

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

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| Date of Meeting | 04.01.2012 | | |
| Application Number | W/11/01697/FUL | | |
| Site Address | Land West Of Biss Farm West Ashton Road West Ashton Wiltshire | | |
| Proposal | Application to renew planning permission 05/00744/FUL to allow time to submit Reserved Matters pursuant to reference 98/01149/OUT | | |
| Applicant | Persimmon Homes (Wessex) Ltd | | |
| Town/Parish Council | West Ashton | | |
| Electoral Division | Southwick | Unitary Member: | Francis Morland |
| Grid Ref | 386962 157248 | | |
| Type of application | Full Plan | | |
| Case Officer | Mr Kenny Green | 01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk | |

Reason for the application being considered by Committee

This application is brought back to Committee following its deferral at the Western Area Planning Committee meeting on September 7th. Members may recall that an identical application, W/10/03031/FUL was refused at that meeting for the following reason:

There have been material changes in circumstances since the original planning permission was given, including the lack of the highway network as originally proposed.

Since that decision was taken, the applicants have recently lodged an appeal against this refusal. They have asked for the matter to be dealt with at a public inquiry, although the Planning Inspectorate has indicated that the appeal will be dealt with at a Hearing. If the appeal goes ahead, the Council will have to provide evidence by 30th January to substantiate the reason for refusal.

Officers have been investigating what changes have occurred since the original planning permission was granted in 1998 in relation to the highway network, and have also been looking at legal advice from the Council's legal team in relation to the Council's ability to successfully defend the refusal of the identical application.

Highway Network Changes

The original planning permission for this site was granted in October 1998. It was subsequently renewed in 2003 and then again in 2005.

At the meeting in September, mention was made by members of the Staverton Diversion and the Westbury bypass. The Staverton diversion was removed from the County Council's programme in December 1998 and since then has remained 'as an aspiration for the town'. The originally proposed route was built over following a Planning Inspector's approval of a residential scheme at Staverton Marina in 2005. The Staverton Diversion has therefore not been part of the Council's programme for over 14 years and was not part of its programme when the permission for this site was renewed in 2003 or 2005. The Westbury bypass was refused planning permission by the Secretary of State in 2009. This is a more recent decision, but in making it, the Secretary of State noted that the transport need for the proposal had not been adequately justified. The other major change that has happened to the highway network in the vicinity since the original permission has been the completion of the then proposed A350 Semington bypass, which has been an improvement to the highway network.

Given this background, it is difficult to see how the Council can robustly substantiate the reason for refusal it advanced in September.

Legal Advice

At the meeting of 7 September 2011 when the identical application was considered, the Council's Head of Service for Sustainable Transport attended the meeting. He advised that the highway works included in the proposed scheme would be broadly proportional to the impact of the proposed development, and that there would be no radical re-working of the existing junction at Yarnbrook but the improvements would achieve as much capacity from the junction as possible.

Whilst Members are not bound to follow officer advice, they must show that they have reasonable planning grounds to take a decision contrary to such advice. The Council must substantiate its reason for refusal by producing relevant evidence which demonstrates what changes in circumstances have taken place since this matter was last brought to the committee and an extension was granted in June 2005.

The minuted reasons for refusal of the parallel application considered at the last committee meeting on 7 September 2011 are in general terms and do not provide a detailed justification. Without such substantial evidence, there is a risk that on any appeal, an inspector may not only allow the appeal, but find that unreasonable behaviour resulting in unnecessary expense, (as described in Circular 03/2009) has been demonstrated and make a full award of costs.

Potential liability to pay costs in a planning appeal is a material consideration that should be taken into account in determining a planning application. A Decision Notice for this application should only be issued after the application has been carefully considered and proper consideration given to all material planning considerations including the risk of an appeal and the risk and scale of an award of costs.

Section 250 (5) of the Local Government Act 1972 enables the Secretary of State to make "orders as to the costs of the parties at the inquiry and as to the parties by whom the costs are to be paid". The legislation also enables costs to be awarded against any party in proceedings which do not give rise to a local inquiry, such as informal hearings or appeals conducted by written representations.

To minimise the risk of an adverse award the circular advises that:

"...parties should be willing to accept the possibility that a view taken in the past can no longer be supported and act accordingly at the earliest opportunity, even at the risk of an application for costs being made where, for example, an appeal or reason for refusal of planning permission is withdrawn at an early stage"

The most common examples of unreasonable behaviour include failure by the planning authority to substantiate a stated reason for refusal of planning permission. Councils will be expected to produce evidence to show clearly why the development cannot be permitted.

Planning authorities are equally at risk of an award of costs against them if they prevent or delay development which should clearly be permitted having regard to the development plan, national policy statements and any other material considerations.

The key test will be whether evidence is produced on appeal which provides a respectable basis for the authority's stance, in the light of *R v SSE ex parte North Norfolk DC* 1994 [2 PLR 78].

If officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.

Councils are expected to give thorough consideration to relevant advice from consultees such as a highway authority, before determining a planning application. While it is the primary responsibility of

planning authorities to either accept or reject that advice, they should clearly understand the basis for doing so and should provide, where necessary, a clear and rational explanation of the position taken.

This application before the committee is a fresh application; although it should be determined in full acknowledgement that an existing, extant permission exists for the site. Although the application is labelled as for an 'extension', more formally, it is an extension of time for the implementation of a planning permission by grant of a new permission for the development authorised by the original permission.

The separate circular advice on these kinds of applications is that "local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly".

Local planning authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably. The officers report indicates that in their view there are no such changes in circumstances that are either (a) materially so significant as to warrant refusal of the application, or (b) that cannot be overcome by the imposition of planning conditions that will secure those highway improvements that have been agreed with the applicant, and that are referred to elsewhere in this report .

The essential point being taken by your officers is that what is being sought in order to enable the development to proceed, is proportionate to the impact of the development on the highway network. In those circumstances the officers suggest that it would be unreasonable to require further provision to be made, assuming that such further provision is actually identified and detailed, which is not currently the case, having regard to the reason for refusal on the parallel earlier application.

1. Purpose of Report

To consider the above application and to recommend that an extension of time for a previously approved outline development under reference 98/01149/OUT be granted.

Neighbourhood Responses

13 letters of third party representations have been received on this application (although it is acknowledged that 44 representations were submitted in respect of the earlier duplicate submission that was refused in September).

West Ashton Parish Council Response -- Following the submission of the TA, the Parish Council reaffirmed its objection to the development proposal for the reasons stated within section 7.

Trowbridge Town Council Response – no objection

2. Main Issues

The main issue to consider is whether or not there have been any material changes to circumstances that would indicate a need to re-visit the decision made in respect of application reference 05/00744/FUL.

3. Site Description

The land which is the subject of this application relates to 30 acres (12.1 hectares) of land at West Ashton Road, Trowbridge. The land is currently used for agricultural purposes but it is allocated in the adopted West Wiltshire District Plan as Site E1A - New Business Park. The site is roughly triangular in shape and is located on the eastern side of the public highway.

The adopted West Wiltshire District Plan -1st Alteration identifies the site for future employment use. This followed on from the former District Council's decision to grant outline permission in 1998. The Local Plan states that "the site is well related to the town, residential areas and the town centre, whilst not being so close as to cause environmental or amenity problems. The site has no adverse

implications for the interests of nature conservation. In particular the ancient semi-natural woodland of Biss and Green Lane Woods. The site offers an excellent opportunity to provide an attractive landscaped site, integrated with the proposed country park and adjacent residential areas, which could cater for a wide range of employment uses."

4. Relevant Planning History

On 8 October 1998 outline planning permission was granted for the development of land to the west of Biss Farm, West Ashton Road for employment uses B1, B2 and B8. All matters were reserved for subsequent approval under application ref: 98/01149/OUT.

Following this, permission was granted for 01/01617/FUL on 6 February 2003 via an application made under Section 73 of the Town and Country Planning Act 1990 (as amended) for the continuation of the 1998 permission without compliance with the standard 3 year reserved matters period.

On 7 June 2005, application 05/00744/FUL was approved to vary Condition 1 and the deemed time limits covering phasing and the stated time period to submit reserved matters attached to 98/01149/OUT. This approval required the applicant/developer to submit the necessary reserved matters within 6 years (i.e. prior to 7 June 2011).

As reported above, a duplicate application ref. W/10/03031/FUL was refused on September 7th and an appeal against this decision has been lodged.

In addition, and in pursuance to the (extended) outline approval, a reserved matters application was submitted on 31 May 2011 and carries the reference W/11/01663/REM. This application is still pending and is not yet at a stage where it can be reported to the planning committee for determination (since it too, has been called to committee by the local ward member).

5. Proposal

As part of approving the 05/00744/FUL application, the former District Council agreed to specify that reserved matters needed to be submitted before the expiration of 6 years from the date of the permission i.e. before 6 June 2011.

At the time, the Council accepted the applicants request for an extended time period for compliance in recognising that the development of the application site for employment development was [and remains] "fundamentally dependant" upon the delivery of residential development on land south of Paxcroft Mead (Policy H11) and the Hilperton Relief Road (Policy T5).

The applicants seek to obtain an extended time limit of 5 years, compared to the standard 3 years, for them to submit the necessary reserved matters to the Council.

Under this application, permission is sought to allow an extension of time for the submission of reserved matters following on from the Council's decision to grant outline permission (98/01149/OUT) - an application which has been renewed twice under references 01/01617/FUL and 05/00744/FUL (both of which were section 73 applications).

Through amendments made to The Town and Country Planning (General Development Procedure Order, which the new Coalition Government consolidated in October 2010 to form the Town and Country Planning (Development Management Procedure) (England) Order 2010, greater flexibility has been added to applicants and developers to apply for an extension of time to implement approved development schemes during a period of continued economic decline. It is widely recognised that there has been a sharp downturn in the commencement of approved schemes and to avoid developers having to bear further costs and delays (if a fresh planning application was required), the Government made amendments to the GDPO. The fact that this site has not yet had reserved matters approved should not materially influence the determination of this application. Following the Government revisions to planning regulations, the key points are:-

Has the development (as previously approved) commenced?

Is the development (as previously approved) extant (i.e. time limits have not yet lapsed)?

In this case, the answer to both points is no; and therefore, the Council must duly consider the planning merits of allowing an extension of time for reserved matters to be approved before development commences on site.

The applicants have stated that:

The Business Park is intrinsically linked to the East Trowbridge Residential development. As part of negotiations on the East Trowbridge development, a package of Highway Works was very recently agreed that will serve both the residential development and the Business Park.

How the Infrastructure is to be funded:-

1. The delivery of the Business Park will be residential-led.
2. It is the residential development that will fund the infrastructure to serve the employment site, including the Hilperton Relief Road (HRR) the East Trowbridge Distributor Road (ETDR) and improvements to West Ashton Road.
3. There is no other funding currently available to deliver this infrastructure without the residential development.
4. In view of current levels of demand for new employment floorspace combined with the uncertain economic conditions it is highly unlikely that the development of the Business Park will proceed on a speculative basis and in advance of the residential development.
5. Unless a very large employer unexpectedly came to the town then it is highly unlikely that a tenant of the Business Park would be willing to fund improvements to West Ashton Road and the junction off West Ashton Road.

In view of the above, it can be seen that there is no alternative funding mechanism that would suggest that the Business Park will be implemented in advance of the residential development.

Reasons for the delay in implementing the permission:

6. Persimmon has been pursuing the East Trowbridge site for residential development for over 10 years through the Local Plan process, and then with a planning application. The planning permission was only issued in December 2010.
7. Persimmon also had to secure planning permission for the Hilperton Relief Road (HRR).
8. It is only now that the planning permissions have been issued that the company can proceed with the residential development and the related infrastructure (which the Business Park is also reliant upon).
9. The core business of Persimmon Homes is house building and the company will make an early start on the East Trowbridge residential development. The residential development will commence before any employment development at the Business Park.
10. Nonetheless Persimmon will continue to market the Business Park land in order to maximise the chances of finding tenants.

It can therefore be seen that there are legitimate reasons that explain why the Business Park development has been delayed and why it has not been delivered within the timescales previously envisaged when the planning permission was originally granted, and indeed when it was later renewed.

The required Highway Works:

11. The Council has included provisions in the Section 106 Agreement for the East Trowbridge development to ensure that the necessary Highway Works (listed in Schedule 1) are provided as and when they are required (part 6 covers the timing mechanisms).

12. The scheme of Highway Works was devised in the knowledge that they would also need to accommodate the Business Park proposals.

13. The list of Highway Works does not include Yarnbrook Roundabout as it was agreed that such improvements would not achieve any material improvement.

14. Members are aware that the Site Allocation (Policy E1A) makes reference to the developer undertaking:-

"..any necessary improvements to the West Ashton Road, its junction with the A350 and the Yarnbrook Roundabout associated with the employment development."

Following the submission of the Traffic Assessment, it is recommended that improvement works are undertaken at the Yarnbrook Roundabout; and that such improvement works be subject to a stand alone planning condition.

15. The aforementioned s.106 does secure improvements to West Ashton Road (see paragraph 1.5 of Schedule 1).

It can therefore be concluded that the package of Highway Works that has already been agreed as part of the residential development is appropriate and sufficient in all the circumstances.

Timing of Highway Works:

16. The s.106 requires, inter alia:-

a. No dwelling to be occupied until the Highway Works are commenced (see Clause 6.2 and Schedule 1).

b. The improvements to West Ashton Road will be undertaken prior to the occupation of the 50th dwelling (Clause 6.12.3)

c. The Hilperton Relief Road (HRR) and East Trowbridge Distributor Road (ETDR) must be open before:-

(i) 450 dwellings are constructed, or

(ii) 225 dwellings and 50% of the Gross Floor Area of the Business Park (Clause 6.7)

and in any event:-

(iii) 4 years from the first residential occupation (clause 6.8)

17. These trigger mechanisms guarantee the timely delivery of highway infrastructure and thus enable the residential and employment developments to go ahead as planned.

18. The residential development will be built out from the north. In the early years it will also be accessed by residents only from the north.

19. Consistent with this, the s.106 prevents houses being accessed via the southern stretch of the ETDR (i.e. the link between West Ashton Road and the roundabout at the southern end of the East Trowbridge residential area) before the occupation of the 225th dwelling.

20. Insofar as the residential development is concerned, Persimmon is unlikely to have the access off West Ashton Road in place prior to the 225th dwelling (other than as a temporary construction access).

21. Persimmon can build 450 dwellings before needing to complete the ETDR.

22. Regardless of this, the improvements to West Ashton Road would be delivered very early (50th dwelling occupation) which will be of benefit to the wider community well before any residential traffic would be using West Ashton Road.

It can therefore be concluded that the S.106 already in place will ensure that all of the necessary infrastructure will be delivered, and that it will be delivered in accordance with previously agreed trigger points to ensure that there is sufficient infrastructure in place to serve both developments when it is needed.

Time limits for the Business Park Planning Permission:

At the committee meeting on 8 December 2010, some Members of the Planning Committee suggested that the planning permission should allow a period of 3 years for submission of reserved matters for the Business Park mainly because of previous delays in bringing the site forward. However as explained above the main reason for the delay has been the delays associated with the East Trowbridge residential development, which were also prolonged by the downturn in the economy.

Whilst Persimmon will continue to market the site and seek to bring it forward as soon as is practicable, it is considered that the circumstances in this case indicate that a longer time period would be more appropriate for the following reasons:-

23. Given that the Business Park will be residential led, it will take time for Persimmon to:-

- a. Secure Approval of Reserved Matters for the housing
- b. Undertake preliminary works on the East Trowbridge site
- c. Start delivering dwelling units

24. Persimmon is currently in the process of buying the land for the residential development and it is hoped that work will start on site within 1 year. Notwithstanding this, it is estimated that it would take circa 4 years for Persimmon to deliver 450 dwellings (this being the trigger point for the HRR and ETDR to be in place and operational including the roundabout and access road that would serve the Business Park).

25. Prospective tenants for the Business Park are unlikely to show interest in a site with no access in place.

26. If the access road off West Ashton Road will not be in place for up to 4 years then there is no realistic prospect of all reserved matters for a 12.1ha Business Park being submitted within 3 years.

27. The Applicant would not be able to renew the permission again in three years time as the legal provisions for renewing permissions do not apply to permissions granted post 1st October 2009.

28. If the planning permission lapses in 3 years then a fresh application would need to be submitted. This would have cost and resource implications for both the Applicant and the Local Planning Authority. It would also give rise to uncertainty which will unsettle potential tenants.

29. If there is a lack of certainty or the planning permission lapses in 3 years time employers will look elsewhere. It will give other towns a comparative advantage over Trowbridge which will undermine the efforts to regenerate the town.

30. There is no reason to suggest that a longer time period would prejudice important future planning decisions when:-

- a. The site remains the preferred location for employment development for the purposes of the emerging LDF
- b. There are no other comparable employment sites

Overall it is considered that there is no obvious planning reason for imposing such a short time limit on a strategic employment site particularly when the related infrastructure is dependent on other development and take up rates on employment sites (which are already low) will continue to be constrained by the uncertain economic climate.

What if the business Park is built out first?

The Applicant is mindful that Members asked what would happen if the residential development is never implemented and the Business Park is developed out first.

This scenario is highly unlikely because of the Business Park being residential led and there being no obvious alternative source of funding for road infrastructure. The only scenario where the employment might come forward early is if a single large employer was to express an interest in the site. No such interest currently exists.

It is however recognised that it would be in the interests of good planning to address the matter for completeness.

It is considered that the matter could be addressed with the use of a Grampian Condition which requires a scheme of works to be agreed before development commences and for the phasing of those works to be agreed and subsequently implemented to ensure that they are in place at the appropriate time.

As part of the process for the earlier application, but also applying to this proposal, the applicant commissioned a Transport Assessment and this was duly submitted to the Council on 19 May 2011.

The key conclusions contained within the TA are:

As an allocated site for a new business park, the site is recognised as a committed development as part of the submitted 2016 model forecasts. It should be duly noted that improvements to the highway network are proposed as part of committed developments. The improvements which have been included in the 2016 forecast modelled highway network are as follows:

The Hilperton Relief Road - connecting the A361 Trowbridge Road with Canal Road/Wyke Road/Horse Road;

The East Trowbridge Distributor Road (EDTR) - connecting the A361 Hilperton Drive with West Ashton Road;

The new signal controlled junction on Bythesea Road providing access to "The Gateway" retail development on the former Wincanton site;

The new roundabout on British Row serving the Sainsbury's retail store on part of the former Ushers site;

A new roundabout on Timbrell Street serving a housing development site at the Brewery Quarter site;

A new priority junction on Bradford Road providing access to Bradford Road employment site;

A new signal controlled junction on Town Bridge providing access to proposed housing and employment on land at the former Bowyers site;

A new priority junction on the proposed EDTR providing access to the proposed West Ashton employment site.

Both the Hilperton Relief Road and the EDTR are considered important committed highway improvements which will result in changing traffic patterns in Trowbridge. Traffic generation for the committed developments and vision sites have been estimated from trip rates from either locally observed data, the TRICS database or from the TA's produced for specific developments.

The predicted traffic distribution associated to the West Ashton Road Business Park is assumed to be the same as those zones in the traffic model representing existing employment at the White Horse Business Park and the Canal Way Trading Estate.

The TA submits that the surrounding local highway network can accommodate the predicted traffic flows associated with the proposed business park, without any adverse impact on the operation of the network in either the AM or PM peak periods in the 2016 assessment year.

To help mitigate the impact of the proposed business park, it is recommended that capacity improvements should be delivered to both the A361 County Way/West Ashton Road Roundabout and the A350/A363 Yarnbrook Roundabout. The TA submits that improvements to the operation of these roundabouts would reduce queuing and delays.

The delivery of proposed development at East Trowbridge provides both the new roundabout junction at West Ashton Road and the distributor road which connects West Ashton Road with the A361 at Leap Gate. Both of which are pre-requisites of the planning permission for the West Ashton Business Park.

The East Trowbridge development would also deliver the Hilperton Relief Road and off-site highway improvements on West Ashton Road and its junction with the A350 at the West Ashton crossroads.

A satisfactory means of access can be provided to serve the proposed employment development which meets appropriate design standards. The access will be taken directly from the proposed Eastern Distributor Road via two priority junctions.

The submitted TA submits that a sustainable form of development could be achieved which would minimise the need to travel by car and encourage employees and visitors to walk, cycle or travel by bus. A Draft Framework Travel Plan has been produced alongside the TA, which details measures aimed at increasing travel by these modes. The TA states that a 3m wide footway/cycleway would be constructed to the north of the proposed Eastern Distributor along the site's southern boundary which will continue within the site along its western boundary before connecting with the existing footway to the west of West Ashton Road via a new uncontrolled pedestrian crossing. A 2 metre wide informal path running along the sites northern/eastern boundary along the line of the watercourse is proposed providing a further connection to West Ashton Road from the proposed Eastern Distributor Road.

The proposed Eastern Distributor Road provides the opportunity for bus operators to re-route their bus services. It is envisaged that a significant number of bus services, both existing and new services, would use the new road link providing employees of the proposed business park with increased travel options. Bus stops are proposed on both sides of the Eastern Distributor Road in the vicinity of the site which would ensure that all employees and visitors on the site would be within the recommended 400 metre walking distance to a bus stop.

6. Planning Policy

Government Guidance

Ministerial Statement on Planning for Prosperity - March 2011

PPS1 - Delivering Sustainable Development

PPS4 - Planning for Sustainable Economic Growth

PPS9 - Biodiversity and Geological Conservation

PPG13 Transport

Wiltshire Structure Plan 2011

DP4 Main Settlements

West Wiltshire District Plan - 1st Alteration 2004

E1A New Employment Allocations

T4B New Distributor Roads

7. Consultations

West Ashton Parish Council - Objects to the development proposal on the following grounds:

In the first instance we would like to refer to the planning permission granted on 7 June 2005 (W/05/00744/FUL). Due to the already severe congestion between West Ashton, Yarnbrook and Heywood it is essential that if any new permission is granted there should be no dilution of the requirements set out in paragraphs 11, 12, 13, 16 and 19 of the original permission.

Since the Westbury Bypass Inquiry some 18 months ago when approval for a bypass was not approved, no progress has been made in improving the road conditions along the A350. It is imperative therefore that before any work is commenced on the new Paxcroft Mead development or the development land the infrastructure proposals must be met.

Secondly we would like to refer to the Pegasus covering statement - Legal background to the application (page 2) - The original permission was given in 1998, this is now 2010, 12 years later. This application may accord with the criteria set out in the "Legal Background" section but there is no escaping the fact "NO" development has taken place in the 12 years since permission was granted. A reason given was because of the economic downturn, which we suggest only occurred in the past two to three years so is therefore not relevant.

In terms of timing (page 6) (ii), the applicants statement notes that "the HRR must be completed within 4 years or the completion of 450 houses at East Trowbridge". Why is this an option? It appears to afford the developer the opportunity to build 450 houses in 4 years and the HRR may or may not be built at all. In terms of the applicants last paragraph - "In order to take account of the delaysetc", the Parish Council suggest that this should be rejected since after 12 years of apparent inactivity it seems perfectly reasonable that the developer should commit.

In summary the Parish Council concludes that this application seeks to extend the permission. It suggests an "or" condition for infrastructure i.e. roads. Therefore approval should be subject to a firm infrastructure condition of activity and timescale compatible with the dwelling timescale and clarification of the permission time extension approved if work commences to improve the road infrastructure before the housing and employment development is undertaken.

Prior to the earlier application being reported to the 9 February 2011 committee meeting, the Parish Council raised concerns that the Highways Authority have seemingly dismissed concerns raised about the Yarnbrook Roundabout and have acquiesced to the demands of the applicant to include some improvements to the West Ashton Crossroads. The Highways Authority has not carried out or produced a full transport assessment as the policy requires. It therefore can be assumed that the Highways Authority have not carried out any strategic road infrastructure planning. This is quite worrying and in need of some serious questions being raised in the Council.

The application also talks about marketing the business park but after 12 years already and another 5 years requested is there a real demand here for jobs?

The Council do not have any statistics showing what the Paxcroft Mead development has produced whether in the way of new jobs or for the workforce in the Trowbridge area.

Following the submission of the Transport Assessment, the Parish Council maintained their objection and submits that the findings contained in the long awaited traffic assessment is an over blown document lacking in any substance or realism.

Although there is mention of the massive housing development proposed for the area in paragraphs 2.9, 2.10 and figure 3 of the report, it is obvious very little consideration was given to the affect this would have when associated with the traffic generated by the proposed business park. Also, if the suggested waste disposal facility for this site was also given the go ahead, there would be a substantial increase in HGV traffic and other associated waste transport vehicles.

The proposed eastern distributor road came as no surprise to us, but there appears to be little comprehension that this road will attract traffic not only from the proposed 900 new houses in the area, (this of course is not including the further massive housing extension along the West Ashton Road which we are expecting to see in the Core Strategy report) but also from the neighbouring Paxcroft Mead estate and the Hilperton area.

All of this traffic will come to a grinding halt when it meets the proposed roundabout at the end of the distributor road, for the road from there into Trowbridge is already heavily congested at peak times.

For traffic moving west, the proposals for improving the West Ashton traffic light junction will achieve nothing, for the existing bottleneck at Yarnbrook will cause traffic to back up well beyond the West Ashton traffic lights causing gridlock, which already occurs at peak times.

To suggest that improving the junction at Yarnbrook will bring about the necessary improvements in the traffic flows around that junction is nonsense for the traffic levels are far too heavy to make such a proposal feasible, and would not even be contemplated by a responsible Authority.

It is obvious that nothing short of a bypass to deal with the notorious bottleneck at Yarnbrook will remedy the existing highway deficiencies in the area and it is about time the planners recognised this. The solution is NOT to skirt Yarnbrook from the A350 in the direction of Heywood as any suggestion of resurrecting the Eastern Bypass around Westbury will create fierce local resistance and make Wiltshire Council a laughing stock.

We understand this report was prepared by the Developer's Agent for the Developer's and Wiltshire Council, therefore it is not surprising to us that the proposals fall short both in terms of credibility and realism i.e. there is no clear definition of 'necessary road improvements' a statement quoted several times in the report. Also the Parish Council consider that the period of accident assessments used in the report should cover a longer period of time.

On a purely local note, Bratton Road through the village of West Ashton is already a rat-run as traffic tries to avoid Yarnbrook, a situation that will become even worse if the proposals in this report are adopted. The Bratton Road rat-run already coincides in the morning with parents dropping off children to the Primary School causing gridlock by the volume of traffic.

It goes without saying therefore that this Parish Council considers the TA report is seriously inadequate in its attempt to deal with the traffic issues in the area and should be totally rejected by the Planning Committee whom we hope will not feel pressurised in accepting this report because of the planning deadline for this application.

Trowbridge Town Council - Supports the application.

Members commented that this was an important element in the delivery of growth for the town and for the delivery of infrastructure improvements, that brownfield sites in the town centre were inadequate to provide for all of the needs of the town for additional employment land and would be better suited to residential led and mixed use developments and that many in the town wanted additional employment opportunities and the growth which would deliver improved services.

RESOLVED to approve the recommendation:

That the Town Council considers that the development of employment allocation E1A at West Ashton Road:

- a). Is a significant positive element in the overall strategic development of the town.
- b). Accords with the Town Council's Strategy which supports further development to the South and East of the town, in areas well connected to the A350 whilst close to the town centre as the most sustainable locations for further growth of the town;
- c). Is able to deliver welcomed improvements to local transport infrastructure which make areas to the north of the town better connected to the main A350;

Highways - No highways objection to extension of time of application 05/00744/FUL.

Back in December 2010 on the earlier identical application, Members wished officers to report back on two issues: firstly, the Policy position relating to the implementation of improvements at the West Ashton Crossroads (the junction of West Ashton Road and the A350), and secondly, the position regarding highway improvements at the Yarnbrook roundabout junction of the A350 with A363. The planning application seeks to renew permission for the employment land, identified at Policy E1A of the Local Plan and the recommendation by officers was to approve subject to conditions which were largely in place since the first submission for this site in 1998. The full highway position is covered within paragraph 9.1 below.

The Transport Assessment (TA) was submitted following Members deferral of the earlier application in February 2011. It was noted that at the February planning committee, Members were concerned that the impact of the development on, particularly, the Yarnbrook junction of the A363 with A350, had not been thoroughly established. The wider impact was also of concern when considering that the original planning permission dated from 1998.

The submitted TA provides a comprehensive investigation of the impact on the wider network, with a number of junctions specifically tested for a future year (2016) including all known and committed development within the Trowbridge area, including Trowbridge Vision sites in the Town Centre. It is considered that the TA provides a very robust assessment and offers three specific recommendations:-

1. A Travel Plan draft framework is provided to encourage sustainable access options for the development as it proceeds.
2. Kerbline improvement work is offered at the junction of County Way (A361) and West Ashton Road to deal with over capacity in the future year.
3. Kerbline improvement work is also offered at the Yarnbrook junction (A350/A363), again to deal with over capacity in the future year.

It is important to note that, with all committed development also factored in, the over capacity is identified with or without this particular development and that the Yarnbrook junction identified a capacity issue in the 2009 base year. Minor kerbline improvements will improve traffic flows at both junctions and will therefore improve capacity. These improvements will mitigate the impact of the development and therefore are supported by the Highway Authority. It is also important to note that, by including all committed development within the analysis, a very robust assessment has been made and that the reality is that these impacts will occur over a longer timescale. Also, other committed developments, by virtue of their scale and impact, will not contribute to improvements at either of these junctions.

West Ashton crossroads will be improved via the Section 106 Agreement in support of the housing land and must be constructed before the 50th dwelling is occupied. This junction will operate close to capacity in the future year without the proposed improvement but will operate within capacity once the improvement work is completed. The housing development has, of course, not yet started, but was expected to start this year.

Bearing in mind the delays in proceeding with the development of both the housing land and the business park, and when taking into account the results of the TA, it is now considered appropriate that the three recommendations above are included within a conditional approval for the outline application for the business park.

It is therefore recommended that three additional conditions are added to the original list of conditions. The three conditions are numbered 23-25 and cover improvements to the County Way (A361) junction with West Ashton Road; improvements of the junction between the A363 and the A350 at Yarnbrook and a requirement to submit a Travel Plan.

Condition 11 as attached to approved application 05/00744/FUL, states that "In the interests of highway safety, there shall be no vehicular access to the site other than via a new roundabout on West Ashton Road". Members are advised that officers feel that this condition requires some modification and attention is duly drawn to the revised wording of the same numbered condition attached to this report.

Environment Agency - No objection to the renewal of application 05/00744/FUL

Wessex Water - No comments. An informative necessary.

Head of Spatial Planning - Supports application. In my view, any employment land we are still seeking to bring forward should not be removed from the development plan until such time as it has been implemented. Therefore I would expect this site to be carried forward into the Core Strategy. This site is certainly seen as an important component of the future employment land supply in Trowbridge and we very much support the renewal of permission on this site.

The site should be mapped as already having consent and this was essentially an oversight from the preparation of the Core Strategy consultation document. As the site already has permission, it should

also have been listed as a Principal Employment Area which the proposed policy would seek to protect.

The Core Strategy Consultation is an additional and non statutory process, which we are undertaking to provide an additional opportunity for individuals and organisations to contribute to the process. On this basis, there is still an opportunity to ensure the document is appropriately updated and refined.

The proposals for this site are incorporated into the existing adopted West Wiltshire District Plan, First Alteration 2004 as allocation E1A. The delivery of this site is linked to residential development to the east of Trowbridge (allocation H11), which in turn will enable delivery of the West Ashton distributor road (to the east of the E1A allocation) and the Hilperton Relief Road (allocation T5A).

The case made by the developer relating to the current downturn in the housing market and the need for the viability of the proposed residential development to be revisited appears to be compelling. The delivery of this and the associated sites listed above are considered to be very important for the future of Trowbridge. On this basis there is a clear planning policy precedent to support development on this site. There are no policy objections to the application. Further background information is provided below which may help to give some useful context to how the above application can contribute to the wider, strategic future of Trowbridge.

Work is underway to prepare the Wiltshire Core Strategy, which will replace the West Wiltshire District Plan and provide a strategic policy framework for Wiltshire up to 2026. A document entitled 'Wiltshire 2026 - Planning for Wiltshire's Future' was published for consultation in the autumn of 2009. This included proposals for future strategic housing and employment growth in the main towns across Wiltshire, including Trowbridge. A preferred location for strategic development was set out in this document for Trowbridge, which consisted of land to the south and south east of the town, either side of the West Ashton Road. This preferred location for growth also incorporated the site which features in this application. The identification of this site followed intensive assessment of all available sites around the town and also took into consideration any consultation responses from earlier stages of the plan making process. Overall, a good level of support for this proposal was received through the consultation responses and through a workshop held with key local stakeholders. This meeting included representatives from the Town Council, Chamber of Commerce, Economic Partnership, Local elected Councillors and others.

The proposed strategic development of this site is considered to represent the most appropriate location to accommodate growth in Trowbridge to provide for the medium and long term needs of the town. The future development of this site would deliver a number of benefits to the town.

Work is also under way to prepare a master plan for Trowbridge Town Centre. This is focused on regenerating a number of brown field sites in the town centre and strengthening the quality of the town, providing additional employment, improved retailing, centrally located housing, improved public transport connectivity and contributing to improved infrastructure and facilities for the town. This work is being prepared alongside the Core Strategy and it is considered that both of these planning tools are essential to ensure the aspirations of Trowbridge residents can be delivered.

The Trowbridge master plan is being driven by the Trowbridge Vision Board. The responses to Wiltshire 2026 included the clear messages that the town needed to grow (and many responses supported increasing the level of growth to that proposed), providing a significant increase in employment land allocated and providing for job creation, and improving infrastructure delivery. In particular improvements to the A350 interchange at Yarnbrook was called for. The evidence from the Wiltshire 2026 consultation and the consultation undertaken through the Trowbridge Vision work indicates that there is a clear appetite for growth and for improvements to infrastructure, facilities and employment growth in the town.

Ecologist - This site has been surveyed in the past to inform plans for the now permitted development to the east of Trowbridge (04/02105). As a result of the survey work, plans were agreed to form a 100m buffer to Green Lane Wood and a Country Park that would extend across to include the northern part of the existing application site (Blackball Brook); a Habitat Management Plan was agreed for this whole area, and plans to monitor the bat population included in this.

Survey work on land to the west of Biss Farm has also been updated (Aspect Ecology, May 2011) and, in terms of bats, the site was surveyed for tree roost potential and for foraging/commuting habitat potential. These habitats were considered to be limited at the site and restricted to the northern boundary, which as mentioned above, will be protected, enhanced and favourably managed in the long-term.

After reviewing the Aspect Ecology Assessment (cited above), the Council's Principal Ecologist confirmed that condition 22 as attached to 05/00744/FUL could be duly discharged since the assessment met the requirements of the condition. It is duly recognised that the wording of condition 22 was specific to water voles, however, the Ecological Assessment highlighted other ecological issues at the site, namely the presence of otters, which are a European Protected Species.

In discharging condition 22, the Council made the applicant aware that wildlife legislation is applicable beyond the planning system and the recommendations of the Ecological Assessment should be followed to avoid any breach of the legislation.

Officers recommend that condition 22 should now be amended so that any development on site accords with the recommendations contained with the approved ecological assessment. It is furthermore recommended that given that a reserved matters submission (pursuant to this permission) may not be submitted for another 5 years, the condition should also require a fresh ecological assessment to be submitted for the Council to assess - prior to the commencement of development on site.

8. Publicity

The application was advertised by site notice / press notice / neighbour notification. Expiry date: 15th July 2011

Summary of points raised:

13 individual letters of objection received raising concerns about :

Impact on Surroundings:

There is no excuse to dig up the beautiful countryside.

There are alternative sites in Trowbridge, Westbury and Melksham which could be developed instead.

The existing industrial estates and business parks in Trowbridge are not full and have adequate capacity to meet increased demand.

The proposals would detrimentally affect local health and wildlife.

The green belt around Trowbridge should be protected.

The land is flood plain and developing the site could mean that the green buffer adjacent to the park will become much more at risk of flooding.

The site may well be zoned for employment use, but it will probably end up being small storage units which will provide little employment.

The existing road infrastructure is already inadequate. This development, without improvements, makes no sense.

The proposed development does not have local resident's support nor the support of the local MP.

The level of local opposition is in the form of individual letters and a signed petition (ref.

w/10/03031/FUL)

Why did the Council only neighbour notify local residents, why not notify all of Wiltshire? Why only limit notification to local area?

There should be a greater buffer / separation between industry and residential uses. Could the site attract small scale chemical and heavier industry?

The consolation country park strip is totally inadequate.

Increased noise and traffic pollution.

Since 1998, many vacant employment sites have become available in and around Trowbridge, and since writing to object to w/10/03031/FUL in October, the number of vacant employment sites have also increased.

This application would, as the local MP states, degrade the quality of life of his constituents.

The rarest bat in the UK, the Bechstein species, has a maternity roost in the Green Lane/Biss Wood, and this development would result in its loss.

This proposal should never have been accepted in 1998, and it shouldn't be now.

The site is not indicated as part of Wiltshire Council's Core Strategy (page 54 - map 5.5) for employment land. Why •?

Wiltshire Council appears to be going all out for economic growth, no matter at what cost to the landscape and environment. Unless checked, this development could lead to massive urban sprawl, resembling the mistakes made in Swindon and the south east of England. The Campaign for a better Trowbridge asks for low growth option to developing Trowbridge, instead of this development proposal.

The original conditions as attached to the previous approval should be retained.

Following the £600,000 environment tax bill levied on the Council, the Council's leader argued that Wiltshire's carbon footprint needed to be reduced. It therefore seems utterly irresponsible to sanction this development given the emissions from the factories themselves and increased traffic.

The international portents are ominous: we are confronted with the rapid rise of China, India and others. One hopes that a "hot" war will not happen, but competition is certain, economic conflict is very likely, and the appetite for all commodities, including food, will be enormous. The price of foodstuffs and fuel is high enough now, but things will become harder than in 1919 [the date of the Paris Peace Conference] or 1949 [when NATO was established] if we have to rely on our own land and feed ourselves; we now have less land available, and a population approaching 65 - 70 Million in time. Is this then a good time to go on building on green fields without some restraint? People who advocate this willy-nilly seem to me to care little for the future

Will Council Tax be reduced as the green belt will decrease together with the change from residential area to commercial?

The Council says it has a plan for the future, but it clearly does not take into account the views of the residents of West Ashton Road, West Ashton village and the surrounding area.

Linked Public Representations

Although not specifically submitted under this application, the Council recognises that a petition with 119 signatories objecting to the principle of extending the time period for submitting reserved matters pursuant to 98/01149/OUT, was received in respect to concurrent application w/10/03031/FUL. It is also acknowledged that the local MP submitted the following representation:

Having looked at the proposals, it is clear that the RSS plans, which I hope have been shelved followed the change of government, would dramatically alter the character of Trowbridge and surrounding communities. The planning application covers a major part of the RSS proposals. It is difficult to see how it would do anything other than degrade the quality of life of my constituents. The planning authority is urged to reject the application.

West Wilts CPRE concerns expressed on the earlier application:

Members are asked to reject the officer's recommendation to approve the renewal of planning permission for employment purposes on Land at Biss Farm West Ashton. The Secretary of State advises that applications of this nature should be refused where there is some material change, for example, a change in relevant planning policy for the area, a change in the relevant highway considerations, or the publication of new planning guidance.

I. The officer's report indicates that permission is conditional on the widening of the West Ashton Road, provision of a new roundabout, new distributor roads and - very importantly the improvement of the Yarnbrook roundabout. The latter of course is much more than a minor alteration to the road system - it involves a large infrastructure project on the A350 at Yarnbrook extending to the West Ashton crossroads. It is a major A350 'improvement'.

However since the cancellation of the Westbury Bypass and preparation of the replacement Local Development Framework, Local Plan policy TI and associated paragraphs regarding the A350, have not been saved. There is in fact no mention of a Yarnbrook West Ashton improvement in the Local Plan as a definite policy, and there is no safe-guarded corridor for the road, which is not even shown in the Local Plan Key Diagram. It would be quite wrong to agree a large new employment area when the major road improvement that is a condition of the construction of that area, has now no grounding in the Local Plan, or even in the Local Transport Plan. There is no evidence that the conditions of the outline planning permission can really be achieved.

2. In section 3 of the Officer's Report (on the earlier application) the text explains that additional new road links are safeguarded in the Plan to provide a northern link through Paxcroft Mead and the Hilperton Gap to the Staverton Diversion, Bath and the A46/M4. In fact the Local Plan Inspector pointed out in 2004 that there is no route or corridor to safeguard for the Staverton Diversion, and it would not be right that applications for planning permission should be considered in the light of a non-existent route and a scheme which is not likely to be constructed in the foreseeable future. The context of the development is thus altered.

3. The Local Plan is being superseded by the Wiltshire Core Strategy. This was to use the housing numbers and employment hectares for Wiltshire from the South West Regional Spatial Strategy. However, that has now been abolished. The Core Strategy is thus stalled as we decide as a county, exactly how much new development we want, and also await the new planning legislation and policy put forward by the Coalition Government. We are operating in a policy vacuum.

4. This policy vacuum has already affected other Wiltshire policy decisions. On pages 24 and 25 of the draft Local Transport Plan for 2011 -2026 (just recently issued) Wiltshire Council sets out very clearly the lack of clarity when it came to transport funding and spatial planning outlook. The Local Transport Plan sets out a one year Implementation Plan only. Wiltshire Council's transport team refused to go further than this because of uncertainty. There is a lack of clarity in terms of planning at the moment- Wiltshire Council have said so themselves. This is not a time to renew permission for a major employment site which is part of a very large urban extension to Trowbridge. The amount of growth may be inappropriate.

5. Since the original planning permission was granted the economic position of the country has changed. The failure to take up planning permission over the last twelve years during which the economy was doing comparatively well, makes it even less likely that the land will be developed in the next years to come. The economic situation is another clear material change to take into account.

6. Wiltshire has often complained of central control by London and with the coming of the Decentralisation and Localism Bill local people will have more control, which Members will no doubt welcome. The bill will devolve greater powers to Councils and neighbourhoods and give local communities control over housing and planning decisions. There is as well, a commitment to protect green areas of particular importance to local communities. All this amounts to a fundamental change in the way that planning is done. Renewing permission for a large unpopular development needs much more careful consideration and consultation than simply ticking the planning boxes.

9. Planning Considerations

9.1 The main issue to consider is whether or not there have been any material changes to circumstances that would indicate a need to re-visit the decision made in respect of application reference 05/00744/FUL.

Fundamentally, it is essential to note that the application proposal is consistent with Development Plan Policy. The site continues to be allocated for employment development (defined as Policy E1A). Indeed, the comments from the Council's Spatial Planning section re-enforce the point that the site is an integral part of the future development of east Trowbridge, and the Town as a whole and the intention to include it as a principal employment area in the Core Strategy. The Council has repeatedly recognised that the delivery of strategic employment development continues to be dependent upon two other strategic Local Plan allocations coming forward, namely:-

The residential development on land south of Paxcroft Mead (Policy H11) - the site known as East Trowbridge Development; and Paxcroft Mead and Hammond Way Link Road (Policy T5) - the road known as Hilperton Relief Road.

In addition, there is recognition that it is difficult to market and develop employment land until it is accessed and serviced with the necessary infrastructure in place. As and when the reserved matters are approved for the residential development at land East of Trowbridge and the scheme is implemented, a new roundabout junction on the West Ashton Road and distributor road would be provided (as they are agreed prerequisites for any employment development at this identified site

labelled E1A in the Local Plan). This infrastructure would facilitate the servicing and opening up of the business park and enable effective marketing and the promotion of the employment site.

It is fully recognised that the Council has received a wide selection of objections. However, the Council has previously taken on board the issues raised. Infrastructural concerns can all be covered through planning conditions. Some locals raise concern about lack of jobs. Once granted and implemented, this site would deliver such jobs. Other concerns and objections relate largely to the principle of the development, which has clearly been established by the Council through approving previous renewals as being of great importance to the future development of Trowbridge. The comments received from the Council's spatial planning team highlight the importance of this adopted employment site.

Members are advised that key material considerations are:

1. Is it acceptable to the Council to allow an extension of time for an extant permission which the Council has identified as being of strategic importance to be developed as a business park and in the fullness of time, to provide jobs?
2. Are the attached conditions associated to 05/00744/FUL still appropriate/robust?
3. Can the reasons for refusal put forward on the earlier identical application be substantiated by robust evidence?

In answering point 1 above, it is necessary to note that there have been no material changes to the site circumstances that would indicate a need to re-visit the decision made in respect of application reference 05/00744/FUL. There have been no relevant local planning policy changes since this scheme was granted planning permission on 7 June 2005. The site is allocated for employment use in the current development plan and there is no proposal to change this emerging in the Core Strategy. As planning applications are required to be determined in accordance with the policies of the Development Plan, unless material considerations indicate otherwise, a refusal could only be supported if reasonable and robust reasons can be put forward based on substantial evidence that would be supported in an appeal. It has to be said that the material considerations in this case favour approval. The significant and wide reaching rapid economic downturn on a global scale is recognised as being a material consideration worthy of note, as is the increasing Government emphasis on supporting economic growth announced in the Ministerial Statement 'Planning for Growth', made in March 2011. Here, the Government's top planning priority was identified as being 'to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.' The statement goes on to state that authorities should 'give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably'. The Secretary of State himself will 'attach significant weight to the need to secure economic growth and employment'. The reason put forward for refusal on the earlier identical application has been examined and is considered by officers to be unsupportable on appeal.

It is also true to say that the development of this employment site strongly relies upon the approval and implementation of the residential scheme at land East of Trowbridge (the Persimmon Homes site) and the completion of the Hilperton relief Road. A strong case has been made that the above two developments are at least 4 years away from completion and thus a condition allowing an extension of time for 5 years to submit phased reserved matters for the employment site is considered reasonable and justified.

With regard to the second point, the conditions have been updated to include the improvements at West Ashton Crossroads (condition 13) and the recommendations included in the TA (conditions 23-25 relating to a travel Plan and kerblin improvement work at County Way and Yarnbrook junction).

In addition, several of the conditions as attached to application 05/00744/FUL have been modified to make them more robust and precise. Others required some revision to ensure that the terms of this permission does not stymie undertaking infrastructure improvements as required by policy. Members are asked to note that condition 4 has been materially altered to delete the reference to provision of

public open space, which is not required by policy or considered necessary by the Council's Landscape Officer. Condition 22 requires to be amended to take on board the fact that an acceptable ecology survey was submitted, however it is considered prudent to condition any permission to require an updated ecology survey as well as stipulating that any development should adhere to the recommendations cited within any approved ecological assessment.

In relation to the third point, the lack of evidence that could be brought forward to defend an appeal has already been set out in the initial paragraphs of this report, as has the legal implications of seeking to defend that decision.

After a lengthy and detailed review of these matters, members are strongly encouraged to support this application, subject to the attached conditions.

Recommendation: Permission

For the following reason(s):

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

Subject to the following condition(s):

- 1 Approval of details of the layout, scale and appearance of the building(s), means of access thereto and the landscaping of the site ("the reserved matters") for each phase of the development shall be obtained from the local planning authority in writing before any development in that phase is commenced.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and Article 3 of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

- 2 i) Application for the approval of reserved matters shall be made to the local planning authority before the expiration of 5 years from the date of this permission;
 ii) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last reserved matter(s) to be approved, whichever is the later.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3 of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

- 3 The details submitted pursuant to condition 1 above, shall include a phasing programme including highway and infrastructure improvements shall be approved in writing by the local planning authority. Thereafter, the highway and infrastructure improvements in each phase shall be carried out in full accordance with the approved plans (pursuant to condition 1), prior to any building being brought into use on that phase.

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

- 4 In order to ensure an appropriate mix of uses in accordance with the objectives of the Development Plan, and the employment requirements of the area, each phase of development shall provide that not less than 70% of the gross floor space of any subsequently approved building(s) shall fall within B1 or B2 Use Classes as defined with the Town and Country Planning (Use Classes) Order 1987.

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

- 5 To ensure a satisfactory landscaped setting for the development, the site shall be landscaped in accordance with a landscaping scheme which shall be subject to the prior approval of the local planning authority and shall be carried out concurrently with each agreed phased stage of the development. The approved scheme for each stage shall be implemented in the first appropriate planting season of the implementation of that stage using trees and shrubs of approved species and height and be maintained thereafter for a period of not less than five years. Any tree and shrubs which fail within that period in that stage shall be replaced with the agreement of the local planning authority and be subsequently maintained for a further period of five years.

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

POLICY: West Wiltshire District Plan Policy C32 and C40.

- 6 To reserve control to the local planning authority over the external materials of construction and to ensure that the appearance of the buildings is in keeping with the established local character, a schedule of the external materials to be used in the construction of building(s) shall be submitted to and approved by the local planning authority prior to any building(s) being constructed on site. No buildings shall be constructed until details relating to the buildings have been approved. The buildings shall thereafter be constructed in accordance with the approved details.

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

- 7 In the interests of flood prevention, no development pursuant to the erection of any building(s) shall be commenced until a scheme of positive surface water drainage to the River Biss has been designed, agreed by the local planning authority, and constructed to the satisfaction of the Council. Such a scheme shall include for the provision of sheet run-off from the site to be discharged via a new drainage ditch from the site to the River Biss.

REASON: In the interests of flood prevention.

POLICY: Government Guidance PPS25 - Development and Flood Risk.

- 8 In the interests of flood prevention, no development pursuant to the erection of any building(s) shall be commenced until a scheme of realigning the Blackball Brook and the regrading of the floodplain has been designed, agreed by and completed to the satisfaction of the local planning authority. Such works shall make provision for future maintenance access to the brook and subsequently no development shall take place within 30 metres of the Brook.

REASON: In the interests of flood prevention.

POLICY: Government Guidance PPS25 - Development and Flood Risk.

- 9 In the interests of pollution control, no development pursuant to the erection of any building(s) shall be commenced until a scheme showing the location of all areas required for the open storage of goods, materials and wastes has been submitted and agreed in writing by the local planning authority. All vehicle parking areas, service areas and yard spaces shall be constructed of impermeable materials and suitably sized oil/chemical/petrol interceptors shall be incorporated in related surface water drainage systems.

REASON: To prevent pollution of the water environment.

POLICY: Government Guidance PPS23 - Planning and Pollution Control.

- 10 In the interests of pollution control, all oil or chemical storage tanks shall be surrounded by an impervious bund with a retention capacity of at least 110% of the largest tank within the bunded area and no working connections shall be made outside the bunded area. Waste oils and

chemicals shall be collected and disposed of in an approved manner and no waste oils or chemicals shall be discharged to any drainage system.

REASON: To prevent pollution of the water environment.

POLICY: Government Guidance PPS23 - Planning and Pollution Control.

- 11 In the interests of highway safety, there shall be no vehicular access to the employment site other than via a new roundabout on the West Ashton Road and distributor road. No other vehicular access points shall be formed off West Ashton Road serving this site.

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

- 12 The details of access to the site (pursuant to condition 1 above) shall include a distributor road between the site access roundabout as indicated in outline on drawing no. FP 089/3 Rev E on the West Ashton Road and the north-eastern boundary of the site on a line and level to be agreed with the local planning authority. There shall be no direct frontage access to the distributor road, and no more than two side road junctions onto the distributor road.

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

POLICY: West Wiltshire District Plan Policy T4

- 13 No development shall commence on site until a scheme of works for the widening of the West Ashton Road, improving Blackball Bridge and West Ashton Crossroads, and providing for the completion of a road link from the West Ashton Road to the north-eastern boundary of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed phasing programme relating the progress of the works to occupied floor space on the site. All highway works/infrastructure improvements shall be carried out in full accordance with the approved scheme.

REASON: In the interests of highway safety.

POLICY: Government Guidance PPG13 - Transport.

- 14 To ensure that the extension of the distributor road is not prejudiced by the failure to complete the part of the works within the site in a reasonable timescale, no more than 20,000 square metres of gross floor space on the site shall be occupied until arrangements securing the completion and adoption of the distributor road to the north-eastern boundary of the site, have been submitted to and approved in writing by the local planning authority.

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

POLICY: West Wiltshire District Plan Policy T4

- 15 To ensure safe access to the site, no development, other than that relating to site earthworks, drainage, landscaping and access works shall be commenced until the roundabout, indicated in outline on drawing no. FP 089/3 Rev E, has been completed with the written approval of the local planning authority.

REASON: In the interests of highway safety.

- 16 In the interests of highway safety and to encourage transport modes other than the private car, no building(s) shall be occupied until the following provision has been made for pedestrians and cyclists:

- i) a pedestrian crossing on the West Ashton Road at the western extremity of the site;
- ii) a footpath/cycleway route linking the pedestrian crossing on the West Ashton Road with the proposed Eastern Distributor Road and the proposed Biss Meadows Country Park;

iii) other footpath/cycleway routes connecting to ii) above to provide access through the rest of the site. Such provisions shall be in accordance with details that shall have first have been submitted to and agreed in writing by the local planning authority before any development pursuant to the erection of any building(s) is commenced on site in connection with the development hereby permitted. Development shall take place in full accordance with these approved details.

REASON: To ensure that satisfactory facilities for pedestrian and cyclists are provided and to encourage travel by means other than by the private car.

POLICY: Government Guidance PPG13 - Transport and West Wiltshire District Plan Policy T11 and T12.

- 17 In the interests of highway safety, the field accesses shown at points D and E on drawing no. FP 089/3 Rev E shall be permanently stopped up and replaced by a single agricultural access shown at point F prior to any building on the site being occupied, in accordance with details to be submitted to and approved by the local planning authority.

REASON: In the interests of highway safety.

- 18 To prevent pollution of the water environment, details of a scheme for the provision of foul drainage works shall be submitted to and approved by the local planning authority before any development pursuant to the erection of any building(s) is commenced on site. Once approved, the scheme shall be carried out in full accordance with the agreed scheme and proposed phasing.

REASON: To prevent pollution of the water environment.

POLICY: Government Guidance PPS23 - Planning and Pollution Control.

- 19 In order to protect the visual amenities of the area, the submission of landscaping details as required by condition 5 above, shall include a permanent 30 metre landscaping buffer around the site which shall require the prior approval of the local planning authority prior to the erection of any building(s) on the site. The prior approval of the local planning authority will also be required in terms of the phasing and future maintenance of the landscaping buffer for the lifetime of the development.

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

POLICY: West Wiltshire District Plan Policy C32.

- 20 To ensure adequate parking and servicing provision is available at the time future uses are commenced, detailed plans of the parking and servicing areas, together with the means of access thereto, shall be submitted to and approved by the local planning authority before the erection of any building(s) to which it relates commences on site. The detailed proposals shall indicate the provision to be made for the draining of the parking and servicing areas, the individual marking and landscaping of car parking spaces and serviced areas where appropriate and full details of their method of construction. All works referred to in this condition shall be completed and the parking/servicing areas shall be available for use before the buildings to which they relate are occupied.

REASON: in the interests of highway safety.

POLICY: West Wiltshire District Plan Policy T10.

- 21 In order to protect the visual amenities of the area, the submission of details as required by condition 5 above, shall include a plan indicating the location of all existing and proposed trees and hedgerow along with a schedule identifying each species.

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

POLICY: West Wiltshire District Plan Policy C32 and C40.

- 22 In order to protect any wildlife interest on the site, prior to the commencement of any development (i.e. building work or on-site infrastructure improvements), an updated ecological survey (following on from the approved recommendations contained within the Aspect Ecology report dated May 2011) shall be carried out to establish the presence of any protected species on or immediately adjacent to the site, the level of any identified population and the extent their habitat. The survey results and any necessary mitigating measures to avoid causing harm to any protected species shall be submitted and approved by the local planning authority. Details shall, as appropriate, include any necessary measures to safeguard any protected habitats and species found on site. Following the approval of such details, any agreed mitigation shall be implemented in accordance with an agreed timetable and phasing, as appropriate.

REASON: To mitigate against the loss of any existing biodiversity and nature habitats.

POLICY: Government Guidance PPS9 - Biodiversity and Geological Conservation.

- 23 No development shall commence until a detailed scheme for the improvement of the County Way (A361) junction with West Ashton Road, in accordance with drawing No. "Figure 15" of the Transport Assessment dated 12.05.2011, has been submitted to and approved in writing by the LPA. Following any approval of such details, the improvement work shall be completed in accordance with the approved details before the first occupation of the business park development.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 24 No development shall commence until a detailed scheme for the improvement of the junction between the A363 and the A350 at Yarnbrook, in accordance with drawing No. "Figure 16" of the Transport Assessment dated 12.05.2011, has been submitted to and approved in writing by the LPA. Following any approval of such details, the improvement work shall be completed in accordance with the approved details before the first occupation of the business park development.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 25 No development shall commence until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include details of the implementation and monitoring. The results of the implementation and monitoring shall be made available to the local planning authority on request, together with any changes to the Travel Plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development site.

- 26 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

SITE LOCATION PLAN - drawing no. P.0639_01 received on 03.06.2011.

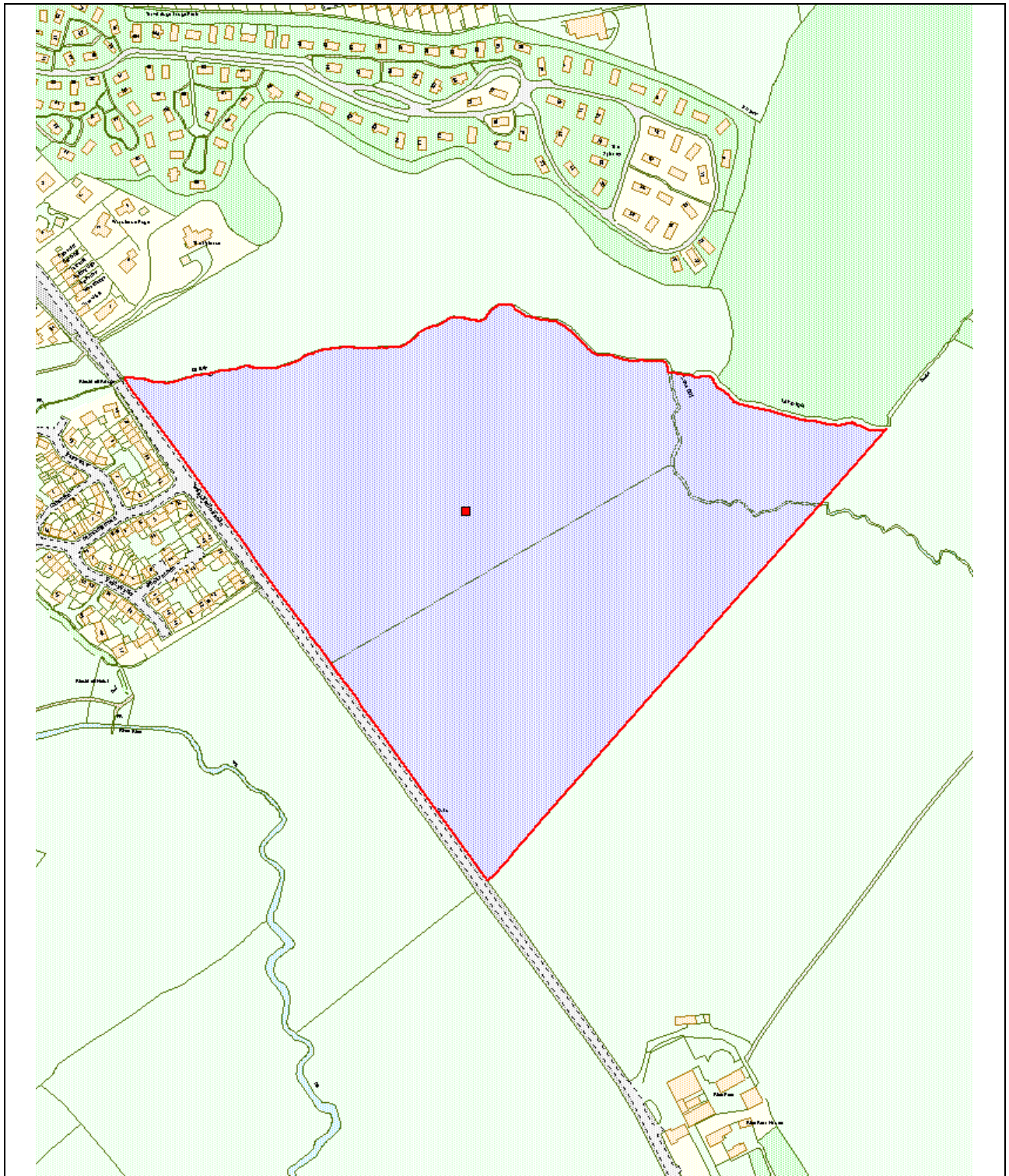
PROPOSED ACCESS ARRANGEMENTS AND CORRIDORS PLAN - drawing no. FP089/3 Rev E received on 03.06.2011.

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Informative(s):

- 1 Prior to any development commencing on site, the applicant/developer is advised to contact Wessex Water to agree points of connection to the public water and sewer networks.

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



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