPS6 – Planning for Town Centres

PPG13- Transport

7. Consultations

WARMINSTER TOWN COUNCIL – On commenting originally stated it was unanimously in favour.

On commenting on the most recent plans 'there were concerns raised about the access to Station Road so a traffic plan is very important which the members were assured would be looked at. The members were in agreement that they would like to be kept informed of developments relating to this.

The Town Council was in favour of the proposals'.

HIGHWAYS – On commenting originally raised objections to the proposed development. The proposed position of the food store is not in keeping with policies to promote sustainable transport. With the building being situated away from the highway it means vulnerable road users, especially pedestrians and cyclists will have greater distance to travel in order to access the store. The overall site layout and connectivity should not prejudice sustainable transport goals. A revised store location and access would be required in order to satisfy sustainability objectives.

On commenting on revised plans it was stated that it would recommend refusal of the application due to the proposed orientation of the store on site. Contemporary guidance advises against proposals that place foodstores at the rear of sites, especially those that put car parks at the front thereby introducing a barrier for all but car users. Pedestrians, cyclists and public transport users are therefore particularly disadvantaged. The store does not use the frontage available along Fairfield Road, it is located at the rear of the site and therefore does not meet the guidance. This issue has been raised with the applicant but they do not wish to modify the proposals.

However, if the Council is minded to approve the application conditions are recommended.

The developer should be required to enter a legal agreement which must include:

- 1) Installation of a puffin crossing as shown on drawing number 3969/PL(90)03 Rev A at the developers expense
- 2) A contribution of £6,000 to cover Traffic Regulation Order costs relating to the puffin crossing, 'no waiting restrictions on Buttons Yard and to modify taxi ranks
- 3) A contribution of £500 per year for 6 years towards monitoring the Travel Plan payable by a £3,000 lump sum)

There are several minor issues remaining that we will need to see resolved before approving the final detailed plans:

- 1) The public cycle parking is very close to the emergency exit for the foodstore, bikes parked here could hinder people exiting in an emergency. This should be moved towards the entrance to unit 2.
- 2) The staff cycle parking is in too confined an area to work properly, it would also hinder access to the gate near the back of unit 2. There should be a clear 3m between the stands and the wall of the warehouse.
- 3) A dropped kerb and appropriate lining where the footpath/cyclepath from the car park meets Fairfield Road will be needed.

Informative: An area forming part of the application site is public highway. Whilst there would be no objection to stopping-up that area it does contain highway drainage which will have to be accommodated in the detailed design. Stopping up should be pursued through the Planning Act rather than through the Highways Act and Magistrates Court.

PLANNING POLICY OFFICER – The most recent comments from Wiltshire Council Policy are as follows

Relevant Policy and Guidance: PPS6, draft RSS Development Policy B & ES2 & 3, Wiltshire and Swindon Structure Plan Policy DP3 & DP4 and Local Plan Policy E5 & SP1

Background: The application is for a 1,147 sq metres net sales area (2,348 sq metres gross) A1 convenience retail store and two other A1 convenience stores ranging between 176 and 192 sq metres and a single A3 café/restaurant unit estimated to be 180 sq metres.

The site is boarded by Fairfield Road to the north and Buttons Yard (lane) to the east, residential and B8 office use to the south and, although there is access from station road via a narrow lane, the majority of the west is boarded by further employment light industrial/office use. The site is well integrated into the urban fabric of Warminster and is described as edge-of-centre, being slightly removed from the retail frontage, which is defined as the town centre for Warminster in the West Wiltshire District Plan (2004).

Key Issues: The two key issues for this application are an assessment of whether the loss of employment land is acceptable, and an assessment of the site's suitability for retail development.

Policy DP3 of Wiltshire and Swindon Structure Plan (2006) looks to local service centres, such as Warminster, to meet local needs and to make services available to the wider rural areas. This role is supported by the draft Regional Spatial Strategy in Development Policy B where it looks to market towns to increase their self-containment and enhance their roles as service centres through the provision of retail development. Warminster is likely to be designated as a Development Policy B settlement in the Wiltshire Core Strategy. The type of development proposed is appropriate for Warminster as a local service centre/market town.

In assessment of the loss of employment land, policy E5 of the West Wiltshire District Plan sets out three clear policy criteria which must be satisfied before a proposal to lose employment land becomes acceptable in policy terms. The first concerns the availability of employment land, which is also addressed at a strategic level where Policy DP4 of the Structure Plan and Policy ES2 of the draft RSS expect local planning policy to deliver employment land through frequent assessment of employment sites to ensure that an adequate range and choice of employment sites remains. Currently there are enough allocated employment land and outstanding approvals to fulfil Structure Plan targets in Warminster.

The second criterion in Policy E5 of the District Plan looks for proposals to be compatible with neighbouring land uses. The land around the proposed site does not look to have any uses that would cause particular issues with the proposed development. The final District Plan Policy criterion expects a development to improve traffic and/or environmental problems at the site. While the new store should provide an uplift in terms of environmental improvements, particularly with the retention of a number of trees on the northern edge, traffic issues are likely to be exacerbated purely by the increase in journeys the new store will create. However, Wiltshire Council Highways Department raised no objections to the proposal.

The West Wiltshire District Plan Policy E5 is particularly concerned with the loss of well positioned employment sites to retail development. However, Policy ES3 of draft RSS considers that sites that no longer meet business needs should first be considered for non-B use class employment uses, then mixed-use development including residential and finally for residential only.

Overall, the loss of employment land can be compensated for by the remaining allocated and committed employment sites in Warminster, and with the subsequent application for the relocation of Dents factory in Warminster and the lost employment is mitigated by both the proposed uses on the site and retention of the existing employment in Warminster.

The suitability of the site to accommodate retail uses should be assessed using PPS6 which describes five tests - need, scale, application of the sequential test, assessment of the impact on existing centres and finally that the location must be accessible.

The assessment of need includes both a quantitative and qualitative test. The Retail Statement by Baker Associates, submitted with the planning application, concludes that there is both a quantitative and qualitative need for a Waitrose retail store. Given the closure of the Somerfield store and recent refusal of an extension at Morrison's there would seem to be more need for additional convenience floorspace in Warminster than identified in West Wiltshire Retail Needs Survey (2007).

In terms of qualitative assessment, a new higher end convenience retailer such as Waitrose could bring additional choice to Warminster. The Council has though received communication from Waitrose, the proposed occupants with the original application, who denied any involvement in the scheme. However, a retailer of a similar nature would still bring further choice and qualitative lift to the retail offer of Warminster. The need for a further 1,147 sq metres net of convenience retail floorspace is accepted as long as it comes in the form of a nationally recognised retailer.

As identified earlier Warminster plays the role of a market town providing a service centre to a rural community. The scale of the development is appropriate in terms of the role and function of Warminster and the rural 'catchment' it serves.

The sequential test is a key part of this application, as despite comments in the Retail Statement that accompanies the application ruling out the central car parking site over loss of car parking, the central car park is clearly an alternative possible development site that needs to be fully assessed in order for there to be decision in line with policy set out in PPS6. In considering the sequential test it is clear that more weight should be given to PPS6 definitions, rather than the Local Plan which was adopted before PPS6. The Local Plan defines the primary shopping centre of Warminster as the primary shopping frontage. PPS6 looks to local authorities to promote growth and manage change (paragraph 2.3), this includes where necessary the extension of the centre.

Accordingly, it is reasonable to argue that the central car park site is a preferable site, although as a site it would also be classified as edge of centre, it would enable retail development in Warminster to better meet the requirements of PPS6 by extending the primary shopping centre. Given the commercial activity in the Three Horseshoes Mall and the presence of another convenience retail store (Iceland) at the car park, a well positioned development would actually provide an extension to the primary shopping centre. Even if the site is not classed as an extension to the primary shopping centre, it would be well connected to the centre. PPS6 states explicitly (paragraph 2.44) that preference should be given to edge of centre sites that are well-connected to the centre. Clearly a well positioned development at the central car park could give direct pedestrian access from the Three Horseshoes Mall, part of the primary retail frontage. The site also benefits from other town centre uses that may be redeveloped or upgraded as part of the application, again in line with PPS6 allowing the authority to actively manage the growth of town centres.

The Retail Statement provides detailed analysis of the potential impact of the store on other large convenience stores in the surrounding area. It is fairly conclusive that there will be no significant impacts on the viability of other stores. The Retail Statement also makes it clear that the claw back from other centres, such as Frome, Trowbridge and Salisbury, will benefit the retail offer of Warminster. However, the statement fails to assess the impact of the location of the proposed store and linked trips, a policy concern of PPS6. The position of the new store means it relates to the trading estate on Fairfield Road as well as it does the primary retail frontage, so the proposed store may not encourage linked trips into the town centre.

Finally the site is well located in terms of accessibility, with both the road network and the train station nearby.

Conclusions: The loss of employment land, despite this being a well located town centre site, is not a concern due to an over supply of available land at Warminster. The suitability of the site for retail has been assessed against the criteria set out in PPS6. While there is a need for a development of this scale at an accessible location, it seems that this site fails the sequential test. There are also some concerns connected to the sequential test on impact and linked trips. The central car park site seems to offer a better connected site that could actually extend the primary shopping area of Warminster. It is clear that this site is available and provides a better option for linked centrally located town centre development.

Policy Recommendation: Object to the application as it does not meet the requirements of the sequential test.

COUNTY ARCHAEOLOGIST No objection subject to a condition to secure the implementation of a programme of archaeological work prior to the commencement of any development of preliminary ground works of any kind.

TREE OFFICER – There are a number of trees located along the frontage of this site shown as being retained, these trees must be protected during the construction of the site if consent is to be granted. There are no objections to the application in tree or landscape terms subject to conditions.

ENVIRONMENTAL HEALTH OFFICER – No objection subject to conditions

The application site is on the edge of the town centre and is surrounded to the north by typical out of town retail style or industrial buildings and to the south by residential development.

URBAN DESIGN AND CONSERVATION ASSISTANT – ‘Located on the edge of the town centre this is where the residential suburbs begin and whilst there are a number of the existing large scale retail and industrial buildings they appear somewhat alien.

Although in close proximity to the railway station this part of Warminster is somewhat detached from the retail centre and is characterized by residential and secondary or out of town uses.

Proposed Layout

The proposal involves a large area of open car parking which will dominate views of Station Road and Fairfield Avenue.

The proposed buildings are in the furthest corner of the site from both Station Road and Fairfield Avenue and occupy a relatively small part of the site compared with the open plan car park.

Considering the proximity to a number of large parking areas the need for this parking which essentially sterilizes most of the site is questionable.

It is acknowledged that on the opposite side of Fairfield Road are large open car parks, but this makes it all the more important to create something on this site which has an active frontage and positively contribute to the character of the area, rather than exacerbating a poor situation.

Detailed Design

This is a large single storey scheme, where it is considered a number of smaller units which address the main roads would be more appropriate. However, architecturally the building is interesting and represents a move away from the standard warehouse style of large scale retail units, which is strongly supported. It is felt that in places there are too many change in material and some of the details would benefit from being simplified. It is felt that this can easily be addressed should the principle issues be overcome.

Recommendation:

Refuse due to the adverse visual impact of the open car park and the need to respond to the more residential scale of surrounding building.'

There has been no response to the revised plans. However, the Conservation Officer has responded below.

CONSERVATION OFFICER – 'This site is outside of, but adjacent to, the Warminster Town Centre Conservation Area. Policies C17 and C18 of the West Wiltshire District Plan 1st Alteration (2004) apply to this case even though the site is outside the Conservation Area. The explanatory paragraph 2.4.4 states "Within conservation areas or outside, where development proposals would affect the setting, in particular, views into or out of the area, the preservation of their special character and/or appearance will be the primary consideration."

The design of the building is quite low-key and simple for a supermarket and this is to the credit of the scheme. The materials are acceptable as this is a mixed use area with an industrial feel.

The long lengths of glazed walling are acceptable and are well proportioned. The use of a pre-fabricated stone cladding panel is of concern as the quality of such panels is variable, a sample must be agreed prior to being installed.

The view of the proposed building from the Conservation Area to the south would be limited to those residential neighbours rather than the general public. As such the building would not result in a direct impact on the special character and appearance of the Conservation Area from that direction.

Approaching the Conservation Area from the east along Fairfield Road there would be car parks on both sides of the road which is far from ideal for the setting of the Conservation Area. Therefore it is vitally important that the existing substantial tree screen located on the northern boundary remains in situ. This would greatly reduce the impact of the car park in relation to the setting of the Conservation Area.

Recommendation: Approve'

REGENERATION OFFICER – On commenting originally – 'Loss of Employment Space - the proposal will result in the loss of 4,375sq.m of Employment Space without guaranteeing its replacement elsewhere. Accordingly this falls outside of Council Policy as laid out in the Adopted Local Plan

Retail Need - the proposal will create 2,527.5sq.m (gross) of retail space (mainly convenience). The Council's Retail Needs Assessment identified a need for additional convenience floorspace of only 153-306sqm by 2012 increasing to a maximum of 903sq.m by 2017. The proposal therefore substantially exceeds actual need especially given that the Town already has 18 convenience retailers according to a 2006 County Council Survey and this includes two large floorplate food retail units (Morrisons and Lidl) as well as Iceland.

Location - the footprint and operational area of the site has "uncompromising" boundaries with adjacent residential properties (to the south and west) and may represent an unsuitable use of the site in terms of residential amenity, notwithstanding the potential impact of disturbance to neighbouring residents through deliveries to the service area. The access to this is directly adjacent to residential properties.

The applicant makes frequent references to the Town Council's "Vision and Scoping Study" (the initial stage in the emerging Town Plan) and makes claim that the proposals detailed application is consistent with this document. This is emphatically not the case - the Study identifies the area between Market Place and Central Car Park as the "Commercial Heart" of the town and this does not include the Dents factory site. The study goes on to identify the aspiration to develop a "Retail Loop" between Market Place, 3 Horseshoes Mall, The Library/Car Park and the Corn Exchange. This aim is consistent with the Council's 2007 Retail Needs Assessment that identified that the highest footfall in the town was on Market Place, close to the entrance of the 3 Horseshoes. The Dents (application) site does NOT fall within the Town Council's "Retail Loop" (as identified in their adopted Vision and Scoping Study) and also outside of the desired "Commercial Heart" of the town. This is supported in District Council Policy

(Adopted Local Plan) which clearly demonstrates that the Dents site falls outside of the Primary Retail Area and is therefore not appropriate for large floorplate convenience retail. Given that the site is within the Town Centre Commercial Boundary the development of a mixed use scheme (which might include an element of residential and office development) would be more appropriate and would allow the retention of at least some Employment floorspace. The scheme as proposed would also dilute the idea of a retail hub by drawing people away from the 3 Horseshoes/Market Place area to an "edge of centre" site which is cut off from the centre by Central Car Park (which currently is impermeable to pedestrians). This scheme will therefore contribute to the fragmentation of the town centre and potentially threaten the coherence and legibility of the town.

Sequential Test - the applicant claims that the selection of the Dents site for large floorplate convenience retail is based on the sequential test based in part on the assumption that the nearby Central Car Park site has prohibitively complex land ownership issues. I would contend that this is a wilful disregard for the reality, namely that the car park is principally in the ownership of the District and County Councils both of whom might have been open to the idea of bringing the land forward for development had the applicant made any attempt to enter a dialogue with them. The applicant made no such approaches to the Council, thereby undermining their claim regarding the unavailability of the alternative (Central Car Park site). It must be assumed that because of the contractual relationship between the applicant and the owner of the Dents site there has not been a serious effort made to pursue the viability of other sites and in particular, Central Car Park.

Regeneration - the proposal is not consistent with the Town Council's adopted "Scoping and Visioning" Study for Warminster which clearly sets out the local aspiration to develop a "Commercial Heart" for the town supported by a Retail Loop in the area of Central Car Park, 3 Horseshoes and Market Place. The development of the Dents site offers no substantial regeneration benefits and may in fact have a negative impact on the regeneration of the town by effectively sterilising convenience retail development on Central Car Park, which is held to be the more appropriate site delivering wider regeneration and environmental benefits than Dents.

In conclusion, the application for convenience retail on this site is not supportable in terms of Retail Need, Location, Loss of Employment Space, failure to fulfil the Sequential Test and in potentially undermining the regeneration of the town centre.'

On commenting further on the revised proposals – 'The revisions do not address my fundamental concerns in that:

The site is not Primary Retail Frontage and its development for large floorplate convenience retail would exacerbate the shift in the town's retail 'centre of gravity' by potentially pulling shoppers away from the existing area of highest footfall (at the front of 3 Horseshoes).

Despite the applicants claims to the contrary the development of this site does not create or enhance a 'retail loop' (as envisaged by the Town Plan Scoping and Vision Study) and in fact by its positioning away from the High Street. It runs the risk of undermining the creation of such a loop.

I would reiterate the point I have previously made that there are two sites in the town that might be said to offer regeneration benefits, namely this site and the Council's Central Car Park. The latter site offers far more significant regeneration benefits in terms of dealing holistically with the currently confused boundaries between public and private space, the opportunity to create a new fit for purpose library within a new 'civic cluster', the potential to deliver the aspiration of the Town Plan to create a new retail 'heart' for Warminster and create a retail loop and the opportunity to use the existing car park in a more efficient way. However, the development of convenience retail that there may actually be and in so doing effectively sterilise the development of the Central Car Park Site for the foreseeable future with the loss of the benefits and opportunities I have outlined.

However, I am aware that the redevelopment of the Dent's site at Fairfield Road is associated with a separate application to develop a new and potentially expanded Dent's Factory at Furnax Lane and it may be that Members will feel that the benefits of keeping Dents and its associated employment and economic activity, in the area, which this development will facilitate, outweighs the disbenefits I have raised.'

WESSEX WATER – On commenting originally. 'There should be sufficient capacity within the public foul sewer to accommodate the development, expected flow rates should be submitted in due course. Connection to be made to the public foul sewer (225mm) in Station Road. Any existing connections not reused should be sealed at the point of connection with the sewer. The applicant should submit details of likely water supply rates so we may comment on the adequacy of the local system.

The 6" water main on the eastern boundary will require a 3 metre minimum standoff. Further plans should be submitted to Wessex Water to enable it to confirm if this will be achieved without the need for a diversion.

There are no public storm sewers in the area. The applicant has indicated that he proposes to use SUDs systems. There are doubts as to their suitability in this location we would ask for further clarification and a surface water drainage strategy be submitted and agree with Wessex Water prior to construction.'

On commenting on revised plans - The comments made in their previous letter still stand but there would be a requirement for a 6 metre easement for any tree planting from the public sewer or water mains (northern boundary re drawing 3969/PL(90)03).

ENVIRONMENT AGENCY – No objection in principle, to the proposal but if permission is granted conditions should be imposed.

WARMINSTER AND VILLAGES COMMUNITY PARTNERSHIP - Supports the proposals which would enhance the town facilities and improve its vitality and retail quality.

8. Publicity

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

Site visits were initially carried out in December 2008 and January 2009. Subsequent site visits have been carried out in May and June 2009.

Various letters of comments have been received from adjoining residential properties in addition to comments from third party commercial interests.

Summary of points raised:

Letters of residential objection have been received from the occupiers of 6 neighbouring dwellings and the following key issues raised:

Cause harm to the adjoining residential properties at the rear of the site
Cause material detriment to the East Street Conservation area both in terms of the views in and out of the conservation area as viewed from the Yard Court and Bevans Court developments and with regards to noise and light pollution.
Increase noise disturbance from delivery vehicles, air con and chiller units, cladding of building would amplify noise disturbance
Light pollution
Scale of building would be overbearing and harm the views into the Conservation Area
Lack of consultation from developer with local residents
No guarantee of the supermarket end user
Smells pollution from onsite refuse storage
Potential loss of daylight, privacy
Impacts from demolition of existing building, especially asbestos removal
Concern on shared entrance changes and impact from lorries accessing and leaving the site along side residential access
Loss of building of art deco interest, including features, efforts should be made to retain at least elements of the building, possibly integrated into the new design.

26 letters from local residents in support of the proposals have been received on the grounds that the removal of the existing buildings would enhance the area, a quality supermarket is much needed in the town and would help bring other retailers into the town centre.

Objections have also been received from agents acting on behalf of another national supermarket chain with existing premises in the town and from the applicants/agents of the scheme proposed for another large scale food retail outlet on the central car park site. The objections are on the following grounds:

The proposal fails the key tests of need, sequential test and impact.

Insufficient capacity within Warminster Town Centre to support additional retail at the scale proposed. The proposal represents a departure from current national planning policy guidance statement 6 and the development plan.

The proposed fails to consider the merits of alternative available sites through its sequential test. The development would likely harm the amenities of nearby residential properties.

The reference to a 'Waitrose' food retail store in the description is misleading.

9. Planning Considerations

9.1 The application scheme has been amended following the initial consultation process in regard to the general design and form of the buildings. However, the siting, parking layout and relationship with surrounding buildings largely remain unaltered.

The application is therefore being assessed against the amended plans submitted by the applicant on 23 March 2009 which have been subject to third party public and statutory consultations.

The application site is located off Fairfield Road in Warminster and can be described as an edge of centre location for retail purposes according to the definitions in PPS6. The immediate site lies directly opposite an existing retail park that includes an 'Aldi' foodstore. The Town Centre also benefits from a 'Morrison's' foodstore located to the rear of the central high street on the southern side of the town.

The main issues to consider in relation to the principle of development are (a) Loss of Employment Space, (b) Retail Need, (c) Town Centre Location and Regeneration Opportunities.

9.2 Loss of Employment Floor Space

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

The application for redeveloping the site of Dents Accessories Ltd in Warminster must be considered in relation to the future role of Warminster, set out above, and Policies E5 and SP1 within the West Wiltshire District Plan First Alteration 2004.

The Council's policy officer originally considered that the application would result in the loss of existing employment floorspace which would not be consistent with Policy E5. It is understood that Warminster is subject to considerable demand for employment floorspace. This should be considered in relation to Policy E5, but also the future expanding role of the town, where additional employment floorspace will be required. The Draft Wiltshire Workspace Strategy identifies Warminster as one of seven market towns within Wiltshire which are most likely to have a key role for providing future employment within the County.

However, the most recent comments from the policy officer conclude that the loss of employment land would not be a reason for refusal because there are compensatory land and buildings elsewhere within the locality and the loss would be mitigated by the proposed use of the site and the retention of the existing workforce in Warminster.

Policy DP3 of the Wiltshire and Swindon Structure Plan 2016, states that local service centres, of which a town such as Warminster is classed, should promote sustainable communities and the minimisation of travel through appropriate balance of land uses.

The proposal would result in the loss of 4,375sq.m of Employment Space with the loss of employment at Dents and the other business premises operated on site. It has been stated that Dents employs the equivalent of 48 full-time staff with up to 10 additional temporary staff employed during the year. It should be recognised that the new store and additional retail units would generate new employment in this location albeit retail based. It can be argued that these new retail jobs will also be located on the principle of sustainability being close to existing residential catchments in addition to being located close to various forms of alternative transport modes.

A further consideration is Dents own strategic ambitions to maintain its presence within the area. The owners of Dents had submitted a formal application W09/00758/REM, which has recently been approved, to secure approval for a new purpose built facility to maintain its operations on the edge of Warminster and continuing to secure the jobs of its approximately 48 staff. This proposal for a new purpose built factory would retain the existing workforce within the immediate locality of Warminster whilst releasing the existing site for alternative uses/users that would be likely to provide additional employment. Therefore, the present application together with the recent permission at Furnax Lane would not result in a loss of employment floorspace but rather a potential net increase in employment floorspace overall.

The applicant has placed on the public record their intention to move to the new factory unit, although there is no legally binding agreement to do so.

It is therefore considered that the loss of specific employment land on this site would not materially harm the employment provisions of the town as a whole.

The development would be likely to result in a net increase overall with the relocation of the existing factory within the locality together with the generation of new retail employment on the existing highly sustainable development site.

9.3 Retail Need

For edge of town applications, applicants must also clearly demonstrate retail need for the proposals and show that the proposals would not adversely affect the vitality and viability of the town or other nearby centres.

The proposal would create 2,527.5 sq.m (gross) of retail space (mainly convenience). The Council's Retail Needs Assessment identified a need for additional convenience floorspace of only 153-306sqm by 2012 increasing to a maximum of 903sq.m by 2017. The proposal therefore substantially exceeds actual predicted need especially given that the Town already has 18 convenience retailers according to a 2006 County Council Survey and this includes two large floorplate food retail units (Morrisons and Lidl) as well as Iceland.

In contrast the retail planning statement by Baker Associates, submitted by the applicant concludes that there is both a quantitative and qualitative need for the retail store. The Strategic Planning Officer has assessed the supporting retail assessment and recognises that a new higher end convenience retailer could bring additional choice to Warminster given that the Morrison's store has a dominant position.

The Baker Associates study itself recognises the likely imbalance between expenditure and provision in 2012. The estimated additional expenditure assumptions in the Baker Associates assessment identifies that a significant amount of the additional retail growth proposed will come from the other retailers in Warminster up to 2012. The study concludes that current convenience retailers are unlikely to be affected. While the other three main convenience stores (Morrisons, Aldi & Iceland), who will all lose a certain amount of market share, may well be able to absorb the loss in turnover, the Strategic Planning Officer feels that the impact on other smaller town centre convenience retailers is not well addressed. The study does comment on the likely effect upon that Town Centre retailers and concludes the store will enhance retailing. However, no appraisal is given regarding the impact on current smaller higher end specialised convenience retailers which it will directly compete with and conceivably replace.

Nevertheless, it must be recognised that the retention of expenditure that is otherwise lost and the qualitative improvement could be advantageous for Warminster.

Since the submission of the application currently being considered, another application from a different applicant has been received which proposes the redevelopment of a different site which is better related to the town centre retail function. The alternative site is located on land to the rear of Three Horseshoes Mall. This would be a sequentially preferable site in Warminster town centre.

The delivery of this new application has shown that the complex ownership issues surrounding the central car parking area identified by the agent acting on behalf of the owners of the Dents site have been overcome. It would now be possible to deliver a new superstore together with a new library as part of a major redevelopment of this part of the town centre.

The current applicants have therefore been invited, in the light of this new information, to revisit their sequential test and have been given the opportunity to revise their documentation to take account of this change in circumstances. They have since written to the Council and stated that in their view the alternative site at the rear of Three Horseshoes Mall is not a town centre location but would result in a stand alone foodstore divorced from the town centre by a car park. It is their opinion that since it is approximately 70 metres from the foodstore to the primary retail frontage, it is therefore edge of centre not town centre.

Clearly this is at variance with the views of the Council's own policy officer who states categorically that preference in these circumstances, where there is a site that is better connected to the town centre and could actually extend the primary shopping area, would be for the town centre car park location. However, it must be acknowledged that there are other material considerations that will have to be considered in determining the alternative proposals.

9.4 Town Centre Location & Regeneration

Policy SP1, concerning Town Centre Shopping is also relevant to the determination of this application. It is accepted that the site is not part of the primary retail frontage of Warminster Town Centre and there are objections from both Policy and Regeneration Officers who have stated in relation to the proposed Fairfield Road location that it is not well related to the existing retail core within Warminster.

Various parties including the applicant's agent, third party objectors and the Council's own officers have made reference to the alternative retail development site immediately to the rear of the Town Centre primary retail frontage at the rear of Three Horseshoes within the central car park area.

In doing a sequential test of the site, the Baker Associates assessment states that an alternative site, the central car park site, does not offer an alternative in part because of land availability and ownership.

However, the Policy and Regeneration Officer takes an opposing view and feels that the alternative site, the central car park, does have potential to integrate into the current pedestrian area and could provide an appropriate 'anchor' for Warminster. The current proposal is seen as moving the store away from the retail frontage of Warminster, and in its current design would not facilitate easy pedestrian links to encourage access between the town centre and the application site. It must be acknowledged that to some extent the proposed store on the edge of the town centre would integrate with the retail park on Fairfield Road rather than the Town Centre. However, it would be likely to draw shoppers away from the existing retail centre of the town and prejudice the shopping function within the area of primary retail frontage.

It is important to consider that Warminster is seeking to promote the regeneration of its town centre and to rationalise its retail core in recognition of its increasing importance in the urban hierarchy. This regeneration is supported by the Council. The conclusions of the Regeneration Officer are that the development would be likely to hinder the regeneration opportunities of the Town Centre and only reinforce the existing retail park by establishing a formidable anchor away from the central shopping area.

Whilst various strategies can be presented to help deliver the future regeneration aspirations of the Town Centre, the Council has to be mindful that at the present time there are two current applications for large scale food stores in the town, one edge of town centre and the most recent one within the town centre.

Each application must be considered on its own merits, however, there are clear implications from a sequential approach that would favour the town centre location above the current application on the edge of the town centre.

It is recognised that the current application would help support a regeneration of the present Dents site because of its linkages with application W09/00758/REM to help secure relocation of employment jobs within the town. The present application does fulfil these aspirations by regeneration of the existing site and delivery of both retail choice and additional retail employment within a sustainable location. Whilst an opportunity to provide a more mixed development to include residential development has not been taken up by the applicant the current proposal still provides significant benefits to the town centre in its present form.

In conclusion, the applicant has provided supporting evidence that goes some way to demonstrate a need for an additional higher end retail foodstore provision within the Town Centre of Warminster. In addition the applicant has also been able to demonstrate that whilst the proposal would result in the loss of employment space within this edge of Town Centre location, new employment, albeit retail employment would be generated from the operation of the new store and addition retail units. The applicant has also demonstrated a strong intent that the existing main employer Dents will seek to relocate its current operations and jobs from the site to a new purpose built site in Furnax Lane, which recently gained planning permission.

Whilst some of the concerns of the Council's Regeneration Officer may be valid, the scheme would not materially warrant a reason for refusal on loss of employment. However, in the light of the most recent application for another superstore it is considered that the development would not accord with the aims and aspirations of PPS6 and the employment and shopping policies of the Council. Based on a sequential approach Warminster would be unlikely to sustain two additional large supermarkets and the sequentially preferable site would be the alternative scheme within the town centre.

Further to this the Central Car Park site at Horseshoe Mall site, which appears to be eminently deliverable, remains the preferred location from the planning policy viewpoint. The Dents site remains less preferable, since it is further from the primary retail frontage (in terms of the PPS6 sequential test). For the sake of completeness, there is the issue of the separation of the central car park retail store from the primary retail frontage by part of the car park which is not ideal but this is outweighed by the overall location of the site in closer proximity to the primary retail frontage. For the avoidance of doubt, the central car park site remains the preferable site in terms of planning policy. It is closer to the primary frontage, more conveniently related to the car park, and will enable the redistribution of spaces, including the library, to permit a more efficient and convenient layout within the town centre. Furthermore, because of its close relationship to the town centre and other town centre functions such as the library it is more likely to enhance the shopping experience. Notwithstanding these comments, there are other policy issues and material considerations that will need to be more fully addressed in regard to the central car site before any recommendation can be made which include its location in the conservation area, design, impact on residential amenity, highway safety and pedestrian access, impact on market trading and public transport.

It is considered that it has not been demonstrated that the type, scale and location of the development currently under consideration would meet the sequential approach and as such it would fail to complement or enhance the existing town centre function.

9.5 Character & Urban Design

The site is located outside the designated Conservation Area, although the site is on the boundary of its southern edge. The immediate area is characterised by the presence of the main Dents two storey buildings together with other lesser commercial buildings. The site is considered to be on the edge of the town centre where the residential area begins and where the commercial area ends.

Although in close proximity to the railway station this part of Warminster is somewhat detached from the retail centre and is characterised by residential and secondary edge of town centre uses.

The proposal, as revised involves a large area of open car parking which would dominate views off Station Road and Fairfield Avenue.

The proposed buildings are in the furthest corner of the site from both Station Road and Fairfield Avenue and occupy a relatively small part of the site compared with the open plan car park. It is acknowledged that on the opposite side of Fairfield Road are large open car parks, but this makes it all the more important to create something on this site which has an active frontage and positively contribute to the character of the area.

The Council's Urban Design Officer had originally expressed concern over the design of the proposed development whilst acknowledging the building is interesting and represents a move away from the standard warehouse style of the large scale retail units. This opinion is strongly supported. However, the proposals have since been significantly revised to eliminate some of the more industrial design elements and replace these with a lighter and some simplified structure that is of a less dominant design and uses fewer different materials that are for the most part from natural sources. Furthermore, the height and profile of the buildings has been greatly changed. These changes accord with her comments that the design would benefit from being simplified.

The Urban Design Officer has also commented that preference should be given to a collection of buildings spread across the site that make use of the active frontage of the whole site rather than alienate development to one corner with an expanse of car parking on the other side.

Whilst the siting of development remains unchanged, it must be recognized that the proposed building would replace a poor collection of existing buildings. The expanse of parking would be no different to that opposite. However the parking would be partially screened from Fairfield Road with the presence of existing mature frontage trees and buildings fronting onto station road.

Whilst the Urban Design Officer's comments have merit, the site is not within a Conservation Area and whilst adjacent to one, the immediate boundary with it boasts no buildings of particular architectural merit or form that supports replication or can be identified as a positive example.

Comments have been received from members of the public in regard to the 'Art Deco' elevations of the existing factory building fronting on to Fairfield Road. It is your officer's view that these buildings are of utilitarian construction and mundane appearance and are typical of industrial buildings dating from the 1930s through to the 1950s. They are not considered to be of such great architectural or historic merit that they are worthy of listing or even of retention.

Their replacement with a new building of some architectural merit, together with the replacement of other even less worthy buildings within the group, rather than harming the setting of the conservation area would enhance its character and setting.

Weight instead should be given to the need to enhance the general appearance of the site and it is proposed the new buildings as revised would positively meet that aspiration to the benefit of the immediate area and wider Town character.

The proposed buildings are of a contemporary angular and linear style with many interesting design details that would not compromise the surrounding architecture. The design is modern, uncomplicated and makes use of a mix of materials including glazing together with a palette of natural colours that would be in keeping with its commercial setting whilst respecting the residential character further to the east and south.

It should be noted that the Conservation Officer has no objection to the revised plans which are considered to be a significant improvement on the original proposals.

9.6 Residential Amenity

The proposal site lies within a pre-dominantly commercial area on the outer fringes of the town centre. The site is adjacent to existing retail development and adjoins other commercial premises. Residential properties can be found to the side and rear comprising a mix of houses, terraces and flats including a development of flats at Chatham Court. To the immediate east, Buttons Yard provides access to a small pocket of residential dwellings.

The adjoining residential properties already co-exist with the historic presence of commercial and factory activity operated from the application site. Given that the existing main buildings within Dents are substantial two storey buildings spread across the site, the replacement with a more modern building of lesser height and presence is not considered to further harm the relationship between the residential and replacement built form.

The new development would reduce the visual mass of buildings within the site freeing up almost half the site to the west with open parking space. The only new buildings proposed towards the western central area of the site are the linked units 1 and unit 2 which would be sited in close proximity of residential dwellings to the south. However, an existing building already exists in the location of unit 2 and the general single storey height of the new units are not considered so significant in scale to harm the amenities currently enjoyed by the occupiers of the adjoining residential units.

Concern has been expressed in relation to the air conditioning, generator and other plant machinery to be located on the new main building, especially at the rear facing onto the main service yard. The boundary between the service yard and the residential properties in Yard Court is already screened by mature hedges. The applicant seeks to further install a new 2.5m boundary wall along the shared boundary. It should be noted that the land levels drop significantly from the rear of Yard Court and the service yard area within the new scheme which would further lessen any impact. It must be acknowledged that there is an existing industrial unit at the site and that Environmental Health has no objection to the proposals.

There is also a gap of approx 24m between the rear of the main new building and No.5 Yard Court. A lesser separation of approx 22m can be found between the proposal building and No.6 Yard Court. The later dwelling is also located at an angle with only a small area of its immediate amenity space being located towards the service yards main operational area. Given the presence of screening, the existing scale of buildings already present towards Yard Court and the separation gaps it is considered that the proposal would not result in a material increase in harm to the amenities of the occupants of Yard Court dwellings.

With respect to the pair of semi-detached dwellings at Beavans Court, these two dwellings already are largely enclosed by the existing Dents building nearest to them in addition to an existing service area being located east of No.5 Beavans Court. It is therefore considered that the proposal would not harm the amenity of the occupiers of these two dwellings.

Turning finally to the residential properties which gain access off Buttons Yard. The proposal would largely replace the existing bland face of a two storey building sited in a similar position. A new wall would be erected half way down the site to enclose the main access point into the service area of the store. The main eastern elevation facing onto Buttons Yard would be broken by use of differing materials and no main windows would be sited onto the Yard other than high level obscure glazed windows to the far rear. It is considered that the main impact of the new development upon the residents of Button Yard would be delivery goods vehicle movements too and from the service yard. However, the anticipated service vehicle movements are considered to be minor, sporadic and slow moving. These would not be considered to be at a level to harm the amenities of adjoining residents. The applicants have stated in a supporting statement that they expect traffic flows of 4 or 5 service vehicles visiting a day in addition to internet delivery vehicle visits of approx 7 trips per day.

It is also noted that Button Yard is located off a main busy road opposite a significant retail park and the adjacent to Dents itself. Therefore the immediate dwellings located towards the front of Button Yard would already be disturbed by above average vehicle movements.

Delivery vehicles gaining access into the site can be controlled by way of condition and further conditions can be placed to secure mitigation measures on ancillary plant equipment to the satisfaction of the Council. The Council's Environmental Health Officer has raised no objection subject to appropriate conditions.

It is unlikely that the proposals would generate any more significant nuisance to neighbouring land uses than the existing premises. Should any nuisance occur in the future it would in any case be controlled by other legislation.

Overall the siting, presence and proposed use of the new development would not significantly harm the amenities, daylight or privacy of adjoining commercial and residential properties to warrant a reason for refusal.

9.7 Highways

The Highways Officer has raised objections to the proposed development.

The first of these relates to the proposed position of the food store which is in his view not in keeping with policies to promote sustainable transport.

Secondly, due to the proposed orientation of the store on site there is concern about connectivity resulting from the location of the cycle parking and access for users of public transport who would be disadvantaged by the proposals.

However, it is acknowledged that if the Council is minded to approve the application conditions and informatives are recommended.

With respect to these concerns, whilst the aspirations of wider sustainable transport objectives is important these issues are not considered to be so significant to warrant a reason for refusal as the site is within a short walking distance of various modes of transport and would be considered a highly sustainable location in all other aspects.

Presently the site benefits from two access points, one off Fairfield Road which serves the main Dents facilities and another access point off Station Road, adjacent to Warminster Press. Unmarked parking facilities are located mainly towards the western area of the site.

The proposal seeks to close the existing access fronting Fairfield Road and widen the access road entrance from Buttons Yard to provide a shared access point to permit service vehicle access to the rear of the new store.

The existing access point off station road would be enlarged following the demolition of Warminster Press. This would be the only customer vehicle access point to the stores and 2 units. The parking layout identifies 119 parking spaces of which 7 will be dedicated for disabled drivers and 7 for Parents, the later to be located close to the retail entrance.

The site is also within walking distance of the main town centre High Street, Bus services and Railway Station. Cycle access and onsite provision has been provided within the site. Pedestrian access is provided by footpath leading from the main entrance off Station Road and via a second path off Fairfield Road.

It is considered in these circumstances that the site is in a sustainable location, relatively well related to the town centre function, albeit on the edge.

Furthermore, it is important that a row of mature trees is retained on the site frontage. It is for that reason that the layout of buildings and parking together with their relationship to the street scene and public realm is constrained by the need to preserve these trees which bring significant benefits to the environment.

On balance it is considered that the relative sustainability of the location and need to preserve the visual amenity is such that the objections on highway grounds can be overcome.

9.8 Trees

The application site frontage is lined with a significant row of mature trees that contribute to the visual amenity of the immediate area. The applicant has indicated that these trees are to be retained with additional elements of soft landscaping proposed across the new development.

The Council's Tree Officer has assessed the proposal and subject to tree protection conditions no objection to the proposal has been raised.

9.10 Local Archaeology

The proposed development lies within an area of archaeological interest, within the extent of the medieval settlement at Warminster. The Archaeologist considers it probable that the proposed development may disturb or destroy archaeological deposits and features dating from the medieval and post-medieval periods. However, no objection has been raised to the development subject to recommended conditions, and the views of the Archaeologist are supported.

9.11 Flooding & Drainage

The site does not lie within a designated flood zone and The Environment Agency has no objection to the proposal subject to appropriate conditions.

Wessex Water has also considered the proposed development and has raised no objection to the proposal subject to the applicant undertaking its recommendations.

Conclusion

The site is in a relatively sustainable location on the edge of the town centre. Any objections to the proposal on grounds of highway safety and residential amenity could be overcome by conditions and there would be no harm to the setting of the nearby conservation area.

However, the proposals fail to meet the sequential approach in so far as there is a sequentially preferable site within the town centre. In these circumstances there is no alternative other than to refuse the current application because of the impact on the vitality, viability and retail function of the town centre.

Recommendation: **Refusal**

For the following reason(s):

- 1 The proposals in this edge of town centre location fail to meet the sequential approach as there is a sequentially preferable site within the town centre. The proposals would therefore be likely to harm the primary retail function together with the vitality and viability of Warminster town centre contrary to Policy SP1 of the West Wiltshire District Plan - 1st Alteration 2004, Policies DP3 and DP6 of the Wiltshire Structure Plan 2016 and advice contained within Planning Policy Statement 6 - Planning for Town Centres.

Appendices:	None
Background Documents Used in the Preparation of this Report:	None



MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : SITE - 3969 PL(90)01 received on 27.11.2008
Drawing : EXISTING SITE - 3969 PL(90)02 received on 27.11.2008
Drawing : FLOOR PLANS - 3969 PL(99)01 received on 23.03.2009
Drawing : ELEVATIONS - 3969 PL(99)02 received on 23.03.2009
Drawing : ELEVATIONS - 3969 PL(99)03A received on 23.03.2009
Drawing : PROPOSED SITE - 3969 PL(90)03A received on 23.03.2009
Drawing : SECTIONS - 3969 PL(99)04 A received on 23.03.2009
Drawing : LIGHTING - C1599/P/E1000/P1 received on 23.03.2009

Drawing : LANDSCAPE - L 1343(P) 01 received on 23.03.2009
Drawing : LANDSCAPE - L 1343(P) 02A received on 23.03.2009
Drawing : LANDSCAPE - L 1343(P) 03A received on 23.03.2009
Drawing : LANDSCAPE - L 1343(P) 04 received on 23.03.2009
Drawing : LANDSCAPE - L 1343(P) 05 received on 23.03.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 04

Date of Meeting	05.08.2009		
Application Number	W/09/00888/FUL		
Site Address	Land South Of Concrete Block Works Brook Lane Westbury Wiltshire		
Proposal	Proposed use of the site for the storage, dismantling and recycling of operational railway materials, including associated rail vehicle maintenance and the erection of one two storey office/amenity block (423 sq metre footprint) for operational railway staff working on the site (to include change of use to operational railway land)		
Applicant	Network Rail Infrastructure Ltd		
Town/Parish Council	Westbury		
Electoral Division	Westbury West	Unitary Member:	Russell Hawker
Grid Ref	385661 151534		
Type of application	Full Plan		
Case Officer	Mr Matthew Perks	01225 770344 Ext 207 matthew.perks@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor C Newbury as Divisional Member for this area under the former County Council had requested prior to 4 June 2009 requested that this item be determined by Committee due to the potential highway impact on the surrounding area.

1. Purpose of Report

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

2. Main Issues

The main issues to consider are:

- Policy considerations in terms of Policy T8a of the West Wiltshire District Plan, 2004 which relates to the safeguarding of this land for the future enhancement of rail freight services from the site; and
- potential noise and traffic impacts.

3. Site Description

The site is comprised of two plots of land adjacent to the existing siding complex that forms Westbury Local Distribution Centre. The first is the former British Railways-owned Westbury Traction Maintenance Depot site, which totals 1.9ha. and provides the means for direct rail connection to both sites as it is adjacent to the existing rail network at Westbury. The second site of 2.1ha. is immediately adjacent.

The combined site is an elongated plot of land, orientated approximately south-west to north-east, extending to within 127m south west of Westbury Station buildings. Access is provided through Brook Lane to the north. The western third of the site is an area of gravel hard standing, recently used as car parking and bordered by steel palisade fencing. The eastern section is a mixture of cleared shrub, concrete hard standing, derelict sidings and portacabins and is former operational railway land.

The site is bounded to the south by a series of operational sidings with the junction for the Castle Cary and Warminster lines beyond. Brook Lane bounds the site to the north, fronted by a residential property and chemical processing plant. Adjacent land to the north east of the site is currently used as a car auction compound at the Brook Lane Industrial Estate. The south west edge of the site is bordered by a small copse and Biss Brook, which flows south to north before meeting the River Avon at Trowbridge. Brook Cottages are on the north west corner of the site.

4. Relevant Planning History

83/00518/FUL : Builders yard with office workshop and storage accommodation: Permission: 05/07/1983

88/02290/FUL: Workshop and office building: Permission : 07/02/1989

89/01667/FUL: Light industrial units: Permission: 28/11/1989

92/00238/FUL: Builders yard, office and workshop: Permission :15/04/1992

95/00138/FUL: Construction of 3m high security fence around site with access gates: Permission: 09/03/1995

96/00422/FUL: 2.4 metre high palisade galvanised steel fence and change of use to open storage (B8): Permission:13/06/1996

96/00354/FUL: Installation of wood separator/shredder and portacabin: Permission: 13/06/1996

99/00650/FUL: Building for valeting motor cars: 99/00650/FUL : Permission: 16/06/1999

98/01057/OUT: Rail covered docking/container and production facility: Permission: 27/04/2000

03/00617/FUL: Erection of covered rail docking/container and production facility: Permission: 18/09/2003

5. Proposal

This proposal is for the use of the site for the storage, dismantling and recycling of operational railway materials, including associated rail vehicle maintenance and the erection of one two storey modular office/amenity block (423m²) for operational railway staff working on the site.

Network Rail operates 12 Local Distribution Centres (LDCs) across the UK rail network, one of which is located at Westbury. The function of the LDCs is to stockpile materials, load/unload trains, and prepare trains to service railway infrastructure worksites. For these functions, Westbury is the principle facility serving the South and South West of the UK. Used track materials from the south and west of England are currently sent to a similar facility at Eastleigh in Hampshire. However, the volume of recovered track materials being received there has exceeded the capacity of the site, hence the current application.

It is proposed to use the land within the application boundary for the storage and recycling of used track materials, with an adjoining small area reserved for rail vehicle maintenance.

The proposed facility will include:

- 2 storey modular accommodation and amenities;
- Car parking with 20 spaces;
- Storage and operational areas for railway materials;
- 2 main rail sidings;
- 1 wagon maintenance area and siding; and
- Lighting

The recycling centre will process rail, sleepers and fastenings, with the intention to grade and then reuse on the rail network. In general, materials for disposal will be processed on site but volumes and type may determine that they are handled at other locations. Material will be brought to the proposed used track material handling centre predominantly by rail. Between 55 - 190 rail wagons will be delivered onto the site per week, equating to between 2150 - 5760 tonnes. This will take the form of loose track components or rail track panels, being unloaded from the wagons by forklift. HGVs movements for materials from the site are estimated at a maximum of 158 HGVs per week (i.e. 79 in and 79 out).

The application was accompanied by a transport assessment, a flood risk assessment, a noise assessment, an archaeological report and two ecological reports.

6. Planning Policy

Wiltshire and Swindon Structure Plan 2016

DP1 Priorities for Sustainable Development
T9 Freight Transport

West Wiltshire District Plan 1st Alteration, 2004

C15 - Areas of Archaeological Interest
C32 - Landscaping
C34a - Resource Consumption
C38 - Effects of development on neighbouring properties
E2 - Employment Policy Area
T7 - Westbury / Swindon Railway Services
T8a - Rail Freight Facility at Westbury
T10 - Parking

PPS 1 - Delivering Sustainable Development
PPG 2 - Green Belt
PPS4 - Industrial, Commercial Development and Small Firms
PPS9 - Biodiversity & Geological Conservation
PPG 8 - Communications
PPG 13 - Transport
PPG 25 - Flood Risk and Development

Wiltshire Local Transport Plan 2

7. Consultations

Town/ Parish council

The Westbury Town Council has no objection subject to an agreed transport route with the highway authority which takes vehicles away from the town.

The Heywood Parish Council is also concerned with the routing of vehicles to and from the proposed Materials Recycling Centre. The Parish recommends a condition requiring all traffic servicing the Centre to avoid the Ham and Storridge Road and the Post Office junction, but rather to enter/exit it via Stephenson Road in Northacre Park, and the West Wilts Trading Estate.

Highways

Following initial comments and discussions with the agent, highway colleagues in a final comment note that the site is part of a larger area which has been earmarked for a rail freight facility under policy T8a of the LDF. Although the proposal is contrary to this policy, it is a related use it is therefore felt that if the freight facility became viable in future the development could potentially be converted or demolished. There are concerns with the application relating to large vehicle movements on Brook Lane as have been expressed previously with the Hills recycling facility nearby (W/07/09004). However, a Traffic Regulation Order is now being progressed by Wiltshire Council for the imposition of a weight limit on Brook Lane so these concerns should be addressed.

No objection subject to conditions in relation to:

- the submission of a Construction Management Plan in order to mitigate the impact of construction traffic on the road network;
- the submission of a Lorry Routing Plan for the routing and signing of HGVs to and from the site during operation ;
- the submission of a Travel Plan.

Wessex Water

There is a public water main crossing the site and diversion works may be required. The applicant is advised to contact Wessex Water.

Environment Agency

No objections subject to conditions in relation to:

- surface water drainage; and
- contaminated land.

Informatives are also suggested.

Libraries and Heritage

No archaeological recommendations due to the likely heavy disturbance of the site in the past.

District Ecologist

Welcomes the supporting documentation and recommends conditions in relation to:

- a reptile monitoring and mitigation strategy;
- lighting;
- vegetation clearance; and
- a construction method statement.

Environmental Health

Following initial concerns with the noise impact, a site meeting was held. Agreement was reached on the control of noise via operating hours conditions.

8. Publicity

The application was advertised by site notice and in the press.

The overall expiry date for comment was 01.05.2009.

No comments were received.

9. Planning Considerations

9.1 Employment Land Policy Considerations

Within the District Plan, the site is allocated as an employment site, and has been identified as a site for the Westbury Rail Freight facility under Policy T8a. This states that: *"Land at Northacre / Brook Lane Trading Estate, Westbury, as shown on the Proposals Map, is safeguarded for the development of a multi-user rail freight facility. Planning permission will not be permitted on the safeguarded land if it would be likely to prejudice the future enhancement of rail freight services from the site."*

The Wiltshire and Swindon Structure Plan 2016 is also relevant and Policy T9 (Freight Transport), which supports the provision of intermodal and rail freight facilities, asks local authorities to encourage the use of rail for transporting freight. It however states that *"Specifically, land at South Marston should be safeguarded for provision of an intermodal freight interchange with associated rail links to the adjacent employment area"*. . Planning permission has already been granted for a European Freight Interchange at this site at South Marston near Swindon (known as Keypoint). Keypoint is partly completed and will cater for rail freight movements locally, regionally and nationally. The agent points out that Network Rail's regional aspirations for freight distribution can be adequately met by this facility and a further similar facility at Westbury is not required at this stage.

The long term demand for a similar facility at Westbury in such a close proximity to an existing multi user rail freight facility at Keypoint is unclear, according to the agents. Furthermore, whilst the application would be on land that has been safeguarded, the facility as proposed would not conflict with the proposals outlined in policy T8a or the long term aspirations for the site.

With the proposed recycling and storage development of the facility, the site would be brought into railway operation but not providing a "multi-user rail freight facility", but (as is confirmed by highway officers) it is a related use and if the multi-user freight facility becomes viable in future the development could be achieved without massive demolition or conversions processes being required.

Thus, whilst an industrial/storage use on the site is acceptable in principle, the question of the safeguarding of the land for a future freight facility in terms of Policy T8a of the WWDP, 2004 must be addressed. Given that current requirements are met by the Keypoint facility and that the proposed use does not create circumstances where the site could not relatively easily revert to a situation where a multi user freight facility could be provided, it is considered that the application can be supported in terms of employment land and freight facility related Policies.

9.2 Amenity and Highway Considerations

Environmental Health officers were satisfied, following on-site consultation, that in this particular setting noise concerns could be addressed by way of conditions controlling operating hours and the control of zones allocated to specific forms of activity on site, in particular the rail-processing area.

Highway concerns were raised by both the Westbury Town Council and the Heywood Parish Council.

The Heywood Parish Council is particularly concerned with the routing of HGVs, recommending that any permission be conditioned to require vehicles to avoid the Ham and Storridge Roads.

Circular 11/1995 on planning conditions (Par. 71) advises that :*"Planning conditions are not an appropriate means of controlling the right of passage over public highways. Although negatively worded conditions which control such matters might sometimes be capable of being validly imposed on planning permissions, such conditions are likely to be very difficult to enforce effectively. It may be possible to encourage drivers to follow preferred routes by posting site notices to that effect, or by requiring them to use a particular entrance to (or exit from) the site. But where it is essential to prevent traffic from using particular routes, the correct mechanism for doing so is an Order under either section 1 or section 6 (as appropriate) of the Road Traffic Regulation Act 1984."*

In light of this advice it is considered that the re-routing issue would be most appropriately dealt with outside of planning considerations under a Traffic Order. However, highway officer recommendations do include a condition requiring the prior approval of a Lorry Routing Plan for the routing and signing of HGVs to and from the site. The plan would include monitoring arrangements, driver information and training with regard to the route and disciplinary procedures to be exercised in the event of default. The route that has been proposed in the applicant's supporting documentation would direct vehicles approaching from the A350 from the north so as to avoid the Ham and Storridge Roads (including the "Post Office" roundabout). It is considered that, whilst a Traffic Order would be the appropriate measure in terms of Circ. 11/1995 guidance, the routing plan would have the effect of encouraging drivers to follow a preferred route and address the Heywood Parish concerns as far as is possible under a planning condition. Any additional enforcement would however require that an Order would have to be introduced.

The Westbury Town Council advised that there would be no objection subject to an agreement that would take vehicles away from the town. At the time of the application the Westbury Bypass was still under final consideration and proposals included a routing that would ultimately have taken vehicles around the town. This option is now no longer available and the A350 remains the realistic route for vehicles travelling to the south from the Westbury industrial estates. On balance, and considering the Circular 11/1995 guidance and that the primary mode for moving materials to and from the site would be by rail, it would not be reasonable to refuse the application on these grounds.

9.3 Other matters

Highway officers have recommended the imposition of a condition that requires the submission of a "Construction Management Plan" in order to mitigate the impact of construction traffic on the road network. The applicant has requested that any condition imposed be worded so as to specifically relate to the routing of construction vehicles and highway officers have confirmed that this is acceptable. A further highway condition requiring the submission of a Travel Plan in the interests of encouraging access by sustainable transport to the site was also recommended. The applicants have requested that the condition be worded so as to preclude commencement of operations rather than development. This is also considered reasonable by highway officers.

Receptor sites for the reptiles to be translocated from the site have been identified, but an additional contingency site recommended by the District Ecologist in the event that populations exceed those anticipated could not be finally secured at the time of the preparation of this report. A condition covering this aspect is therefore proposed.

Recommendation: Permission

For the following reason(s):

The proposal would bring this vacant employment land into productive use and would not preclude the future conversion of the site to multi-user freight facility in terms of Policy T8a of the West Wiltshire District Plan, 2004.

Subject to the following condition(s):

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Operations shall not commence on site prior to the submission and approval in writing by the Local Planning Authority of a plan showing the boundaries to the processing and operating areas for the various activities on site in accordance with the indicative plan No. 00664427-E_PBH-DRG-00620 REV A01 that was submitted with the application. Operations on site shall be conducted in accordance with the approved plan.

REASON: In the interests of neighbouring amenities.

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

- 3 No on- or off-loading of materials or industrial processing shall be carried out, or plant/machinery/power tools used on the site before 07:00 in the morning on Mondays to Saturdays and 22:00 in the evening on Mondays to Saturdays, nor at any time on Sundays and Bank or Public Holidays. The delivery by way of rail of materials to the site and uncoupling of engines carrying out such delivery shall not be excluded by this condition.

REASON: To limit intrusive levels of noise and activity in the interests of the amenity of the area.

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

- 4 In the event of exceptional circumstances and subject to the submission to and approval in writing by the Local Planning Authority of proposed activities and hours, operations may be undertaken outside of the hours restricted by Condition 3 above.

REASON: To enable operations outside of restricted hours when exceptional and urgent circumstances prevail.

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

- 5 Operations shall not commence on site prior to the submission and approval in writing by the Local Planning Authority of a Lorry Routing Plan for the routing and signing of HGVs to and from the site during operation to the local planning authority and received written approval. The plan shall identify the arrangements for:-

- i) monitoring of the approved arrangements;
- ii) ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements; and
- iii) disciplinary measures that will be exercised in the event of default

REASON: In order to mitigate the impact of HGV traffic on the road network.

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

- 6 No construction shall commence on site until the applicant has submitted a Construction Traffic Management Plan to the Local Planning Authority and received written approval thereof.

Reason: In order to mitigate the impact of construction traffic on the road network.

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

- 7 Operations shall not commence on site prior to the submission and approval in writing by the Local Planning Authority of a Travel Plan. This Travel Plan shall include:

- i) Measures for the promotion of car sharing and practices and on-site facilities that reduce the need for travel;
- ii) Measures to promote and facilitate public transport use;
- iii) Measures to promote and facilitate walking and cycling ;
- iv) Consideration of and measures to mitigate any adverse impacts upon the local highway network; and
- v) Targets and monitoring/review mechanisms together with a timetable for the implementation of each element

REASON: In the interests of encouraging access by sustainable transport to the site

- 8 Development shall not commence prior to the submission and approval in writing by the Local Planning Authority of a scheme for the provision of surface water drainage works. 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 drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water management.

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

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

- b. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
- c. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

REASON: To ensure the proposed development will not cause pollution of Controlled Waters.

- 10 Prior to the commencement of development, a Management Plan to demonstrate how the receptor sites in terms of the Reptile Mitigation Strategy submitted with the application will be managed and protected in perpetuity for reptiles. Management work will be carried out in accordance with the agreed plan.

REASON: In the interests of the protection of reptiles to be translocated from the site.

- 11 Results of post translocation reptile monitoring will be submitted in accordance with Paragraph 6.3 of the Reptile Mitigation Strategy dated 26 May 2009 (or amendments thereto approved in writing by the Local Planning Authority) submitted in support of the application.

REASON: In the interests of the protection of reptiles to be translocated from the site.

- 12 Prior to the commencement of development, and in the event that reptile populations exceed those that can be accommodated in the two receptor sites proposed and subject to further consideration by the District Ecologist, an additional receptor site that may be required by the Local Planning Authority shall be identified and secured.

REASON: In the interests of the protection of reptiles to be translocated from the site.

- 13 Prior to the commencement of development details of lighting shields to be provided for the protection of foraging and commuting bats shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the protection of protected species.

- 14 Prior to the commencement of development a construction method statement in relation of the protection of the Biss Brook during construction shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the protection of the Biss Brook and environs during construction.

Informative(s):

- 1 The applicant is advised to contact Wessex Water (01225 526000) with regard to the protection of water infrastructure on site, as well as the possible need for the diversion of existing mains.
- 2 The Environment Agency has noted that certain of the elements required under Condition 8 have already been addressed. The applicant is therefore advised to contact the Agency direct in this regard where this may have a bearing on the speed of approval of the scheme to deal with the risks associated with contamination.

- 3 The Environment Agency further wishes to advise the applicant to:
- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
 - 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
 - 3) Refer to our website at www.environment-agency.gov.uk for more information.

Further advice by the agency in respect of Environment Management is that operations on site may be subject to regulation by the Environment Agency.

Depending on the size, storage limits and type of material to be processed, consultation may be required in relation to the application for an 'Environmental Permit' or an 'Exemption' (under the Environmental Protection Act 1990). If only 'clean', 'De-polluted' material and vehicles entered the site then exemption could be an option under Paragraph 45; Recovery of Scrap Metal or the Dismantling of Motor Vehicles. If materials and vehicles have not been de-polluted then an application for a Waste Management Licence may be a requirement. This may in turn need the development of site specific environmental management plan and other working plan documentation.

It is recommended that any queries in the above regard are directed to the Environment Officer on 01278 484408.

- 4 The applicant is advised that nesting birds are protected under the Wildlife and Countryside Act 1981. As it was noted that there was extensive habitat suitable for nesting birds within the boundary of the site, any suitable vegetation must be removed outside of the bird nesting season. The applicant is advised to contact the District Ecologist prior to site clearance.

Appendices:	None
Background Documents Used in the Preparation of this Report:	None



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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : 002-P04 received on 26.03.2009
 Drawing : 00664427-ST-DRG-00140 A01 received on 26.03.2009
 Drawing : 00664427-ST-DRG-00143 A02 received on 26.03.2009
 Drawing : 00664427-ST-DRG-00144 A01 received on 26.03.2009
 Drawing : 00664427-ST-DRG-00145 A02 received on 26.03.2009
 Drawing : 00664427-PL-DRG-00206 P01 received on 26.03.2009
 Drawing : 00664427-PL-DRG-00207 P01 received on 26.03.2009
 Drawing : 00664427-E_PBH-DRG-00620 A01 received on 26.03.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 05

Date of Meeting	05.08.2009		
Application Number	W/09/01871/FUL		
Site Address	71 High Street Heytesbury Wiltshire BA12 0ED		
Proposal	Rear extension to dwelling		
Applicant	Mr Justin Wagstaff		
Town/Parish Council	Heytesbury Imber And Knook		
Electoral Division	Warminster Copheap And Wylke	Unitary Member:	Christopher Newbury
Grid Ref	392656 142587		
Type of application	Full Plan		
Case Officer	Mrs Judith Dale	01225 770344 Ext 245 judith.dale@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- Visual impact upon the surrounding area
 - Design - bulk, height, general appearance
-

1. Purpose of Report

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

2. Main Issues

The main issues to consider are:

- the impact of the development on the character and setting of this listed building
- the impact of the development on the character and appearance of the Conservation Area and Special Landscape Area
- the impact of the development on existing residential amenity

3. Site Description

The application premises are a Grade II listed building forming part of a continuous terraced frontage along the south side of the High Street. From this front elevation, the property presents as a small brick built cottage with a pitched roof dormer in the front elevation accommodating an existing attic bedroom. At the rear, the original property has been much altered with a large 2 storey flat roofed extension built in the 1990s, tile hung on the upper section, and a further flat roofed single storey extension beyond. Both extend across the full width of the property.

Properties on either side have also been extended to the rear – to the east, at no 72, a pitched roofed single storey extension projects approx 4m beyond the existing rear elevation of the application site; to the west, is a 2 storey half hipped extension occupying much of the ground floor width but narrowing at first floor level.

The terrace of properties is listed for its group value with numbers 71, 72 and 73 listed as a row of 3 cottages. All are located within the Conservation Area and a Special Landscape Area.

4. Relevant Planning History

W/09/00874/FUL – Proposed pitched roof and internal alterations – Withdrawn

W/09/00875/LBC- proposed pitched roof and internal alterations – Withdrawn

W/09/01872/LBC – Rear extension to dwelling - Pending

5. Proposal

This application is for the removal of the first floor flat roof and its replacement with a gable ended pitched roof. It is designed as a Dutch gable, with a 45 degree pitch, a large triangular glazed window in the gable end and reclaimed plain clay tiles on the new roof elements to match the existing. The existing concrete tile hanging on the original first floor addition is also to be replaced with matching plain clay tiles to tie in with the new structure. Two small conservation roof lights with translucent glass will be installed in each of the proposed roof slopes.

Internally, the additional floor space will accommodate an extension to the existing attic bedroom and allow for the installation of en suite bathroom facilities within an existing cupboard space.

This application is an identical resubmission of a scheme which was submitted and withdrawn in April/May in anticipation of a recommendation of refusal. A reduced scheme was negotiated with the agent but the applicant wishes the original proposal to be formally considered and determined.

A parallel application for Listed Building Consent has been submitted (W/09/01872/LBC) and will be determined under the delegated procedure in accordance with the Committee decision.

6. Planning Policy

West Wiltshire District plan 1st alteration 2004
C3 Special Landscape Area
C18 New Development in Conservation Areas
C19 Alterations in Conservation Areas
C28 Alterations and Extensions to Listed Buildings
C31a Design
C38 Nuisance

PPG15 Planning and the Historic Environment

SPG House Alterations and Extensions

7. Consultations

Heytesbury Parish council

Comments awaited

Heritage Development Officer:

As part of the consultation process for the previous identical applications 09/00874/FUL & 875/LBC), the comments were as follows:

'PPG15 states that any extension should preserve or enhance the character of a listed building. The existing extension on the rear of the property significantly detracts from the character of the building, as a result of its size design and form. The proposed alterations would create an extension which relates better with the historic building than the current extension thus enhancing the character of the building.'

8. Publicity

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

Expiry date: 31 July 2007

Summary of points raised:

At the time of preparing this report, no letters of comment or objection had been received.

9. Planning Considerations

9.1 Impact on character and setting of listed building

It is a point to note at the outset that the recent additions to this property are very unsympathetic in terms of design and appearance and currently do not enhance either the character or setting of this listed building; it is also a point to note that there is no evidence that either planning permission or listed building consent were granted for these additions which, it must be emphasised, were built before the current applicant took ownership of the building.

Policy guidance in the form of PPG15 does permit 'sensitive alteration or extension' to listed buildings but does require that 'Modern extensions should not dominate the existing building in either scale, material or situation (Annex C para C7). Policy C28 in the District Plan will allow extensions providing the essential form of the building is not adversely affected, and new details are designed to be in keeping with, and respect, the character of the building.

In this particular case the character of the original building is very much that of a small cottage, one of a group of 3, with simple facades and a steep roof profile characterised by a single pitched roof front dormer and a much smaller flat roofed rear dormer. In the annexe to PPG15, the importance of the roof is highlighted in para C.27 as follows:

'The roof is nearly always a dominant feature of a building and the retention of its original structure, shape, pitch, cladding and ornament is important.'

The current proposal would result in the removal of the rear dormer and its replacement with a significant gable extension projecting approx 5.5m from the roof plane just below the main ridge, and 3m at eaves level. The ridge line of the extension would be some 200mm above that of the front dormer detracting from the importance of that feature, while at only 150mm below the main ridge line, the new roof would appear as a very dominant feature against the original structure. This would alter the profile and character of the principal roof which would now appear subservient to the later addition, detrimental to the character of the listed building as a whole.

The internal alterations to allow for the extension generally have limited impact only on the original fabric of the building. The rear dormer is to be removed to provide access into the extended space while the existing roof purlin will be retained to provide a semi partition between the current and proposed bedroom area; the installation of the en suite facilities would be within the existing partitioned storage area.

Notwithstanding these comparatively benign internal alterations, the scale and design of the external space would be detrimental to the character and setting of the original cottage. Against the advice in PPG15, this cannot be regarded as a 'sensitive' extension or one which 'does not dominate the existing building' while the scale and dominance of the proposed roof clearly alters the 'essential form of the building' contrary to policy C28.

In addition to the above comments which relate principally to listed building concerns, the Council's approved Design guidance on extensions clearly states that 'an extension should be a subservient element to the host building...' As indicated above, the proposed roof extension is not considered to meet such a test and should be refused.

9.2 Impact on the character and appearance of the Conservation Area and Special Landscape Area

Since the proposed development is to the rear of the property and not visible from public views within the Conservation area or from the wider surroundings, it would have no material impact on the character or appearance of either.

9.3 Impact on existing residential amenity

The proposed installation of roof lights in both planes of the gable roof would have the potential to overlook adjoining properties but both units are to be located at high level and with obscure glazing to protect privacy; the proposed window in the gable end would not give rise to a pattern of overlooking which does not already exist from first floor windows.

In terms of the impact of the proposed roof on existing levels of light, this is more difficult to assess. There is an original rear dormer at no 72 which might be affected by any new roof construction, but due to a combination of the dormer cheeks and the sloping profile of the new structure, any loss of sun or daylight is impossible to quantify.

Conclusion

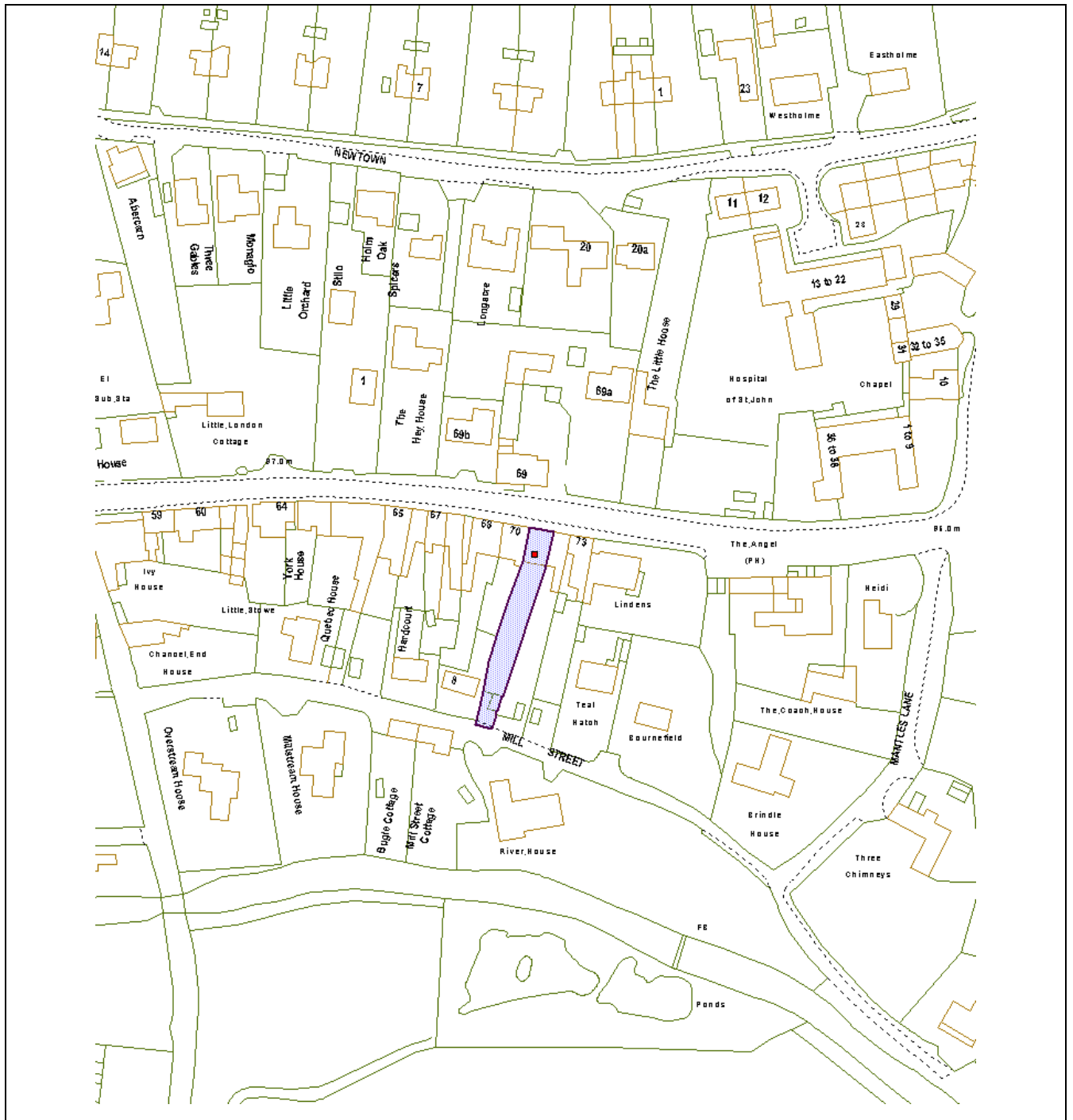
It is acknowledged that the existing development to the rear of this property is detrimental, but this cannot be justification for approving a form of development which, itself, fails to meet acceptable design principles. While the proposed development might be regarded as simply improving the appearance of the rear of this property, the test of appropriate works to a listed building is that the character of the building is preserved or enhanced. In this particular case, the scale and form of the proposed works is considered to be detrimental to that original character and should therefore be refused.

Recommendation: Refusal

For the following reason(s):

- 1 The proposed extension, by reason of its design, scale and form, would appear as a large and dominant element which would significantly change the existing roof profile and alter the essential form of the building, detrimental to the character and setting of this Grade II listed building. This would be contrary to policies C28 and C31a of the West Wiltshire District Plan 1st Alteration 2004 and the advice and principles in PPG15 (Planning and the Historic Environment)

Appendices:	None
Background Documents Used in the Preparation of this Report:	None



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RELEVANT APPLICATION PLANS

Drawing : 26080-100 received on 30.06.2009

Drawing : 26080-101 received on 30.06.2009

Drawing : 26080-102 received on 30.06.2009