

WESTERN AREA PLANNING COMMITTEE

18 November 2009

Planning Applications for Determination

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01	W/09/01471/FUL	Redevelopment of existing car park to the rear of the Three Horseshoes Mall allowing a new class A1 food store (3,980 sq m) and a new class D1 library/museum/tourist information office building (1,200 sq m), and revised car parking layout together with new and enhanced pedestrian access, new public space and hard/soft landscaping - Car Park Station Road Warminster Wiltshire	Warminster	01
02	W/09/02038/FUL	Permanent 2 storey, 5 bedroom agricultural dwelling to replace existing temporary dwelling - Land North Of New Manor Farm South Wraxall Wiltshire	South Wraxall	36

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 01

Date of Meeting	18.11.2009		
Application Number	W/09/01471/FUL		
Site Address	Car Park Station Road Warminster Wiltshire		
Proposal	Redevelopment of existing car park to the rear of the Three Horseshoes Mall allowing a new class A1 food store (3,980 sq m) and a new class D1 library/museum/tourist information office building (1,200 sq m), and revised car parking layout together with new and enhanced pedestrian access, new public space and hard/soft landscaping		
Applicant	Stockland UK		
Town/Parish Council	Warminster		
Electoral Division	Warminster East	Unitary Member:	Andrew Davis
Grid Ref	387594 145202		
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

Due to the high level of public response and because Councillor Andrew Davis has requested that this item be determined by Committee due to:

- * Size, scale and design
- * Conservation area
- * Council owned land and buildings
- * Huge public concerns

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:

Town Centre Regeneration
Edge of town centre location
Regeneration opportunities in the form of improved library and community facilities
Retail need and impact on existing retail facilities
Visual enhancement of the existing car park
Urban Design
Conservation Area, setting of listed buildings and design
Residential amenity and impact on adjoining neighbours
Employment
Highways, access and parking
Trees, landscape and ecology
Archaeology
Flooding and drainage

3. Site Description

The site is situated within the commercial area of the town and adjoins the primary retail frontage at Three Horseshoes Mall.

The site is situated in the centre of Warminster and is currently occupied by a large area of public car parking, a library building, tourist information centre and public toilets. Vehicular access to the site is from Station Road with pedestrian access off North Row, The Avenue and various entrance points off the High Street. A public footpath traverses the site leading from North Row to the car park and from Three Horseshoes Mall to The Avenue.

The application site extends to approximately 1.88ha and is of an irregular shape situated to the west of Station Road and to the rear of the High Street including the 1960s retail development known as The Corn Market and the 1970s retail development known as Three Horseshoes Mall. The site is to the south of The Avenue and to the east of North Row.

An area of the car park is used for a weekly market and as well as parking for domestic vehicles access is required for servicing and deliveries to the rear of shops in the area and for bus/coach stops and parking.

It is situated entirely within the conservation area and some of the buildings in North Row adjoining the site are Listed Grade II. The site is designated as being of archaeological interest.

There are a number of existing trees within the site including a row of trees on the boundary with Atyeo Place and The Avenue.

The surrounding area contains a mix of retail, commercial, a school, health centre and residential uses. The railway station is situated nearby.

4. Relevant Planning History

None on this site other than a parallel application for conservation consent to demolish the library and other associated structures which will be considered in due course under delegated powers depending on the outcome of the current application.

W09/01484/CAC – Demolition of existing library, tourist information centre and lock-up garages on car parking land to the rear of the Three Horseshoes and the Corn Market – Pending a decision.

However, recent planning decisions on two nearby sites are also relevant.

The first of these is an application at the Dents factory on Fairfield Road for a new supermarket on the edge of the town centre.

W09/03266/FUL – Redevelopment of existing site to provide new supermarket store, café and non food retail units, access and parking –Approved 19.10.2009.

A second recent application for an extension to an existing Morrison's 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 Morrison's supermarket – Refused 12.03.2009

No appeal to the Planning Inspectorate has been received against this decision to refuse and the time period during which it could have been lodged has now passed.

5. Proposal

The proposal is for the redevelopment of an existing car park area, which is used predominantly for car parking, but which currently contains the Library, Tourist Information Centre and a number of ancillary buildings. The proposals would result in their replacement with a new purpose built library and the erection of a new supermarket.

The new supermarket would be built in the northern part of the existing car parking area on the boundary with The Avenue. The new library containing a museum, the Tourist Information Centre, Citizens Advice Bureau and associated functions would be built in the southern area of the car park adjoining existing buildings forming part of the High Street and Three Horseshoes Mall.

It was originally proposed that the public toilets would also be demolished but this element of the scheme has been deleted as a result of negotiations during the course of the application. The public toilets would therefore be retained in their existing position. It is proposed that the weekly market would remain on the car park for the foreseeable future.

The supermarket would have a gross floor area overall of approximately 3,980 square metres, a net convenience goods floor space of approximately 1,691 square metres and a net comparison goods floorspace of approximately 725 square metres. This would comprise a building on one and two storeys built from a mix of natural stone and brickwork, timber and glass under a flat roof. There would be service area to the side of the building.

The new library, museum and tourist information centre would have a gross floor area of approximately 1,200 square metres. This would comprise a building on two storeys built from a mix of natural stone, timber, render and glass under a flat green roof.

The existing vehicular access from Station Road would be retained but the parking and access arrangements within the site would be realigned. The public footpath would require diversion to move it from its current alignment closer to Atyeo Place. There are a total of 377 existing car parking spaces. The resulting layout would result in a small decrease of parking spaces to 373 comprising 261 public parking spaces, 14 disabled spaces and 6 mother and child spaces adjacent to the supermarket, these will be chargeable spaces that are free for the first 2 hours, 32 private spaces which are outside the control of the applicants, 57 permit places and 3 permit disabled spaces which would be for the use of residential occupants, council members, library/CAB and Shopmobility users and employees who work in the 3 Horseshoes Mall.

The application is supported by a Design and Access Statement, a Transport Assessment, an Archaeological Assessment, an Ecological Assessment, Environmental Assessment, a Flood Risk Assessment, Noise Impact Assessment, a Conservation Area Assessment, a Retail Planning Statement, a Planning Statement and a Statement of Community Involvement.

The proposals have been revised on a number of occasions during the course of the application following consultation responses.

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

C18 - New Development Conservation Areas

C19 - Alterations Conservation Areas

C22 - Demolition in Conservation Areas

C31a - Design

C32 - Landscaping

C34a – Resources Consumption & Reduction

C35 – Light Pollution

C38 – Nuisance

C40 – Tree Planting

CF1 Community Facilities

CF2 Community Facilities

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

PPG15- Planning and the historic environment

7. Consultations

Warminster Town Council: Object to the proposals. Although the scheme has some merit there had not been sufficient consultation with the public. With the destruction of too many existing buildings and the loss of services such as the public lavatories, coach park and weekly markets it did not help the scheme.

On commenting on revised plans the Town Council maintains its objection.

'The members were advised that a telephone call had been received from Wiltshire Council advising that although the members had not received the revised transport report the members should be able to make a reasonably informed decision based on the information they have as there are only slight modification/clarifications on traffic modelling.

The members discussed the various amendments which had been made to the application but could see no fundamental changes. There is still a loss of car parking spaces to the town. They discussed the fact that the small traders would suffer whilst major construction work would be carried out, that the new area supplied for the bus stop does not appear to be large enough and that the delivery area for goods to the proposed supermarket is close to the public conveniences and therefore dangerous to the public.'

At the end of the 14 day period for representations on the most recent revisions no comment had been received. Any subsequent comment/late representations received will be reported to Committee.

Highways Comments initially were as follows:

'Given the location within the town centre and the potentially good links by all modes of transport, the development meets guidance in PPG13 so we would have no concerns about the principle of the development.

After consideration of the Transport Assessment and some further discussions with the consultants, I believe the impact of the store traffic on the surrounding junctions would be acceptable. In terms of car parking, I feel the existing space in the public car parks may be broadly sufficient to cater for the likely parking requirements of the store - recognising that some access to the store would be via modes other than car and some car users would have parked elsewhere in the town centre. This would obviously require some alterations to the existing parking regimes in other car parks around town. However, I cannot be sure of this at the moment as it has not been made clear what is proposed for the Friday market, which is currently held on the central car park.

As you know, I have raised concerns about the orientation of the store on site from the outset and those concerns remain. Contemporary guidance [1] would advise against the placing of the foodstore at the rear of the site rather than relating it directly to Three Horseshoes Walk. This is because the car parking then creates a barrier between the town centre and the store for everyone but car users, rather than attempting to promote accessibility by all modes of transport. From a highways perspective I feel that this application is therefore unacceptable. However, I appreciate that highways is one consideration and weighing up the options you may feel that what is currently proposed is the most appropriate option.

As it stands at the moment, the provision in the design for anything other than car uses at the site is very poor and I would raise an objection to the design as proposed. The whole site is obviously an integral part of the town centre, with very good potential for access by sustainable modes. Assuming that the application continued to promote the store with its current orientation, I would need to be satisfied that a number of issues have been properly addressed before withdrawing my objection. My comments are based on revision B of the proposed site plan and the key issues are as follows:

- 1) The central car park is currently used by a number of bus services, some of which use it for layover time. The suggested bus layover space could only accommodate 1 bus (currently up to 3 need to layover) and it would require buses to pass through the rows of car parking. This situation currently takes place at Morrison's but often causes problems for the buses and must be avoided. Some of the services could transfer to the Market Place stops but those with long layovers still need to be catered for in the town centre. It may be acceptable to transfer the bus stops to another location nearby such as Fairfield Road, this would require a Traffic Regulation Order (to be paid for by the applicant) to create a bus clearway. Were this TRO not to be successful, the layover facility would have to continue to be provided within the existing car park - this proposal must not be to the detriment of the functioning of public transport services
- 2) The sharp corners in the design of the main access road for the car parking and the servicing of Three Horseshoes Walk would be unacceptable. The vehicle tracking submitted shows that those HGVs would have to go right onto the other side of the road at the corners - this raises potential safety issues
- 3) The existing store would be built over a public footpath. In order to agree an appropriate diversion of this footpath our Rights of Way section would want to be satisfied that the proposed alternative would be of similar convenience, enjoyment and safety for users. As the proposal stands at the moment they would feel unable to support the proposed alternative on all three grounds
- 4) Other provision for pedestrians around the site is poor, the key issues being:
 - a) The link from Three Horseshoes Walk to the site should give much greater pedestrian priority, it should be wider, would need to be attractive and in a direct line
 - b) The footway along the east of the site (along the back of the police station) is too narrow
 - c) There would be an increase in traffic movements along the access road and Station Road which would make it harder for pedestrians to cross. A formal crossing facility to the north side of the club on the access road should be discussed, as should a possible facility on Station Road between the access road and Fairfield Road
 - d) There are a number of other pinch points on the proposals - the two extensions at the front of the store leave only about a 1.5m footway and the access into the potential footway/cycleway along the side of the store appears to drop down to about 2m
- 5) The proposed recycling facility would be likely to lead to vehicles parking on the site access road, causing potential conflicts between vehicles - including the HGVs that would use this route

- 6) I would also add that the public cycle parking at the front of the site should be covered
- 7) It is not clear what would happen to the Friday market, this could potentially have an impact on the acceptability of the proposed car parking levels
- 8) The retention of the existing public toilets as now proposed may lead to problems with the servicing of the store. 2 HGVs need to be tracked into the service yard

To summarise, I would recommend refusal of the application on the following grounds:

- 1) The orientation of the store on site is contrary to contemporary guidance
- 2) Although the potential for providing very good access by sustainable modes is high, the proposed provision is poor and unacceptable
- 3) The alignment of the proposed access road, especially the right angled bend some 40m into the site, is of insufficient radius to safely and conveniently accommodate the swept path of service vehicles. I believe there is a solution that involves the conversion of that node to a mini-roundabout and could explain further if you wish.'

Following the submission of revised plans the response was a recommendation of refusal on the grounds that:

'The development as submitted makes insufficient provision for pedestrians, resulting in an arrangement that is neither attractive, convenient or conducive for anything other than car use'.

Following further revisions to the layout the Transport and Development Manager stated that there have been some significant improvements and alterations resulting in an acceptable layout and he withdrew the objection subject to the imposition of conditions.

Planning Policy Comments are as follows:

'Relevant Policy and Guidance: PPS6, RSS Development Policy B. Structure Plan Policy DP3, Local Plan Policies CF1 CF2.

Background: The application is for an A1 class food store with a total gross floorspace of 3,980sqm, a new library/museum/tourist information office to be housed at the same location. The application includes a comprehensive revision of the car park with new pedestrian routes and hard and soft landscaping.

The site itself lies within the Warminster Commercial Area Boundary and Conservation Area. It is at the rear of the Market Place to the north of the primary retail frontage, including the Three Horseshoes Mall, which connects the south west corner of the site directly to the primary retail frontage. Vehicular access is gained from Station Road to the east with a number of commercial building and retail outlets/service yards running from the north east corner along the eastern and southern edges to the site. At the northern boundary there are a number of public buildings, including a surgery, police station and school. The western boundary is lined by residential development and bounded by a wall.

Key Issues: The key issues are the suitability of the site for retail and the re-use/redevelopment of Community Facilities.

Policy DP3 of the 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.

The proposal also looks to redevelop the existing library/museum and increase the capacity of these facilities by including a tourist information office. Policy CF1 of the West Wiltshire District Plan (adopted 2004) supports proposals for community facilities as long as they have regard to scale and sitting, access and highways and other environmental considerations. Policy CF2 of the Local Plan allows for re-use/redevelopment of community facilities if they are no longer needed. The public toilets that currently occupy the site are not set to be replaced, these would not seem to be a community facility likely to be surplus for requirements and it would be pleasing to see these included somewhere in the scheme.

The suitability of the site to accommodate retail uses should be assessed using criteria in 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 submitted by Montagu Evans bases much of the quantitative need on an increase in market share. 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). The Spatial Planning Team is satisfied with the quantitative retail assessment using the assumption of 6% increase in market share.

In terms of qualitative assessment for retail, Warminster has three national chains currently operating in the town, Morrison's, Iceland and Aldi. Two of these retailers can be described as specialist given that they offer frozen and budget foods. Morrison's is the only recognised higher end convenience retailer and as such 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 1,647 sq metres net of convenience retail floorspace is accepted as long as it comes in the form of a nationally recognised retailer providing a qualitative lift to ensure it brings the expected increase in market share.

As noted earlier, Warminster plays the role of a market town providing a service centre to a large rural community. The scale of the development is appropriate in terms of the role and function of Warminster and the rural hinterland it serves. It should strengthen the role of Warminster as a local service centre.

The next test described in PPS6 is the sequential test. In the light of an application for a similar sized convenience retail outlet at the Dent's Factory on Station Road, this can be considered a key test for this application. In considering the sequential test, it is clear that more weight should be given to PPS6 definitions 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.

The current commercial activity in the Three Horseshoes Shopping arcade and the presence of another convenience retail store (Iceland) suggests that a well designed and integrated development would actually offer the Three Horseshoes site the ability to extend the primary shopping centre. The site also benefits from other town centre uses that could be redeveloped or upgraded as part of the application, again in line with policies in PPS6, which encourage authorities to actively manage town centres and the facilities available within them.

However, the site in its current design does not, as stated in the Retail Statement, provide a town centre site. The site should technically be classed as edge of centre. In Annex A of PPS6 it makes it clear that in smaller centres the town centre may not extend beyond the primary shopping centre, but that anything within 300 metres of the town centre may be classed as edge of centre. The convenience store is disconnected by a car park which is also included in the Annex A as another criterion in determining whether a site is town centre or edge of centre. Nevertheless, paragraph 2.44 of PPS6 explicitly states preference should be given to edge of centre sites that are well-connected to the centre. The site offers direct pedestrian access to the high street and the primary retail frontage providing a safer, more attractive route for pedestrians and encouraging linked trips to the primary retail centre.

The overall assessment of the sequential test suggests that the Three Horseshoes Development has the opportunity to better meet the requirements of PPS6 in enabling and strengthening retail development in Warminster by extending the primary shopping centre. However, the current design of the site makes the main shop the A1 food store, which is separated from the primary shopping frontage by the car park. While it is acknowledged that the access to the service yard at Iceland ensures that there will always be a barrier of some sort, better design and integration with the Three Horseshoes Mall should be encouraged in order to extend the primary shopping centre. If the site could be better connected to the primary shopping frontage then it is clearly preferable in planning terms to the Dents Site, which is further away from, and less well connected to the primary retail frontage, and is likely to create an 'alternative centre' which is considered as undesirable in the impact test.

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 impact 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 as a whole. This analysis is satisfactory in terms of linkages.

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

Conclusions:

This site appears to be the best location for a new A1 class store of this size in Warminster. The site could help support the existing primary retail centre and also help secure better town centre facilities for Warminster in its role as a local service centre. Nevertheless, it would be preferable to see issues over the site layout and design being addressed.

Policy Recommendation:

Subject to some revisions to the layout of the scheme, in order to improve the connection of the A1 food store to the primary shopping centre of Warminster, the application is acceptable in policy terms.'

Library Service 'Wiltshire Council's Library Service has been in discussion with Stockland regarding their proposals for a new library in Warminster as part of the re-development of the Central Car Park in the town.

On the basis that the new library would be of at least the same floor area as the current building, and that all the public areas for the library and museum would be located on the ground floor, the Library Service has no objection in principle to the proposed development. With a new building located centrally within the development as proposed, we would be able to meet the needs of existing and future library customers.

I would note that no decision has been made to commit to the scheme and that such a decision to proceed would be a matter for the Portfolio Holder for library services and the Wiltshire Council Cabinet.'

Environmental Health Comments are as follows:

No objections, subject to conditions and informative.

'We have no objections to this application in principle.

The food store is to be located adjacent to the residential properties in Atyeo Place and so care will be needed to ensure that plant noise does not affect the occupants of those properties. Delivery noise could affect the residents of the nearby Homeminster House, but I am reluctant to restrict delivery hours as night-time deliveries are often more efficient and have climate-change benefits in reduced travel during times of congestion. I believe an acceptable solution could be achieved by the installation of an acoustic barrier to the North and part of the eastern boundary of the delivery yard.'

English Heritage In principle has no objection and recognise the benefits that a new retail provision might bring to the town and support the concept of contemporary architecture in this location.

However, concerns are expressed with regard to location of the supermarket as there is a greater degree of tranquillity and residential character reflected in the tucked away peripheral location which represents a transitional space between the obvious urban town centre space to the south, from the other side of the service road with Market Place as its linear epicentre, and the suburban and domestic character of the streets that surround it.

The introduction of a supermarket however compelling its architectural treatment might be still creates blank facades around most of its perimeter and runs the risk of creating uncomfortable relationships with neighbouring sits – the gardens of houses to the west, the school to the north and take the form of a service area to the east adjacent to the entrance and on the side of the principal approach to the site.

While the location may have been justified in creating a 'retail loop' English Heritage asks whether this represents the most suitable location.

Similarly it has concerns whether the two blank faces of the library will integrate successfully within any townscape ambitions for the area and enhanced regime of legibility and pedestrian permeability.'

Wessex Water No objections in principle subject to further discussions over easements and capacity with the applicants to achieve a suitable solution.

Environment Agency On commenting initially stated that 'The Environment Agency must object to the proposed development, on grounds of an inadequate Flood Risk Assessment (FRA), because it does not demonstrate how flood risk, through the management of surface water, can be reduced as part of the redevelopment of the site.

The site area is over 1 hectare and lies within Flood Zone 1. Table D1, Annex D of PPS25 explains the policy aims. It states that:

In this zone, developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage techniques.

The FRA does acknowledge (in the Conclusions) that SUDS 'could be accommodated within the development proposals to help ease the demand on the existing public surface water sewer'. However, the report does not explain, in detail, how this will be achieved, with supporting calculations. In addition, whilst the report recognises that the impact of climate change may result in an increase in surface water run-off from the site in the future, it does not include any details of how the proposed surface water drainage scheme will manage this additional volume to ensure no increase in flood risk, both at the site and beyond.

The general principles to be applied when carrying out FRA's is outlined in Annex E of PPS25. Also, the Practice Guide to PPS25 (on pages 101 to 103 inclusive) explains 'Site-Specific Surface Water Management' and the detail to be incorporated within the FRA submitted in support of an application for a development of this nature. Paragraph 5.50 of the Practice Guide to PPS25 states:

For the range of annual flow rate probabilities up to and including the one per cent annual exceedence probability (1 in 100 years) event, including an appropriate allowance for climate change, the developed rate of run-off into a watercourse, or other receiving water body, should be no greater than the existing rate of run-off for the same event. Run-off from previously-developed sites should be compared with existing rates, not greenfield rates for the site before it was developed. Developers are, however, strongly encouraged to reduce runoff rates from previously-developed sites as much as is reasonably practicable. Volumes of run-off should also be reduced wherever possible using infiltration and attenuation techniques.

We shall be pleased to comment further on this application upon submission of a more detailed FRA compiled in accordance with PPS25, and Practice Guide to PPS25.

We have reviewed the 'Phase One Environmental Desktop Study' report (BJB Consultancy Ltd, May 2009, Ref: 1912/DT) submitted as part of the planning application. It provides a useful introduction to the site setting, the previous site uses, the potential for ground contamination to be present and the risks that contamination may pose.

Whilst the risk to controlled waters is considered in the report to be low, given the sensitivity of the site (Major Aquifer, Source Protection Zone 1) and the potential for contamination to be present, we concur with the recommendations that further site assessment is undertaken which would include an intrusive site investigation and contamination sampling. This will help to define the level of contamination (if any) present on the site and enable a more detailed risk assessment to be undertaken with respect to controlled waters.

On commenting further since the submission of additional information The Environment Agency withdrew its objection subject to the inclusion of conditions and informatives on any permission granted.

Vision Director (Economy and Enterprise) formerly Regeneration Officer 'Retail Need - the proposal will create 3,455.m (gross) of convenience retail space. The Council's Retail Needs Assessment (January 2007) 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 predicted need. However, against this there is a demonstrable local aspiration for a further supermarket in Warminster (April 2008 Warminster Vision and Scoping Study public consultation). Moreover, there is an argument to suggest that the improvement in choice that a further convenience store would generate, reflects current Government thinking on retail development.

Location - The applicant makes frequent references to the Town Council's "Vision and Scoping Study" (the initial stage in the emerging Town Plan) and claims that the proposals detailed application are consistent with this document. This is emphatically the case - the Study identifies the area between Market Place and Central Car Park as the "Commercial Heart" of the town. 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. This site is central to the concept of the Town Council's "Retail Loop" (as identified in their adopted Vision and Scoping Study) and inside the desired "Commercial Heart" of the town. This is supported in District Council Policy (Adopted Local Plan) which clearly demonstrates that the site falls within the Commercial Area Boundary and adjoins (at the boundary with 3 Horseshoes Walk) the Primary Retail Frontage. The scheme as proposed would strengthen the idea of a retail hub by drawing people through the 3 Horseshoes/Market Place area to proposed convenience store and therefore contributing to the coherence and legibility of the town.

Sequential Test - There are only two sites in or close to the town centre that could accommodate a large floorplate convenience store, Central Car Park and the Dents site. To restate my observations on the previous application for a large floorplate convenience store on the Dents site:

" 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"

As outlined under "location" the proposals in this application are more consistent with Local Policy and aspirations making it more suitable for large floorplate retail development consistent with the sequential test.

Regeneration - the proposal is wholly 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 existing car park offers a very poor quality environment for such a potentially important site (in terms as its role as one of the "gateways" to the town centre) with a poor pedestrian environment (dominated by a "sea of tarmac" and very confused boundaries between private and public space. This scheme will address these weaknesses - improving pedestrian routes through the site, making more efficient use of parking spaces and formalising the site boundaries. It is clearly the "right" scheme on the right site in terms of offering regeneration benefits.

In conclusion I am supportive of this scheme.'

Conservation Officer On commenting on the full application: ' The submitted 'Conservation Area Appraisal and PPG15 Assessment' paragraph 4.18 states that there are no views across the site. I do not agree with this statement as the North Row terraces can be seen from the across the site and this represents an important outlook in the Conservation Area context. However, that being said, these views would be retained and enhanced with the relocation of the library.

Regarding layout, the proposed library would be well sited within the scheme. It would hide the service areas of the existing shops and would leave the central section of the site open, thereby increasing views across to the rear of the North Row terraces.

The central car park makes sense of the currently disjointed arrangements and can only be positive in this area. The site would become coherent for the first time in probably decades.

In terms of the store positioning, it would be in close proximity to The Avenue and to Atyeo Place. Both of these areas are also within the Conservation Area. The store would compromise the views into and out of these areas and would result in a cramped form of development in its context – being so close to public areas.

That said, the height, mass and bulk of the store has been kept modest for a building of this size. The building does step down in these locations to take account of neighbouring areas. However, I would have to conclude that this will be an uncomfortable arrangement harmful to the special character and appearance of the Conservation Area in these areas.

The design of both the store and the library is of good quality modern design which does suit the area as the site is a contained space where modern design elements would work well set against the background of historic buildings and boundaries.

Both buildings make good use of quality materials – natural stone, timber, glass and metal. These materials need to be conditioned for samples, as well as the methods of pointing. The drawings do not perhaps show the best impression of what the finished product would be regarding pointing and the visuals in the Design and Access Statement show a different interpretation of Ashlar on the library!

Recommendation. Investigate further mitigation of the Store/Atyeo Place/The Avenue relationship. Approve once satisfactory.'

On commenting on the demolition of existing buildings: 'A number of buildings have been identified as being demolished.

The demolition of the existing library would not result in any harm to the special character and appearance of the Conservation Area as the building is of no special architectural merit.

Similarly, the existing TIC, toilets and garages are of no architectural or historic merit and actually detract from the special character and appearance of the Conservation Area. Therefore there is no objection to their removal.

Providing the replacement development is acceptable to the area there is no objection to the demolitions.

There is also proposed a small section of The Avenue wall to be demolished. This does not in itself require Conservation Area Consent as it is only part of a structure, however as it forms part of a larger scheme I will comment on it. This would be a relatively minor loss and providing the new opening in the wall is finished properly I have no objections. It would additionally help pedestrian permeability through the site.

Recommendation. Approve providing replacement scheme is acceptable.'

On commenting on the revisions:

'The store has been moved to the east to give the footpath between it and Atyeo Place more room. The store has been moved approximately 2 metres, and the vegetation strip adjacent to the store has been reduced to a minimal width, giving the impression of a much wider pathway. The pathway would now be 5 metres wide. This would give a more open feel to the path but at the expense of the vegetation screening.

This is an improvement, although perhaps 0.5 metres of the path should be given back to vegetation on the edge of the store.

The relationship with The Avenue remains as originally proposed.

The issue of cramping this part of the Conservation Area has been mitigated to some degree although the principle issue remains as one of an uncomfortable relationship.'

Archaeologist On commenting originally stated that 'The Wiltshire Sites and Monuments Record (SMR) shows that the proposed development is situated in an area of high archaeological potential within the postulated extent of medieval and early post-medieval Warminster, lying in close proximity to a series of burgage plots laid out as part of a planned extension to the town in the 13th century and it is considered that archaeological remains of regional importance may be encountered during any development works at this location.

In view of this the following recommendation is made in line with Planning Policy Guidance Note 16: Archaeology and Planning (DoE 1990):

Recommendation: Field Evaluation – trial trenching

The applicant should be required to conduct a field evaluation to establish the nature and complexity of the surviving archaeological deposits. This should be undertaken prior to a planning decision being made. This evaluation would enable due consideration to be given to the archaeological implications and would lead to proposals for mitigation of disturbance and/or the need for further investigation.'

A brief outlining the level of investigation will be issued from this office on request and in this instance there will be a cost implication for the developer. The work will comprise archaeological trial-trenching in the first instance, which will enable the presence/absence, location, extent, date, quality and significance of archaeological remains within the proposed development site to be assessed. This initial stage may lead to a further stage of mitigation works e.g. preservation-insitu and/or open area excavation.

Contrary to the advice given in the archaeological desk-based assessment (pages 16-17), Planning Policy Guidance Note 16: Archaeology and Planning sets out a presumption in favour of the preservation in situ of nationally important remains (paragraph 27). Where remains of lesser importance are involved it further advises that if the planning authority decides that the significance of the archaeological remains is not sufficient to justify their physical preservation in situ when weighed against all other material considerations, including the need for development, they should satisfy themselves that the developer has made appropriate and satisfactory arrangements for the excavation and recording of the archaeological remains and the publication of the results (paragraph 28).

If the trial trenching identifies significant archaeological remains of local or regional importance this may lead to open area excavation in line with PPG16. To suggest that large scale open area excavation is required only in instances of national importance is misleading and the suggested scope of further works outlined in the desk-based assessment, based on the scenario of locally or regionally remains being identified, is unlikely to be appropriate.

The Council should make the applicant aware of this recommendation as soon as possible. It is strongly advised that the applicant arranges for field evaluation at the earliest opportunity. '

On commenting further stated that following discussions with the archaeological consultant for this site it has been agreed to amend the recommendation from a pre-determination evaluation to a condition to be attached to consent. The applicant's consultant on their clients behalf have agreed in writing to fund full scale archaeological excavation if warranted on the basis of the post-determination trenching and/or a revised design solution to enable preservation in situ if necessary.

On this basis, I recommend that in line with Planning Policy Guidance Note 16: Archaeology and Planning (DoE 1990) that a condition to be attached to any forthcoming consent.'

Ecologist 'I've reviewed the Ecological Survey report (Archial Architects Ltd, May 2009) along with the proposed plans and have the following comments:

With the exception of bats and breeding birds, the site is not considered to hold potential for any other protected species, and it does not contain any priority or protected habitats. The following measures should be made conditional to protect bats and breeding birds:

- The buildings to be demolished were not considered to have potential for roosting bats, although some of the trees to be removed were identified as having potential - the stand of mature beech trees in the north-east car park. I recommend that the trees with bat roost potential are surveyed by a licensed bat ecologist prior to being felled; tree removal works should be carried out in accordance with the recommendations made by the consultant.

- Vegetation clearance should be undertaken outside the breeding bird season (March - August inclusive), unless checked by a competent ecologist beforehand.'

Tree and Landscape Officer

'There is no landscape or tree related reason to refuse this application providing the following issues are addressed by condition:

To ensure trees located within the car park area have any chance of survival, a detailed specification should be submitted as part of a detailed landscape scheme. The specification should use a Tree Root Protection System (Cell Web or similar). This will allow the full use of the car parking bay, without causing compaction or damage to the tree or its root system.

In addition the protection of trees along the western boundary located to the rear of Atyeo Place and North Row must be incorporated.'

Warminster Civic Trust It takes the view that Warminster requires regeneration and needs an additional supermarket. It is vital that such a supermarket is positioned close to the town centre to broaden the appeal of the town as a shopping destination with spin off to other local traders.

However, there are serious flaws to the current application.

Location of supermarket in relation to The Avenue which would result in a hostile pedestrian environment

Loss of parking

No provision for buses and coach stop

No provision for weekly markets

No provision for recycling

Inadequate separation for deliveries and customer parking and likely conflict between these and pedestrians

Little support for demolishing the present library and other buildings which are all recent constructions and this does not make economic sense.

The plans focus on the car rather than pedestrians

It is unclear whether the various rights of access issues have been addressed.

On commenting on revised plans Warminster Civic trust makes further observations:

‘The Warminster Civic Trust has viewed the revised plans that have been submitted for redevelopment of the car park to the rear of the Three Horseshoes Walk. It is pleasing that the comments raised by the Trust in its letter dated 11th June 2009 have been noted and some attempt has been made by the developers to address certain aspects. A number of significant issues nevertheless remain; a small number of new additional concerns have also been raised by the Trust’s membership. They are addressed below in no particular order.

* The position of the proposed supermarket with its rear to The Avenue remains a source of concern. In particular, it does not contribute to the desire expressed in the Warminster Vision and Scoping Study report for the introduction of a retail loop. It reflects instead the vested interests of the developer rather than the interests of the town.

* With most pedestrians expected to approach the food store via Three Horseshoes Walk, they will have to cross the intervening car park and its access roads. The car park area will be further accessed by delivery vehicles to the new store and the service yards behind the Three Horseshoes Walk, thereby exacerbating the situation. It is noteworthy that similar concerns were raised by council officers in respect of the planning application for the Dents site and yet, in that instance, clear separation exists between delivery vehicles to the proposed food store and the pedestrian environment.

* The bus layover area and associated bus stop in front of the new library is wholly inadequate for the number of buses and coaches that use the present facilities in the main car park. Provision of these facilities must be based on the actual requirement. Furthermore, if people are to be encouraged to use public transport, these facilities need to be extended to account for the future projected requirement and not restricted to the proposed single lay by.

* Incorporation of recycling facilities is a step towards re-establishing the status quo. However, their position alongside the primary access road into the car park will be likely to act as a hindrance to traffic on the most heavily used stretch of road. Furthermore, it is unclear whether their encroachment into the existing police service yard has been agreed by the relevant authorities.

* The car parking arrangements are focused solely on the food store. In particular there is no disabled parking in the vicinity of the Cornmarket or the proposed library. Although there is disabled parking in the vicinity of Three Horseshoes Walk, it is located on the supermarket side of the car park rather than on the town centre side. Disabled access to the town centre will be affected accordingly.

* Car parking requirements will increase as a result of the new food store and yet the revised plans still show that fewer car parking spaces will be available to the public. Given the car park's proximity to the Avenue Surgery, Warminster Hospital and the Avenue School, over and above the retail heart of the town, this aspect requires careful review if an already congested area is not to become untenable. This review needs to account for the reduction in on-street parking in Market Place and High Street, along with the anticipated loss of car parking in other areas of the town.

* Issues relating to the displacement of the weekly market have not been addressed. Warminster is a market town and the weekly market is an integral element of its make-up.

* The provision of a new building to house the present library and information centre amongst others may be supported by the Tourist Information Services. However, the present Information Centre in Warminster is run by the Warminster Development Trust. The Civic Trust understands that the views of the Development Trust have not been sought. It indicates a possible inadequacy in the consultation process.

* The width of the proposed walkway from the rear of the Three Horseshoes Walk to the front of the new library remains unaltered from the previous plan. If this area is to contribute to a pedestrian retail loop, then it must account for the anticipated foot-fall through this area. A single pavement width will be wholly inadequate for this major pedestrian route.

Stemming from the above, the members of the Civic Trust are opposed to the application in its present form and seriously doubt its viability. They believe instead that redevelopment of the Dents site to include a supermarket and three retail outlets better fits in with the needs of the town; it also has significantly less risk in its implementation. The related arguments were aired at the Wiltshire Council Planning Committee Meeting on 5th August 2009 when committee members unanimously approved the Dents application.'

Warminster and Villages Development Trust

The Warminster and Villages Development Trust objects because the plans show no provision for the replacement of the Citizens Advice/Tourism Information Centre/Shopmobility facility as is required in the Trust's lease with Wiltshire Council.

'In the application the Tourism Information Centre is mentioned several times, as is the Citizen's Advice building. It is implied that the Library, Museum, Tourism Information Centre, Citizen's Advice and Shopmobility will be co-located.

However, drawing no 0060 dated 29 Apr 09 (project no 07091) revision A shows the 'Library/Museum' ground and first floor plans totalling only 1,200 sqm according to the Areas Schedule included in the drawing. The current Library/Museum floor plans total over 1,300 sqm. The internal and external areas leased by the Trust total 320 sqm. The shortfall on current provision is therefore in excess of 420 sqm.

Drawing no 0060 gives no indication of the need for the public rooms of the Library to be housed on the ground floor. It is the case that the Tourism Information Centre and Shopmobility services must also be housed on the ground floor because of their public facing functions and particular responsibilities to the disabled. Furthermore, while Citizens Advice do not require ground floor accommodation, it does require dedicated space which must be accessed discretely because of the nature of its service.'

Wiltshire Police On commenting on the original and revised plans had no objections to this development.

8. Publicity

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

Expiry date: 18.06.09

Summary of points raised:

Various letters of comments have been received from the occupiers of adjoining residential properties and other local residents in addition to comments from third party commercial interests.

8.1 35 initial letters of objection have been received from local residents on the following grounds:

Few tangible benefits

A scheme that is ill conceived, disruptive and, with no clear benefit to the town or to the surrounding villages which it serves, is unnecessary

No provision for coaches and buses that stop there at present

No provision for farmers market

Loss of Friday market

Loss of parking

Inadequate parking provision

Another food store is not necessary

Disturbance/nuisance from large volumes of heavy goods vehicles

Highway safety

The existing library is brilliant and should not be replaced

Waste of money and resources in knocking the existing library down

The award winning recently refurbished public toilets should not be knocked down as it is a waste of money

Loss of car parking provision and insufficient care has been taken in regard to disabled access and parking

Impact on access for parents dropping off and collecting children from the school

Harmful impact on existing businesses that will be unable to compete

Harmful impact on Avenue School because access will be severely compromised together with hazards from vehicles will create a dangerous environment

Loss of mature trees

New library encroaches into service areas for other businesses

Overbearing impact on neighbouring houses and a local school

Harmful to privacy and daylight of adjoining houses

Nuisance and noise to residential neighbours

The modern design, height and bulk of the proposed buildings is unsuitable in this location within an historic town and conservation area

Location of site notices was unhelpful

The proposals for a supermarket on another site nearby are preferable.

On commenting on revised plans 9 of the original objectors strongly reiterate their earlier objections.

8.2 Two letters of support has been received on the grounds that it will improve the area but one expresses concern with regard to the potential loss of existing footpath links.

8.3 In addition to the above a letter has been received from agents who have submitted an application for a supermarket, café and non-food retail units on a site nearby who comment as follows:

This is not a town centre location but a stand alone foodstore divorced from the town centre by a car park

It is approximately 70 metres from the foodstore to the primary retail frontage

It is therefore edge of centre not town centre.

They have submitted an assessment of each of the two applications and conclude that the application currently under consideration is unacceptable as it fails to meet the criteria of Policy SP1.

Furthermore, they conclude that there are shortcomings with the parking and servicing layout and that the travel plan is unrepresentative and limited in its scope and detail.

8.4 The agents acting for another existing major food retailer in the town also make objections and comment as follows:

Their clients existing supermarket lies within the town centre commercial area and has a net floor space of 2,059 sq. metres and is situated within 100 metres of the High Street Primary Retail Frontage and is served by dedicated customer parking and by 4 bus services that stop within the site of the store.

An application for an extension to the existing store despite being recommended for permission was reported to Committee on 2 separate occasions and was ultimately refused because of lack of parking provision.

The agents for this existing superstore (Morrison's) are of the opinion that while all three sites may be regarded as town centre facilities they must be assessed on the basis that they are all 'edge of centre' in PPS6 terms and must meet the criteria contained within that government guidance.

It is their opinion that the current proposals are inferior to their own with regard to accessibility and would result in the loss of a significant number of parking spaces to serve broader town centre needs. The Council must apply policy consistency in decision making and on the basis of the refusal of the planning permission for the extension to the existing superstore the current application should be refused on the grounds that it would result in the loss of six times more public car parking spaces.

On the basis of their calculations in terms of quantitative need there is insufficient capacity to accommodate the convenience turnover of the proposed supermarket. In terms of qualitative need although it would inevitably increase choice it would have little qualitative advantage over the existing store.

Furthermore, in relation to the above comments the proposal would be out of scale with the role and function of Warminster in trading terms.

Whilst they accept that the proposed supermarket occupies a marginally sequentially preferable location to the existing store and more significantly to the proposed scheme in Fairfield Road it would be at the expense of a significant amount of central general town centre public parking.

Finally, they comment that the current proposals fail to demonstrate that there would not be harm in terms of retail impact and request that the application is refused.

On commenting on revised plans they reiterate their objections and make it clear in their opinion that the revised plans show an amended distribution of car parking provision which favours private/permit parking at the expense of public parking for general town centre use and to serve the supermarket. The proposals represent a lower level of public/general town centre/proposed supermarket provision when compared to the original plans. They point out that this contrasts with the position at Morrison's where an application was refused on grounds of insufficient and inadequate parking for public use when there would have been a loss of only 49 spaces.

On commenting further on the latest revisions they reiterate their comments on car parking and object to the amended parking distribution which favours private/permit parking at the expense of public parking for general town use and to serve the proposed supermarket. They conclude that the Council must apply consistency in its decision making and should refuse this scheme for the same reasons that it refused the extension to Morrisons as this will result in the loss of 6 times the level of public car parking after the demands made on the overall level of new provision by the proposed supermarket are taken up.

8.5 A letter of objection has been received from a regional greengrocery wholesaler (Stokes) with a retail outlet in Warminster on the basis that the proposals would have a harmful impact on the sustainability of small independent convenience shops in the immediate locality who would find it hard to compete with the supermarket, on grounds of loss of parking and the Retail Needs Study concludes that there are no qualitative deficiencies in food store provision and that only a very moderate need for an increase will occur in the next 5 – 10 years.

8.6 The Avenue School and Early Years Centre on commenting originally objected to the proposals for the following reasons:

This is the largest primary school in Warminster and contains a specialist learning centre, a council funded nursery and a children's centre for young children from the age of 6 months. There has been insufficient consultation.

The proposals so close to the school would be unwise and pose a potential risk to the safety and well-being of the children. The primary risk would be children having to navigate their way across car parking areas to the access which would be further away from the school. It would make it more difficult to identify undesirable people hanging around the area who may wish to harm the children. The new supermarket extends over 90% of the total length of the front elevation of the school and would be harmful to its outlook as it would present a bare faced wall view from the school and cut off natural light and increase energy use. The height of the new building would cut off sunlight from the large grassed area in front of the school. There would be harm to tree roots causing trees to die. There would be considerable nuisance from noise and exhaust fumes from delivery vehicles that would interfere with teaching and learning as well as affecting the health of teachers and children. The ease of access to parking, which is currently in front of the school and to the town centre would be lost. The lovely 20 year old library would be replaced with a square box. Furthermore, the library is regularly used by classes and the existing pedestrian route would be impeded and classes would have to negotiate their way across the full width of the car park.

On commenting on revised plans it states that the Avenue School and Sure Start Children's Centre, which is the largest primary school in Warminster with up to 400 children as well as the specialist learning centre and with 70 staff, are not identified on the plans yet they are amongst the most adversely affected. The proposals will result in severe parking problems and the elimination of a long standing footpath which is totally unacceptable.

8.7 Dr Murrison MP, the local Member of Parliament, supports the objection to the application from The Avenue School.

8.8 White Horse Stroke Club objects to the proposals on the grounds that there is already an excellent library with caring staff which plays host to a large number of local clubs and organisations including their own. The loss of the library even if only temporarily would present difficulties for these organisations in finding accommodation elsewhere. Too many costly changes are proposed which will cause chaos and very little advantage to the area.

8.9 A petition with 438 signatures against the redevelopment of the central car park, because of the negative effect on the Avenue School and surrounding area, has been received.

9. Planning Considerations

The application scheme has been amended on a number of occasions following the initial and subsequent consultation process with regard to the general design and form of the supermarket building, layout of the car park and retention of the public toilets. However, these matters apart, the siting, general layout, location of the library and the relationship of these buildings with surrounding properties largely remain unaltered.

9.1 Town Centre Regeneration

The application site is located within the central car park area of Warminster off Station Road and can be described as an edge of centre location for retail purposes according to the definitions in PPS6. The site lies directly to the north of an existing retail development Three Horseshoes Mall which forms part of the primary retail frontages of the town centre shopping area at the High Street.

The Town Centre also benefits from a 'Morrison's' foodstore also located to the rear of the central high street but on the southern side of the town. Permission for a further foodstore at the Dents site on the opposite side of Station Road has recently been granted.

The main issues to consider in relation to the principle of development are (a) Edge of Town Centre Location, (b) Retail Need, (c) Regeneration Opportunities in the form of improved Library and Community Facilities, (d) Visual Enhancement of the existing car park and (e) Design within a Conservation Area.

9.2 Edge of Town Centre Location

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.

Furthermore, 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.

The application for redeveloping Warminster central car park must be considered in relation to the future role of Warminster, set out above, and Policy SP1 of the West Wiltshire District Plan First Alteration 2004.

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.

It is the considered opinion of the Council's Policy Officer that the proposals are appropriate in scale and would bring a greater range of retail choice to the town.

It is quite clear that the site of the supermarket is separated from the primary retail frontages by a significant area of car parking and as such this application must be classed as edge of town centre rather than forming part of the town centre. However, the proposals would meet the requirements of PPS 6 by strengthening retail provision in Warminster.

Even so, the Policy Officer has requested that the overall site layout could be improved by relocating the store within the site to make it better connected to the town centre with direct pedestrian access to the primary retail frontages.

Whilst there is some sympathy for this argument, indeed it would enhance pedestrian connectivity, the need to maintain vehicular access to retailers in other ownership means that there is no alternative to siting of the supermarket at a distance from the main pedestrian routes. Also given the need to preserve the character and appearance of the conservation area and setting of listed buildings, which will be addressed at 9.7, there is no acceptable alternative siting for the supermarket other than in the north west corner of the site.

Furthermore, the most recent revisions to the car parking layout have improved the pedestrian access arrangements. This will improve permeability and not only make a better connection for pedestrians between the existing retail facilities and the proposed supermarket but between these and new and existing community facilities such as the surgery and new library.

9.3 Retail Need and impact on existing retail facilities

For edge of town applications, applicants must 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 3,980 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 (Morrison's and Lidl) as well as Iceland. This is notwithstanding the recent resolution by the Council to grant permission for a superstore at the Dents site close by.

It is likely that the existing three main convenience stores (Morrison's, Aldi & Iceland) as well as the one on the Dents site, should it also be developed but for which there can be no guarantees at the present time, will all lose a certain amount of market share.

However, the proposal is supported by the Council's Policy Officers and they make it clear that the current site under consideration is a sequentially preferable site to the Dents site. This is because it is better related to Warminster town centre and in particular to the primary retail frontages.

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 but it is well located in relation to Three Horseshoes Mall, being only a short walk away.

The site does have potential to integrate into the current pedestrian area and could provide an appropriate 'anchor' for Warminster.

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 even though the local Town Council objects to the current application. The conclusions of the Regeneration Officer are that the development would be likely to enhance the regeneration opportunities of the Town Centre.

The Council has to be mindful of the recent decision to grant permission for another large scale food stores in the town, at the Dents site, also on the edge of town centre.

However, irrespective of that decision, every application must be considered on its own merits. There are clear implications from a sequential approach that would favour the current proposals under consideration as they are closer to the town centre. Even so, there is no reason why permission should not be granted both for the current application and for the one previously considered. Should that be the case then market forces would subsequently establish which site is then likely to go forward for development. It is unlikely that Warminster could sustain two additional large supermarkets but of the two sites this is the sequentially preferable one.

It is considered that the development currently under consideration would accord with the aims and aspirations of PPS6 and the employment and shopping policies of the Council.

It is acknowledged that there is a strong local opposition to this proposal but in a plan led system, where policy considerations must steer development, this application can primarily only be considered within the policy framework.

It appears that a level of the local opposition is based on the likely future occupiers of each of the proposed supermarkets and preferences for one provider over another but these are not planning considerations.

Whilst there will be some impact on local amenity this must be regarded as limited against the background of the benefits that this proposal would offer, not least in the choice that it would offer, the significant improvements to this area of the town and the provision of a new library.

The Central Car Park site at Horseshoe Mall site remains the preferred location from the planning policy viewpoint. The alternative site remains less so because it is further from the primary retail frontage (in terms of the PPS6 sequential test).

There is an issue that 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. The site is not only closer to the primary frontage, but 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 further on in this report. Not least of which being its location in the conservation area, design, impact on residential amenity, highway safety and pedestrian access, impact on market trading and public transport.

9.4 Regeneration Opportunities in the form of improved Library and Community facilities

The proposal has the full support of the Council's Vision Director, formerly the Regeneration Officer of the District Council.

This proposal would deliver, not only a new superstore, but would be likely to result in the construction of a new library and associated facilities to meet the on-going needs of the local community as part of a major redevelopment of this part of the town centre.

It is evident that there is considerable local opposition to the demolition of the library, a much loved and well used community facility. This is understood especially as it was built in the later part of the 20th century.

However, this will be rebuilt to meet current expectations and requirements of a library within one of the principal towns in the area. The existing library may appear relatively new but it was built some 30 years ago and in a rapidly changing world, needs and aspirations change.

It is acknowledged that the existing building is an attractive feature of the car park area and was well designed to suit the needs of the local community at the time it was built. It reflects the typical architectural stylistic approach of the 1980s being a solid brick built building with a complex plan form and roof structure. The current proposals are for a simple linear building combining natural materials and glass of which the internal layout can be more flexible and will be more readily adaptable to suit changing needs within the current century.

Furthermore, to retain the library in its existing location would prevent other parts of the scheme from being redeveloped. These elements include the realignment of the access and parking arrangements and relocation of the new food store relocated in the northern corner of the site. This is key to the overall redevelopment of this part of the town.

There is no suggestion that the Tourist Information Centre, Citizens Advice Bureau and Shopmobility scheme could not be accommodated within the new library building. This has been confirmed by the applicant's agent.

The proposals have the full support of the library service. However, it will be necessary, in the event of a favourable resolution, for the Council Cabinet and Portfolio Holder for library services to formally agree to the proposals. If this is agreed it will enable the Council to enter into a Section 106 legal agreement to secure the provision of the new library and any temporary arrangements necessary during the reconstruction process.

9.5 Visual Enhancement of the existing car park

This car park is within the heart of the conservation area yet it is one of the least attractive parts of the town centre.

It must be acknowledged that the existing car park is of bland appearance and unattractive. It is a large, non-descript area of hard paving surrounded, for the greater part, by the rear elevations of commercial buildings. Even nearby residential properties and adjoining listed buildings fail to create any real sense of place. This area with many of the buildings turning their backs on the parking area presents a dark, alien and isolated expanse of vacant parking spaces and darkened buildings at night. This does not encourage its use because it creates a perception of, and potential for, crime.

The current proposals have the full support of the Wiltshire Police who have no objection on safety grounds.

The new layout and improved relationship between the parking area and Three Horseshoes Mall will create an enhanced sense of place, encourage the use of the area at all times and improve the vitality of the area.

9.6 Urban Design

PPS6 sets out design principles which should be taken into account in the design of any supermarket which include the orientation of the building so that it fronts the street, respects building lines of the existing urban environment, maximises active street frontages, avoids inward looking designs and blank frontages, creates level access from the public realm and in edge of town centre locations provides good pedestrian access to the centre.

Many of these matters have been addressed, or will be addressed, elsewhere in this report, but on balance it is considered that the proposals accord with these principles. The supermarket does front onto the car park but it is in line with existing buildings on this side of the car park and is well related to the surgery building and the linear arrangement of streets to the sides and rear of the carpark. Furthermore, active pedestrian routes will be created through the car park within a short level walking distance of the town centre.

The design of both the library and supermarket are contemporary linear structures featuring a mix of traditional and cutting edge materials from natural sources.

The existing library is of relatively recent construction but its location is such that it creates a strong visual barrier between the car park and the town's retail frontages.

The proposed new buildings are of striking appearance and some architectural merit. They would not harm the character or appearance of the conservation area. They would enhance the overall character of the area which at the present time has the appearance of a drab expanse of hard surfacing with little to commend it other than to provide town centre parking. Furthermore, by retaining views across the car park towards North Row, the setting of the listed buildings in this area would not be harmed.

The proposed new buildings would not only positively enhance the character and appearance of the area but would add to its vitality for the benefit of the viability of the immediate area and wider town character.

They are of a contemporary angular and linear form without any over embellishment and with simple, clean design details that would not compromise the surrounding architecture. The designs are in keeping with the predominantly commercial setting whilst respecting the residential character of North Row and the Avenue School to the north.

It has been suggested by English Heritage that the location of the new library is not ideal because the two blank faces of the library might not integrate successfully within any townscape ambitions for the area. However, the proposed library backs directly onto service yard areas and the rear of existing shops where there is no public access. It is considered in these circumstances that the proposals would not compromise any future proposals, should there be any, for this area.

9.7 Character and appearance of Conservation Area, Setting of Listed Buildings

The site is located wholly within the designated Conservation Area. The immediate area is characterised by a mix of different development of varying types and from many different eras.

Although English Heritage did have some concerns with regard to the siting, design and pedestrian permeability of the site, the layout has since been revised by moving the supermarket slightly further away from Atyeo Place and the elevation facing on to The Avenue has been amended to include glazing and variation in the palette of colours and materials. It is considered, on balance, that although these are relatively small changes they are sufficient to overcome these concerns.

Indeed, although the Council's Conservation Officer initially supported the view of English Heritage, and continues to acknowledge that there is an uncomfortable and cramped relationship between the buildings and spaces in between, he considers that the current proposals are an improvement on the original.

It is considered that, on balance, the benefits of enhancing the appearance of the car park, one of the visually least attractive elements in the centre of Warminster, and maintaining the views across it from Station Road to the rear of listed buildings fronting onto North Row, outweigh these concerns.

The current siting is inevitably the most appropriate if this area of the town is to be redeveloped. Whilst it is not ideal because the relationship between Atyeo Place, The Avenue and the proposed supermarket may create a less user friendly pedestrian environment in terms of walking distances, it must not be forgotten that the existing car park, particularly in the evenings after dark and at night time is itself a hostile and isolated environment.

The recent revisions to the overall layout, in the context of the existing layout, are such that it is considered that there would be no overriding harm to the historic environment. Indeed the character and appearance of the conservation area and listed buildings within it would be positively enhanced.

9.8 Residential Amenity and Impact on adjoining neighbours

The proposal site lies within a pre-dominantly commercial and retail area on the edge of the town centre. However, the site is also adjacent to existing residential development in North Row and The Avenue, including the recently developed Atyeo Place. There are also a number of flats within the buildings fronting onto High Street and Station Road.

These adjoining residential properties already co-exist with the historic presence of commercial and retail activity and the numerous vehicle movements likely to be generated by such a large area of car parking.

The greatest concern comes from those occupying the newly developed houses at Atyeo Place and their relationship with the new supermarket. However, the applicants have endeavoured to move the new build further away from these dwellings through the submission of revised plans and have managed to reduce the visual form of the supermarket building by reducing its height and using variation in design detail to enhance its appearance and overall mass. Given that the side wall of the nearest dwelling at Atyeo Place is 11 metres from the end wall of the supermarket, which is to the east, and separated by a high wall and trees that this is sufficiently far away to prevent any harm to the amenity of residents. It is considered on balance that neither the supermarket, nor indeed the library are so significant in scale as to harm the amenities currently enjoyed by the occupiers of the adjoining residential units.

It is unlikely that the proposals would generate any more significant nuisance to neighbouring land uses than the existing car park which is in regular use during day light hours with the resulting traffic movements could lead to disturbance and noise nuisance and fumes from manoeuvring vehicles. Furthermore, there is potential at night from anti-social behaviour in the car park which would be likely to be reduced by an enhanced layout, improved visual stimulation and increased vitality.

However, should any nuisance occur in the future it would in any case be controlled by other legislation. Indeed the Environmental Health Officer has no objection in principle to the proposals subject to necessary conditions.

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

Objections have been received from the Avenue School and certainly one area of concern is the access arrangements currently enjoyed by that institution which will be considered under 9.9 of this report.

The redesign of the supermarket elevations facing on to The Avenue and changes in the alignment of the plan has resulted in a less intimidating building that will have only limited impact on the openness of the street. It is also far enough away from the school so as to prevent any unacceptable loss of light and amenity to the school building and grounds.

9.9 Highways, access and parking

The site is in close proximity to the railway station and other modes of transport that do not place full reliance on the private car.

The site is also within walking distance of the main town centre High Street, bus services and Railway Station. Cycle access and on site 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.

There will be an overall loss of only 4 parking spaces. However, the parking layout will be significantly improved and there are a number of nearby public car parks and car parking facilities associated with other retail premises in the vicinity. In particular the pedestrian access arrangements between the front of the supermarket and Three Horseshoes Mall.

The parking spaces are considered sufficient both to serve the needs of those visiting the supermarket and those visiting other town centre facilities and retail outlets. Indeed it is likely that many of those parking in the town centre and visiting the supermarket will also use local shops and other facilities because of the close relationship of the proposed car parking with the town centre. Indeed, the car park is currently well used by local shoppers and those visiting other premises in the town.

The Avenue School objects to the proposals and these views are supported by others. The objections mainly relate to the position of the proposed supermarket in relation to the school building and the realignment of the pedestrian access onto the Avenue. This would in the view of the school governors create difficulty for parents dropping off children to attend the school and result in loss of light and amenity to the front of the school.

Parents have had the benefit until now of being able to drop their children off in the public car park adjacent to the frontage of the school. Officers have some sympathy for the inconvenience this may cause. However, there are other access points into The Avenue and if parents are concerned that their children would not be visible if walking the slightly longer route there is no reason why they could not park their cars and walk with their children to the school gate, as many do already.

The configuration of the supermarket is such that there is a need for deliveries to be made at the closest and most accessible point to the highway and this has necessitated the current plan form with the loading bay and delivery access closest to the Station Road end of the car park. If the supermarket were redesigned so that the loading bay was on the opposite side and the footpath access retained in its original position this would have an even greater negative effect. This is because by bringing the delivery area closer to the houses on Atyeo Place it would create problems of noise and nuisance from fumes for the occupiers of those houses.

It would be difficult to refuse the application, especially without the support of the highway authority on the grounds that the proposals would fail to create a perfect pedestrian arrangement.

Concerns have been raised about the loss of the weekly market. However, there is no reason to suppose that in the same way that the market is currently contained within the car park that it could not continue to be held in this area and the applicants have given an undertaking to that effect. It is proposed that the weekly market would remain on the car park for the foreseeable future until such time as the Council and the Market Stall holders can agree that another site (perhaps Market Place) is more appropriate and relocate.

9.10 Employment

Any new retail jobs created will also add to the principle of sustainability being close to existing residential catchments in addition to being located close to various forms of alternative transport modes.

9.11 Trees and ecology

There are a number of trees within the site predominantly on the boundary with Atyeo Place. This row of mature trees contributes to the visual amenity of the conservation area. The applicant has indicated that these trees are to be retained.

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

The majority of the site is currently covered with buildings or hard paving and as such there is little potential for habitats for protected species and the views of the Ecologist in this matter are supported.

9.12 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.

9.13 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. Initial concerns relative to the management of surface water were withdrawn following the submission of additional information.

Wessex Water has also considered the proposed development and has raised no objection to the proposal subject to the applicant undertaking its recommendations. These matters are separate from the planning legislation and a suitably worded informative to the applicant is considered appropriate in these circumstances.

Conclusion

The site is in a sustainable location on the edge of the town centre.

The proposals would bring significant and lasting improvements to the town by regenerating an otherwise underutilised site that would make an important contribution to the vitality of the town.

Any objections to the proposal on grounds of highway safety and residential amenity can be overcome by conditions and there would be no harm to the character or appearance of the conservation area or the setting of nearby listed buildings.

The proposals would add to the vitality, viability and retail function of the town centre and market forces will determine whether this site maintains its viability in the long term.

There can be no valid planning reason for refusing the application.

Recommendation:

The application be referred to the Secretary of State under the requirements of the Town and Country Planning (Shopping Development)(England and Wales)(No.2)Direction 1993 as amended by the Town and Country Planning (Consultation)(England) Direction 2009.

Planning permission be granted at a future date in the event of the Area Development Manager being satisfied that the application is remitted back to the Council by the Secretary of State for a decision and to the prior completion of a Legal Agreement to secure:

1 The provision and timing of a new public library building incorporating a Tourist Information Centre, Citizens Advice Bureau and Shopmobility scheme

For the following reason(s):

The proposed development would be acceptable on its planning merits as it would be compatible with the scale and character of surrounding development, would not adversely affect neighbouring amenity, would be well related to the existing retail function of Warminster, albeit on the edge of town centre, would be in a sustainable location and as such would be in accordance with policy.

- 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 The amount of retail floorspace permitted for the supermarket shall not exceed 3,980 square metres Gross Floor Area including no more than 1,691 square metres of net convenience sales area and no more than 725 square metres of net comparison goods. No additional internal floorspace shall be created (for example by the installation of mezzanine floors) without the prior permission of the Local Planning Authority following the formal submission of a planning application.

REASON: In order to ensure that retail floorspace is not provided on the site in a way which would alter the basis of provision assessed by the retail planning statement.

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

- 3 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs of each phase of the development hereby approved 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 – Policies C17 and C31A.

- 4 No development shall commence on site until a phased programme of demolition and redevelopment works has been submitted to and approved in writing by the local planning authority. All the existing buildings on site in each phase of the development shall be permanently demolished and all of the demolition materials and debris resulting there from shall be removed from the site prior to the occupation of each phase of the development in accordance with the approved programme of work.

REASON: In the interests of the appearance of the area and neighbouring amenity.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C17 and C38.

- 5 No development or preliminary groundworks of any kind shall take place within the site until the applicant has secured the implementation of a programme of archaeological work by a professional team of archaeologists which shall include a written programme of archaeological investigation, on-site work and off-site work including the analysis, publishing and archiving of the results, which has been submitted to and approved in writing by the Local Planning Authority. The approved programme of archaeological work shall be carried out in accordance with the approved details prior to the commencement of any development or groundworks.

REASON: In the interests of protecting the archaeological heritage of the area and recording of any matters of archaeological interest.

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

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

- (a) the parking of vehicles of site operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials used in constructing the development;
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) wheel washing facilities;
- (f) measures to control the emission of dust and dirt during construction;
- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- (h) measures for the protection of the natural environment.
- (i) 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.

- 7 No external lighting shall be installed on site until plans and details showing the type of light appliance, the height and position of fittings, illumination levels and light spillage to demonstrate that nearby properties will not be affected by glare or that excess skyglow will be caused, have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and maintained in accordance with the approved details prior to the first occupation of the development hereby permitted.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

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

- 8 In order to safeguard the amenities of the area in which the development is located, suitable ventilation and filtration equipment shall be installed in any appropriate part of the development to suppress and disperse any fumes and/or smell created from any cooking operations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All equipment shall be installed in accordance with the approved details and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

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

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

- 9 No development shall commence on site until details showing refrigeration, ventilation and extraction equipment (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The level of noise from an extraction equipment shall not exceed the existing background level at any time as measured at the site boundary in accordance with BS4142:1997. The equipment shall be installed prior to the first occupation of each of the buildings hereby approved and shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area.

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

- 10 In order to safeguard the amenities of the area in which the development is located, prior to the premises being brought into use, a scheme providing for the adequate storage of refuse shall be submitted to and approved by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details, prior to the commencement of use, and shall be maintained at all times.

REASON: In the interests of public health and safety.

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

- 11 No development shall commence on site until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use until the approved scheme has been brought into operation. The approved scheme shall be maintained in operation in accordance with the approved details.

REASON: In the interests of the character, appearance and amenities of the area.

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

- 12 No development shall commence on site until a plan indicating the position and details of all boundary treatments including screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision of an acoustic barrier to the north and east of the delivery yard to an agreed specification. The boundary treatments, screen walls and/or fences shall be erected in accordance with the approved details prior to the first occupation of the development hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent nuisance from noise, overlooking and loss of privacy to neighbouring residential property.

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

- 13 During construction the hours of operation of plant/machinery and power tools on each phase of the development within the site curtilage shall be restricted to between 08.00 and 18.30 hours, Mondays to Fridays, and between 08.30 and 13.00 hours on Saturdays, and at no time on Sundays or public holidays.

REASON: In the interests of the amenities of the area and in order to avoid annoyance to nearby residents.

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

- 14 No development shall commence on site (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) until a scheme to deal with contamination of the land has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

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

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

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

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

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

The site shall be fully decontaminated in accordance with the approved scheme before any part of the development is first brought into use.

REASON: In the interests of public health and safety and to ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C37 and C38.

- 15 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access roads and parking areas, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The developer shall ensure that there is no possibility of contaminated water entering groundwater, notably oils or fuels from vehicles. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

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

- 16 The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment (BJB Consultancy Ltd, dated May 2009) and the letter from BJB Consultancy Ltd (dated 10 August 2009, Ref: BB/LR/1912) and the surface water run-off mitigation measures detailed therein by providing sufficient attenuation to limit the surface water run-off generated by the 1% annual exceedence probability (1 in 100 years) critical storm event, including an appropriate allowance for climate change (minimum 20% peak rainfall intensity as per Table B2, Annex B of PPS25), so that the proposed discharge from the site will be contained within the available capacity of the surface water sewer network connection, and run-off rate from the existing developed site will be reduced by at least 10%, thereby not increase the risk of flooding off-site.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

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

- 17 No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved sewerage details have been constructed in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

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

- 18 During construction works all oil or chemical storage facilities shall be sited in bunded areas. The capacity of each bund shall be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

REASON: To prevent pollution of the water environment.

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

- 19 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;

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

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

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

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

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

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

- 21 The detailed landscaping plans to be submitted pursuant to condition no.18 shall include a plan at not less than 1:200 scale, showing the position of any trees proposed to be retained and the positions and routes of all proposed and existing pipes, drains, sewers, and public services, including gas, electricity, telephone and water. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no services shall be dug or laid into the ground other than in accordance with the approved details.

REASON: To ensure the retention of trees on the site in the interests of visual amenity.

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

- 22 No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall

be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

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

- 23 No development shall take place on site until a construction stage plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the routing and timing of construction traffic, details of the means of access to existing development and information to identify the need for any temporary traffic orders. The construction works shall be carried out in accordance with the approved routing and timing details.

REASON: In the interests of highway safety and to prevent any hindrance to access.

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

- 24 No development shall take place on site until precise details of the pedestrian link between Three Horse Shoes Mall and the proposed store entrance have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details before the retail premises are brought into use.

REASON: In the interests of highway safety and pedestrian access.

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

- 25 The supermarket/retail premises shall not be brought into operation until a Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out the mechanism by which the developer intends to control servicing operations to ensure appropriate delivery and arrival patterns.

REASON: In the interests of highway safety and to prevent any hindrance to access.

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

- 26 The supermarket/retail premises shall not be brought into operation until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details to safeguard against competition between car parks and achieve consistency with the Council's adopted parking policy with regard to the means of control, operation and pricing structure.

REASON: In the interests of highway safety and access.

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

- 27 The development hereby permitted shall not be commenced until an Interim Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan. During the first year of occupation a Full Travel Plan based on the Interim Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority.

REASON: In the interests of encouraging all modes of transport and reducing vehicular traffic.

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

- 28 Notwithstanding the submitted plans, prior to the commencement of development, details of the location and type of public cycle parking and staff cycle parking shall be submitted to and approved in writing by the local planning authority. The works shall be constructed in accordance with the approved details before the first use of the development.

REASON: In the interests of encouraging cycling and reducing motorised vehicular traffic.

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

- 29 Details, including samples where appropriate, of the materials for the surface of all roads, access routes, footways, parking spaces, pedestrian areas and all other hard surfaced areas shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The works shall be constructed in accordance with the approved details before the first use of the development.

REASON: In the interests of highway safety and to ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies SP1 and C31A.

Informative(s):

- 1 **ARCHAEOLOGY:** You are advised that the archaeological work, which is likely to consist of trial-trenching in the first instance, should be undertaken by a professional team of archaeologists. This will provide the information necessary to decide what, if any, further historic environment mitigation will be required. All recording work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by the County Archaeologist. There will be financial implications and the funding of the archaeological work will be funded entirely by the applicant.

- 2 **ENVIRONMENT AGENCY.** You are advised that the Environment Agency recommends that:

Developers should follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination. 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. Refer to their website at www.environment-agency.gov.uk for more information.

You are further advised that:

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

If vehicles are refuelled on site then this must be carried out in a designated area positively drained via an interceptor, of suitable standard, to foul sewer, subject to the consent of the sewerage undertaker. Any washing of vehicles or vehicle wash facilities must be connected to the foul sewer, with the necessary approval from the relevant sewerage undertaker.

The proposed development will only be acceptable if the measures to manage surface water run-off, as detailed in the Flood Risk Assessment (BJB Consultancy Ltd, dated May 2009) and letter from BJB Consultancy Ltd (dated 10 August 2009, Ref: BB/LR/1912) submitted with the application are implemented.

- 3 ECOLOGY. You are advised that with the exception of bats and breeding birds, the site is not considered to hold potential for any other protected species. The developer has a statutory duty to protect bats and breeding birds. Some of the trees to be removed are identified as having potential for protected species.

It is recommend that the trees with bat roost potential are surveyed by a licensed bat ecologist prior to being felled and that tree removal works should be carried out in accordance with the recommendations made by the consultant.

Vegetation clearance should be undertaken outside the breeding bird season (March - August inclusive), unless checked by a competent ecologist beforehand.

- 4 WESSEX WATER. You are advised that the developer will need to have discussions at an early stage with Wessex Water regarding the provision of foul and surface water drainage and water supply with regard to capacity, suitable solutions, easements or diversions.

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



MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : LAYOUT FOR SERVICING 0104 B received on 06.11.2009

Drawing : SITE PLAN 0020 E received on 21.10.2009

Drawing : LOCATION PLAN 0021 C received on 06.11.2009

Drawing : DEMOLITIONS 0030 B received on 28.07.2009

Drawing : FOODSTORE ELEVATIONS 0050 C received on 11.09.2009

Drawing : FOODSTORE PLANS 0051 D received on 06.11.2009

Drawing : LIBRARY PLANS AND ELEVS 0060 A received on 22.05.2009

Drawing : SITE SECTIONS 0070 C received on 06.11.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 02

Date of Meeting	18.11.2009		
Application Number	W/09/02038/FUL		
Site Address	Land North Of New Manor Farm South Wraxall Wiltshire		
Proposal	Permanent 2 storey, 5 bedroom agricultural dwelling to replace existing temporary dwelling		
Applicant	Mr Tom Farthing		
Town/Parish Council	South Wraxall		
Electoral Division	Holt And Staverton	Unitary Member:	Trevor Carbin
Grid Ref	382584 165745		
Type of application	Full Plan		
Case Officer	Miss Julia Evans	01225 770344 Ext 140 juliaj.evans@wiltshire.gov.uk	

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

- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Environmental/highway impact
- * Rural economy

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:

- * housing in the open countryside;
- * impact on the Western Wiltshire Green Belt;
- * highway matters;
- * drainage and the water environment.

3. Site Description

New Manor Farm lies to the north of the Kingsdown – South Wraxall Road, and is a new farm. The whole farm and its lands lies to the north of the road. A new access has been created leading to a group of four modern agricultural buildings orientated around a yard, one of which is used for machinery storage and equine stabling. An existing extended mobile home lies to the north of the yard, beyond which lies a wooden stable block. The land surrounding the farm is laid to agricultural grazing, with a small copse of trees and shrubs to the west of the farm yard. There are extensive views into and out-of the site from the surrounding landscape.

4. Relevant Planning History

05/01372/AGD – Accommodation for sheep and cattle – Prior approval of details not required
01/08/2005

06/00028/OUT – Erection of agricultural workers dwelling – Refused 01/08/2006

06/00029/FUL – Erection of new agricultural building 24.38m x 9.14m as machinery and hay store –
Permission 16/02/2006

06/00038/FUL – New agricultural building for the general purpose use including livestock housing –
Permission 16/02/2006

06/01196/FUL – Siting of mobile home as temporary agricultural worker's dwelling – Permission
17/07/2006

08/03482/FUL – Detached five bedroom agricultural dwelling, detached garage, access and
associated parking – Withdrawn 10/03/2009

09/01782/FUL – Extension to existing three agricultural buildings – Pending consideration.

5. Proposal

This is a full application for a permanent 2-storey, five bedroom agricultural dwelling to replace an existing temporary dwelling at New Manor Farm, South Wraxall. This application is identical to one that was withdrawn. 08/03482/FUL was recommended for refusal for not meeting the functional test of Planning Policy Statement 7 - Sustainable Development in Rural Areas, and for being contrary to Green Belt Policy.

The proposed dwelling would lie to the north of the existing mobile home, with the proposed double garage and refuse store being on the mobile's footprint. The dwelling would have five bedrooms, and measure approximately 14.7m x 11.0m x 9.0m. It would be mostly constructed of render and reconstituted stone detailing, and concrete plain tiles to the roof, including an area on the south elevation of Redland photo-voltaic tiles. The land surface on which the house is to be constructed would be raised approximately 1.13m. The detached garage would measure approximately 6.6m x 6.4m x 4.5m, with an attached bin store measuring approximately 2.9m x 5.0m x 1.8m. It would be constructed of concrete block and render to match the house, with slate (although it is not specified as to whether they are to be natural or not).

The application has been supported by a Design and Access Statement that concludes "This proposal represents a well reasoned and considered design for a traditional farm house in the area. The proposed access and off road parking arrangements would hugely benefit the site on both a residential and commercial level. The applicants have fulfilled all the requirements since being granted planning permission for a temporary dwelling on the site, they are keen and able to keep the farm running as a solid investment. This proposal aims to provide an adequate size dwelling which would last them their entire working life and allowing the Farthing family to create a sustainable family home which would have enough scope to see them through their farming career and that of the future generations."

The application has also been supported with an Agricultural Appraisal for a Permanent Agricultural Dwelling which concludes that "There is a clear functional need for one full time agricultural worker to live adjacent to New Manor Farm buildings on a permanent basis, rising shortly to two. Suitable accommodation is not available elsewhere. The budgets support the financial justification for up to two full time agricultural workers. The criteria set out within both National and Local planning policies have been satisfied sufficiently for me to consider that a permanent agriculturally tied dwelling at New Manor Farm is justifiable."

6. Planning Policy

Wiltshire Structure Plan 2016

DP1 – Priorities for sustainable development

DP2 – Infrastructure

DP12 – Western Wiltshire Green Belt

T6 – Demand management

C1 – Nature conservation

C5 – The water environment

HE2 – Other sites of archaeological or historic interest

West Wiltshire District Plan - First Alteration 2004

C1 – Countryside protection

C31a – Design

C32 – Landscaping

C35 – Lighting

C38 – Nuisance

CR1 – Footpaths and rights of way (Leisure & Recreation Development Plan Document – January 2009)

H19 – Development in the open countryside

T10 – Car parking

T12 – Footpaths and bridleways

U1A – Foul water disposal

U2 – Surface water disposal

U4 – Groundwater Source Protection Areas

SPG

Design Guidance – Principles (Adopted July 2006)

Residential Design Guide (Adopted November 2005)

National Guidance

Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Guidance 2 - Green Belts

Planning Policy Statement 3 - Housing

Planning Policy Statement 7 - Sustainable Development in Rural Areas

Planning Policy Statement 9 – Biodiversity and Geological Conservation

Planning Policy Guidance 13 - Transport

Planning Policy Guidance 16 - Archaeology & Planning

7. Consultations

South Wraxall Parish Council have not responded.

Highways Authority state “I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:- The accommodation to be provided within the development hereby approved shall remain as an agricultural worker’s dwelling tied to New Manor Farm, South Wraxall and shall be occupied only by employee(s) of the farm or persons of the same household as the agricultural worker. Reason: in the interests of highway safety.”

Environment Agency state “The applicant proposes use of non-mains (private) drainage facilities. However, if the site is located within an area served by a public sewer, in accordance with Circular 3/99 (Planning Requirement in Respect of the Use of Non-Mains Sewerage Incorporating Septic Tanks in New Development), connection should be made to this sewer. The applicant must provide good reasons why a connection is unfeasible. The advice of Circular 3/99 has, in this respect, been supported by the Planning Inspectorate.

"If a new septic tank / treatment is the only feasible option for the disposal of foul water, or if there is an increase in effluent volume into an existing system, a Consent to Discharge may be required. This must be obtained from us before any discharge occurs and before any development commences. This process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of any application. The applicant is advised to contact us on 08708 506506 for further details on Consents to Discharge."

Wessex Water state "The above proposal is not located within a Wessex Water sewered area.

"The developer has indicated that the disposal of foul drainage will be to a 'septic tank'.

"The developer has proposed to dispose of surface water to soakaways. Please note the proposed development is located within a Source Protection Zone and any surface water discharge will need to be in line with the Environment Agency guidelines.

"It is advised that your Council should be satisfied with any arrangement for the disposal of foul and surface water flows generated by the development."

"Turning to water supply, there is a water main in the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal. This can be agreed at the detail design stage.

"It is recommended that the developer should agree with Wessex Water prior to the commencement of any works on site.

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

Agricultural Advisor states "6.0 Functional Need – Existing.

"6.1 The herd of 160 breeding cows are calved from spring through to autumn and the animals will calve for almost nine months of the year. In my opinion the quantity of breeding stock and the farming system present a functional requirement for an essential presence on the holding at most times.

"6.2 It is noted that the applicants have a dwelling, Turnpike Cottage, in their control and within a short distance of the farm holding. I confirm that a presence on the holding, adjoining the farm buildings, will enable a more swift response to meet the functional need than Turnpike Cottage, which lies approximately quarter of a mile distant.

"7.0 Financial Test – Existing

"7.1 In the case of new permanent dwellings Annex A of Planning Policy Statement 7 - Sustainable Development in Rural Areas (paragraph 3 (iii)) requires: "The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so".

"7.2 I understand that the suckler herd was previously based on the land at Neston. That herd was culled in 2001 under Foot and Mouth restrictions. The applicant's agent advises that a small number of suckle cows were owned in June 2006, however, the animals were not located at New Manor Farm until early 2007 due to TB restrictions. I understand that 60 breeding cows were purchased in 2007 and then calved in 2008. The suckler herd now comprises the target of 160 breeding cows.

"7.3 It is my opinion that the 'agricultural activity concerned' is the suckler herd. If the small quantity of suckler cows referred to by the applicant as being owned in 2006 is taken as the start point then the activity has been in place for three years. It would seem that greater certainty can be attached to the 60 breeding cows purchased in 2007. If 2007 is taken as the start point then it would mean that the activity has been in place for just under three years.

"7.4 I have had sight of the applicant's accounts for 2007/08. The accounts indicate that the business has been profitable. The expansion of the suckler herd means that profitability will increase in future years.

"8.0 General Comments

"8.2 In terms of the size of dwelling for the holding from the submitted plans the ground and first floors appear to show approximately 247sqm of Gross Internal Area (GIA). I have previously reported an area of 260sqm; (Council reference 08/03842/FUL) however, the revised figure allows for the first floor void over the hall.

"8.3 The guidance set out in Annex A of Planning Policy Statement 7 - Sustainable Development in Rural Areas requires an assessment of the size of the dwelling in relation to functional need at the holding.

"8.4 Clearly the Local Plan is an initial point of contact. As you know, the adopted West Wiltshire Local Plan does not set out any specific limit on the size of an agricultural dwelling. I have undertaken some research on the point and can advise the following guidance set out in Local Plans from nearby Local Authorities:

- North Dorset District Council - Annex A Guidance - Paragraph 2.101
- Mendip District Council - Annex A Guidance
- South Gloucestershire District Council - 140sqm - Paragraph 8.211
- South Oxfordshire District Council - 150sqm - Paragraph 6.52
- Cotswold District Council - Annex A Guidance - Paragraph 3.5.57
- Test Valley Borough Council - Annex A Guidance - Paragraph 6.4.49
- North Somerset Council - 150sqm.

"8.5 Of the seven authorities identified, those that have a limit identify 140 to 150 sqm, however, four of the authorities (including all the former District Councils in Wiltshire) do not identify a limit but instead pick up on the themes identified in Annex A to Planning Policy Statement 7 - Sustainable Development in Rural Areas.

"8.6 The point that the Annex A guidance directs us to is whether the dwelling is unusually large in relation to the functional need for the holding. Based on the Local Plan guidance identified above the dwelling is certainly larger than the 140-150sqm; however, the Annex A guidance specifically mentions dwellings that are 'unusually' large. I would suggest that a dwelling almost 80% in excess of the lower end of the range may well be regarded as 'unusually' large.

"8.7 It remains my view that the dwelling is unusually large in relation to the functional need identified at the holding. It is noted that the point was discussed directly with the applicant's advisors during the course of the last planning application (Council reference 08/03842/FUL). The proposal in the current planning application is for the same dwelling as the previous application and no revisions have been made to reduce the size of the dwelling.

"9.0 Conclusion And Opinion

"9.1 The functional test is met. There is some evidence to suggest the agricultural activity concerned has been established for the three years. The dwelling that is proposed is significantly larger than the functional requirement at the holding."

8. Publicity

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

Expiry date: 20/viii/09 & 28/viii/09.

Summary of points raised: two letters have been received making the following points:-

- the Country Land & Business Association has been written to by the applicant requesting them to comment on their application. They agree with the evidence and conclusions presented in the agricultural appraisal. Regarding the size of the dwelling, they consider it has been designed to accommodate and is in proportion to current and anticipated future family and business needs;
- full support for the plans for a family home on the farm.

9. Planning Considerations

9.1 The main issues to consider are:

- * housing in the open countryside;
- * impact on the Western Wiltshire Green Belt;
- * highway matters;
- * drainage and the water environment.

9.2 Policy H19 of the West Wiltshire District Plan - First Alteration 2004 states that "New dwellings in the countryside and in settlements without Village Policy Limits will not be permitted unless justified in connection with the essential needs of agriculture or forestry." Planning Policy Statement 7 - Sustainable Development in Rural Areas makes it clear that "isolated new dwellings in the countryside will require special justification for planning permission to be granted." (paragraph 10). Annex A of Planning Policy Statement 7 - Sustainable Development in Rural Areas sets out the stringent criteria for scrutinising applications for individual houses in the open countryside. "New permanent dwellings should only be allowed to support existing agricultural activities on well established agricultural units, providing"

- a functional need for the dwelling, establishing that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times;
- a financial test, demonstrating that the farming enterprise is economically viable; and
- "Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted." (Annex A, Planning Policy Statement 7 - Sustainable Development in Rural Areas).

9.3 The Local Planning Authority's Agricultural Advisor has raised objection to the proposed house in that he considers it to be unusually large. The previous application which was withdrawn, raised the same concerns in that it is too large. Government Guidance makes it clear that it is the functional requirement of the farm holding that determines the size of the agricultural dwelling, and not the personal circumstances or desires of the applicant. Despite being informed of these views during the previous application, and at subsequent pre-application discussions, the proposal has not been modified. This still forms a reason for refusal.

9.4 The site also lies within the Western Wiltshire Green Belt, where a key requirement is not to unnecessarily result in a loss of its openness. Planning Policy Guidance 2 - Green Belts states that "Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations." (paragraph 3.2, Planning Policy Guidance 2 - Green Belts). The size of the proposed dwelling raises concerns under the testing requirements of both Planning Policy Statement 7 - Sustainable Development in Rural Areas and Planning Policy Guidance 2 - Green Belts. The proposed dwelling has an approximate footprint of 155sqm and a maximum ridge height of over 9m. In addition to the house the application also proposes a detached garage and bin

store, which has a footprint of approximately 55sqm, and height of 4.5m. The proposed house is very large, particularly when combined with the double garage, and is therefore considered to inappropriate development in the Western Wiltshire Green Belt which has not been justified by any very special circumstances. This forms a further reason for refusal.

9.5 The access to the site is crossed by a public right of way (a footpath) that runs in a north-south direction to the western boundary of the site. The Highway Authority have raised no objection to the proposed dwelling subject to it remaining as an agricultural workers dwelling tied to New Manor Farm.

9.6 Foul drainage is proposed to go to an existing septic tank. The site lies over an Area of Groundwater Source Protection (Policy U4 of the West Wiltshire District Plan - First Alteration 2004), and the Environment Agency are concerned that all other options should be investigated before a septic tank is used. If a septic tank is the only feasible option for the disposal of foul water, then a Consent to Discharge may be required from them. The existing septic tank serves the temporary dwelling, and in view of the existing situation and presence of the agricultural activity, it is felt that these concerns could be addressed by conditions.

Recommendation: Refusal

For the following reason(s):

- 1 Planning Policy Statement 7 - Sustainable Development in Rural Areas and Policy H19 of the West Wiltshire District Plan - First Alteration 2004 states that new dwellings in the countryside will not be permitted unless justified in connection with the essential needs of agriculture. The dwelling is significantly larger than the functional requirement of the agricultural holding, and is therefore contrary to national guidance and development plan policy.
- 2 Planning Policy Guidance 2 - Green Belts and Policy DP12 of the Wiltshire Structure Plan 2016 state that in the Western Wiltshire Green Belt approval will not be given, except in very special circumstances, for development other than new buildings for the essential purposes of agriculture. The size of the proposed dwelling is disproportionally large as regards the needs for the agricultural functioning of the holding. The size of the house and the garage is therefore inappropriate development in the Green Belt, contrary to the above policy and Planning Policy Guidance 2 - Green Belts. Furthermore, it is considered that no very special circumstances are present that would justify inappropriate development in the Green Belt.

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



RELEVANT APPLICATION PLANS

Drawing : 877L005 received on 14.07.2009
Drawing : 877L001 received on 14.07.2009
Drawing : 877L003 received on 14.07.2009
Drawing : 877L002A received on 14.07.2009
Drawing : 877L004 received on 14.07.2009
Drawing : 877D033 received on 14.07.2009
Drawing : 877D032
Drawing : 877D010 received on 14.07.2009
Drawing : 877D011 received on 14.07.2009
Drawing : 877D012 received on 14.07.2009