

AGENDA

Meeting: Western Area Planning Committee
Place: The Cotswold Space - County Hall, Trowbridge BA14 8JN
Date: Wednesday 13 February 2013
Time: 6.00 pm

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718376 or email stuart.figini@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Trevor Carbin	Cllr Christopher Newbury
Cllr Ernie Clark	Cllr Stephen Petty
Cllr Rod Eaton	Cllr Pip Ridout
Cllr Peter Fuller (Chairman)	Cllr Jonathon Seed
Cllr Mark Griffiths	Cllr Roy While (Vice Chairman)
Cllr John Knight	

Substitutes:

Cllr Rosemary Brown	Cllr Tom James MBE
Cllr Andrew Davis	Cllr Francis Morland
Cllr Russell Hawker	Cllr Jeff Osborn
Cllr Malcolm Hewson	Cllr Fleur de Rhé-Philippe
Cllr Keith Humphries	

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

2 **Minutes of the Previous Meeting** (*Pages 1 - 16*)

To approve the minutes of the last meeting held on 23 January 2013. (copy attached.)

3 **Chairman's Announcements**

4 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council

received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Wednesday 6 February 2013. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Applications**

To consider and determine the following planning applications:

- 6a **W/12/02299/FUL - Former Bowyers Site, Stallard Street, Trowbridge, Wiltshire** (*Pages 17 - 80*)
- 6b **W/12/00687/OUT - Land East Of Damask Way, Smallbrook Lane, Warminster, Wiltshire** (*Pages 81 - 104*)
- 6c **W/12/02050/FUL - Littleton Stables, Littleton, Semington, Trowbridge, Wiltshire** (*Pages 105 - 112*)
- 6d **W/12/02102/FUL - 18 Little Parks, Holt, Wiltshire, BA14 6QR** (*Pages 113 - 118*)

7 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

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WESTERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING
HELD ON 23 JANUARY 2013 IN THE THE COTSWOLD SPACE - COUNTY HALL,
TROWBRIDGE BA14 8JN.**

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman),
Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Pip Ridout,
Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Linda Conley and Cllr Fleur de Rhé-Philippe

1 Apologies for Absence

Apologies for absence were received from Councillor Mark Griffiths

2 Minutes of the Previous Meeting

The minutes of the meeting held on 5 December 2012 were presented.

Resolved:

**To approve as a correct record and sign the minutes of the meeting held
on 5 December 2012.**

3 Chairman's Announcements

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an
emergency.

4 Declarations of Interest

There were no declarations of interest.

5 **Public Participation and Councillors' Questions**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

6 **Planning Applications**

The Committee considered the following applications:

7 **W/12/01636/FUL - Heronsview, 91B Winsley Hill, Limpley Stoke, Wiltshire, BA2 7JN**

Public Participation

- Dr Tom Roche, Planning Consultant, spoke in objection to the application
- Captain Keith Chadwick spoke in objection to the application
- Gerard Ellis, Architect, spoke in support of the application
- Tom Skales, Ground Engineer, spoke in support of the application
- Iain Clamp, the applicant, spoke in support of the application
- Ed Gilby, representing Winsley Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended approval, subject to conditions. He explained that the planning application was for the demolition of an existing dwelling and garage, erection of a replacement dwelling and garage with associated works.

Members of the Committee were informed that that the proposal would not have an adverse impact on the character or appearance of the area and was in accordance with the planning policies for the area. Also, compared to the existing approved planning permission from 2010, the development was much more architecturally appealing and of higher quality.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Linda Conley, then spoke to the application. In particular she raised issues relating to, scale of development, visual impact upon the surrounding area, relationship to adjoining properties, design, bulk height and general appearance. It was noted that the alleged encroachment beyond the curtilage defined limits no longer applied.

The Committee then considered the application and debating a number of issues. It was felt that the application was an improvement on the approved 2010 permission and that it enhanced the area. Members were advised that in

the circumstances it was more acceptable to relocate spoil within the site and make minor changes to the natural contours of the landscape, than move the spoil of site.

Resolved:

That Planning Permission be granted for the following reason(s):

The scale, massing, design and visual bulk of the replacement dwelling is considered acceptable; and, by virtue of the site's heavily wooded backdrop and densely treed boundaries, the proposed development would not significantly affect the openness of the Green Belt and nor would it cause detriment to the AONB or materially affect the amenities of neighbours. Because of the comparatively small increase in footprint compared to the existing dwelling, and the fact that the height is similar to the existing dwelling, the Council does not consider on balance that the replacement building is materially larger than the existing, but even if it was, it considers that very special circumstances exist, in that any potential harm to the green belt is outweighed by the design of the proposed dwelling and works, which will enhance the appearance of the landscape of this part of the AONB compared to the existing dwelling and the fall-back situation of the still-extant approval for a replacement dwelling, and that will preserve the openness of the green belt.

- 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 No development shall commence on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

- 3 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 4 Notwithstanding the detail shown on plan drawing PO3 Rev A, no permission is hereby granted for the double garage (as duly hatched). Development shall be carried out in accordance with the approved details included within the stated approved plan drawing list, unless otherwise amended and approved by a subsequent application to the local planning authority.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: GB1, C31a and H24.

- 5 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 6 The development hereby permitted shall not be occupied or first brought into use until the area (in so far as it is within the applicant's control and ownership) between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 7 That prior to the new access driveway being brought into use, the existing vehicular driveway serving Heronsview shall be closed up permanently with the details showing the exact means by which the existing drive/access shall be closed up being submitted to the local planning authority for its written approval.

REASON: In the interests of highway safety and to avoid neighbouring nuisance.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a .

- 8 No development shall commence on site until a detailed scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been

submitted to and approved in writing by the Local Planning Authority. 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.

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

- 9 Any gates shall be set back 4.5 metres from the edge of the shared Woodlands Drive, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C31a and C38.

- 10 The development hereby approved shall be carried out in full accordance with the bat mitigation measures, as set out in the submitted bat survey report (Bat Emergence Surveys, Country Contracts, June 2012) and drawings (Proposed Site Plan, Elevations & Sections, drawing number P02 Rev A), unless otherwise agreed in writing with the Local Planning Authority.

- 11 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 :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.
- compensatory tree and shrub planting of a size and species and in a location to be agreed in writing with the Local Planning Authority,

shall be planted in accordance with BS3936 (Parts 1 and 4),
BS4043 and BS4428

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 - POLICY: C31a
and C32

- 12 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.

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

- 13 The development hereby approved shall be carried out in strict accordance with the approved details contained within the Arboricultural Method Statement published by Atworth Arboriculture Ltd and received on 6 December 2012. In addition to the recommendations specified within the aforesaid Statement, the applicant / developer shall ensure that the following requirements are fully adhere to:-

In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.

Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be

submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 14 The development hereby approved shall be carried out in accordance with the construction method statement produced by Greenfield Associates and the accompanying terrace sketch and plan drawing Site GA Reference 1342.100.03 (received 9 November 2012) and the piling works shall follow the recommendations contained within the supporting statement prepared by Momentum Structural Engineers (dated 4 July 2012). The approved Statements and recommendations shall be complied with in full throughout the construction period, unless otherwise agreed in writing with 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: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C1, C31a and C38.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2)

(England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C1, C31a and C38.

- 17 The development hereby permitted shall be carried out in accordance with the following approved plans:

EXISTING LOCATION & BLOCK PLAN – Drawing No. Ex01 Rev A – received on 26.10.2012

BOUNDARY LINE OF EXISTING RESIDENTIAL CURTILAGE – Drawing No. Ex03 – received on 09.11.2012

EXISTING & PROPOSED SITE CONTOUR PLAN – Drawing No. P04 – received on 26.10.2012

SKETCH SITE SECTIONS EXISTING & PROPOSED – Drawing No. P03 Rev A – received on 15.10.2012

EXISTING HOUSE AND GARAGE PLANS AND ELEVATIONS – Drawing No. Ex02 Rev A – received on 26.10.2012

PROPOSED SITE PLAN, ELEVATIONS & SECTIONS – Drawing No. P02 Rev A – received on 26.10.2012

PROPOSED FLOOR PLANS – Drawing No. P01 Rev A – received 26.10.2012

HARD & SOFT LANDSCAPING PLAN – Drawing No. P05 – received on 06.12.2012

TREE CONSTRAINTS PLAN – received on 06.12.2012

TREE PROTECTION PLAN APPENDIX D – received on 06.12.2012

CONSTRUCTION METHOD STATEMENT PLAN – Drawing No. Site GA 1342.100.03 – received on 09.11.2012

REASON: For the avoidance of doubt and in the interests of proper planning.

Informative(s):

- 1 The developer/applicant is encouraged to use / make provision for residential sprinkler systems within the new build development hereby granted permission. The Wiltshire Fire and Rescue Service actively supports and encourages their installation. They are inexpensive to install (particularly in new buildings), they cannot be accidentally activated, and in new builds such as this, they can be designed to sit flush with ceiling (behind a cover) so as not to be unsightly. When required, they also cause less water damage than standard fire fighting methods. Should

further information be required on this particular aspect, you are advised to make contact with the Wiltshire Fire _ Rescue Service on tel. no. 01225 756 500 or via email at planning@wiltsfire.gov.uk.

It should be stressed that the above guidance / recommendation should be read in conjunction with Building Regulation requirements.

- 2 The applicant/developer should be aware that planning permission does not derogate the applicant's legal responsibilities under the Conservation of Species and Habitats Regulations (2010). It is the applicant's responsibility to obtain a European Protected Species licence from Natural England to legitimate any action likely to breach Regulation 41.

3 Water Supply and Waste Connections

Should new water supply and waste water connections be required from Wessex water to serve this proposed development, application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526333 for Waste Water.

Basement

If a drainage connection from the basement is required this should be pumped in order to prevent flows from backing up into the property.

S105a Public Sewers

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

- 4 Prior to commencing work on site, the applicant /contractor are encouraged to arrange to meet with Officers of the Council/Environmental Protection team to establish the following:

A. Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.

B. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday – Friday 7.30 – 18.00

Saturday 8.00 – 13.00.

No noisy activities on Sundays or Bank Holidays.

C. All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

D. Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

E. In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

F. Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (e.g. Plastics, rubber, treated wood, bitumen etc)

G. Radio noise should not be audible at the boundary of the nearest neighbouring property.

H. Any temporary oil storage tanks should be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank.

I. Both the Council and Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Protection Department on (01225) 776655 prior to commencement.

- 5 In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated

build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

- 6 In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively with the applicant, his agents, the Parish Council and the local community, through discussing the details and intricacies of the scheme, re-assuring those that have concerns and explain the complexities of the planning history, the lawful established use, providing advice on Case Law and appeal decisions on green belt and AONB impacts - to secure this development which has been duly assessed in line with adopted plan policies with due cognisance given to those key, material planning considerations which are highlighted within this report.

8 W/12/02210/FUL - Land South West of Huntenhull Farmhouse, Huntenhull Lane, Chapmanslade, Wiltshire

Public Participation

- Phil Jefferson, local resident, spoke in objection to the application
- Derek Tanswell, Local resident, spoke in objection to the application

The Planning Officer introduced the report which recommended approval. He explained that the planning application was a retrospective application for the erection of a tractor shed.

Members of the Committee were informed that that the proposal would not be detrimental to the existing landscape and would not have an adverse impact on the character or appearance of the area and was in accordance with the planning policies.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Fleur de Rhe-Philippe, then spoke to the application. In particular she raised issues relating to the scale of the development, visual impact upon the surrounding area and the design.

The Committee then considered the application and felt that the proposal was acceptable.

Resolved:

That Planning Permission be granted for the following reason(s):

The decision to grant planning permission has been taken on the grounds that the development does not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies C1, C3, C31a, C38 and R11.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

9 W/12/02185/FUL - Land North East of Stable Cottage, Huntenhull Lane, Chapmanslade, Wiltshire

Public Participation

- Margaret Thackway, local resident, spoke in objection to the application
- Nigel Brown, local resident, spoke in objection to the application
- Derek Tanswell, Agent, spoke in support of the application
- Denis Barnard, representing Chapmanslade Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended approval, subject to conditions. The planning application was for the erection of an agricultural barn and retrospective hardstanding area..

Members of the Committee were informed that there had been extensive negotiations with the Local Planning Authority and the applicant, and in response to a recent inspectors decision the proposed barn had been relocated to be sited closer to existing buildings and the existing road to reduce its impact upon the open countryside. The size of the barn was now in accordance with the agricultural consultants opinion that the barn should be no larger than 115 square metres.

The Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Fleur de Rhe-Philippe, then spoke to the application and raised issues relating to the scale of the development, the visual impact upon the surrounding area and the design.

The Committee then considered the application and were concerned that permission for a building of the size proposed would result in the use of a

commercial livery. It was suggested that a condition be added stating that use be restricted solely to agricultural purposes. It was noted that the barn would be used amongst other things for sheep shearing, however this activity was not included in the suggested conditions. Members asked for the sheep shearing activity to be added to condition 4.

It was proposed that a site visit be held for members to have a clearer understanding of the site and the location of the barn in relation to the landscape and the road. However, the request was not agreed by the Committee.

Resolved:

That Planning Permission be granted for the following reason(s):

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies C1, C3, C31a and C38.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area through pre-application negotiations.

- 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 development hereby permitted shall be carried out in accordance with drawing numbers 1, 2, 3, 4 received on 23rd November 2012.

- 3 Within 3 months of the barn hereby approved first being put into use the storage containers shall be removed from site unless otherwise agreed in writing by the Local Planning Authority.

REASON: Due to the impact the storage containers have on the Special Landscape Area having regard to Saved Policy C3 of the West Wiltshire District Plan 1st Alteration 2004.

- 4 The building hereby approved shall not be used for the permanent accommodation of livestock. No livestock shall be temporarily housed in the building unless the need for temporary accommodation arises from (i) quarantine requirements; or (ii) lambing; (iii) shearing; or (iv) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure- (aa) because they are sick; or (bb) to provide temporary shelter against extreme weather conditions.

Reason: the use of the building for the permanent housing of livestock would require further detailed consideration due to its location close to neighbouring properties having regard to the provisions of Saved Policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

- 5 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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 having regard to Saved Policy C31a of the West Wiltshire District Plan 1st Alteration 2004.

6. The building shall be used solely for agricultural purposes.

REASON: The building is solely justified to meet the agricultural requirements of the holding and alternative uses could give rise to additional planning considerations, such as additional traffic generation and impact on the amenity of neighbouring properties.

INFORMATIVE – The applicant is advised that equestrian uses, such as livery use, are not an agricultural use of the land and would require planning permission for a change of use.

10 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.45 pm)

The Officer who has produced these minutes is Stuart Figini, of Democratic Services,
direct line 01225 718376, e-mail stuart.figini@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	13.02.2013		
Application Number	W/12/02299/FUL		
Site Address	Former Bowyers Site Stallard Street Trowbridge Wiltshire		
Proposal	Demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site comprising a food store (Use Class A1), non-food retail units (Use Class A1), leisure floorspace (Use Class D2), food and drink floorspace (Use Class A3/A4), and associated petrol filling station (sui generis) together with associated car parking, new access and landscaping		
Applicant	Optimisation Developments Ltd		
Town/Parish Council	Trowbridge		
Electoral Division	Trowbridge Central	Unitary Member:	John Knight
Grid Ref	385201 158016		
Type of application	Full Plan		
Case Officer	Mrs Judith Dale	01225 770344 Ext 01225 770245 judith.dale@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * Scale of development
- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Design - bulk, height, general appearance
- * Environmental/highway impact
- * Car parking

In addition, he considers that 'this is a major development which will have a huge impact on Trowbridge town and in the interests of the public, should be presented to the WAPC for further debate'.

1. Purpose of Report

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

Neighbourhood Responses:

These are detailed in section 9 below

Parish/Town Council Response:

This is detailed in section 8 below

2. Report Summary

The main issues to consider are:

- The principle of the development and assessment against planning policy
- Highway and access considerations
- Urban design considerations including siting, layout and design matters
- Impact on the heritage environment
- Ecological considerations and impact on River Biss
- Flooding and drainage
- Site Contamination
- Impact on surrounding residential amenity
- Contributions and commitments

3. Site Description

The application site comprises a self contained area of approx 4.3 hectares formerly used by the Bowyers meat processing factory. Its western boundary adjoins the Bath/Westbury railway line with the station and associated car park lying to the south west; its north and east boundaries adjoin the River Biss; its south east boundary is marked by Stallard St. The land falls approx 5.5m from the front to the northern river edge and approx 3m across the site frontage from the railway station to the town bridge.

There are currently three vehicular access points into the site, one from Station Approach and two from Stallard St close to the main town bridge; there are also two pedestrian routes which cross the site – one via an underpass from Innox Road in the north west corner to emerge at the Stallard St entrance; the other which continues from Station Way behind nos 5-9 Stallard St.

The site is occupied by a number of large and now vacant buildings. Many are of little architectural merit with the exception of a cluster in the east/south east corner which are either listed buildings or unlisted buildings of historic interest. These include Innox Mill (Grade II), Innox House, nos 5 & 6 Stallard St which are detached listed buildings and nos 7-8 which are part of a listed terrace. These latter groups of buildings occupy the Stallard St frontage, located behind a high stone wall which screens the site along much of this frontage.

Within the site there are limited landscape features, restricted to low quality shrubs and trees in the north west corner and overgrown vegetation along the river bank.

Adjacent uses to the site are predominantly industrial units on the opposite side of the River Biss and commercial uses beyond the railway line and on the opposite side of Stallard St. There are nearby residential properties in Innox Mill Close to the west and in converted listed buildings in Stallard St close to the proposed site entrance.

The site occupies a pivotal location at the entrance to the town on approaching from the Bradford on Avon and Wingfield directions (N & W); it is also the focal point at the junction with Bythesea Road on approaching from the Devizes and Westbury (E & S) directions. It is within walking distance of the town centre and lies opposite the vehicular and pedestrian entrances to the Shires shopping centre.

In planning terms, it lies largely outside the commercial area boundary of the town as defined in the adopted district Plan, with the exception of the Stallard St frontage which lies within this designation; this also coincides with the Conservation Area boundary which runs along the eastern side of Station Approach. The part of the site which adjoins the River Biss lies within the indicative flood plain (Flood Zone 3).

4. Relevant Planning History

While there is an extensive planning history relating to the site when operating as a meat processing factory, the only relevant applications to the current scheme are those proposals for the redevelopment of the site and conversion of the listed buildings following its closure in 2007:

2009/2010

W/09/00568/FUL – Restoration, conversion and new build development, plus demolition of unlisted heritage buildings, to comprise 2726 sq m of commercial space and 38 residential units – Resolution to approve subject to the completion of a S106 agreement but subsequently ‘disposed of’ – 16.03.2010.

W/09/00580/LBC – Parallel application for listed building consent – Consent granted 23.04.2010

W/09/00582/FUL – Redevelopment of factory site to provide new campus for Wiltshire College - Application withdrawn prior to determination due to grant funding for the college being withdrawn.

2012

W/11/02689/FUL – Demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site comprising a cinema (D2 use), food and drink floorspace (A3/A4 use) and food superstore (A1 use), together with associated car parking, new access and landscaping – application refused 20 June 2012 and subsequent appeal held in abeyance until 21 February 2013.

W/11/02690/LBC & W/11/02691/CAC – Applications for the proposed works to the listed buildings and demolition of buildings within the conservation area in support of the above – these remain undetermined pending the outcome of the current appeal.

5. Background to current application

As members will recall, application W/11/02689/FUL for the redevelopment of this site was refused permission by the Planning Committee last year. The application was initially considered at the meeting on 9 May, and notwithstanding a recommendation of refusal for 3 reasons centred on town centre policy and highway grounds, a resolution was taken (subsequently amended at the meeting on 31 May) as follows:

‘That the committee were minded to grant approval for this application, subject to planning conditions and heads of terms for any legal agreement, that would be required to secure the completion of the development and to secure improvements to highway access to the railway station, being met and approved by committee on 20 June 2012’.

The application was referred back as instructed with the outcome of further discussions over highway and access matters, the proposed heads of terms for a S106 Agreement and proposed planning conditions which the applicant agreed as being acceptable. After further consideration at that meeting, the decision was taken to refuse the application for the following reasons:

1. The proposed development would be likely to have a significant adverse impact on the holistic planning of the Central Area of Trowbridge and undermine the sustainable development of the town contrary to policies LE1, SP3 and E5 of the West Wiltshire District Plan 1st Alteration 2004, Core Policies 28, 29, 38, 61 and 62 of the emerging Wiltshire Core Strategy and policies and objectives within the National Planning Policy Framework.
2. The proposal would result in a severe adverse impact on the local highway network, and for which no measures have been put forward by way of mitigation. As such the proposal is contrary to policies E4, E5 and LE1 of the West Wiltshire District Plan 1st Alteration 2004, Core Policies 61 and 62 in the emerging Wiltshire Core Strategy and policies and objectives within the National Planning Policy Framework.
3. The proposal fails to take advantage of the key relationship with the adjoining railway station, contrary to policy E4 of the West Wiltshire District Plan 1st Alteration 2004, Core Policies 28, 61 and 62 of the emerging Wiltshire Core Strategy and the policies and objectives within the National Planning Policy Framework.

It is an important point, that in making this decision, the hope was expressed that the parties might continue a dialogue over a possible alternative development proposal which would secure the regeneration of this important site 'that complements, not undermines other developments in the town' (Committee minute.) Nevertheless, an appeal against this decision was lodged promptly and preparations made in respect of a Public Inquiry scheduled to be held in early February 2013.

As requested by the Committee, discussions continued between the applicant, senior officers and members over a revised scheme which might form the basis for a second application. In order to allow for such an application to be submitted and determined, within the given appeal timetable, a joint request was made to the Planning Inspectorate for the Inquiry to be deferred for a period of 12 weeks. In the event of a permission of the second application, the applicants would consider withdrawing the appeal and continue with the successful scheme; in the event of a refusal, the appeal would continue. The Inspectorate has agreed to hold the appeal in abeyance until 21 February after which time the matter will be reassessed.

This clearly offers a very narrow window for any revised scheme to be prepared, considered and determined. Nonetheless, all parties have made every effort to meet the necessary timetable for this second application so that a decision can be made before the deferred appeal deadline but with proper regard to due process and statutory requirements).

As part of that process and important pre-application engagement, the applicant has adopted a targeted approach to ensure local representatives and relevant groups have been made aware of the revised proposals and have had an opportunity for input into the process. This is largely a continuation of the extensive community engagement programme which was carried out in connection with the first application, details of which were reported at that time and have been re-submitted as part of this second application.

The consultation 'update' has included briefing letters to local ward members and members of the Western Area Planning Committee and Cabinet; letters to the Town Council, Trowbridge Civic Society and Wessex Association of Chamber and Commerce; a letter to the MP, Dr Andrew Murrison; an update to the co-ordinator of the 'Show your support for the Innox Riverside Development campaign'; e-mail correspondence to all previously expressing an interest in the regeneration of the site and updating the website. In addition to the letters formally submitted in response to the Council's notification process (Section 9), the applicant reports more than 25 comments posted to the online support group, 4 no news articles and 5 no letters in the Wiltshire Times and 8 no e-mails to the web site.

6. Proposal

This is one of 3 revised applications relating to the redevelopment of this vacant brownfield site and is the substantive application; it is accompanied by W/12/02300/LBC for the proposed works to the various listed buildings and W/12/02301/CAC for the demolition of buildings within the Conservation Area, which are proposed to be determined as delegated items in the light of the decision on this application.

This second application is effectively a modification of the original proposal which now excludes a cinema and replaces it with an alternative mix of uses and consequent site layout. As before, the development involves the demolition of all the former factory buildings, outbuildings, structures and tanks with the exception of the main historic buildings along the southern and eastern boundaries. A proposed leisure box and pair of additional retail units would then extend this group of buildings across the rear of the site to visually link with the supermarket in the north west corner with the central and frontage areas largely given over to access, parking and other transport elements of the scheme and which now includes a petrol filling station. The main open space in the form of a riverside park and walk is at the rear of the site, with other public areas largely focussed around the retained buildings.

In detail, the proposal includes the following elements:

- A foodstore of 7308 sq ms (gross internal)/3754 sq ms (sales) incorporating 229 parking spaces at lower ground level, a customer café at the rear of the store and staff facilities above; warehouse facilities are located adjacent to the railway line with a service yard to the rear. The proposed building is rectangular with a feature clock tower/entrance addressing the centre of the site with proposed materials including brick, horizontal composite cladding and vertical seam cladding. This element is virtually identical to that of the previous application but with marginal alterations at the rear and to the layout of the undercroft parking.

- A pair of non food retail units (Units 1 & 2 – 3378 sq ms gross internal) on the site of the formerly proposed cinema with potential opportunity for future subdivision of the larger unit to provide a total of 3. This is reflected in their overall design which proposes a single 2 storey brick building but with 3 distinct 'frontages' under 3 separate pitched roofs. The units face onto the main carpark behind a 4m wide pedestrian zone.

- A semi-detached 'leisure box' (Unit 3) with a floor area of 1875 sq ms capable of offering wet or dry leisure facilities within class D2 as necessary. The unit has a generally square footprint (approx 32m sq) and is designed to accommodate 2 floors, currently left as open spaces to provide maximum flexibility. It proposes a dual frontage into the centre of the site and onto the riverside path and offers a contemporary elevational treatment of render and glass under a curved roofline. At its eastern end, it adjoins

- A 2 storey A3 unit (5 Bowyers Buildings) of approx 420 sq ms with a mezzanine upper level and external terrace seating on 3 sides. It is designed to enclose and act as a focal point within Innox Square while linking through to the new development towards the rear of the site and employs matching brick and cladding under a lower roofline.

- The renovation and conversion of existing listed and heritage buildings to provide 4 separate restaurant/café/public house units (A3 & A4 uses); these elements remain unchanged from the previous application:

i) 7-8 Bowyers Buildings – Horizontal subdivision of this flat roofed 2 storey brick building adjoining the river to provide 2 cafes

ii) Innox House – Conversion of this 2 storey stone building to provide a restaurant with a separate private dining facility within the roof. A single storey circular extension is proposed at the eastern end to visually close the space to nos 7 & 8.

iii) Innox Mill (Grade II listed) – Conversion of this 3 storey brick mill building into a family pub/restaurant across its 3 floors

- A low profiled and largely glazed building at the site entrance (A3 unit) with a floor area of 194 sq ms and proposed as 2 similar café/restaurant premises. Terrace seating faces onto Stallard St, with its main entrance taken from the pedestrian route which links through from the main site entrance to the station.

- The retention of nos 5-9 Stallard St, the reduction in height of the frontage retaining wall and laying out of amenity space to serve these former dwellings. Allocated parking (10 spaces) for these buildings is now provided opposite the entrance to the petrol filling station but specific uses for the buildings have not been identified.

- A petrol filling station (PFS) with 4 no pump islands, a small flat roofed kiosk building (8m x 13m) and forecourt canopy. Access would be directly from the internal roundabout or from the customer parking areas.

- The provision of 517 on site car parking spaces (inc 28 no disabled and 10 no parent and toddler spaces) with 229 located under the supermarket and the remainder as surface parking in the main central part of the site.

- Public open space in the form of a landscaped Riverside Park adjacent to the River Biss and Innox Square, a central courtyard space enclosed by the retained factory buildings and intended to act as a

focal point to the various leisure uses on this part of the site. A variety of other small 'green' spaces are identified throughout the site

- A riverside walk/cycle path around the north/east boundaries of the site linking Innox Road with Stallard St together with a more direct internal route through the central space; a pedestrian link from Innox Road to the station via the rear of the foodstore.

- Closure of the access from the station carpark to general vehicles but its retention for use by buses along the existing right of access to the rear of 7-9 Stallard St; provision of a bus layover facility within this route to accommodate Network Rail's replacement bus service; cycle storage for up to 60 cycles.

- A new access into the site via a single roundabout point at the existing Stallard St entrances close to the town bridge. This would serve two entry/exit lanes and a further internal mini roundabout arrangement within the site.

As before, the application is accompanied by a number of supporting reports and documents, some of which have been updated/revised from the original as appropriate and some re-submitted. These include a Planning Statement; Design and Access and Sustainability Statement; NPPF Retail and Leisure Assessment; Economic Benefits Statement; Transport Assessment; Framework Travel Plan (Foodstore); Framework Travel Plan (Non food retail & leisure); Statement of Community Engagement; Heritage Assessment; Flood Risk Assessment; Drainage Assessment; Phase II Geo-Environmental Factual and Interpretative Report; Review of Developers Geo-Environmental Engineering Design; Archaeology Assessment; Ecology Appraisal; Tree survey; Landscape Statement; Lighting Strategy.

A unilateral undertaking (UU) has latterly been submitted offering a package of commitments and contributions; these are detailed in section 10.9 of this report.

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, a Screening Opinion of the proposed works has been requested and the Council has confirmed that a formal EIA is not required to support the proposed application.

7. Planning Policy

(i) Government Policy

National Planning Policy Framework (NPPF)

(ii) Development Plan

Wiltshire Structure Plan 2016

DP1 Priorities for Sustainable Development

DP3 Development Strategy

DP5 Town Centres, District Centres and Employment Areas

DP9 Reuse of Land and Buildings

T1 Integrated Transport Plans

T4 Transport Interchanges

HE2 Other Sites of Archaeological or Historic Interest

HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan 1st Alteration 2004

C9 Rivers

C15 Archaeological Assessment

C17 Conservation Areas

C18 New Development in Conservation Areas

C19 Alterations in Conservation Areas

C28 Alterations and Extensions to Listed Buildings

C31a Design

C32 Landscaping

C38 Nuisance
R8 Greenspace Network
R11 Footpaths and Rights of Way
E5 Loss of Employment Floorspace
T10 Car Parking
T10 Footpaths and Bridleways
SP5 Secondary Retail frontages
LE1 Leisure and Entertainment
U1a Foul Water Disposal
U2 Surface Water Disposal
I1 Implementation
I2 The Arts

(iii) Emerging Development Plan

Wiltshire Core Strategy Pre-Submission Document (WCS).

This has been prepared in the light of up to date evidence and in conformity with national guidance, has been the subject of public consultation, is to be considered by the Council in June 2012 and is programmed for submission to the Secretary of State for Examination in July. Consequently it can be afforded some weight in decision making. Relevant policies include:

Core Policy 1 – Settlement strategy
Core Policy 2 – Delivery strategy
Core Policy 3 – Infrastructure requirements
Core Policy 28 - Trowbridge central areas of opportunity
Core Policy 36 - Economic regeneration
Core Policy 38 - Retail and leisure
Core Policy 50 - Biodiversity and geodiversity
Core Policy 52 - Green infrastructure
Core Policy 56 - Contaminated land
Core Policy 57 - Ensuring high quality design and place shaping
Core Policy 58 - Ensuring the conservation of the historic environment
Core Policy 60 - Sustainable Transport
Core Policy 61 - Transport and Development
Core Policy 62 - Development impacts on the transport network
Core Policy 63 - Transport strategies
Core Policy 64 - Demand management
Core Policy 67 - Flood risk

(iv) Supplementary Planning Guidance

Trowbridge Town Centre - Conservation Area Character Assessment (adopted Feb 2006)
Transforming Trowbridge Vision Report - Vision and Scoping Study (August 2010)
The River Biss Public Realm Design Guide SPD
Wiltshire Strategic Flood Risk Assessment (WSFRA)
Trowbridge Urban Design Framework (adopted Sep 2004)
Design Guidance - Principles

8. Consultations

Trowbridge Town Council

(i) Principle of development - Uses

- In the event that an additional store can be justified and improved and pedestrian links to core town centre provided to improve accessibility and linked trips, supports the concept of developing the site

to provide a supermarket, other non-food retail, a leisure unit and a number of A3 units as proposed.
- welcomes inclusion of petrol filling station.

(ii) Design

- no objection to the design of the buildings although reservations about the design of the superstore, including the arrangements for parking beneath, which increases the size of the building overall; reservations about the retention of the building closest to the town bridge but incorporation of pitched roof will significantly improve its appearance.

(iii) Access

- Supports development of riverside as pleasant public space and would like to see this continued to the north and south of the site, affording additional links to Innox Road and from Stallard Street to the Shires Car Park on the west side of river.
- Very significant concerns about aspects of the transport arrangements, but recognises that some of objections to the previous proposal have been addressed:

a) Inclusion of footpath between the proposed superstore and the railway line is welcome addition, but a slight improvement to its line in the vicinity of the service yard access should be made to improve sight lines and safety.

b) Development needs to provide for significant improvements to pedestrian and cycle links to other parts of the town and Town Centre; proposed roundabout access to Stallard Street and lack of additional pedestrian crossing opportunities between station approach and the Town Bridge provides a significant barrier to pedestrians; proposed roundabout treatment for the main access to the site is unsuitable for an already congested route in the town centre; access on to proposed roundabout across the Town Bridge is inadequate, affording only one lane of traffic; main access to site needs to be moved further away from the Town Bridge and should be a light controlled junction with additional pedestrian crossing opportunities to improve route from station to Fore Street; pedestrian ramp between PFS and new build A3 unit on Stallard Street to be adjusted to run in SW/NE direction to improve route from Fore Street to the Railway Station

c) Development should provide for the proposed return of two-way traffic to the Conigre/Broad Street/Hill Street route and changes to Fore Street, Wicker Hill and Manvers Street

d) Development should address inadequacy of the adjacent Stallard Street/Bythesea Road junction by replacing existing roundabout with a light controlled junction, with additional and improved pedestrian crossing opportunities; may require closure of Station Approach.

e) Developer and Wiltshire Council should work with Network Rail to incorporate restructuring of the entrance to the station forecourt, which could be accessed through the development site; an improvement to the station and surroundings, including surfacing of the West car park and provision of a ramp to facilitate access between the two platforms; improvements to the area between the site and the railway line in the north west corner, including access to Sustrans cycle path; consider reopening larger of the two under-bridges in the north west corner of the site to Innox Mill Close instead of inadequate existing pedestrian bridge linking the site to Innox Road; additional pedestrian links to Riverway and Bradford Road.

f) Condition as follows:

“That the developer should reach agreement with the Highway Authority and adjacent land owners including Network Rail; to undertake, or contribute to the costs so that they can be undertaken, in line with the opening of the development; the following:

- A traffic light junction on Stallard Street as the main entrance to the site (instead of a roundabout) including pedestrian light controlled crossing of Stallard Street on the southern arm of this junction which, combined with the adjustment to the ramp indicated above provides a significantly better pedestrian route between the Railway Station and Fore Street.
- The implementation of traffic light control to the junction of Stallard Street and Bythesea Road (replacing the mini-roundabout) to include improved light controlled pedestrian crossing facilities.
- An agreed enhancement to provide alternative station access via the development site based upon the ‘Phase 2’ station access and car park improvements as indicated in the drawing forming Appendix 9.3 in the ADL ‘Transport Assessment’ which is included in the application documents, with an adjustment to the bus layover bay to make this practical and workable.
- The surfacing of the West car park at the railway station.
- A ramp to provide disabled access between the two station platforms.

- Comprehensive path and public space improvements to the pedestrian/cycle routes between the site, the railway bridges and Innox Road, including connection to the Sustrans path.
- The implementation of the return of two way traffic to Conigre/Upper Broad Street and Hill Street, the pedestrianisation of Wicker Hill and Fore Street between Hill Street and Manvers Street and the reversal of one-way on Manvers Street.”

(iv) Conditions/obligations

Conditions requiring appropriate limitations on night time deliveries; any public space CCTV to be connected to the Town Council’s system and a contribution to monitoring and maintenance made; external materials and sample panels; landscaping scheme; agreed trigger points for restoration of listed buildings and delivery of leisure and class A3 facilities; delivery of highway infrastructure (as above) prior to opening of supermarket.

Wessex Water

Comments that the site will be served by separate systems of drainage constructed to adoptable standards; there is major apparatus which crosses the site and which will need to be diverted (S185 Water Industry Act) with appropriate easement and sewer upsizing; surface water drainage to existing system should not exceed existing rates; requests condition requiring a foul and surface water drainage strategy to be agreed; advises no tree planting in proximity to sewers; requires flow rates to be submitted to Wessex to enable capacity appraisal; pumped storage will be required where buildings more than 2 storeys high.

Environment Agency

- Notes that the site lies within Flood Zones 3 (high risk) and 2 (medium Risk).
- Comments that the development is contrary to the requirements and expectations of the R Biss SPD which highlights the site for ‘habitat creation - major intervention’ and shows development sited further back from the river with opportunities to cut into the existing piling, re-grade the banks and create a low flow channel. Supports the Ecologist’s comments in respect of biodiversity and failure to meet objectives of SPD and would support Council in refusing application on those grounds.
- Notes a required minimum distance of 4m from development to the river bank for maintenance
- In the event of other material considerations outweighing the adherence to SPD, permission should be subject to conditions requiring works being carried out in accordance with the submitted FRA and stated mitigation measures; no new buildings within 4m of the river bank; no development to commence prior to approval of a surface water drainage scheme for the site; an Ecology and Landscape Management Plan to be submitted and approved; a scheme to deal with risks associated with contamination to be submitted and approved; no infiltration of surface water drainage into the ground; no use of piling or penetrative foundations without express consent; approval of Construction Management Plan.
- In addition, informatives are recommended advising of the need to obtain Flood Defence Consent for works within 8m of the top of the bank of the R Biss; information to be submitted as part of the surface water drainage strategy; implementing safeguards for the prevention of pollution.

English Heritage

- Does not oppose the principle of redevelopment of the site and welcomes the retention of the designated assets and many of the undesignated ones
- Considers that the total removal of the mill building would reduce the ‘spirit of canyon and bustle’ that characterises former industrial site and advises its retention
- Proposed A3 unit at the site entrance should be adapted as feature building with more robust architectural treatment and greater mass and would mask PFS.

Network Rail

- No objection to principle of development within the site but notes that the ‘masterplan’ submitted with the application appears to show an access linking the proposed development to the railway station.

- Confirms that the applicant has had no discussions with Network Rail since the previous application was refused and that 'without further information, Network Rail cannot confirm that such an access would be permitted.'
- Notwithstanding the above, states a number of requirements for safe operation of the railway and protection of NR land. These include compliance with all covenants on land the subject of demarcation agreements; the installation of solar panels to prevent glare and dazzle with appropriate screening as necessary; a 1.8m high trespass resistant fence; demolition of buildings in accordance with agreed method statement; no additional surface drainage onto NR land, culverts or drains; consultation on alteration to ground levels; new buildings sited at least 2m from the boundary fence to allow access for maintenance; design of buildings to take account of noise, vibration and airborne dust; lighting not to interfere with signalling apparatus; consultation on any landscaping scheme adjacent to the railway; any new trees to be located not less than their mature height from site boundary; any scaffolding to be erected so that it could not fall on the railway.

Spatial Planning Officer

In view of the planning history and policy reason for refusal in respect of the outstanding appeal application, it is considered appropriate to report this consultation response in full:

“1.0 PROPOSAL

1.1 The application is for full planning permission for a mixed use development comprising a food store (Use Class A1), non-food retail units (Use Class A1), leisure floorspace (Use Class D2), food and drink floorspace (Use Class A3/A4), and associated petrol filling station (sui generis) together with associated car parking, new access and landscaping.

1.2 The proposal site is located outside but adjacent to both the Commercial Area Boundary and Trowbridge Town Centre Conservation Area as defined on the Proposals Map of the West Wiltshire District Plan. It is not allocated for any use in the adopted development plan.

1.3 The site was subject to a previous planning application (W/11/02689/FUL) for a mixed use development including food store, cinema, food and drink units, car parking and landscaping. The application was refused permission at the Western Area Planning Committee on 20 June 2012 and is now the subject to an appeal. The appeal is currently in abeyance until the 21 February 2013 to allow determination of this revised application (W/12/02299/FUL).

1.4 At committee (20 June 2012) it was recognised that the former Bowyers site offered a real opportunity to bring forward a town centre use that complements and does not undermine other developments in the town. It was minuted that, should the application be refused officers would be instructed to work with the applicant with a view to achieving this. As a consequence the Council has worked closely with the applicant to provide pre and post application advice.

1.5 The applicant's previous retail and leisure assessment was independently assessed by GVA. In terms of impact it was concluded that the proposal would not result in an unacceptable impact on town centre stores. However, it was considered that insufficient consideration was given to the impact on the Asda food store (anchor store to the Shire's Shopping Centre) and the impact of the proposal on existing, committed and planned investment at Trowbridge including the approved uses for the leisure and hotel use on the St Stephens Place site. The Council has therefore instructed Nathaniel Lichfield & Partners (NLP) to undertake an independent review of the applicant's revised retail and leisure assessment including the impact for the convenience, comparison and restaurant/leisure uses, as well as the sequential test. The review also considers impact on committed and planned investment including St Stephens Place. The findings of this review are referred to within these comments.

2.0 PLANNING POLICY CONSIDERATIONS

2.1 The main policy considerations regarding the principal of developing the site for the proposed uses are discussed below, in addition to which more detailed policy requirements will need to be considered and applied including those relating to design, ecology, green infrastructure, flood risk and transport.

National Planning Policy Framework (NPPF)

2.2 Paragraphs 24 to 27 of the NPPF relate specifically to assessing applications for retail and leisure developments outside of town centres. The key planning policy considerations are that the application must satisfy the sequential test and that the proposal must not have a significant adverse impact on the town centre's (Trowbridge) vitality and viability of existing, committed and planned public and private sector investment. Each of these provisions are discussed in turn below.

Base data and methodology

2.3 The independent critique of the applicant's retail and leisure assessment has highlighted a number of deficiencies. It is considered that the applicant has underestimated the convenience space floorspace within the defined catchment area and turnover estimates are overstated. However, in general the overestimation of turnover counterbalances the applicant's underestimation of floorspace.

Sequential test

2.4 In accordance with the provisions of the NPPF regardless of the absence of any evidence which suggests significant harm, proposals may still be refused planning permission if it can be accommodated within an existing centre.

2.5 The council must therefore be satisfied that no sequentially preferable sites are available within and on the edge of the town centre. The applicant has considered the sequential test within the submitted retail and leisure assessment. Relevant alternative sites have been considered and assessed. The report states that '...each of these sites is either not suitable or not available to accommodate the identified quantitative need for additional convenience floorspace in Trowbridge.'

2.6 The independent NLP critique agrees with this conclusion that there are no sequentially preferable sites that are either suitable or available.

Impact

2.7 The NPPF also indicates that retail and leisure proposals should only be refused where there is likely to be significant adverse impacts that outweigh the benefits of the proposal, or the proposal fails the sequential approach. The council must therefore be satisfied that the proposal presents no significant adverse impacts.

2.8 The applicant estimates that the proposal will have a 17.8% impact on the Town Centre Asda store, reducing the convenience goods turnover of the store to £29.03m. It is therefore their assertion that the store will trade above their estimate of company benchmark (£25.21m) and therefore there will be no significantly adverse impact.

2.9 Whilst the NLP critique agrees with the likely level of trade diversion from the store, the updated household survey suggests that the store has a lower existing turnover of £24.58m. Allowing for growth in available expenditure NLP estimate that without the proposed Morrison's, the Asda would have a convenience goods turnover of £25.09m at 2016. With the development, NLP estimate that the Asda will have a convenience turnover of £18.54m, representing a 26% impact. This will leave the store trading £3.65m or 16% below company benchmark. NLP consider that the Asda will continue to remain viable if it were to trade at this level.

2.10 NLP estimate that around £1.13m of convenience turnover will be diverted from other stores in Trowbridge town centre, an impact of 13%. They also estimate that Sainsbury's will experience a 30% impact on its convenience goods turnover, leaving the store trading around £5m (22%) below company average. NLP considers that overall, the level of direct impact on convenience floorspace in the town centre will not be significantly adverse.

2.11 The convenience impact described above relates to direct trade diversion to the proposed food store. It does not take into account any indirect impact through the reduction or increase in linked shopping trips made to the town centre, as a result of the proposals.

2.12 NLP also estimate that the combined annual value of expenditure spent in Trowbridge town centre when linked with a main food shop to Tesco, Asda or Sainsbury's is £19.3m. It is estimated that trade diversion to Morrison's will reduce the value of the linked trips by £4.35m. However, a further £3.48m will be created through linked trips between the Morrison's and the town centre. The proposed Morrison's' would therefore result in a small net loss of linked trip expenditure of around £870,000 p.a. NLP consider this to not represent a significant impact.

2.13 The leisure impact has also been assessed and independently critiqued. It is considered that the type of units proposed will not impact upon existing town centre uses through relocation. It is therefore not considered to result in vacancies in the town centre through relocation and would therefore not result in significant adverse impact on the town centre. However, appropriate conditions and safeguards should be sought to ensure that this is achieved. It is also considered whilst the end user of the D2 leisure space is not known at this stage, it offers the opportunity to meet a qualitative need for a swimming pool within Trowbridge, which would have a positive impact on the town centre.

2.14 The only relevant planned investment within Trowbridge is the St Stephen's Place development. Now that the cinema has been dropped from the applicant's proposal, the viability of St Stephen's Place is significantly less affected by this proposal. Whilst there will remain competition to attract A3/A4 occupiers, the multiplex cinema at St Stephens is likely to act as a stronger anchor than Morrison's for restaurant uses, and NLP do not consider that the proposal, as now revised, will adversely impact upon this planned investment.

Adopted development plan

2.15 The adopted development plan for the area comprises the Regional Strategy which combines the contents of the South West Regional Spatial Strategy (Regional Planning Guidance for the South West - RPG10) and the South West Regional Economic Strategy the saved policies of the Wiltshire and Swindon Structure Plan 2016 (April 2006) and the West Wiltshire District Plan First Alteration (June 2004).

2.16 Policies DP3 and DP5 of the Wiltshire and Swindon Structure Plan 2016, and Policies LE1 and Policy E5 of the West Wiltshire District Plan are relevant.

2.17 Structure Plan Policy DP3, the Development Strategy:

- identifies Trowbridge as a Strategic Service Centres where development that sustains this role is supported;
- places particular emphasis on delivering the regeneration of Trowbridge town centre; and
- prioritises the re-use of previously developed land.

2.18 In line with Policy DP5, the proposal would enable leisure and service uses that attract large numbers of people to be concentrated at Trowbridge town centre, in so far as the site is considered to be in an edge of centre location.

2.19 Policy LE1 of the West Wiltshire District Plan seeks to sustain the vitality and viability of town centres outside normal shopping hours through the provision of leisure and entertainment facilities within, or if necessary on the edge of town centres. Up to date evidence prepared to support the development of the Wiltshire Core Strategy confirms that the aims of these policies is still valid.

2.20 Criteria are included within Policy LE1 that must be met relating to: need for the development; no suitable sequentially preferable sites being available; impact on nearby centres; acceptable form, scale and design of development in local context; accessibility by choice of means of transport; and highways and parking capacity. The requirement for need to be demonstrated in assessing proposals is inconsistent with the National Planning Policy Framework and is no longer a valid consideration.

2.21 Policy E5 allows for the loss of existing floorspace to be permitted where a number of criteria can be satisfied including an adequate supply of genuinely available land elsewhere in Trowbridge; compatibility of land uses and '...proposals not giving rise to or continue existing traffic or environmental problems'.

2.22 The draft Regional Spatial Strategy (RSS) has in effect now been abandoned in light of the Localism Act 2011. The NPPF reaffirms this intention (footnote 41, paragraph 218). Nevertheless, recent appeal decisions have indicated that the evidence underpinning the draft RSS is capable of being a material consideration when supported by other relevant considerations. The emerging Core Strategy is based on more up to date evidence than the draft RSS and has been prepared in conformity with national guidance, as such for the purposes of considering this application only the Core Strategy is referred to below. Notwithstanding this, the policies relating to the principles within the proposed development are broadly consistent with the draft RSS.

Wiltshire Core Strategy (WCS) Pre-Submission Document (February 2012)

2.23 Wiltshire Council submitted the WCS Pre-Submission Document to the Secretary of State for Communities and Local Government on 10 July 2012 for independent examination.

2.24 Annex 1 of the NPPF details that decision-takers can give weight to policies in emerging plans depending on how far they are advanced, the level of unresolved objections and the degree of consistency with the national framework. It is considered that the emerging WCS is consistent with the policies of the national framework and sufficiently advanced to be afforded appropriate weight in the decision making process.

2.25 Strategic Objective 1 (delivering a thriving economy) of the emerging WCS, makes specific reference to:

- Appropriate retail, leisure and employment opportunities being located within town centres, planning applications for retail development being determined in line with the need to safeguard town centres.
- Delivery of a broadened night-time economy within town centres, especially at Trowbridge, to provide choice for families and tourists and respect the quality of life of residents.

2.26 Consistent with the adopted development plan, the emerging WCS identifies Trowbridge as a Principal Settlement, one of three strategically important centres in Wiltshire (Core Policy 1 - Settlement Strategy), which will be enhanced as strategic employment and service centres in order to support their self containment. Core Policy 2, Delivery Strategy, prioritises re-use of previously developed land to deliver regeneration opportunities and is generally supportive of sustainable development within Principal Settlements. Core Policy 3 seeks to ensure that appropriate infrastructure requirements are provided for as part of new developments.

2.27 The vision for Trowbridge (paragraph 5.148) states:

‘The role of Trowbridge as an employment, administration and strategic service centre will be strengthened ... Improved entertainment, leisure and cultural facilities will have been developed alongside and enhanced retail offer within the central area. Strong linkages will be established between town centre and edge of centre growth, with improved public transport integration and an attractive walk and cycle route via the River Biss corridor connecting regeneration sites.’

2.28 Core Policy 28 of the emerging WCS supports the regeneration of the central area of Trowbridge as a priority in accordance with the Trowbridge Town Centre Master Plan, which identifies ‘Areas of Opportunity’. The proposal site is within Area 2a, ‘Former Bowyers site’, where development proposals:

- Be for a Professional and High Density Business quarter, with opportunities for town centre housing on the northern part of the site.
- Improved public realm and relationship with the riverside.

2.29 Alternative uses will be supported where it is clearly demonstrated, and agreed by the council, that the proposed uses are not viable. Alternative uses must be consistent with the objective of securing a sustainable mix of uses for the regeneration area as a whole and should not be to the detriment of the delivery of other sites (Proposed change to the WCS pre-submission document ref. 57).

2.30 However, the site occupies a key location at one of the main entrances to the town and its comprehensive redevelopment should be actively supported. It is also acknowledged that there are a

number of constraints in and around the site which limit the number of viable solutions that can be delivered and that an acceptable scheme will potentially lead to compromise in some areas.

2.31 Furthermore the emerging strategy for Trowbridge states that 'Sustainable and coherent regeneration of Trowbridge town centre is needed, to maximise the potential of vacant sites, to improve pedestrian linkages and to enhance the quality of the public realm.'

2.32 Core Policy 28 also specifically requires proposals to be of high quality design and sustainability standards, with an exemplar approach to the public realm and strong pedestrian and sustainable travel links in accordance with the Master Plan. Finally, proposals are required to be designed with the ability to connect into the Trowbridge energy network where viable.

2.33 Core Policy 29 the Spatial Strategy for Trowbridge requires development proposals to demonstrate how relevant issues and considerations, as identified in paragraph 5.147 of the document, will be addressed. These include:

- Delivery of improvements to the central area through the Trowbridge Town Centre Master Plan (Core Policy 28).
- Regeneration of centrally located vacant sites to improve services, facilities and employment in the town.
- Maximise the potential of vacant sites to improve pedestrian linkages and to enhance the quality of the public realm.
- Trowbridge is well provided for in terms of its convenience retail offer, with no capacity for additional major food retail during the plan period.
- Having regard to Trowbridge's industrial heritage, including mill buildings, with proposals enhancing rather than negatively impacting on the townscape.
- River Biss is an under-utilised resource, new development in the town must contribute to improve connectivity with the river and improve character of the green corridor.

2.34 Core Policy 35, Existing Employment Sites, seeks to protect former employment sites for B1, B2 and B8 use classes and sets out criteria to be met where redevelopment is proposed, Paragraph 6.16 recognises that in some circumstances it may be appropriate to allow for the redevelopment of employment sites for an alternative use, particularly where the site is not required to remain in its use to support the local economy of the area. I have consulted Economic Development on this proposal and their observations are outlined below:

- Although the proposal will not be providing B Class use jobs, it will be providing jobs in excess of the amount originally provided by Bowyers.
- Job creation on this scale in Trowbridge should be welcomed especially as some major employers have recently left the town.
- Development of this site appears to fit with the principle aim of the emerging master plan to secure the regeneration of the site.

3.0 CONCLUSION

3.1 The site occupies a key location at one of the main entrances to the town and its comprehensive redevelopment should be actively supported. The proposal has the potential to improve the amenity of the area by virtue of regenerating a rundown former industrial site that has remained empty and derelict for a number of years. However, in principle any form of development will have the same outcome. Considering both the additional information submitted by the applicant and the independent critique undertaken by NLP it appears that the proposals do not present a significant detrimental impact upon established retail or leisure operations at Trowbridge.

3.2 It is considered appropriate and important to review the policy comments made against the previous application (W/11/02689/FUL) which included a cinema use. The main unresolved issues included:

- Insufficient and inconclusive information given to the potential impact on the Asda superstore, which acts as an 'anchor' for the Shires, in terms of loss of trade and reduced footfall.

- Inadequate information to consider and address impact upon committed and planned investment - the permitted leisure (cinema, food and drink) and hotel use on the St Stephens Place site. It was noted that approval could mean the real prospect that there would be the non implementation of this allocated site, resulting in the loss of the positive impact on the town centre that the redevelopment of this site would have brought about.
- The proposed development did not comprise a mix of land uses that would contribute towards the holistic regeneration of the central area of Trowbridge. To achieve the vision for Trowbridge and its sustainable development in line with the emerging Core Strategy, complementary land uses to those proposed on other sites within the Central Area would need to be delivered.
- Development would not be in a form that is well integrated with the town centre and secures linked trips and fails to take into account the direct relationship with the 'Station - Transport Interchange'.
- Loss of employment land. However, this was weighed against the recognition to secure the viable regeneration of the site

3.3 The above issues are considered in turn below:

- Considering both the additional information presented by the applicant and the critique undertaken by NLP it is considered that the Asda store will experience the highest single level of trade diversion, but it is considered that this impact, either individually, or cumulatively in terms of the town centre as a whole, would not be significantly adverse.
- Now that the cinema has been dropped from the applicant's proposal, the viability of St Stephen's Place is significantly less affected by this proposal. Whilst there will remain competition to attract A3/A4 occupiers, the multiplex cinema at St Stephens is likely to act as a stronger anchor than Morrison's for restaurant uses, and NLP do not consider that the proposal, as now revised, will adversely impact upon this planned investment. Nevertheless, it is possible that given the current level of interest and demand for food and drink premises in Trowbridge that units on one or both schemes will remain vacant until demand improves.
- The revised scheme includes a mix of uses which are considered to be more complementary than the previous application to the uses proposed or permitted within the defined central area of opportunity. However, as discussed below this is dependent upon the delivery of a comprehensive scheme which includes all of the uses outlined within the proposal, including the end use of the 'leisure box' being defined.
- Arguably it appears that the integration of the proposed development (with the town centre) has not been satisfactorily addressed by this application. This matter is considered in the detailed response provided by Sustainable Transport.
- The loss of employment land is recognised. However, it is considered that this should be balanced against the need to secure the viable and successful comprehensive redevelopment of the site.

3.4 The applicant (confirmed by the NLP review) demonstrates that the revised scheme passes the sequential approach detailed by the NPPF. Therefore, although the town is well provided for in terms of its convenience retail offer this site appears to provide the most appropriate location for a new food superstore. The other uses also appear compatible with other town centre uses which in turn potentially offer the opportunity for claw back and trip linkages. However, this is dependent on the comprehensive redevelopment of the site which delivers an effective and well integrated scheme rather than functioning as a single point of destination. It should be recognised that there is no need within Trowbridge for a new supermarket. The benefit of this part of the proposal is to enable the delivery of the comprehensive redevelopment of the site including the leisure and non food retail uses, which would help offset the negative impact of the supermarket on the town centre by encouraging claw-back and linked trips.

3.5 Considering the above it is vitally important that the proposal adequately delivers a full and coherent scheme which maximises the full comprehensive development of the whole site. This should include the successful and comprehensive delivery of the non-food retail units (Use Class A1), leisure floorspace (Use Class D2), food and drink floorspace (Use Class A3/A4), landscaping and the proposed measures to help create a safe, attractive public realm for both pedestrians and cyclists.

3.6 To conclude it is acknowledged that there are a number of constraints in and around the site which limit the number of viable solutions that can be delivered and that an acceptable (deliverable) scheme will potentially lead to compromise in some areas. On balance it is therefore considered that the revised mix of uses presented within this application are broadly acceptable provided that the

comprehensive development of the whole site can be secured including an appropriate end use for the 'leisure box' (D2 Use). Furthermore, the removal of the cinema proposal from the application is welcomed.

3.7 Appropriate provisions should form part of any permission to ensure the successful and comprehensive delivery of the non-food retail units (Use Class A1), leisure floorspace (Use Class D2), food and drink floorspace (Use Class A3/A4), landscaping and the proposed measures to help create a safe, attractive public realm for both pedestrians and cyclists. This is consistent with the provisions of the NPPF and the emerging Wiltshire Core Strategy which seeks to deliver sustainable development.

3.8 This application will also need to be considered alongside other responses in relation to design, ecology, green infrastructure, flood risk and transport in order to determine if the proposal is acceptable.”

Economic Development Officer

Comments are incorporated in response from Spatial Planning Officer

Highways Officer

As with the spatial planning response above, in view of the highway reasons for refusal in respect of the outstanding appeal application, it is also considered appropriate to report this consultation response in full:

“(i) Assessment of traffic impact

The Transport Assessment submitted in support of the planning application demonstrates that critical junctions on the local road network will experience considerable difficulties at the peak periods of use of the development

The methodology adopted for the assessment is questionable; it is unclear why the approach taken (use of Linsig analysis) has been used, rather than the more reliable (S-Paramics, traffic microsimulation) methodology used for the previous application (subject to appeal). It is industry practice to agree scoping and methodology for a TA with the highway authority; this was not done in relation to the current application, and the highway authority would not have agreed the methodology used, which fails adequately to demonstrate the interaction between junctions, which was recognised by the developer in relation to the previous application subject to appeal to be a material issue. The methodology adopted for the current application does not reflect the cumulative impacts of the development, e.g. by demonstrating the overall increase in delays on the local network, and the actual effect of queuing traffic at local road junctions.

There are clear inconsistencies between the modelling previously undertaken and that in the current TA, e.g. in relation to the Trinity gyratory junction, where the impacts are now predicted to be significantly reduced compared with the analysis undertaken for the appeal application, where overloading was forecast on both Fridays and Saturdays.

The comparison tables used in the TA are based a methodology which makes assumptions about the fall-back planning use of the land, and the traffic that would thereby be generated. This fall-back position has assumed a general Class B2 use, which, on the balance of probabilities, would never happen, given the specific nature of the previous business and the layout of the buildings. The highway authority has indicated throughout that a presumption of higher levels of traffic being on the network (by assessing and adding the notional Class B2 use of the site generated traffic), results in a material under-estimate of the adverse change in traffic conditions that will occur locally. In summary, the TA is misleading in this regard.

The TA has only been assessed to the year 2016, which is a lesser period than the minimum required by Wiltshire Council; in line with other authorities, and the advice of the DfT, the council requires a minimum assessment period of 5 years beyond application submission date. The assessment results therefore further under-estimate the adverse impact of the proposals on the road network.

At 2016, the TA demonstrates that the junction of Bythesea Road and Stallard Street is overloaded (the ratio of flow to capacity exceeding 0.85). Also the proposed access to the site is demonstrated to be overloaded at 2016. It is normal for new infrastructure (such as the proposed site access) to have capacity for about 15 years after opening date.

For these reasons alone the proposal is unacceptable.

There are other deficiencies in the application, which support a refusal of the proposal:

(ii) Pedestrian/Cycle routes

The TA correctly identifies the need to provide for pedestrian and cycle access to the site. However, there are deficiencies in the proposals. The footpath proposed along the western site boundary, leading to the station car park from Innox Road underpass, makes no provision for cyclists, despite the presence of the National Cycle Route 4 link terminating at the Innox Road underpass. The proposed route should be a minimum of 3m and made available for cyclists. This would also add to the security of users of the facility, some of which has poor natural surveillance. Minor adjustments need to be made at the north-western corner of the store, where a gentler alignment (minimum radius 15m) would facilitate cycle use.

The arrangement of the proposed footpath/cycle route (diverted PROW Trowbridge 73) in the vicinity of the Innox Road underpass is not acceptable, as there is no continuity of route for cyclists. This could be corrected by way of the provision of a route that facilitates connection to land on which the cycle route is located, avoiding the current barriers and steps at the underpass.

The TA indicates that a route will be provided for pedestrians from Innox Road to Stallard Street via the frontage of the restaurant units. It is not clear if the routes other than the diverted footpath 73 will be available as public rights of way, or have restricted access.

(iii) Station Access

In the previous application reference was made in relation to the need to close the existing station access from Stallard Street to vehicles; this application TA acknowledges the benefit, but cannot deliver the solution, having declined to negotiate such with Network Rail. This access has been demonstrated previously to have a material impact on the effective operation of road junctions in the vicinity. The comments on the response from Network Rail's Barbara Morgan, Town Planning Technician (Western), are noted in this regard.

The application proposes a road link between the site and the station car park; the TA indicates this route will be used by NR replacement buses. However, there is no indication that this proposed access will be controlled, and, without controls, would be available for the public to use. This would further exacerbate the efficiency of the Bythesea Road/Stallard Street junction, as drivers would seek to avoid the predicted queues and delays predicted at the two Stallard Street junctions.

It is unclear how access to No 6 Stallard Street would be used in the event of buses laying over in the layby provided (assuming that car parking is being proposed on site, as well as opposite the PFS access).

(iv) Bus provision

The provision of bus services to the site is adequate during the day, but evening services to support the proposed leisure uses and evening shopping are poor; the TA does not address how evening services to support sustainable transport to and from the site might be improved.

The proposed relocation of bus stops on Stallard Street is not matched by provision of facilities to cross Stallard Street to gain access to them. This needs to be addressed. The River Biss Public Realm Design Guide SPD (Adopted March 2009) suggests use of shared space techniques be applied to Stallard Street in connection with the development proposals.

(v) Car Parking

The TA sets out the justification of the provision of parking spaces on the site, and suggests that there will be adequate capacity to address 'unusual or busy occasions'. However, the TA indicates that management of the car park will be restricted to using ANPR technology to monitor the spaces, and restrictions on parking length of stay.

The proposal does not intend to comply with council policy embodied in the Wiltshire LTP3 Car Parking Strategy, Policy PS5, and Core Policy 64 of the emerging Core Strategy, which requires a car parking management plan, and, in particular cases, parking charges. It is considered that the lack of parking charges at the site will induce a considerable additional parking demand transferring from Council and privately charged sites nearby. It should be noted that the Sainsbury and the Gateway car parks are subject to planning obligation controls in relation to charging (enforcement proceedings under consideration). Both of these car parks are known to attract town centre parkers seeking to avoid charges. Car park provision is considered to be a serious issue, not only in relation to car park capacity, but because of the additional trips it will attract to the demonstrably overloaded local junctions.

(vi) Cycle Parking

The TA states that 60 cycle parking spaces will be provided by way of the provision of 30 Sheffield stands. The submitted drawings indicate insufficient space in the three locations proposed for cycle parking. Proximity of provision for Units 1 & 2 is not acceptable, but could be easily remedied.

(vii) Railway Station

The emerging Core Strategy makes reference to the need for better links with the town centre and an improved interchange between rail and bus services. The proposed proximity of the train station with the proposed relocated bus stops is acceptable in respect of journey time, but in the absence of the closure of the station access to vehicle use, the Stallard Street pedestrian route to the bus stops will remain poor. Accessibility to the site from the station would be acceptable if the links shown on the drawing at Appendix 9.3 of the TA, were implemented at the outset, enabling the existing access to be closed to traffic.

(viii) Travel Plan

The application TA is accompanied by two framework travel plans, one for the foodstore, one for non-food retail and leisure uses. Neither plan offers any information in relation to sanctions in the event of established targets not being met. In such circumstances there would appear to be little incentive for any of the end users to pay due regard to the outcomes sought. In this regard the framework travel plans are unacceptable.

(ix) Servicing Provision

The servicing arrangements at the northern part of the site appear satisfactory, but those for Unit 3 and Innox Mill appear to be too tight for a rigid design vehicle to enter and be clear of the services access route and roundabout entry arm lane.

(x) General arrangement of the site

The previous application was recommended to be refused, inter alia, because of the poor site layout arrangement, which is considered to favour car trips over sustainable transport modes; this has not been changed in relation to the current application, particularly in respect of the location of the foodstore, where access is made far more easy for car users than for pedestrian, cyclist and bus users, who should be considered as priority (ECS Core Policy 61). This is unlike e.g. the Sainsbury site, where pedestrian access to the site from the town centre is closer than car access.

(xi) Site Access

Given the lack of capacity that has been demonstrated at 2016 at this junction, and the constraints to traffic growth imposed by other junctions on the local network, it is considered that an alternative arrangement of junction would afford an opportunity for facilities for pedestrians, cyclists and bus users to be improved at this important node, and for the street scene not to be dominated by the

proposed roundabout. Such an approach would appear to be in keeping with the principles of Manual for Streets 2, which should have been the starting point to consider in relation to the design of the junction, as well as with the principles set out in the River Biss Public Realm Design Guide SPD (Adopted March 2009), which advocates reducing carriageway widths in Stallard Street, improving the facilities for pedestrians to cross the street, and improve links to the station, amongst other things. It appears that the proposals do not reflect policy in this regard.

It is noted from the submitted drawings that the proposed access roundabout will compromise safe vehicular access and egress for the listed buildings (54-58 Stallard Street - Mill House and Beaufort Mansions) on the south-east side of the road. This can only be corrected by a redesign of the roundabout junction.

The size of the site access prejudices the interests of pedestrians using the north west side of Stallard Street, and fails to recognise the need to accommodate the pedestrian desire lines; this is at odds with all contemporary advice.

As a result of the proposed roundabout access arrangement, the existing traffic signal controlled crossing point appears to be removed. It seems that pedestrians are expected (and encouraged) to cross Stallard Street in this vicinity in conflict with the forecast very busy traffic, and to use the restricted width of footways at Town Bridge; this latter issue could be corrected by a reallocation of road-space.

The users of the relocated bus stops in Stallard Street have no dedicated crossing facility; the width of Stallard Street lends itself to improved provision for pedestrians, both in relation to footway provision, and the potential for central refuge provision.

(xii) Reasons for Refusal

The proposal would result in a severe adverse impact on the local highway network, and for which no appropriate measures have been put forward by way of mitigation. As such the proposal is contrary to policies E4, E5 and LE1 of the West Wiltshire District Plan 1st Alteration 2004, Core Policies 61 and 62 in the emerging Core Strategy and policies and objectives within the National Planning Policy Framework.

By not securing the closure of the existing station car park access and integrating the station car park with that of the proposed development, the proposal fails to take advantage of the key relationship with the adjoining railway station in an acceptable manner, contrary to policy E4 of the West Wiltshire District Plan 1st Alteration 2004, Core Policies 28, 61 and 62 of the emerging Wiltshire Core Strategy and policies and objectives within the National Planning Policy Framework.

The site access fails to provide adequate traffic capacity for the development served, and it fails to make adequate and safe provision for the needs of other users of the highway, including pedestrians, cyclists, bus users, and users of the Mill House access, contrary to policies T9, E4, E5 LE1 and SP1 of the West Wiltshire District Plan 1st Alteration 2004, and Core Policies 60, 61 in the emerging Core Strategy and policies and objectives within the National Planning Policy Framework.

In proposing no car parking charges (free parking) on the site, the development will attract trips from other charged-for car parks in the vicinity, exacerbating the identified adverse traffic impacts in the Stallard Street area, and potentially encourage a demand in excess of supply of car parking spaces in the development, contrary to policy SP1 of the West Wiltshire District Plan 1st Alteration 2004, Core Policy 64 (incorporating the policy PS5 of the adopted Wiltshire LTP3 Car Parking Strategy) of the emerging Wiltshire Core Strategy and policies and objectives within the National Planning Policy Framework.”

Rights of Way Officer

Comments are incorporated in response from Highways Officer above.

Conservation Officer

Notes that no reasons for refusal were put forward previously which related to the conservation of the built historic environment and therefore accepts that the principle of a similar scheme can be considered to have been established; comments therefore directed towards those aspects of current scheme which have potential to impact upon built conservation issues and which differ from the previous proposals.

(i) Scheme as a whole

- In terms of built historic environment, principle of the broad outlines of the redevelopment of the site have been established; 'in principle' commitment to retention and conversion of the listed building and curtilage listed structures welcomed and accepts that detail of these proposals can be secured via the accompanying listed building consent applications. However, 'care should be taken to secure the complete implementation of the proposals for the historic buildings surrounding 'Innox Square' against the construction of the anchor foodstore in order to avoid any potential for development of this area of the site to either lag behind or be significantly curtailed at a later date'.
- Steps to be taken to secure basic repair and marketing of the Stallard Street properties to avoid harmful impact on character and appearance of conservation area and future renewal of pressure for additional demolition.
- Innox Square has potential to become an attractive and well used public space but requires high quality of design and materials in respect of hard and soft landscaping, street furniture, signage and lighting.
- Final details of proposals for reduction/alteration of existing Stallard Street wall and new retaining walling fronting the A3 corner unit to be secured by condition.

(ii) Demolition of the 1919 Cloth Mill

- Previous scheme allowed for retention of the frontage of this building and its incorporation within a new building since the remainder had been very substantially rebuilt during the C20 and little of heritage value remained. Existing façade, although altered, is characteristic of mill architecture which is traditional feature of Trowbridge and should be considered as heritage asset in its own right and for the contribution which it makes to the industrial character of the setting of the adjacent mill building and the wider conservation area.
- It is accepted that condition and level of alteration of the building reduce its significance and that existing architecture raises questions of viability and practicality in terms of conversion for leisure uses. While loss of facade is 'regrettable', its heritage value is limited and outweighed by overall public benefit of retention and conversion of remaining heritage assets. However, NPPF requires that local planning authorities should "not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred" and this should be born in mind in formulating any consent.

(iii) Re-introduction of petrol filling station (PFS)

- Recognises that attempts been made to push the proposed facility back behind existing development to limit its visual impact and new A3 unit proposed on the corner to provide some screening effect; however, has concerns over effectiveness of this screening due to low height of unit and its position back from frontage and the proposed street scene may be 'misleadingly optimistic' in omitting any view of the PFS from Stallard Street; also concerns over proposed signage for PFS. While there may be support for PFS, improvements in design and scale of corner unit should be explored together with strict control over associated signage.

(iv) A3 corner unit adj 5 Stallard Street

- Streetscape in the area immediately around the site entrance been significantly degraded by a series of mid-late C20 demolitions and road 'improvements' which have widened the street, removed any sense of enclosure and diminished the setting of the adjacent historic buildings; proposed new roundabout to meet highway requirements will continue the pattern of damaging alteration.
- Proposed A3 feature building opposite Innox House is positive element and although no objection to its general design, potential for positive impact is limited by its diminutive scale and its location set back from the street. Advises a building of greater visual significance (increased height and

architectural impact) and/or located closer to the street edge, relocating the seating area to within the site.

- Development in this location essential in limiting impact on the street scene and steps required to secure the implementation of this element against the construction of the supermarket.

Urban Design Officer

Refers to the Urban Design Framework for Trowbridge which identifies a cycle and pedestrian priority route from the railway station to Wicker Hill Bridge; the River Biss Public Realm Design Guide which identifies opportunities to open up the river frontage and maximise opportunities for the enhancing biodiversity, improve public access to the river frontage, improve links with the railway station and create new cycle/pedestrian routes through the site; the WCS which seeks high quality design and sustainability standards including exemplary public realm and strong pedestrian links.

(i) Riverside

Development provides an improved access to the riverside; Innox Square provides an improved setting for the listed buildings although loss of curtilage listed building significantly lessens the visual strength of the group; only one of the proposed buildings actively addresses the riverside with large areas of black metal cladding and brickwork on units 1 & 2 facing riverside walk, the area of public open space and unit 3; public open space is welcome although amenity value and perception of safety limited by lack of active frontages; landscape approach to this area should focus on enhancement of biodiversity and improvements to the river bank; central route through the site is vehicle dominated and terminates in a service vehicle turning area unlike previous scheme which mitigated the impact of roads and parking through high quality materials, tree planting and the creation of a wide attractive boulevard.

(ii) Stallard Street

Retention and enhancement of the listed building will provide continuous active frontage; proposed seating area unlikely to present a desirable place to sit and eat.

(iii) Railway station

Approach to the town by train will be past blank side elevation of a supermarket and railway station gateway feature will be the rear of a petrol filling station. The link with the town centre will then be alongside a petrol filling station, around a single storey cafe and across four lanes of traffic; layout does not provide a legible or direct pedestrian connection between the railway station and the town centre or river corridor which should also be suitable for those with partial/no sight and wheel chair users.

(iv) Architecture

- Innox Mill, Innox House and No 7 Bowyers Buildings: Same as previous application (ie lack of detailing to works to Innox Mill and House) and treatment of the service yard needs to be enhanced.
- Units 1 & 2: Blank side and rear elevations need to be addressed
- Units 3 & 5: Generally well designed attractive and modern building
- A3 Unit: As before, design reflects the extension to Innox House but increase in size does not improve its appearance
- Supermarket: Same as previous application (ie detached from development and service yard has negative impact on river)
- Petrol Filling Station: Not an appropriate gateway feature

(v) Conclusion

Contrary to policy and principles referred to above; requires minimisation and mitigation of visual impact of car parking, creation of an appropriate gateway adjoining the railway station and a legible high quality pedestrian and cycle link with the historic town centre and the riverside and no reason why layout cannot be adapted to meet these requirements.

Archaeologist

Advises that the site has been the subject of extensive study as part of previous applications on the site and has no objection in principle subject to a detailed historic building record and any remaining archaeological potential being assessed by trial trenching. Conditions are recommended together with an informative that in the event of further work being required or archaeological potential discovered, this may have implications for the proposed development.

Ecologist

(i) River Biss SPD

Current plans for the layout and design of the site are little changed from previous applications which incorporated none of significant measures identified in River Biss SPD. Opportunities to enhance biodiversity at the site would be lost for decades; since enhancement at Bowyer's is core element for delivering the SPD's ecological objective, application would significantly weaken ability of the SPD to deliver any of its ecological outcomes in the future.

(ii) Bats

As part of work on WCS, evidence has come to light from Westbury Bypass Inquiry indicating that Biss corridor may be used by bats as a commuting corridor between hibernation sites in the Bath and Bradford on Avon Bats SAC and summer roosting sites near Westbury. Data would not have been available to the consultants when undertaking their desk based study and although limited, is now reasonable to expect bats associated with the SAC to use the Biss.

Under Habitats Regulations 2010 must ensure that features of protected European site are not harmed by development; consequently lighting along the river Biss needs to be reduced to an absolute minimum and not increased above existing levels without further detailed bat studies. Currently not clear what level of lighting is proposed to rear of riverside buildings (nos 5 & 7 and units 1, 2 and 3) but appropriate condition restricting lighting near Biss (ie no lighting) to mitigate significant effects on the SAC.

(iii) Nature Zone

Provision welcomed but proposed low maintenance scheme designed for reptiles and wildflowers would make the site appear uncared for and attract misuse; a higher maintenance scheme would be more appropriate in urban location to encourage respect for the area; emphasis on planting garden varieties of plants which provide nectar and seed to compliment farmland habitats to north; further details required as a condition of planning permission.

(iv) Conclusions

Recommend refusal as contrary to River Biss Public Realm Design Guide; if the application is approved, still required to demonstrate that a significant effort will be made towards realising some of the Design Guide objectives with appropriate conditions

WSBRC

Notes that there reptiles recorded within 150m of the site.

Scientific Officer

Comments are incorporated in the response from the Environmental Health Officer below.

Environmental Health Officer

Comments that the proposals have the potential to have an adverse effect on the amenity of residential properties surrounding the site with regard to odour, noise and lighting from the development. Likely noise sources are fixed plant and machinery (from air conditioning units, extraction systems, fuel pumps) throughout the development, deliveries to the development,

entertainment noise from the food and drink premises and leisure floor space; odour may occur from the food and drink premises.

Requests conditions in respect of lighting, noise levels, deliveries, the installation of gates to prevent 'boy racers', ventilation and filtration details and storage of refuse.

In respect of land contamination, the former use of the site is such that the potential for this exists; requests appropriate condition.

Drainage Officer

Previously had no objection to first application noting that proposal provided an opportunity to reduce volumes of water discharging into the river and public sewer system with final details to be approved by condition).

Landscape Officer

Previously recommended refusal of first application based on poor views into the site; inadequate consideration of public areas and usable space; uninviting north facing spaces to the rear of the riverside buildings; a riverside park which adjoins the railway line, backs onto a supermarket service yard and falls short of Secured by Design.

Arts Development Officer

As with previous scheme, is expectation of integration of public art into site, particularly in respect of objectives of R Biss SPD; although this application incorporates some changes, the original contribution of £50k remains a 'realistic' sum.

Leisure Services

Comments that from leisure perspective,

- a new wet/dry indoor provision in the central area of Trowbridge meets the needs identified in the Leisure Review 2009 and should be encouraged;
- its deliverability would need to be carefully considered against the existing indoor leisure provision and be considered as replacement for existing facilities which are in need of modernisation and relocation;
- uncertain whether the identified space for wet/dry facility would be of sufficient size to meet requirement so if approved, further consideration needs to be given to wet/dry leisure element and additional work carried out to determine an appropriate specification that is complementary to the proposed development.

Amenity and Fleet

As previously, notes that while the Public Open Space is not in an ideal location, it would lead into the riverside walk; adoption by a management company in perpetuity would be acceptable.

Transforming Trowbridge Board

- Recognises the need for comprehensive redevelopment of the site and that in the short term, this may be dependent on a foodstore;
- States that it is essential for any planning permission to secure comprehensive redevelopment so as not to compromise other central area sites
- Disappointed that opportunity not taken to produce design and mix of land uses that will maximise benefit for local community
- Supports scheme in principal subject to following:

i. The holistic redevelopment of the site must be secured through any planning permission to ensure that the scheme is not partially implemented, for example, the whole site should be developed before the supermarket opens to the public. There is concern that some elements will not be completed otherwise.

ii. More clarity is needed with regard to the intended end use of the D2 leisure unit - it is unclear what the community benefit of this use will be or the impact it would have on the Central Area of Trowbridge.

iii. Improvements should be sought to pedestrian linkages to the town centre and within the site itself, more specifically:

- It is unclear how pedestrians will have easy access from the site to the town centre. In particular, the proposed roundabout at Stallard Street acts as a barrier to safe and attractive access for pedestrians between the station and town centre. This arrangement needs to be reconsidered.

- Further consideration should be given to the overall position and layout of the car park to assist pedestrian movement across the site.

iv. Car parking should be managed according to policy, consistent with public car parks within the town centre.

v. The design of the supermarket unit should be improved, particularly the facade facing the railway line. This is considered important due to the fact that the proposed superstore will be a prominent building and should reflect its position adjacent to a key gateway into the town.

vi. It is also considered that a better relationship and integration between the site and the main road frontage could be achieved by seeking to deliver active frontages closer to Stallard Street, which would promote better visual integration between the site and the town.

vii. More information is needed to understand the proposed pedestrian linkages towards the southern side of the site and entrance to railway station. It is currently unclear how the pedestrian/cycle arrangement will work in relation to offsite provisions including the subway, pedestrian rail crossing and direct access to the station.

viii. There are also several other transportation issues which the Board would like to see addressed including:

- The envisaged severe impact on highway network compounded by the change of uses from the original application.

- The apparent lack of joined up approach by the applicant in relation to seeking integration of the site access and accessibility with Railway Station. This matter is a key objective of the emerging master plan and should be addressed.

- Concern is raised over the scale of the junction at the southern vehicular access point, this is considered to be disproportionate to the local road network and it is unclear, as discussed above, how a comparatively large roundabout and dual carriageway will help assist pedestrian linkages with the town centre."

9. Publicity

The application was advertised by site notices in 3 locations at the perimeter of the site, press notice and neighbour notification.

The expiry date in respect of statutory consultations was 26 January but the formal expiry date in respect of the wider public consultation exercise (dictated by the date of the advertisement in The Wiltshire Times) is 8 February.

Summary of points raised:

At the time of preparing this report, 26 letters have been received from members of the public; one letter from a supermarket operator within the town; and letters from the Trowbridge Civic Society and the County Town Initiative.

(i) Third Party representations

- 24 letters generally in support of the redevelopment of this site and the overall proposal but the great majority do not consider a gym facility is necessary/acceptable and consider the leisure offer should include either a bowling alley, skating rink, pool or spa facility which are absent in the town.

- One letter of objection has been received on the grounds of overdevelopment of the site which will give rise to traffic congestion and highway safety issues. Detailed points include likely queues of more than 30 vehicles in Stallard St, Wicker Hill and exiting from the Shires; fumes and pollution from queuing vehicles; inadequate parking capacity which would add to congestion within the road network; a proposed roundabout at the site entrance which is too large; poor location of pedestrian crossing and bus stops in Stallard St; inadequate turning, servicing and loading facilities within the site; no definite link into the station forecourt. Comments are also made in respect of proposed materials and design of buildings and a requirement for additional tree planting.

- One letter draws attention to the poor site layout of other supermarkets in the town which favours the private motor car over pedestrians, cyclists and users of public transport and requests that such shortcomings are addressed as part of the current application.

(ii) A letter on behalf of the Trowbridge Civic Society generally supports the approach to, and the details of, the proposed redevelopment, including the demolition of heritage buildings, the opportunity to create an enhanced landmark entrance to the town and a more pedestrian friendly environment; attention, however, is drawn to the letter of objection referred to above and the need for highway concerns to be addressed.

A letter on behalf of the Trowbridge County Town Initiative generally supports the proposal but identifies a number of concerns:

- proposed roundabout does not address pedestrian flows from the site to the Shires and town centre; traffic light junction preferred option.
- supports proposal to close station approach and disappointed that now a 'Stage 2' matter; sufficient funding should be secured within S106 agreement to deliver this.
- design of A3 corner unit is uninspiring and should be improved
- elevation of foodstore facing railway should be softened to improve view from important rail gateway.

A letter on behalf of Sainsbury's Supermarkets has recently been received, objecting to the proposal for the following reasons:

- Development is contrary to emerging development plan which identifies site for residential and business uses and shows no need for additional supermarket/convenience goods floorspace
- Proposal fails sequential test – site is correctly out of centre location and are other sequentially preferable locations for retail development (Castle St, Cradle Bridge, Court St, Library/County Hall site)
- Selected catchment area is unrealistically large leading to unreliable analysis
- Market share within catchment area is already high so doubtful that additional store will lead to further increase
- Incorrect assessment of current levels of undertrading which will be further affected by additional store
- No qualitative need for additional store as Morrisons already within catchment area and are 7 supermarkets in Trowbridge
- Incorrect assumption over level of trade that would be diverted from Sainsbury's
- Has not addressed previous reason for refusal in respect of holistic planning.

In view of its receipt coinciding with the completion of this report, there has not been an opportunity for these points to be fully assessed; further comment will therefore be reported to members at the meeting. However, for information, a fully copy of the letter is attached as an appendix.

10. Planning Considerations

10.1 Principle of development

The fundamental policy case is comprehensively presented by the Spatial Planning Officer in section 8 above. It is not necessary to rehearse these policy comments further but simply to draw attention to the conclusion which confirms that:

(a) The issues which were fundamental in refusing the previous application are considered to have been addressed by this second application.

“Considering both the additional information presented by the applicant and the critique undertaken by NLP it is considered that the Asda store will experience the highest single level of trade diversion, but it is considered that this impact, either individually, or cumulatively in terms of the town centre as a whole, would not be significantly adverse.

Now that the cinema has been dropped from the applicant’s proposal, the viability of St Stephen’s Place is significantly less affected by this proposal. Whilst there will remain competition to attract A3/A4 occupiers, the multiplex cinema at St Stephens is likely to act as a stronger anchor than Morrison’s for restaurant uses, and NLP do not consider that the proposal, as now revised, will adversely impact upon this planned investment. Nevertheless, it is possible that given the current level of interest and demand for food and drink premises in Trowbridge that units on one or both schemes will remain vacant until demand improves.

The revised scheme includes a mix of uses which are considered to be more complementary than the previous application to the uses proposed or permitted within the defined central area of opportunity. However, as discussed below this is dependent upon the delivery of a comprehensive scheme which includes all of the uses outlined within the proposal, including the end use of the ‘leisure box’ being defined.

Arguably it appears that the integration of the proposed development (with the town centre) has not been satisfactory addressed by this application. This matter is considered in the detailed response provided by Sustainable Transport.

The loss of employment land is recognised. However, it is considered that this should be balanced against the need to secure the viable and successful comprehensive redevelopment of the site.” (3.3)

(b) This second application is considered to be acceptable within the policy framework.

“To conclude it is acknowledged that there are a number of constraints in and around the site which limit the number of viable solutions that can be delivered and that an acceptable (deliverable) scheme will potentially lead to compromise in some areas. On balance it is therefore considered that the revised mix of uses presented within this application are broadly acceptable provided that the comprehensive development of the whole site can be secured including an appropriate end use for the ‘leisure box’ (D2 Use). Furthermore, the removal of the cinema proposal from the application is welcomed.” (3.6)

“Appropriate provisions should form part of any permission to ensure the successful and comprehensive delivery of the non-food retail units (Use Class A1), leisure floorspace (Use Class D2), food and drink floorspace (Use Class A3/A4), landscaping and the proposed measures to help create a safe, attractive public realm for both pedestrians and cyclists. This is consistent with the provisions of the NPPF and the emerging Wiltshire Core Strategy which seeks to deliver sustainable development.” (3.7)

The mechanism for securing this ‘successful and comprehensive’ delivery has been the subject of discussion between the parties and is detailed further in the conclusion to this planning report.

10.2 Highway and access considerations

Both adopted and emerging policy makes it clear that development on this site, as on any other, will not be acceptable if it gives rise to or exacerbates highway problems – E4, ‘the development makes adequate provision for carparking and access’; E5, ‘proposals do not give rise to, or continue, existing traffic or environmental problems’; LE1, ‘the traffic generated by the proposal can be

accommodated safely on the local highway network'; Core policy 61, 'the proposal is capable of being served by safe access to the highway network.

In addition, emerging policy in the draft WCS requires that new developments should deliver 'sustainable travel linkages' (CP 28); demonstrate 'that consideration has been given to the needs of all transport users' (CP 61) and 'provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages' (CP 62).

The NPPF promotes sustainable development and states that 'the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel' (para 29); 'encouragement should be given to solutions which reduce congestion' (para 30); 'local authorities should work with transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development' (para 31).

Importantly, para 32 states the following:

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'

In assessing this second application within this policy framework, it is evident from the Highway Officer's response (and other consultee comments) (section 8) that (a) the development currently remains unacceptable in highway terms and contrary to policy, and (b) the proposal does not overcome the reasons for refusal of the first application.

(i) Proposed traffic impacts

The updated submitted Transport Assessment (TA) which has used a different methodology from that of the first submission, nonetheless continues to demonstrate that critical junctions on the local road network will suffer difficulties. This revised assessment concludes that there would now be no 'significant changes in traffic conditions' at either the Trinity Church or County Hall roundabouts although acknowledges 'some queuing' in the region of the Stallard St/Bythesea Rd roundabout. As before, the mitigation measures centre around the ambition to close the existing station access, and include an offer to dedicate land within the development site for a direct future link and monies for station improvements at that time.

However, the 'questionable' methodology used which reflects a number of inconsistencies raises questions as to the validity of the conclusions reached while the proposed mitigation measures in respect of the station access cannot be delivered as part of the application due to the land being in third party ownership. Members will recall that the proposed impact on the highway network formed the basis of a reason for refusal in respect of the first application (pending appeal) and the Highway Officer is clearly not satisfied that the matter has been overcome by this second proposal. It is also a point to note that the Town Council and other parties, while generally supporting the development, have continued to express concerns over highway and access matters; the former, in particular, sets out a very detailed expectation for what this development should deliver in highway terms (section 8).

(ii) Station access

As before, the TA acknowledges the benefit, but cannot deliver the solution, in respect of the closure of the station access and provide the necessary mitigation to ensure the effective operation of the road junctions in the vicinity. The offer to provide for an alternative future access to the station through the site and dedicate the necessary land remains as part of a future phase 2 but, as was made clear in the previous application, this cannot be guaranteed over third party land. As a consequence, this application does not appear to overcome the third reason for refusal attached to that decision.

It is understood that a dialogue between Network Rail and the applicant has not continued since that earlier decision, but a proposed meeting with all parties has been arranged to understand more fully the relevant issues and to be able to report the up-to-date position to members. Nonetheless, it is quite clear that this second application, if approved, will come forward with the existing access arrangements to the station.

(iii) Pedestrian/cycle connectivity

As before, there currently remains a concern regarding linkages both within the site and the wider area. The D&A Statement notes that the site is in a highly sustainable location and that one of the objectives for the development is 'to enhance existing pedestrian and cycle links and connectivity within the site, the railway station and town centre'; the Statement also refers to 'direct, safe and obstruction free passage'. These objectives are clearly in line with the emerging Trowbridge Area Strategy to 'improve pedestrian linkages' and 'provide an attractive and important pedestrian corridor connecting different parts of the town centre'; they are also consistent with CP28 which requires 'strong pedestrian and sustainable travel linkages' as part of any new development within the town's central area.

However, proposed cycle/pedestrian routes through and around the site remain inadequate with no direct cycle link from the station to either Innox Path or the existing cycle route 4; no direct or legible pedestrian route from the station to Stallard St; no legible route through to relocated bus stops and the riverside; and uncertainties over the status of footpaths through the site.

The Urban Design Officer draws attention to the quality of proposed pedestrian and cycle routes through the site – the central route is vehicle dominated and terminates in a service vehicle turning area; the riverside path is flanked by large areas of metal cladding and brickwork with no public overlooking of lengthy sections; the path alongside the railway is flanked by the blank elevations of the foodstore and does not provide a direct connection to the existing cycle route to the north; there is no legible or direct connection between the railway station and the historic town centre but a proposed route which passes alongside a PFS and across 4 lanes of traffic.

These concerns have been discussed with the applicant and it is hoped that suitable modifications will have been incorporated for further report to the committee. These would include revisions in the north west part of the site to enable the important link to Innox Path and the existing cycle route to be secured (notwithstanding land ownership) and an improved and more legible route from the station to Stallard St.

Connectivity concerns also remain with regard to the proposed links to the town centre across Stallard St/Wicker Hill. This is one of the major traffic routes into/out of the town and is already notoriously difficult for pedestrians. The Highway Officer notes that the scale, design and siting of the proposed access roundabout actively prejudices the interests of pedestrian users in this area and the concern remains pedestrians will be further discouraged from crossing Stallard St to make linked trips into the town centre. This issue has been continually raised by many contributors and since it is a fundamental objective in the emerging vision for the development of the site, must be regarded as a continuing major weakness.

(iv) Sustainability considerations

The Highway Officer re-iterates previous concerns over the fundamentally poor site layout which remains very car dominant (visually and functionally) and contrary to emerging CP61 which requires development to give consideration to all transport users in a hierarchy which places pedestrians, cyclists, and public transport users above the demand of the private car. In addition to the points raised above in connection with currently inadequate pedestrian/cycle routes, it is noted that:

- evening bus services to the site are poor and there is no information on how this aspect of sustainable transport is to be improved to meet policy objectives;
- the proposed relocation of bus stops does not seem to be matched by either proposed crossing points or pedestrian routes;
- the delivery of 60 cycle parking spaces within the development is acceptable but the layout and identified space requires revision;

- the submitted Travel Plans do not offer any sanctions in the event of targets not being met, without which there is no incentive for the objectives to be met.

This general question of accessibility for bus users, walkers and cyclists is a material consideration and has been raised by a local member as a specific issue to be addressed. It has been an ongoing concern from the start of the planning process to ensure that the scheme meets the expected sustainable aspirations for the successful redevelopment of the site but a foodstore (and now a petrol filling station) are, by definition, car focussed developments. It has been made clear that the fundamental site layout cannot be altered for both legitimate physical infrastructure and commercial reasons. Consequently, until the matter of the relocation of the station access is finally resolved, the opportunities for redressing the balance are limited and, as with the previous application, these aspects of the proposed development are likely to remain unsatisfactory. That said, positive efforts are actively being made to consider improvements where at all possible.

(v) Car Parking

The proposed management arrangement for the carparking continues to be based on the principle of free parking which is contrary to the Council's policy, will undermine existing arrangements within the town and is likely to attract town centre parkers to add to traffic congestion in the vicinity. An 'acceptable' scheme could be secured either by planning condition or S106 agreement, but the applicant's intentions are clear in this regard which must cast doubt on the likelihood of this being realistically achieved.

(vi) Site access

The capacity limitations identified in the submitted TA suggest that an alternative arrangement of junction would afford an opportunity for facilities for pedestrians, cyclists and bus users to be improved at this point, while the street scene would not be dominated by the proposed roundabout. Such an approach would appear to be in keeping with the principles of Manual for Streets 2, as well as with the principles set out in the River Biss SPD, which advocates reducing carriageway widths in Stallard Street, improving the facilities for pedestrians to cross the street, and improve links to the station, amongst other things.

It appears that the proposals do not reflect policy in this regard. The scale, design and siting of the proposed roundabout is considered to compromise safe access/egress from the listed buildings opposite; prejudice the interests of pedestrians using the north west side of Stallard Street and ignores pedestrian desire lines. The wider layout fails to provide any dedicated crossover facility or central refuge provision for bus users or footway improvements for pedestrians in Stallard St.

The possibility therefore exists for a redesign of the site entrance which could combine improvements for the appearance of the Conservation Area, road users, pedestrians, bus users and residents, all of which are likely to be affected by the current proposals. Clearly this cannot be pursued or resolved within the very narrow time frame of this application, or any particular outcome guaranteed, but it does offer an opportunity for some of the highway issues to be addressed. The proposed condition 4 and informative 2 would enable and 'encourage' an alternative arrangement to be considered, although any major design would, of course, require an appropriate application to be made and determined.

That said, a decision on this second application will be made on the basis of the submission currently before members.

10.3 Urban design considerations

In supporting the regeneration of the central area of Trowbridge, CP28 specifically requires proposals to 'meet high quality design and sustainability standards including exemplary public realm and strong pedestrian and sustainable travel linkages.' This reflects the thrust of NPPF policy which expects 'the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.

The accompanying D&A Statement states that the underlying design concept is to 'provide a landmark mixed use development, integrated with the surrounding area by creating physical and visual linkages along Stallard St to the town centre and wider area.'

The stated principle design objectives are to:

- provide a high quality mixed use development comprising foodstore and leisure zone including new D2 leisure unit with bars and restaurants
- provide employment generating uses
- provide gateway features at key locations such as the town bridge and the western approach into town
- create an improved relationship between the built environment and the River Biss
- respond to the context, configuration and access arrangements to the site
- integrate the varying typologies of the surrounding area into the grain of the town
- improve the appearance and ecological value of the River Biss
- enhance the existing pedestrian and cycle links and connectivity within the site the railway station and town centre and key areas of public realm
- open up the river frontage to provide public access
- potential introduction of public artwork in key spaces and locations

These objectives are to be met within the context of existing constraints and opportunities which include the presence of landmark listed buildings within and adjoining the site; a zone of environmental importance with potential for flooding along the river; proximity to the railway station; existing pedestrian and vehicular routes through the site but poor linkages to the wider area due to the river and railway; the site's strategic position between the station, town bridge and town centre; proximity of road junctions with Bythesea Rd, Wicker Hill and Station; public sewers across the site; site topography and changes in level and the site's historic context.

This has culminated in a scheme as described in section 6 above – the clearance of the site with the exception of the historic buildings in the south and east sectors which are to be restored and largely converted to café/restaurant uses; a pair of non food retail units and new leisure box which visually links with the new foodstore in the north west corner and encloses the space; a gateway building at the site entrance; the central and front areas largely given over to parking, access and other transport elements and including a petrol filling station; a riverside park, walkway and cycle path alongside the Biss; linked open spaces and pedestrian routes through the site to connect into existing routes and the surrounding area.

In layout terms, this second scheme varies very little from the first which was criticised for the overdominance of the site access and carparking areas, the limitations of the riverside park and other open spaces as attractive amenity areas, the poor levels of connectivity through the site and to the surrounding area and the very limited improvements to the Biss corridor in either landscape or ecological aspects.

As an inevitable consequence, these fundamental matters have remained largely unaltered or improved, most particularly the quality and legibility of pedestrian and cycle routes through the site as referred to in the previous section (10.2). This generally unsatisfactory aspect of the development has been raised by both Highway and Urban Design Officers, the Town Council and the County Town Initiative and it is hoped that suitable improvements can be incorporated for further report to the committee.

In terms of design detail, the unchanged Innox Square complex is seen as providing a very attractive visual and functional focus at the entrance to the site subject to the use of high quality materials, hard landscaping and street furniture. The proposed new buildings are largely seen as acceptable with the leisure box considered to 'be a well designed attractive and modern building' and the retail units indicative of the site's industrial past; this is carried through in the use of red brick, metal cladding and glazing detail. The new A3 building on the opposite side of the entrance reflects the design of the extension to Innox House, but because of its low profile, lacks the necessary dominance to be entirely successful (see section 10.4).

Hoped-for changes to the blank elevations facing both the riverside and railway are unlikely to be delivered, as are any fundamental changes to the parking areas which continue to dominate the

central part of the site. The Urban Design Officer does not consider the PFS to be an appropriate gateway feature at the approach to the station but its location away from the site frontage is an attempt to reduce its impact in views from Stallard St and has enabled the retention of the listed buildings. Care, however, will be required with regard to the positioning of associated signage.

The urban design assessment of the previous application concluded that it was doubtful that the scheme would deliver the 'exemplary public realm and strong pedestrian and sustainable travel linkages' expected by CP28 in this 'Area of Opportunity'. Since the fundamental elements within this second application remain largely unaltered, a similar conclusion must be reached. However, it is acknowledged that there are a number of physical and commercial constraints which limit the possible urban design solutions on this site and which, in turn, will involve a number of compromise elements which, in a smaller scheme, would not necessarily be acceptable. As before, there remain reservations over the extent of the surface parking, the riverside area, the quality of the open spaces and permeability through the site and although the layout could be adapted to improve these elements, these shortcomings did not, in themselves, form the basis for the previous refusal. Efforts are being made to address these particular issues but in the event that they cannot be achieved, a refusal on design grounds would not be a sustainable position.

10.4 Impact on heritage assets and environment

(i) Conservation Area

The Conservation Area boundary follows the line of Station Approach with the frontage buildings (5-9 Stallard St) and the very high wall along that boundary being the only part of the site within the designated area. The remainder of the site would be regarded as adjoining the Conservation Area and thus subject to policies which seek to protect and enhance the character and appearance of the area together with important views (C17, C18, C19, C20 & C23).

Under S72 of the Act, the Council is required to pay special attention to preserving and enhancing the character and appearance of the conservation area. This is reinforced in the NPPF which makes it clear that in determining planning applications, decisions should take account of the desirability of sustaining and enhancing heritage assets together with the desirability of new development making a positive contribution to local character and distinctiveness. There is no doubt that the retention of the frontage listed buildings, the lowering of the frontage wall to increase the visibility of those buildings and the overall site, the restoration and viable use of the traditional heritage buildings at the site entrance, the demolition of functional buildings to open up views of the riverside, the principle of an appropriate gateway building at the entrance and the provision of enhanced pedestrian routes through the site would meet these objectives in full.

There remains concern over the scale of the site entrance and visual impact on this part of the conservation area. The streetscape in the area immediately around the entrance to the site has been very significantly degraded by a series of mid-late C20 demolitions and road 'improvements' which have widened the street and removed any sense of enclosure. This has resulted in a poorly defined and visually unsatisfactory space, dominated by cars, which diminishes the setting of the adjacent historic buildings and provides a poor entrance to the town core. However, this aspect of the development is unchanged from the previous application and, in that sense, has been 'accepted'.

The introduction of a new unit at the entrance is a positive element which will help to offset the impact of the access and contribute towards an active frontage in Stallard St but the general consensus is that the small scale of the building and its location back from the frontage is unfortunate and will have only limited benefit. The time frame of this application does not permit a revised design of the building and existing underground infrastructure does not allow for it to be brought further forward towards the road.

As a consequence, it is likely that both the foodstore and the newly introduced PFS will be highly visible from outside the site, although it is accepted that attempts have been made to limit the visual impact of the latter by setting it behind existing frontage development. As referred to in 10.3 above, signage connected with the PFS is a potential concern but this can be properly controlled under the Advertisement Regulations.

(ii) Listed and traditional buildings

The same policy framework would clearly support the retention of both the listed buildings (5-8 Stallard St and Innox Mill) and the number of historic and traditional buildings within the site considered to be heritage assets (9 Stallard St, Innox Place and the Bowyers Buildings). This would also extend to the conversion of the buildings to provide viable and appropriate uses, refurbishment of the fabric as necessary, removal of those elements which are considered detrimental to the character of those buildings and sensitive extension (Innox Place).

As regards the demolition of heritage buildings, members will recall that the previous scheme proposed the retention of the façade of the former cloth mill at the rear of Innox Square with a new building to be constructed to the rear. The justification at that time was that the current building had been largely rebuilt and retained little heritage value. This application moves one step further to propose the demolition of the entire building. While the façade itself has been altered, it is considered to be characteristic of Trowbridge mill architecture and does contribute to the overall industrial character of the adjoining mill buildings. However, it is accepted that previous alterations have limited its significance and there is reasonable doubt over the viability and practicality of its retention in connection with the proposed uses.

Overall, while the loss of the facade is regrettable, it is accepted that the intrinsic heritage value of the building can be viewed as limited and, taken in the context of the site as a whole, it is considered that the public benefit which will result from the redevelopment of the site and from the retention and conversion of the remaining heritage assets is sufficient to offset any harm which will result from the building's loss.

However, the NPPF requires that local planning authorities should 'not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred' (para 136). The Conservation Officer has commented that 'care should be taken to secure the complete implementation of the proposals for the historic buildings surrounding Innox Square against the construction of the anchor foodstore in order to avoid any potential for development of this area of the site to either lag behind or be significantly curtailed at a later date.'

The mechanism for securing this is by condition (3) albeit that this might result in this part of the development being delivered at a later date. However, within the context of the overall development with its many other considerations, this could be considered to fall within the broad definition of 'reasonable steps'.

There is currently no proposed use for the listed buildings along Stallard St which raises concerns in respect of their future maintenance and the appropriate nature of those uses. Steps should be taken to secure the basic repair (and marketing) of these properties since failure to deliver the proposals in these areas of the site would not only impact upon the character and appearance of the conservation area but would be to the detriment of the historic structures and likely to lead to the renewal of pressure for additional demolition. As before, a condition is recommended requiring a temporary maintenance strategy to be put in place in the interim.

(iii) Archaeology

The Archaeologist notes the wealth of historic buildings on the site, many dating back to the site's original use as a woollen mill. Extensive study was carried out as part of the previous application for development on the site in 2009, and further information is provided in the submitted Historical Assessment and Heritage Statement. A detailed building record (level 3) is now required of all 'suitable' buildings, both to be demolished and converted, particularly Innox Mill which is of considerable historic significance in the town's industrial, social and economic history. It is also nationally important as one of a limited number of mill buildings.

The NPPF advises an evaluation is carried out 'proportionate to the asset's importance' to assess the potential for the development to disturb/destroy below ground archaeological remains. This is

proposed, as a pre-commencement condition together with an informative advising that this may have subsequent implications on the development as a whole.

In summary, the redevelopment of this site offers an opportunity to reverse the pattern of long term erosion which has blighted this area and current government policy suggests that a successful application should fully exploit this opportunity for enhancement in order to realise and maximise both aesthetic and economic benefits. Although there are points of detail which could, and should be addressed, it is accepted that that the proposal would have an overall positive impact on the heritage environment.

10.5 Ecological considerations and impact on River Biss

The riverside part of the site is incorporated within the River Biss SPD which relates to the improvement and enhancement of the Biss corridor. The Ecologist has reinforced the fundamental concern, clearly expressed in the two previously proposed developments, which is that the development fails to meet objective 5 of that document ('to improve the environment, reduce flood risk and enhance biodiversity along the Biss corridor') or to deliver the more specific works detailed for this particular site. This site is one of only two within the SPD area identified for major ecological works and the failure to deliver enhancements as part of this application will considerably weaken future opportunities for the SPD to deliver its ecological outcomes.

The objectives for the site fall into two areas – (a) major intervention works within the river to create a low flow channel; these include the removal of retaining features, cutting into the piling below water level and re-profiling the channel and banks to provide a marginal shelf for planting, and (b) the opening up of the river frontage, both of which are essential to improve diversity.

As before, no works are proposed within the channel but the applicant has re-stated his willingness to 'commit to funding a study into the potential to cut into the river bank associated with this scheme.' The point is also made that the layout of the development would not prejudice any future works to the river bank, although due to site levels and the position of heritage buildings, this would necessarily be limited to the area adjacent to the riverside park. The commitment to fund a study has not been taken forward in the accompanying UU but proposed condition 24 would achieve equally acceptable outcomes.

In respect of the opening up of the river frontage, this suffers, as before from the positioning of new buildings close to the river but the revised layout has allowed for a 'significant betterment of the river edge' by maximising distances and creating a wider river bank and planting opportunities. The riverside park is retained with an emphasis on a low maintenance scheme designed for reptiles and wildflowers although it is suggested that this may give rise to a 'scruffy' appearance which would attract misuse and that a more planted and managed regime (such as provided at the front of new County Hall) would be appropriate in this urban environment. Future details, however, can be secured by condition.

Since the previous application was refused, a further ecological concern has emerged with evidence coming forward through work as part of the WCS, that the Biss may be important in maintaining one of Wiltshire's Special Areas of Conservation (SAC). The Bath and Bradford on Avon Bats Special Area of Conservation (SAC) has a high level of protection through the Habitats Regulations 2010. The SAC protects the bath stone mines that are used by Bechstein and horseshoe bats during the autumn, winter and spring. During the summer, the bats move to houses and woods to breed with several notable roosts occurring just south of Trowbridge. Radio-tracking data suggests that the River Biss is one of the routes bats use to move between their breeding sites and the SAC throughout the year. Wiltshire Council has a duty under the Habitats Regulations 2010 to have due regard for the SAC; any planning permission must ensure that it does not lead to any reduction in the favourable condition of the SAC. The Ecologist has advised that there should be no negative effect of redeveloping the Bowyers site, provided that it does not lead to any increase in light levels along the river. This means that lighting of the riverside walk needs to be carefully designed and that light spill from adjacent buildings must be managed to ensure that the river itself and the bankside vegetation is kept dark.

This potentially raises a conflict with the proposed use of the riverside which is designed as a major pedestrian/cycle way around the site and which must clearly meet Secured by Design principles in terms of security and creating a pedestrian friendly and 'comfortable' environment. However, it is considered that it will be possible to arrive at a lighting strategy that is consistent with both objectives and condition 42 and informative 10 are recommended.

In assessing the matter of biodiversity as a whole, the Ecologist maintains an objection to the application and a recommendation to refuse. As before, there is a shortfall in the expectation for this development as laid out in the River Biss SPD and also the aims of the Trowbridge Area Strategy in the emerging development plan which notes that the Biss is an under-utilised resource with opportunities for significant improvement as part of new development. However, as was also recognised previously, the scheme would deliver some betterment along the riverside, would contribute to the creation of a green corridor and deliver landscaping and other ecological improvements.

While the ecological aspect of this revised application therefore remains disappointing, it must be considered within the context of the wider benefits which the redevelopment of the site would bring. It is also a point to note that despite any ecological shortcomings, the previous application was not recommended for refusal on those grounds.

10.6 Flooding and drainage

These matters were assessed in the previous application as follows:

“Flooding

The site is located within the Flood Zone of the River Biss (zones 2 and 3) where there is clearly the potential for flood risk. However the submitted Flood Risk Assessment notes that there is no record of historical flooding; proposes that both access routes and new development will be set at minimum 1 in 100 year fluvial levels; proposes a regime of regular inspections and maintenance; proposes a drainage strategy which provides for agreed levels of surface water discharge in the Biss and the existing sewer.

Drainage

There are 2 foul sewers which cross the site from north west to south east and which will require diversion around the supermarket building and the leisure buildings. These works have been generally agreed with Wessex Water although it will require a formal diversion agreement.

Neither the Environment Agency nor Wessex Water raise an issue in principle subject to appropriate conditions, while the Council's Drainage Officer would be looking to secure a significant reduction in the volume of water discharging into the River Biss. This could be addressed by informative.”

The responses from the Environment Agency and Wessex Water, together with the similarity of the proposals, do not raise any additional issues which cannot be addressed by condition and informatives as previously.

10.7 Site Contamination

Site investigations show that potentially contaminative sources including a meat processing plant, former dye works, timber yard, saw mill, and oil and grease works have been present on this site and that contamination is present within the ground. However, no objection is raised in principle to the redevelopment proposals by either the Council's Scientific Officer or the Environment Agency subject to an appropriate condition requiring further investigation, remediation and validation.

10.8 Impact on surrounding residential amenity

This aspect of the previous application was assessed as follows:

“Although the site is largely self contained and surrounded by industrial and commercial uses, there are residential properties in Innox Mill Close to the west and in Stallard St opposite the site frontage.

The properties in Innox Mill Close are located beyond the railway line which is at a higher level and would be directly ‘opposite’ the proposed riverside park which is on lower ground. Although the major buildings will be visible, at the distances involved there is unlikely to be any direct impact other than potential noise and lighting nuisance, which matters could be resolved through planning conditions. In terms of benefit to residential amenity, the loss of the former factory use and the improved riverside environment and access to the town centre must be regarded as significant.

The recently converted mill buildings opposite the site in Stallard St overlook the site and their existing access would be directly off the proposed new roundabout at the entrance. Letters of objection have been received from the owner of the buildings on the grounds that the proposed roundabout solution and location of proposed bus shelters outside the buildings would have a detrimental impact on exiting access arrangements and amenity of residents. These particular issues are matters for highway colleagues to consider as part of any carriageway alterations which would clearly take into account existing access arrangements in the vicinity.

In terms of overall amenity considerations, it is inevitable that the redevelopment of the site will attract a great deal of traffic and general activity compared with the current vacant premises but the site was in recent years a working factory site and significant traffic generator. Whether the proposed access arrangements to serve the current scheme will be materially more detrimental is not possible to estimate but the visual, leisure and public access benefits to nearby residents will clearly be considerable. The Environmental Health Officer has expressed concerns over the potential for noise, odour and other nuisances from the scheme but these are all matters which can be dealt with by condition in the event that the development was to be permitted.”

Although the former cinema has been replaced with retail and unspecified leisure uses on that part of the site which is furthest away from residential properties, the remainder of the development is unchanged. Consequently, this application is unlikely to be materially different as regards impact on surrounding residential properties and, as before, any potential nuisances can adequately be dealt with via appropriate conditions. It is also a point to note that, in this case, no letters of objection have been received from nearby residential properties.

10.9 Contributions and commitments

The applicant has offered a package of contributions and commitments in the form of a Unilateral Undertaking which includes the following:

- a contribution of £250,000 (prior to commencement) for the provision of ‘improvements to the highway network in the vicinity of the Site, improvements to the accessibility to Innox Riverside, public transport (including improvement works at Trowbridge Railway Station) and accessibility improvements relating to Innox Riverside (including any improvement to or enhancement of the Innox underpass), variable message signage relating to Innox Riverside, directional signage to Innox Riverside AND implementing any variation to Traffic Regulation Orders relating to Innox Riverside’.
- a contribution of £10,000 (prior to occupation) towards the provision of public art
- submission of a carparking management plan (prior to occupation) and ‘reasonable endeavours to implement’
- to use ‘reasonable endeavours’ to recruit 50% of employees and contractors from within the Council’s administrative area for both the construction and operational phases of the development.
- to ‘grant the Council rights as are reasonably necessary to enter on to the Land for Dedication to undertake highway works to provide a highway link between the Site and Trowbridge Railway Station’ for future adoption.

- to 'use reasonable endeavours to market Unit 3 to secure its development and occupation on a strictly commercial viable basis as soon as is reasonably practical provided that such obligation shall be limited to a period of not more than 18 months from the date of grant of planning permission or such other period as is agreed in writing with the Council.' (referred to as Clause 7)

It is very unfortunate that although the application referred to the applicant's willingness 'to commence discussions on the composition of a Section 106 agreement', the above package was submitted only 3 days before the deadline for completion of this report. This has clearly curtailed any opportunity for discussion and has allowed no time for the matters to be properly assessed. Further comment may therefore be reported to the committee at that time once officers have considered this further.

However, as a very brief analysis,

- this appears to be a reduced package compared with the previous application which offered a total of £265,000 for all highway works including improvements to Innox Path, and £50,000 towards public art; it is understood that this is due to the lower viability of this second application.
- the overall contribution to highway works appears to be an unrealistic figure when considered against the target range of works. However, in the absence of any detailed and costed works, there is no alternative figure being proposed and justified to meet the necessary tests for a contribution.
- the 80% reduction in art contribution is disappointing, and clearly the final public art scheme will be much reduced and potentially disproportionately small to the size of the development.
- with regard to the matter of local employment, while this is an attractive offer, this would not be enforceable and may be contrary to other legislation;
- the offer to dedicate land for future highway works to link with the station is welcomed, but on its own will not deliver the wider access objectives.
- the offer to use 'reasonable endeavours' to market the proposed leisure box on a commercially viable basis does not secure the delivery of this part of the development as required and is therefore not acceptable.

The applicant has made clear in correspondence that this UU is not for negotiation but is a 'take or leave' package although is prepared to exclude the offer to market the leisure unit if unacceptable to the Council. Consequently, in the event that the application is granted permission, the choice is between accepting what may be regarded as a disappointing offer or rejecting it in its entirety.

10.10 Conclusion and recommendation

In reaching a recommendation on this second application, members are reminded of the context in which the previous application was determined:

"- The application site occupies a pivotal position at the entrance to the town and its redevelopment must be seen as a priority.

- Its successful redevelopment is fundamental in achieving the aims and objectives of the emerging Core strategy as it applies to Trowbridge.

- There are a number of significant constraints within and around the site which limit the number of viable solutions which can be delivered

- The current application represents a viable and funded scheme which the applicant assures is capable of immediate delivery.

Within that context, it is almost certain that the number of schemes coming forward will be very limited and that if this application is refused, there is no certainty when, or if, another commercially viable development will present itself. The regeneration of this site is not only important in isolation but will

certainly act as a catalyst for other development sites in the town and make it clear that 'Trowbridge is open for business'.

That said, it is equally important that a decision is not made simply on the basis that it is the only current option available. The current application may well be only one of a small number of likely opportunities, but with the exception of the proposal for the relocation of the Wiltshire college campus, is the first commercial application to have been submitted. 'A bird in the hand' may be a major consideration, but from a planning perspective, it is essential that the scheme, as with any other, delivers in accordance with the relevant policy framework in the wider interest and future aspirations for the town." (Committee report 9 May 2012)

The Committee decided that the first application did not accord with the policy framework in spatial planning and highway respects and was refused, and remains the subject of an appeal currently in abeyance until 21 February. The context for determining this second application therefore now includes that earlier decision and the reasons which supported it. These are detailed in section 5 above but in very broad terms these can be summarised as:

- A proposed mix of uses which would harm the vitality and viability of the town centre
- A proposed scheme which would have an impact on an 'existing, committed and planned investment'
- A development which would have a severe impact on the local traffic network
- A development which did not take advantage of its relationship with the railway station to provide for improved connectivity for all users

While these are identified as separate issues, it is clear that they are interrelated as part of the wider planning for the sustainable development of the town as required by the NPPF and the emerging WCS but for the purpose of drawing a coherent conclusion, they are considered individually.

(i) Impact on vitality/viability of town centre

The submitted evidence underlying the previous scheme comprising a foodstore, cinema and a number of leisure uses did not sufficiently demonstrate that the development would not have an adverse impact on trading at Asda and associated linked trips to the Shires shopping centre; additionally, since no impact assessment on the proposed leisure uses had been carried out, it could not be certain what impact these would also have on the town centre.

This second application has both altered the proposed mix of uses to replace the cinema with additional leisure and retail facilities, and has submitted updated evidence to address the earlier omissions. This evidence has been independently assessed and conclusions reached as detailed in the Spatial Planning Officer's comprehensive response. This conclusion is that those earlier issues are considered to have been addressed and that, on balance, the revised mix of uses now presented within this application is broadly acceptable 'provided that the comprehensive development of the whole site can be secured' through appropriate conditions. This is consistent with both the NPPF and the emerging WCS to deliver sustainable development and to ensure that the site delivers the whole scheme and not just those elements which may be commercially preferable. It must be emphasised that the foodstore, in itself, does not meet a current need within the town and it is only the acceptable complementary uses, delivered as a package for the wider benefit, which can justify approval of the scheme.

The applicant has made it clear in pre-application discussions that the current mix of uses is less commercially viable and that the commercial market cannot support the delivery of an unspecified leisure box and additional retail units at this time; it is also a relevant point that negotiations with the Council have not yet determined the precise future leisure uses for the former. It would therefore not be an unreasonable position to impose a planning condition which would secure the overall development of the site but within a more flexible timetable as regards the leisure box and retail units. The applicant has already confirmed that the café/restaurant uses within the heritage and listed buildings, together with the new A3 unit at the site entrance are to be built out at the same time as the foodstore.

To date, the applicant's position is that he cannot commit to the delivery of the leisure or retail units and that such a planning condition would not be acceptable. However, in the absence of an equivalent commitment within the proposed legal undertaking, there is no alternative to secure the comprehensive delivery of the development, without which the proposal would not be acceptable in policy terms. A positive recommendation therefore cannot be supported without this safeguard (proposed condition 3) being in place.

(ii) Impact on planned and committed investment

Now that the cinema has been dropped from this second application, the viability of St Stephen's Place is significantly less affected by this proposal. While there will remain competition to attract A3/A4 occupiers, the multiplex cinema at St Stephens Place is likely to act as a stronger anchor for restaurant uses, and it is not considered that this revised scheme will adversely affect this planned investment in the long term.

(iii) Impact on highway network

The highway assessment continues to show that the proposed development will have a detrimental impact on the local highway network. The supporting TA suggests that the impact will not be severe and limited largely to the Stallard St/Bythesea Rd junction but there are doubts about the methodology used to produce this evidence and therefore doubt as to this conclusion. It remains the opinion of the Highway Officer that the impact on the road network is an unacceptable part of the proposal and would justify a refusal as before. This view would appear to be supported by the several other parties commenting on the application who remain concerned over the transport elements of the scheme and it is clear that this remains a material issue.

In considering the previous application, members were advised of the guidance in the NPPF which states in para 30 that 'development should only be prevented or refused on transport grounds where the residual cumulative effects are severe'; also, that local planning authorities 'should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations' (para 203).

There is a difference in view over the interpretation of the word 'severe' which in this case has not been helped by a change in methodology which obscures any accurate comparison with the previous evidence. Proposed traffic levels associated with this second application will be considerable although the point has been made previously that the former industrial use of the site was itself a significant traffic generator and that since the site has been vacant for several years, any redevelopment scheme will have a traffic impact. This may be severe when compared to the current position, perhaps less so when compared to a notional situation assuming the site is fully operational as a Class B2 use development.

As before, the use of conditions in this case cannot mitigate the traffic impact of the development as currently proposed although the possibility of a smaller access arrangement would help address the connectivity issues and might enable a revised layout to be considered which could accommodate the increased vehicle numbers more effectively. Discussions are ongoing at this time and no conclusions reached but members may be encouraged that the parties are actively working to address this major concern. Similarly, an informative such as referred to in 10.2 is ultimately of limited weight but does set out an expectation of improvements even if they cannot be delivered. The offer of a £250,000 contribution, while appearing attractive, in reality will not achieve a great deal when spread over works within the station forecourt and required local transport improvements (including the provision of evening bus services), but it cannot be disregarded.

(iv) Railway station

In meeting a requirement for sustainable development, the NPPF actively promotes sustainable transport solutions and the emerging plan for Trowbridge anticipates improvements to the railway station to provide a new gateway to the town and improve public transport connectivity. Coincidentally, the mitigation measures to address the traffic implications of the proposed development depend on the closure of the existing station access to vehicular traffic and re-route it

through the site to provide an integrated transport hub which links rail, bus, cycle and pedestrian connections.

As was well documented in the previous application, this solution involves the inclusion of Network Rail land which lies beyond the application site but, which, at this time, cannot be guaranteed and does not form part of the application. To address this, the current proposal adopts a Phase 1 arrangement which fundamentally is the status quo but with the existing vehicular access into the site from the station closed to vehicular traffic other than buses; a Phase 2 option, which includes the NR land, is provided for in the current layout and by an offer of dedicated land within a legal agreement. However, as before, this commitment cannot necessarily deliver either in the short or long term.

In that sense, it would seem that this aspect of the previous application also remains unresolved. In an effort to move forward, a meeting between the parties has been arranged in order for the wider context and complexities of this issue to be fully understood and while there can be no guarantee of an outcome, it may help to inform the process. It is, perhaps, a point to be made that while this second application does not deliver the closure of the station access as necessary, the proposal does not prejudice its implementation at a future time either.

In drawing together these conclusions, it would seem that this second application can now be supported in overall policy terms providing that adequate safeguards are in place to ensure its comprehensive development. This is essential not only to meet the holistic policy framework set out by the Spatial Planning Officer, but also to secure the building which is to replace the historic cloth mill proposed for demolition. The Conservation Officer has drawn attention to the requirement in the NPPF requiring 'reasonable steps to ensure the new development will proceed after the loss has occurred' and the NPPF itself, in para 6, reminds that it is all the policies in the document which must be considered within the context of sustainable development.

Your officers are confident that this 'comprehensive development' can be secured by condition 3 as proposed although are aware that this is not acceptable to the applicant.

As regards other matters, the report highlights the ongoing concerns in respect of biodiversity and design issues particularly, but these largely remain unchanged from the previous application when they were not considered sufficient to warrant reasons for refusal. It would not now be reasonable to raise them as such, and where additional matters have arisen, such as bats, these can be appropriately addressed by condition.

The only outstanding issue therefore remains those highway matters which have been detailed above; neither has been resolved and a refusal on those grounds could be supported.

However, the NPPF makes it clear that retail and leisure proposals should only be refused where there is likely to be significant adverse impacts that outweigh the benefits of the proposal. It is therefore a finely balanced matter of judgement as to whether these highway matters should outweigh the benefits which this particular proposal would deliver. These include:

- The wholesale redevelopment of this vacant and sustainable brownfield site, at a pivotal location at the entrance to the town, creating a positive climate for development as a whole and making it clear that 'Trowbridge is open for business'.
- The creation of a significant number of employment opportunities within the Trowbridge area at both construction and operational stages.
- The delivery of a number of leisure uses which would have a positive impact on the vitality and viability of Trowbridge and provide much needed facilities for the benefit of residents and visitors.
- The retention, maintenance and beneficial use of existing and important heritage assets within the site to continue to make a positive contribution to the character and appearance of this part of conservation area.
- The improvement of the River Biss corridor for access, recreation and biodiversity enhancement.

It is also a point that within the current framework of the 'localism' agenda, the support of the local community for a project must be a consideration. Although this second application has not generated the level of local response as the previous proposal, those respondents are clearly very supportive of the proposal in general, albeit with reservations as to the precise leisure uses, and are anxious to see the regeneration of the site and delivery of the facilities. This general support is also reflected in the responses from the Town Council and other local bodies.

Against this particular background, and the specific guidance in the NPPF, your officer's finely balanced recommendation is therefore for permission to be granted. This is, of course, subject to appropriate conditions (which must include a safeguard for the comprehensive delivery of the scheme as proposed by condition 3) and the unilateral agreement (which excludes proposed clause 7).

In the event that this recommendation is accepted, the following are also relevant:

a) Under the provisions of the Town and Country Planning (Consultation)(England) Direction 2009, the application would have to be referred to the Secretary of State (para 5 – retail or leisure uses proposed on an edge-of-centre site, not in accordance with one or more provisions of the development plan ie policy LE1 and consisting of buildings with floorspace of more than 5000 sq ms).

b) The development will require the formal diversion of public footpaths to be obtained by separate application, a process which can take up to 6 months.

Recommendation:

The Area Development Manager be authorised to grant planning permission subject to:

(a) The application not being called in following referral to the Secretary of State under the provisions of the Town and Country Planning (Consultation)(England) Direction 2009;

(b) The submitted Unilateral Undertaking (modified by the exclusion of proposed clause 7) being secured to deliver, inter alia, contributions to highway improvements and public art; an agreed car parking management scheme; the dedication of land for a future highway link between the site and station forecourt;

(c) The following conditions which shall include a condition which secures the comprehensive delivery of the development.

For the following reason(s):

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area and deliver a comprehensive redevelopment scheme on this vacant and sustainable brownfield site which, on balance, would deliver significant benefits to the town in accordance with adopted and emerging policy and the principles of the NPPF.

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 retail floorspace (namely the A1 foodstore) and café/restaurant floorspace (namely nos 6-7 Bowyers Buildings, proposed A3 unit at the site entrance, Innox Mill and Innox House) shall be constructed and fitted out in accordance with the approved plans and the retail foodstore shall

not be brought into use until all of the café/restaurant floorspace referred to above is ready for occupation.

REASON: In order to secure the delivery of comprehensive development to protect the vitality and viability of the town centre and to protect the heritage environment.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – LE1 & SP3
National Planning Policy Framework
Wiltshire Core Strategy Pre-Submission Document – CP38

- 3 The retail foodstore shall not be brought into use until a programme for the delivery of the leisure box (unit 3), the retail units 1 and 2, and 5 Bowyers Buildings has been agreed in writing by the Local Planning Authority.

REASON: In order to secure the delivery of comprehensive development to protect the vitality and viability of the town centre and to protect the heritage environment

POLICY: West Wiltshire District Plan 1st Alteration 2004 – LE1 & SP3
National Planning Policy Framework
Wiltshire Core Strategy Pre-Submission Document – CP38

- 4 Notwithstanding the access arrangements submitted, no development shall commence until full details of the Stallard Street site access junction, internal access roads, parking areas and servicing areas have been submitted to and approved in writing by the local planning authority. The internal access roads, parking area and servicing areas shall be constructed in accordance with the approved details before any part of the development is first brought into use.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, T10, LE1 & SP3
National Planning Policy Framework

- 5 No development shall commence until full details of works to upgrade and enhance the existing pedestrian route and subway which links the site with Innox Path and the existing cycle way link to National Cycle Route 4 have been submitted to and approved in writing by the local planning authority. The details shall provide for a continuous cycle route between the site and the link to NCR4 with no steps or barriers. The approved works shall be implemented in full before any part of the development is first brought into use.

REASON: In the interests of highway safety and improved connectivity to surrounding residential areas and the town centre

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, T11 & T12
National Planning Policy Framework

- 6 No part of the development shall be brought into use/occupied until the access junction to Stallard Street, the details of which shall first have been submitted to and approved by the local planning authority, has been completed in accordance with the approved details.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, LE1 & SP3
National Planning Policy Framework

- 7 No part of the development shall be occupied prior to the implementation of an approved Travel Plan [or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation]. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long

as any part of the development is occupied. The Travel Plan must be submitted and approved in writing by the local planning authority prior to commencement of development.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, LE1 & SP3
National Planning Policy Framework

- 8 No part of the development shall be brought into use/occupied until a signage scheme has been designed and approved in writing by the local planning authority and installed on the ground in accordance with the approved scheme. For the avoidance of doubt, the scheme will be primarily for the benefit of pedestrians, and its scope will need to be wide enough to ensure that the proposed development is signed both to and from key destinations in the town. The signing scheme shall be implemented in accordance with the approved scheme before any part of the site is first brought into use or occupied.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, LE1 & SP3
National Planning Policy Framework

- 9 No part of the development hereby permitted shall take place until a construction transport management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall identify the routing and timing of construction traffic, temporary provision to be made to protect the interests of pedestrians and cyclists on local highway routes, and identify the need for any temporary traffic and/or footpath diversion orders that may be necessary. The development shall be undertaken in accordance with these approved details.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – LE1 & SP3
National Planning Policy Framework

- 10 Notwithstanding the details shown on the submitted drawings, prior to the commencement of the development details showing the location of cycle parking facilities to serve all the buildings on the site shall be submitted to and approved by the local planning authority; cycle parking spaces shall be available for use before any part of the site is first brought into use.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, T10, LE1 & SP3
National Planning Policy Framework

- 11 No part of the development hereby permitted shall take place until a waste management plan for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with these approved details.

REASON: In the interests of public health and safety

POLICY: National Planning Policy Framework

- 12 The gross external area of the food store hereby permitted shall not exceed 7321 square metres and the net sales and display area (defined as all areas used for the display and sale of goods, including floor spaces used for checkouts, customer circulation and customer services but excluding entrance/exit lobbies, customer toilets, cafe and Automated Teller Machines (ATMs)) shall not exceed 3754 square metres, of which not more than 25% of the net sales and display area shall be used for the sale of comparison goods.

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

POLICY: West Wiltshire District Plan First Alteration 2004 – SP1 & SP3
National Planning Policy Framework

- 13 The proposed A3 and A4 uses in the retained buildings together with the new A3 unit at the site entrance shall be subsequently retained for such uses only and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

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

POLICY: West Wiltshire District Plan First Alteration 2004 – SP1 & SP3
National Planning Policy Framework

- 14 The food store hereby permitted shall not, at any time, be subdivided into a larger number of retail units.

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

POLICY: West Wiltshire District Plan First Alteration 2004 – SP1 & SP3.
National Planning Policy Framework

- 15 The gross external floor area of the retail units 1 and 2 shall not exceed 4012 sq ms, be subdivided into individual units with a gross floor area of less than 1000 sq ms or be used for the sale of food.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 – SP1 & SP3
National Planning Policy Framework

- 16 The proposed leisure box (Unit 3) shall be used solely for purposes within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification) with the specific exclusion of any cinema use.

REASON: In order to ensure the delivery of complementary leisure uses to protect the vitality and viability of the town

POLICY: West Wiltshire District Plan 1st Alteration 2004 – LE1
National Planning Policy Framework
Wiltshire Core Strategy Pre-Submission Document – CP38

- 17 No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

(i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

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

(ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

(iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

(iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

(v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

(vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C37
National Planning Policy Framework

- 18 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Fairhurst/GGA dated September 2011) together with the following mitigation measures detailed within that document:
- (i) Demonstration that the protection and maintenance of existing flood defences will be provided (if the site layout remains as currently proposed the existing sheet piling must not be damaged during the construction works).
 - (ii) Finished floor levels are set no lower than 34.70m above Ordnance Datum (AOD).

REASON: To ensure the structural integrity of existing flood defences and to reduce the risk of flooding to the proposed development and future occupants.

POLICY: National Planning Policy Framework

- 19 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

POLICY: National Planning Policy Framework

- 20 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON: 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: National Planning Policy Framework

- 21 No development shall commence on site until details of a foul and surface water drainage strategy is submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be fully completed in accordance with the approved details and to an agreed timetable.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - U1a National Planning Policy Framework

- 22 There shall be no new buildings, structures (including gates, walls, fences or other means of enclosure) or raised ground levels within 4.0m of the top of any bank of the watercourse(s) fronting or crossing the site, and 4.0m of any flood defence structure on or adjoining the site.

REASON: To maintain an appropriate access to the watercourse/flood defence for maintenance and/or improvements.

POLICY: National Planning Policy Framework

- 23 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: 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: National Planning Policy Framework

- 24 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment

POLICY: National Planning policy Framework

- 25 Prior to the commencement of development, a River Biss Enhancement Scheme is to be submitted to the LPA for written approval. The Scheme will be prepared by a suitably qualified and experienced ecologist and provide details of enhancement measures that can be achieved in line with the approved development plans, which will be delivered to the River Biss bordering the northern boundary of the site. The recommendations of the approved River Biss Enhancement Scheme should be carried out in full within the timetable laid out within the approved document.

REASON: To ensure the development makes a reasonable contribution to delivering the ecological objectives of the River Biss Public Realm Design Guide SPD.

POLICY: National Planning Policy Framework

- 26 Prior to the commencement of development, an Ecology and Landscape Management Plan for the Riverside Park and the riparian habitat of the River Biss should be submitted to the LPA for written approval. This shall provide details of the landscaping/planting schedule and maintenance regime and treatment of the river corridor habitats.

REASON: To ensure the development makes a reasonable contribution to delivering the ecological objectives of the River Biss Public Realm Design Guide SPD.

POLICY: National Planning Policy Framework

- 27 Notwithstanding the above, no development shall commence until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas and areas of public open space including the Riverside Park (which areas shall be retained for public access in perpetuity) has been submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out as approved in accordance with the approved details.

REASON: In the interests of visual amenity and delivering the public realm and access objectives of the River Biss Public Realm Design Guide SPD

POLICY: National Planning Policy Framework

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

REASON: In the interests of visual amenity and the appearance of the area

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C17, C18 & C31a
National Planning Policy Framework

- 29 Notwithstanding the submitted plans, 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) the proposed treatment of that part of the site to be developed for retail and leisure use (units 1-3 and 5 Bowyers Buildings) in the interim between demolition of the existing buildings and construction of the replacement buildings;
 - (e) finished levels and contours;
 - (f) car park layouts;
 - (g) other vehicle and pedestrian access and circulation areas;
 - (h) hard surfacing materials, including samples;
 - (i) minor artefacts and structures (e.g. furniture, seating, bollards, play equipment, refuse and other storage units, signs, lighting etc).

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C31a and C32
National Planning Policy Framework

- 30 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 - C31a and C32
National Planning Policy Framework

- 31 No development shall take place on any phase of the development until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority, for each phase of the development. Development shall be carried out in accordance with the approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policies C17 and C31a
National Planning Policy Framework

- 32 No works shall commence on site until an appropriate programme of building recording (including architectural/historical analysis) has been carried out in respect of the heritage buildings proposed for conversion/demolition. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.

REASON: To secure the proper recording of the heritage assets

POLICY: National Planning Policy Framework

- 33 No development shall commence within the development site until:
(a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
(b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

POLICY: National Planning Policy Framework

- 34 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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 - C17, C18, C28 & C31a
National Planning Policy Framework

- 35 No external work shall commence on the retained buildings and structures within the site (Innox Mill, Innox House, Bowyers Buildings, 5-9 Stallard Street and the wall fronting Stallard Street) until a sample wall panel(s) for the relevant building or structure, not less than 1 metre square, and showing the proposed mortar composition and colour and method of pointing has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel(s) shall then be left in position for comparison whilst the approved works to that building or structure are carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C17, C18, C28 & C31a
National Planning Policy Framework

- 36 No works shall commence on the existing wall fronting onto Stallard Street until a full schedule and specification of proposed works has been submitted to and approved in writing by the Local

Planning Authority. This shall include provision for the re-use of the stone elsewhere within the development as appropriate. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the conservation area and the wider visual amenity

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C17 & C18
National Planning Policy Framework

- 37 No development shall commence on site until a schedule of proposed works for the temporary protection and weatherproofing of numbers 5-9 Stallard Street to arrest any further decay of the listed buildings and heritage assets has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any building.

REASON: In the interests of preserving the heritage assets

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C28
National Planning Policy Framework

- 38 No development shall commence until an acoustic report for the entire site and detailing the potential impacts and any mitigation required to protect surrounding residential areas has been submitted to and approved in writing by the Local Planning Authority. The report shall address noise from A3/A4 and D2 uses, all fixed plant and machinery, air conditioning and extraction systems. The approved works shall be carried out prior to any part of the development being first brought into use and shall be maintained in accordance with the approved details at all times thereafter.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

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

- 39 Notwithstanding the above, the rating level of the noise emitted from any of the activities within the buildings and fixed machinery, equipment and plant located on the site shall not exceed the existing background level. The noise level shall be determined at the nearest noise sensitive premises in Stallard Street, Innox Road, Hill Street, Conigre Square and Hill Street Court and the measurement and assessment made in accordance with BS4142.1997.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

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

- 40 No development shall commence until an odour report detailing the types of systems and controls in place to control and minimise odour nuisance from the food and drink establishments within the site has been submitted to and approved in writing by the local planning authority. The approved works shall be carried out prior to the relevant part of the development being first brought into use and shall be maintained in accordance with the approved details at all times thereafter.

REASON: To ensure the creation/retention of an environment free from intrusive levels of odour in the interests of the amenity of the area.

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

- 41 Notwithstanding the above, no development shall commence on any of the proposed food and drink establishments until full details of suitable ventilation and filtration equipment to suppress and disperse any fumes and/or smell created from the cooking operations on the premises within the site have been submitted to and approved in writing by the Local Planning Authority. The relevant part of the development shall not be first brought into use until the approved equipment has been completed in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

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

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

- 42 Prior to the commencement of development, details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme, which shall comply with guidance issued by the Institution of Lighting Engineers, shall be carried out in accordance with the approved details and subsequently maintained.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C35 & C38
National Planning Policy Framework

- 43 Prior to the commencement of development, details of a servicing and deliveries strategy for the delivery and despatch of goods to and from the site (including hours of delivery) shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently operate in accordance with the approved details.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

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

- 44 No development shall commence on site until details of the storage of refuse, including storage areas for wheeled refuse bins for each phase of the site, designed so as to minimise their impact on the appearance of the street scene, have been submitted to and approved in writing by the Local Planning Authority. The approved storage areas and facilities shall be provided prior to the buildings on the relevant phase of the development being first occupied and shall be maintained as such thereafter.

REASON: In the interests of public health and safety and the appearance of the street scene.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C31a and C38
National Planning Policy Framework

- 45 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 2004 - C31a & C38
National Planning Policy Framework

- 46 Prior to the commencement of the retail and commercial properties hereby permitted, details of all security measures, including CCTV, shall be submitted to and approved in writing by the

Local Planning Authority. The works shall be carried out in accordance with these approved details.

REASON: In the interest of public safety.

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

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

12386-PA-100 received on 17.12.2012
12386-PA-101 received on 17.12.2012
12386-PA-102 received on 17.12.2012
12386-PA-103 received on 17.12.2012
12386-PA-104 received on 17.12.2012
12386-PA-105 received on 17.12.2012
12386-PA-106 received on 17.12.2012
12386-PA-107 received on 17.12.2012
12386-PA-108 received on 17.12.2012
12386-PA-109 received on 17.12.2012
12386-PA-110 received on 17.12.2012
12386-PA-111 received on 17.12.2012
12386-PA-112 received on 17.12.2012
12386-PA-113 received on 17.12.2012
12386-PA-114 received on 17.12.2012
12386-PA-115 received on 17.12.2012
12386-PA-116 received on 17.12.2012
12386-PA-117 received on 17.12.2012
12386-PA-118 received on 17.12.2012
11198-PA-300 received on 17.12.2012
11198-PA-301 received on 17.12.2012
11198-PA-302 received on 17.12.2012
11198-PA-303 received on 17.12.2012
11198-PA-310 rev A received on 17.12.2012
11198-PA-311 received on 17.12.2012
11198-PA-312 rev A received on 17.12.2012
11198-PA-313 rev A received on 17.12.2012
11198-PA-400 received on 17.12.2012
11198-PA-401 received on 17.12.2012
11198-PA-402 received on 17.12.2012
11198-PA-403 received on 17.12.2012
11198-PA-410 rev A received on 17.12.2012
11198-PA-411 received on 17.12.2012
11198-PA-412 rev A received on 17.12.2012
11198-PA-413 rev A received on 17.12.2012
11198-PA-414 received on 17.12.2012
11198-PA-415 received on 17.12.2012
11198-PA-500 received on 17.12.2012
11198-PA-501 received on 17.12.2012
11198-PA-510 rev A received on 17.12.2012
11198-PA-511 rev A received on 17.12.2012
11198-PA-512 received on 17.12.2012
11198-PA-513 received on 17.12.2012
11198-PA-802 rev A received on 17.12.2012
1319/12-01 received 17.12.2012
1319/12-02 received 17.12.2012
1319/12-03 received 17.12.2012
1319/12-04 received 17.12.2012
1319/12-05 received 17.12.2012

88774_CIV_00100P6 received 17.12.2012
88774_CIV_00101P6 received 17.12.2012
88774_CIV_00102P6 received 17.12.2012
88774_CIV_00103P6 received 17.12.2012
88774_CIV_00104P6 received 17.12.2012
LS20664 received 17.12.2012

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 The applicant is advised that public right of way, Footpath No. TROWBIDGE 73, is shown to be diverted by the submitted scheme and will therefore require a formal order for the diversion under Section 259 of the Town and Country Planning Act. The processing of the order is undertaken by Wiltshire Council on behalf of the developer, at the developer's expense. The right of way must be protected until such time as the order is sealed and any temporary arrangements for its protection must be fully agreed and approved by the Highway Authority.
- 2 The proposed site access junction on Stallard Street will be subject to a section 278 agreement with the highway authority. The highway authority has indicated that the arrangement shown on the submitted drawings does not reflect the aspirations of the River Biss Public Realm Design Guide SPD, November 2008; an approved design will be required to have regard to the SPD and reflect the need to provide an access junction that satisfies requirements of local scale, impact, accessibility and connectivity with the town centre. This is likely to be achieved by way of a design that provides less road-space for vehicular traffic, but more for local pedestrian and cycle movement, in line with the concept of promoting a 'shared space' design in the vicinity.
- 3 The applicant is advised to contact Wessex Water with regard to the proposed diversion of the public sewers which will be required prior to commencement subject to a formal diversion agreement (S185 Water Industry Act); arrangements for the diversion works either by Wessex Water at the developer's cost or by the applicant; arrangements for adoption/management of the diverted foul sewers; to note that no tree planting will be allowed within the easement zone.
- 4 The applicant is advised to contact Network Rail with regard to the safe operation of the railway and requirements for the protection of the adjoining land. These include compliance with all covenants on land the subject of demarcation agreements; a 1.8m high trespass resistant fence; demolition of buildings in accordance with agreed method statement; no additional surface drainage onto NR land, culverts or drains; consultation on alteration to ground levels; new buildings sited at least 2m from the boundary fence to allow access for maintenance; design of buildings to take account of noise, vibration and airborne dust; lighting not to interfere with signalling apparatus; any new trees to be located not less than their mature height from site boundary; any scaffolding to be erected so that it could not fall on the railway.
- 5 The applicant is advised to
 - (a) contact the Environment Agency with regard to the need to obtain Flood Defence Consent for works within 8m of the top of the bank of the R Biss and implementing safeguards for the prevention of pollution. These include the use of machinery, the storage of chemicals, the routing of heavy vehicles, the location of work and storage areas and the control and removal of spoil and waste.
 - (b) Ensure the operation of safeguards during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover the use of plant and machinery; oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds; the control and removal of spoil and wastes. The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

(c) Further to the requirements of condition x, when discharging the above surface water drainage condition, the following should be submitted:

- A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes.
- A manhole schedule
- Model runs to demonstrate that the critical storm duration is being used.
- Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.
- Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with PPS25.
- Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

- 6 The Archaeologist advises that there is the potential to disturb or destroy a significant heritage asset related to the history of the site. In the absence of a pre-determination evaluation, the applicant must be aware that in the event of a subsequent evaluation indicating that further work may be required and that aspects of the development may be affected, this may have implications for the proposal as approved. The applicant is advised to contact the Council's Archaeologist on this matter.
- 7 The Environmental Health Officer advises that due to the location of the site close to residential properties, construction works are limited to between 07.30 and 19.00 (Mon to Fri) and 08.00 and 13.00 (Sat); all plant and equipment is chosen, sited, operated and serviced to minimise noise, vibration, fumes and dust; in periods of dry weather, dust control measures should be employed including wheel washing and damping down; stockpiles of materials are sheeted and located to minimise nuisance; radio noise should not be audible at the boundary of the nearest residential property; neighbouring properties should be advised of unavoidable late night or early morning working (which works should be notified to the EHO in advance); any temporary oil storage tanks shall be securely sited to prevent pollution in the event of leakage.
- 8 Due to the persistent problem of pigeons in the vicinity, the developer is advised that vulnerable areas of the site are adequately proofed against roosting and perching birds and may wish to consider providing a dedicated feeding area.
- 9 Reptiles and breeding birds are protected under the Wildlife & Countryside Act (1981, as amended). Prior to the commencement of construction work, the site must be cleared following the recommendations for reptiles and breeding birds in the Ecological Appraisal report (FPCR Environment and Design Ltd, September 2011). It should be noted that if there is a significant time lapse between the date of the ecology surveys (September 2011) and the commencement of development on site, updated protected species surveys (namely, for bats) may be necessary and advice should be sought from the Council Ecologist. Planning permission for development does not provide a defence against prosecution under the Wildlife & Countryside Act and the Conservation of Habitats and Species Regulations 2010.
- 10 Further to the requirements of condition 42, while complying with the principles of Secured by Design, the design of the proposed lighting scheme shall not result in any likely significant impact on the habitat of the river corridor for bats and on the Bath and Bradford on Avon Bats Special Area of Conservation as required by the Habitats Regulations 2010.

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

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MSA: 100022961

Ref: A039467/KH/kh
Date: 1st February 2013

FAO: Judith Dale
Head of Planning Services
Wiltshire Council
Bradley Road
Trowbridge
Wiltshire
BA14 ORD

Dear Sir

**SAINSBURY'S SUPERMARKETS LTD
OBJECTION TO PROPOSED MIXED USE DEVELOPMENT AT FORMER BOWYERS FACTORY SITE,
STALLARD STREET, TROWBRIDGE
(LPAREF:W/12/02299/FUL)**

Introduction

We write on behalf of our client, Sainsbury's Supermarkets Ltd (SSL), to object to the proposed development by Optimisation Developments Ltd (ODL) at the Former Bowyers Factory Site, Stallard Street, Trowbridge.

The subject application follows Wiltshire Council's refusal of the previous retail and leisure proposal in June 2012. One of the reasons for refusal was that *"the proposed development would be likely to have a significant adverse impact on the holistic planning of the Central Area of Trowbridge and undermine the sustainable development of the town"*. As explained below, we consider that this reason for refusal remains valid in respect of the current proposals.

As you will be aware, Sainsbury's operate a store at British Row in the northern part of the Trowbridge Town Centre Commercial Area close to the Primary Shopping Frontage as defined in the West Wiltshire District Plan 1st Alteration (WWDP) adopted in 2004. The Sainsbury's store was granted planning permission after the adoption of the Local Plan and both the store and its car park effectively now function as part of the Town Centre.

The Sainsbury's store was opened in 2010 and provides an important and valuable foodstore facility for residents of Trowbridge and the wider area. It also forms an integral part of the regeneration of the former Ushers Brewery site which was allocated for mixed use development, including retail uses, in the WWDP and had been vacant since 2000.

SSL object to the ODL proposals on the basis that:

-);> The proposed development is contrary to emerging Development Plan policy as the site is identified for residential and business uses
-);> The proposed development occupies an out-of-centre location and fails the sequential test for retail uses, as there are sites available within the Town Centre Commercial Area to accommodate these uses;

Cont'd/...

creative minds safe hands



Additionally, it is our view that the NPPF Retail and Leisure Assessment (NPPFRLA) submitted as part of the application is technically deficient in a number of areas, and does not form a sound basis for assessing impact and other retail policy matters.

ODL Proposals

The ODL application seeks full planning permission for:

the Demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site comprising a food store (Use Class A1}, non-food retail units (Use Class A1}, leisure noorspace (Use Class 02}, food and drink noorspace (Use Class A3/A4}, and associated petrol filling station (sui generis} together with associated car parking, new access and landscaping

Associated applications for conservation area and listed building consent have also been submitted.

It is important to note that the vast majority of the site, including the main retail and leisure uses, are outside Trowbridge Town Centre Commercial Area and significantly over 300m walking distance from the Primary Shopping Frontage. As such, ODL's retail and leisure proposals represent 'out-of-centre' development in terms of planning policy.

The proposals raise significant concerns and are contrary to policy set out at both the local and national planning level.

olicvcontext

Section 38(6) of the Planning & Compulsory Purchase Act 2004 is clear that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan

The Development Plan consists of the Wiltshire and Swindon Structure Plan (WSSP), approved in 2006, and the WWDP.

The WSSP identifies Trowbridge as a Strategic Service Centre and the application site is unallocated in the WWDP. As previously noted, the vast majority of the site, including the retail and commercial leisure uses, are outside the Town Centre Commercial Area.

The key policies of the WWDP relating to retail and leisure uses are as follows:

Policy SP1 states that the Council will permit further retail development within the Town Centre Commercial Areas providing such development forms part of the Primary Retail Frontage.

Policy SP2 identifies land at Court Street and Castle Street for further town centre retail provision.

Policy SP3 states that new edge of centre and out of centre shopping developments will only be permitted if, *inter alia*:

- > There are no suitable and viable sites available within firstly, the defined Primary Retail Frontages and secondly (for out of centre proposals) edge of centre locations; and
- > The development does not, either by itself or together with other retail developments, harm the vitality or viability of nearby centres;

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Emerging Policies

The emerging Wiltshire Core Strategy (WCS) identifies Trowbridge as a Principal Settlement. Based on the Wiltshire Retail Study, undertaken by consultants GVA Grimley in 2011, the WCS states that there is no capacity for additional food retail floorspace in Trowbridge and proposals for new floorspace will not be supported. Indeed, capacity for additional convenience goods floorspace is negative, even in the long term (minus 4,332 sq m in 2020).

The application site is identified in the WCS for a mix of residential development, including affordable housing, and business development, with a strong river frontage.

This policy is supported by the Transforming Trowbridge Masterplan (Development Stage One – Scoping and Vision Study) produced in August 2010 which identifies the site as being suitable for predominantly residential development and a new business quarter. The Masterplan also notes that the area around the bridge over the River Biss is severely compromised by the existing highway arrangement and particularly the servicing to the north side of the Shires. It is evident from the site layout plan that much of the traffic using the proposed development will pass through this difficult highway arrangement.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) provides the most up-to-date policy tests for retail development outside of existing centres.

The NPPF requires that planning authorities should apply a sequential test to planning applications for town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for such uses to be in town centres, then in edge-of-centre locations and only if suitable sites are not available should out-of-centre sites be considered.

In addition, the NPPF requires an impact assessment which considers:

- The impact of the proposal on existing, committed and planned public and private investment in a centre;
- The impact on town centre vitality and viability.

Basis of Objection

SSL object to the proposed development on the basis that:

- There is a clear conflict with the emerging Local Plan; the WCS identifies the site for residential and business uses.
- The WCS is also clear that there is an absence of need for a new supermarket and that further convenience goods floorspace will not be supported.
- The proposals fail the sequential test. The retail and leisure elements occupy an out-of-centre location and there are sequentially preferable sites within the Town Centre Commercial Area

In addition, the applicant's agents Peter Brett Associates (PBA) have submitted the NPPFRLA primarily addressing retail capacity (need) in the catchment area, and the key policy tests relating to the sequential approach and impact. This NPPFRLA is deficient in a number of areas, as explained below, and does not form a sound basis upon which to assess the key retail policy tests set out in the NPPF and the Development Plan.

Cont'd/...



Deficiencies Contained in the NPPFRLA

Sequential/Approach

As already mentioned, the retail and leisure elements of the proposed development are in out-of-centre locations.

In their NPPFRLA, PBA explore three pedestrian routes to the proposed development and, by their own calculations, conclude that these routes are between 380m - 440m from the Primary Retail Frontage which, according to the PPS4 Practice Guidance definitions, is out-of-centre. PBA then attempt to define their own 'Primary Shopping Area' which, unsurprisingly given the objective of the exercise, extends further towards the application site, although still 170m - 190m from the foodstore entrance.

The contrived analysis simply serves to show that the Innox Riverside site is poorly related to Trowbridge Town Centre, separated by the relatively busy Stallard Street, with the main town centre uses located at the back of the application site, furthest from the centre. There is no inter-visibility between the application site and the Primary Retail Frontage and there is little scope for the site to function as part of the Town Centre in the future.

As the site occupies an out-of-centre location, the sequential approach requires applicants to demonstrate that there are no sites in town centre or edge-of-centre locations which are suitable, available and viable for the proposed uses.

~~In terms of the search criteria PBA insist that a large foodstore is required and there are no suitable sites to accommodate a store of sufficient size in the Town Centre Commercial Area. However, in the absence of an identified need for a new foodstore in Trowbridge (source: WCS and the Wiltshire Retail Study), this 'requirement' for a very large site has no basis at all. Also, the two proposed non-food units are 2,492sq m and 804 sq m gross and one or both could easily be accommodated on large sites within the Town Centre Commercial Area.~~

The site at Castle Street is allocated for retail development under WWDP Policy SP2, and the Peter Black/Cradle Bridge site has previously been granted planning permission for foodstore development. In addition, there are other opportunities within the Town Centre Commercial Area for retail development or expansion of existing retail operations, including Court Street, the Library/County Hall site, and the possible expansion of the Shires Shopping Centre which are all in sequentially preferable locations.

In conclusion, it is clear that there are sites within Trowbridge Town Centre which are sequentially preferable for retail development.

Catchment Areas

The Convenience Catchment Area for the proposed development is drawn very widely and assumptions regarding trade diversion from peripheral zones are unrealistic.

For example, Zone 3 includes Westbury and the surrounding area, and yet Westbury already has a Morrisons store. Furthermore, Zone 3 is situated between Trowbridge and Warminster, and Warminster also contains a large Morrisons store. Accordingly, residents in Zone 3 already have access to two Morrisons stores and are unlikely to change their shopping habits as a result of the proposed development.

Similarly, parts of Zones 5 and 6 are also closer to the existing Morrisons stores in Bath, Chippenham and Devizes than the application site and it is highly unlikely that residents in these areas will switch to the proposed store in Trowbridge.

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The Comparison Catchment Area is even larger, stretching beyond Bath to the M4 motorway to the north, and to the south it extends past Warminster to the A303. There are no named retailers associated with the non-food retail units and it is unclear why people would travel such distances to use shopping facilities in Trowbridge, particularly when there are higher order centres such as Bristol, Bath, Swindon, and Salisbury all closer.

The Comparison Catchment Area is also used to assess the impact associated with Morrisons' non-food turnover. It is unclear why the catchment area for comparison goods should be different to the Convenience Catchment Area unless the applicant believes that, rather than being complementary, the store will become a comparison destination in its own right. If this is the case, the scope for disaggregating the comparison goods element and locating it in the Town Centre should be assessed in accordance with the sequential test.

The adoption of unrealistically large catchment areas means that PBA's analysis of trade draw and trade diversion is unreliable. Unsound judgements in the retail impact analysis are further compounded by the assumption that existing foodstores in Trowbridge draw between 15% - 20% of their trade from outside the catchment area, thus exaggerating the turnovers upon which the impact levels are based.

Market Share

PBA note that the market share of existing foodstores within the catchment area is 92%. In our experience, this is a very high level of expenditure retention. However, PBA claim this could rise further because *"there is not currently a large Morrisons store within the catchment area and therefore there is an opportunity to improve market share due to the improvement in consumer choice from the proposed development"* As we note below, benefits from a very wide effective refilling area for Morrisons store already exists within the catchment area. Therefore, the claim that another store will increase market share is highly doubtful.

Overttrading

In their capacity assessment, PBA fail to take into account the full extent of undertrading in the catchment area. On the basis of their own figures in Table A6(a), stores in the catchment area as a whole are trading close to benchmark (£206m turnover compared to a benchmark of £202m).

We believe that stores are actually undertrading as some of the PBA convenience goods floorspace figures appear to be underestimated. For example the Wiltshire Retail Study shows that Tesco in Trowbridge has almost 5,000sq.m. of convenience sales whereas the PBA Assessment suggests 3,620sq.m.

Also, since Sainsbury's in Trowbridge was extended to 3,674sq.m. net, the store has around 2,500sq.m. of convenience sales compared to the PBA figure of 1,813sq.m. This would have the effect of further reducing the assessed level of trading intensity within existing stores and result in stores undertrading on aggregate.

This further supports the assertion in the Wiltshire Retail Study and the Core Strategy that there is an oversupply of convenience floorspace in Trowbridge and no need for a new supermarket.

Qualitative Need for Convenience Floorspace

PBA claim that it is clear that a qualitative need exists for additional large-format convenience floorspace in Trowbridge, in order to provide improved consumer choice and address the currently limited representation by Morrisons in the catchment area. As already noted, Morrisons are present in the PBA-defined Convenience Catchment Area, in Westbury, and there are existing Morrisons stores in Warminster, Devizes, Chippenham and Bath which are closer to parts of that Catchment Area than the application site.

Furthermore, Trowbridge already has seven supermarkets, providing choice and competition rarely seen in a town of its size. This very wide range and choice of foodstores is illustrated below:

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- > Tesco (Extra), County Way, 6,910sq.m. sales
- > Sainsbury's, British Row, 3,674sq.m. (as recently extended)
- > Asda, The Shires Shopping Centre, 2,330sq.m.
- > Iceland, The Shires Shopping Centre, 750sq.m. approx
- > Budgens, Hackett Place, 600sq.m. approx
- > Lidl, Canal Road, 1,097sq.m.
- > Aldi, Bradley Road, 763sq.m.

Despite this level of provision, PBA insist that a qualitative need exists for another store. They claim that the proposed Morrisons store at 3,754sq.m. sales area is necessary to compete with Tesco. However, it should be noted that the proposed store is approximately the same size as the Sainsbury's store and only just over half the size of the Tesco store. This raises serious doubts about the claim that the ODL foodstore proposals are intended to compete primarily with the out-of-centre Tesco, as explained below.

Trade Diversion

PBA state that the proposed Morrisons store will compete on a 'like for like' basis with other large stores in the catchment area. We agree with this statement as a general proposition. However, we strongly disagree that the store will compete primarily with the Tesco store on County Way and to a lesser extent with Asda and Sainsbury's stores in Trowbridge (PBA apply a trade diversion 'weighting' of 2.25 to Tesco and only 1.5 to Asda and Sainsbury's).

— Tesco occupies an out-of-centre location and as noted above, is significantly larger than the Sainsbury's and Asda stores in the town centre. The proposed Morrisons will be closer to, and only slightly larger than, these two centrally located stores. Adopting the 'like for like' principle, it is clear to us that these two factors will result in a higher-than-estimated amount of trade being diverted from Asda and Sainsbury's to the proposed Morrisons food store.

Turning to comparison goods, PBA's assessment of trade diversion to the non-food element of the proposed development is also flawed. PBA estimate that 21% will be diverted from out-of-centre stores in Trowbridge and only 14% from town centre stores. Given that the vast majority of out-of-centre comparison goods floorspace in Trowbridge is devoted to the sale of bulky goods, this is inconceivable when the two proposed retail units (and the 901sq m of non-food space in the Morrisons) are intended primarily for the sale of non-bulky items.

Consequences of Deficiencies in the NPPFRLA

The deficiencies identified above lead us to conclude that:

- > There are sequentially preferable sites available to accommodate the retail elements of the ODL scheme;
- > This loss of trade will be higher than estimated and will result in a significant adverse impact on the vitality and viability of Trowbridge Town Centre.

The failure to comply with the sequential test and the impacts identified above are contrary to NPPF policy and Policy SP3 of the WWDP.

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Conclusions

There are clear grounds for objection to the ODL proposals for mixed use development at the former Bowyers Factory site:

The application site is identified for housing and business uses,
There is no need for a new supermarket,
The proposals fail the sequential test, as there are suitable, viable and available sites in the Town Centre, and
Impact levels on key retailers in the Town Centre are at a scale which warrants careful consideration as to their significance on the vitality and viability of the Town Centre

In light of the above, the proposals are in conflict with the Development Plan, the emerging Development Plan, and National Policy.

In addition, the submitted NPPFLRA is deficient in a number of areas, and does not form a sound basis upon which to assess the key retail policy tests set out in the NPPF and the Development Plan.

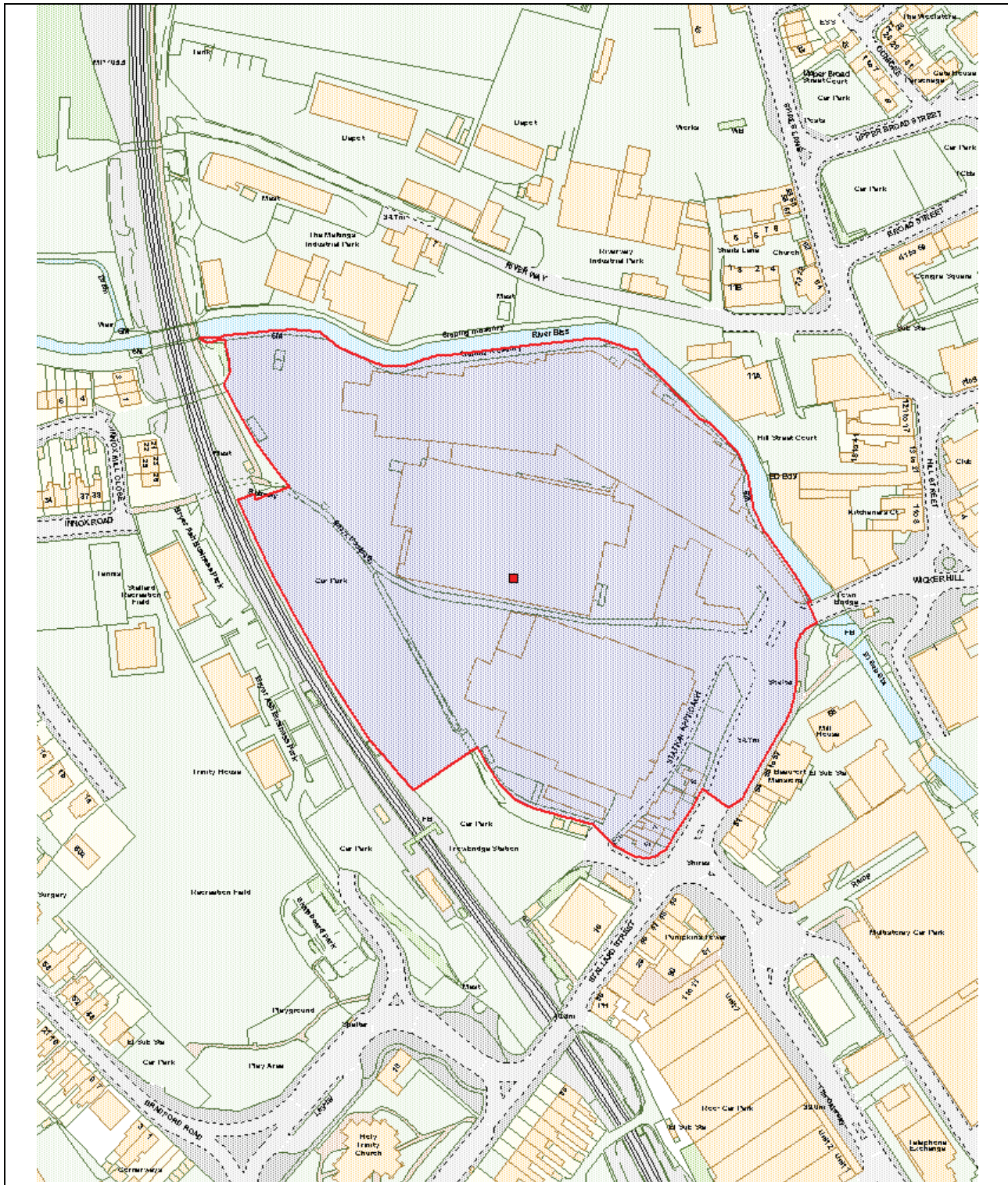
In conclusion, the proposed development is contrary to WWDP Policies SP3, WCS and NPPF policy. Accordingly, it is clear that this new planning application has not addressed the previous reason for refusal relating to the significant adverse impact on the holistic planning of Trowbridge Town Centre and planning permission should be refused.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Kevin Hodgson', written over a faint circular watermark.

Kevin Hodgson
Associate Director

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	13.02.2013		
Application Number	W/12/00687/OUT		
Site Address	Land East Of Damask Way Smallbrook Lane Warminster Wiltshire		
Proposal	Demolition of 66 Damask Way and erection of 23 dwellings (Outline application to determine access)		
Applicant	Greatworth Developments Ltd And JV, PW & NV Robinson		
Town/Parish Council	Warminster		
Electoral Division	Warminster East	Unitary Member:	Andrew Davis
Grid Ref	387742 144160		
Type of application	Outline Plan		
Case Officer	Mrs Judith Dale	01225 770344 Ext 01225 770245 judith.dale@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * Scale of development
- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Environmental/highway impact

1. Purpose of Report

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

Neighbourhood Responses:

These are reported in section 9 below

Town Council Response:

This is reported in section 7 below

2. Report Summary

The main issues to consider are:

- The principle of the development
- Highway and access considerations
- Visual impact in the landscape
- Drainage considerations and impact on biodiversity
- Impact on heritage assets
- Impact on residential amenity
- Contributions

3. Site Description

The application site comprises an irregularly shaped area of land located immediately to the rear of Damask Way, a residential cul de sac marking the south east extent of the built up area in this part of the town. The site measures just under a hectare and forms the western end of a much larger area of land within the same ownership which extends from the River Were to the north, to Upper Marsh Road/Smallbrook Road to the south.

The development land is currently rough grassland, generally level, and has the appearance of a flat topped plateau which rises steeply up from the adjoining river valley and road network. With the exception of the western boundary which is marked by the fenced rear gardens in Damask Way, the site is undefined on the ground, but generally reflects the existing pattern of contours which extend along this ridge. Access to the land is currently via a privately owned and gated unmade track which emerges onto Upper Marsh Road in the extreme south west corner; pedestrian access is currently possible (but not authorised) from a largely unmarked public footpath (WARM53) which crosses the applicant's land from north to south as part of a wider network.

There are extensive views out from the site but views from public viewpoints are largely limited to those from the nearby footpath.

In terms of the wider planning context, the site is within the town boundary limit and is not covered by any formal landscape or conservation designation.

4. Relevant Planning History

There is no formal or relevant planning history on the site.

5. Proposal

This is an outline application which proposes the demolition of no 66 Damask Way located at the head of the cul de sac to enable an extension to the road and the erection of 23 dwellings on land to the rear. All matters are reserved with the exception of the access arrangements.

An indicative drawing shows a T-shaped road emerging from the northern site boundary with the proposed residential units fronting directly onto the 3 separate 'arms'. This layout proposes a mixture of 2-5 bed units, with a predominance of 3 and 4 no bed dwellings, in a combination of detached, semi detached and terraced forms. The development will be limited to 2 storeys in height with typical elevations indicating heights in the region of 8m. Parking is suggested as being predominantly within garages with a limited number of parking spaces where necessary.

An emergency access route for vehicles is shown utilising the existing access onto Upper Marsh Rd to link with the head of the proposed cul de sac; the existing pedestrian right of way to the east of the site will remain unaltered.

The application was originally supported by a Planning, Design and Access Statement; Foul and Surface Water Drainage Assessment; Ecological Impact Assessment; Landscape and Visual Appraisal and Landscape Strategy; Arboricultural Implications Assessment, Tree Constraints and Protection Plans; and Transport Statement. An Archaeological Evaluation and Trial Trenching Survey; Daytime Bat and Nesting Bird Survey Report, long and cross sections of the access road; updated Foul and Surface Water Drainage Assessment, and typical house elevation details were subsequently submitted as part of the application process.

6. Planning Policy

(i)Government Policy

National Planning Policy Framework (NPPF)

- states a presumption in favour of sustainable development which means ‘approving development proposals that accord with the Development Plan without delay’
- promotes economic, social and environmental gains to deliver sustainable development which includes providing the supply of housing required to meet the needs of present and future generations
- states that housing applications should be considered in the context of the presumption in favour of sustainable development

(ii) Development Plan

Wiltshire Structure Plan 2016

DP1 – Priorities for Sustainable Development

DP4 – Housing and Employment Proposals

DP7 – Housing in towns and main settlements

West Wiltshire District Plan 1st Alteration 2004

C4 – Landscape Setting

C31a – Design

C32 – Landscaping

C38 – Nuisance

R11 – Footpaths and Rights of Way

H1 – Further Housing Development within Towns

H2 – Affordable Housing within Towns and villages

H24 – New Housing design

S1 – Education

T12 – Footpaths and Bridleways

I1 – Implementation

U1a – Foul Water Disposal

U2 – Surface Water Disposal

West Wilts Leisure and Recreation DPD

LP4 – Providing recreation facilities in new development

(iii) Emerging Development Plan

Wiltshire Core Strategy (WCS)

Warminster Area strategy – ‘to increase the level of employment, town centre retail and service provision, along with residential development, as part of sustainable growth.’ (para 5.154)

CP31 – Spatial Strategy: Warminster Community Area

...states that between 2006 to 2026, at least 1770 new homes will be provided within the community area of which 1650 will be at Warminster with 180 on windfall sites still to be identified.

CP43 – Providing affordable homes

CP45 – Meeting Wiltshire’s housing needs

CP50 – Biodiversity and geodiversity

CP51 – Landscape

CP57 – Ensuring high quality design and place shaping

CP21 – Transport and Development

CP69 – Protection of the River Avon SAC

(iv) Supplementary Planning Guidance

SPG – Design Guidance – Principles

SPD – Residential Design Guide

7. Consultations

Warminster Town Council

Original plans/information:

Objection – ‘The proposed main site access by demolition of number 66 creates an unacceptable extension of this small housing estate of Damask Way. The demolition will result in a sharp dangerous corner with an adverse camber. Furthermore the so-called “emergency vehicle access” at its point of entry to Upper Marsh Road is unacceptable as it occurs at a very narrow pinch point’.

Attached to this response is an extract from the Council minutes which notes that 70 members of the public attended the meeting, 9 spoke against the proposal and a petition with 271 signatories was handed in to the meeting.

Additional information:

Re-iterates earlier objection

Spatial Planning Officer

‘There are no strategic policy objections to the principle of development on this site; however site specific issues must be fully and adequately addressed to the satisfaction of the relevant specialist officers before the proposals can be completely supported.’

Highway Officer

Notes that the development site is within the town boundary; that the proposed road layout and junctions conform to existing guidance; that the development includes an emergency access which can be properly controlled; that walking distances to the nearest bus stop are no greater than existing dwellings in Damask Way; that trip rates within the existing residential site are lower than the national average and the road network can accommodate the proposed increase in vehicles.

Consequently, raises no objection on grounds of highway safety subject to conditions requiring subsequent approval of road and other highway details and an informative expanding on the detail required.

Environment Agency

Original plans/information:

No objection to proposed development but notes that the site will have implications for surface water drainage. Recommends condition requiring surface water drainage scheme to be approved and informatives relating to this drainage scheme, necessary Flood Defence Consent for any works within 8m of the top of the bank of the Swan River and the prevention of pollution during construction.

Additional information:

Notes conclusions of Foul and Surface Water Drainage Assessment and re-advises previously recommended condition regarding surface water drainage scheme.

Wessex Water

Original Plans/information:

Commented that for water supply purposes, an off site mains extension would be required; there are no storm water sewers and the land drainage authority’s consent would be required to drain to the water course to the north east; no building works would be permitted within 6m of the existing foul pumping main; new development will be required to provide additional storage at pumping station site; existing water main in Damask Way may need to be lowered; a new storm sewer to the north east of the site may ‘clash’ with an existing asbestos cement foul main; demolition of no 66 will require existing connections to be sealed off; there are inaccuracies within the submitted information which claim there are no issues regarding foul drainage

Additional information:

Notes that the revised drainage assessment recognises the need for Wessex Water to revise the impact on the downstream pumping station; additional works, improvements and contributions will be agreed under a S104 adoption agreement.

Archaeologist

Original plans/information:

Notes the site is of archaeological interest with the majority of the red line within the medieval settlement of Henfords Marsh. Recommends an archaeological field evaluation is carried out prior to determination in accordance with NPPF advice.

Additional information:

Notes that the result of the evaluation has revealed important archaeological remains dating from the early Neolithic period with pottery, burnt flint and charcoal indicative of domestic use. While these may be discreet and isolated features, further features may be present and it is recommended that a condition is attached requiring a programme of archaeological investigation.

Natural England

Original plans/information:

Objects to the application as there is insufficient information to determine whether the proposal is likely to have a significant effect on the River Avon SAC and River Avon System SSSI. In respect of protected species and wildlife habitats, refers to the Council's Ecologist's comments and welcomes biodiversity enhancements; in respect of landscape issues, welcomes landscape analysis, recommends consultation with AONB unit and advises use of native and local flora in planting schemes

Additional information:

Foul and Surface Water Drainage Assessment demonstrates that water draining from the development can be attenuated via soakaways and drainage from highways accommodated within the existing/upgraded system; also potential for all footways, driveways and patios to be surfaced with permeable paving. On the basis of this mitigation, withdraws its objections to the proposal subject to conditions requiring submission of a surface water drainage scheme and the development providing/funding additional storage at Warminster pumping Station and other improvement works to satisfaction of Wessex Water.

In respect of bat survey, refers to advice from Council's Ecologist.

Ecologist

Original plans/information:

Inadequate information submitted

- to enable a proper assessment on the River Avon SAC; further details required on surface water drainage scheme and SUDs
- to demonstrate proposals will not have detrimental impact on Smallbrook Meadows County Wildlife Site (CWS)/Local Nature Reserve (LNR)
- on presence of roosting bats in dwelling to be demolished

Additional information:

- confirms that an adequate drainage scheme can be implemented to prevent any significant impact on the River Avon SAC or County Wildlife Site and supports proposed condition recommended by EA;
- potential for detrimental impact on CWS from increase in recreational pressure can be mitigated by additional recreational space to east of residential area, buffer planting and other measures to be considered as part of future landscape plans
- Regarding impact on protected species recommends conditions requiring Construction Method Statement and an update inspection of the building prior to demolition for the presence of bats.

Wiltshire Wildlife Trust

Original Plans/information:

- Objection to the development on grounds of potential impact on adjacent Smallbrook Meadows Nature Reserve and nearby River Avon SAC; - - Ecological Impact Assessment is deficient in assessing impact of elevated phosphate levels from additional sewage discharges and no assessment of potential impacts on local hydrology and wetland nature reserve.

Spatial Landscape Officer

Comments that the submitted Landscape and Visual Appraisal has explored the 5 key landscape constraints identified at pre-application stage and developed a robust design solution which will 'provide overall enhancement to the edge of Warminster and its wider landscape setting'.

Landscape Officer

No reason to refuse this application on arboricultural or landscape terms; recommends conditions relating to implementation of method statement and tree protection plan, arboricultural supervision, approval of landscaping details and implementation of landscaping details.

Leisure Manager

- Requests contribution of £16024 towards leisure provision; in accordance with Leisure Services Strategy (Indoor Facilities Action Plan), would normally advocate contribution spent on projects at Warminster Sports Centre, but due to location of site close to Warminster Park, requests contribution be directed towards development of Tennis Pavilion.
- Requests contribution of £15,297 towards open space provision and for upgrade of skate park in Warminster Park

Rights of Way Officer

Notes an existing right of way which passes to the east of the site (WARM 53) and likely demand from residents of the new development to access this directly; initially requested that a link, together with appropriate way marking was considered as part of the scheme, but following confirmation that this would involve third party land, does not have any overall right of way concerns.

Education Officer

- Notes that the development generates the need for an additional 7 primary and 5 secondary places at the designated schools which are Sambourne Primary and Kingdown Secondary
- Sambourne Primary has very limited capacity in permanent accommodation (27) and contributions are required from all developments within the designated area to upgrade to provide permanent places; required contribution to 7 primary places (£12713) of £88,991
- Kingdown School is currently full and required contributions to 5 places (£19155) of £95,755; this figure does not take account of the pupil product from other small developments in the area requiring a further 7 places.

Arts Development Officer

Requests a contribution to a 'creative arts programme as part of community engagement' of £6900.

8. Publicity

The application was advertised by site notice, press notice and neighbour notification and has attracted a great deal of local objection.

Summary of points raised:

Some 60 individual letters of objection (this includes several from same respondents) have been received raising the following points:

- loss of surrounding open environment
- unacceptable increase in traffic on local roads which are already inadequate
- increase in roadside parking and consequent road congestion on narrow roads
- increase in delivery vehicles
- unacceptable vehicular access through Damask Way instead of from Upper Marsh Road
- in the event of the development going ahead, a 20mph zone would need to be declared within Damask Way

- exacerbation of already dangerous highway situation in Upper Marsh Road
- highway safety concerns for children who play within the existing cul de sac and learner drivers and cyclists
- requirement to provide separate emergency access confirms proposed situation within Damask Way is not suitable
- inadequacy of existing drainage system to accommodate additional dwellings
- exacerbation of flooding within Smallbrook Lane
- impact on stability/structure of existing bungalows
- impact on existing utility services
- impact on wildlife in adjoining Smallbrook Meadows; reference has been made to badgers, foxes, deer, mayflies, dragonflies, damselflies, water voles, squirrels, common snipe, water rail, kingfishers, dippers, buzzards, magpies, hedgehogs, wild orchids
- impact on existing public footpath network
- unnecessary loss of existing bungalow to allow for proposed access
- safety issues during construction
- proposed terraced units and form of development would be out of keeping in area
- permission will lead to future development of rest of field
- loss of trees
- NPPF places emphasis on localism and the application should be balanced against the views of the affected community (which opposes the development)
- the site is not allocated for development
- target growth figures for new housing could be met elsewhere within the town
- concerns over the description of the development site
- concerns that this application is a 'political formality' and that a decision has already been made to approve the scheme

In addition, there has been submitted:

- a petition with 271 signatories including signatures from residents in the area and staff and parents of Weymouth St playgroup (26); the petition refers to additional volumes of traffic along Upper Marsh Road and Damask Way, accident black spots in Upper Marsh Road, potential damage to surface of Damask Way from construction lorries, the need for a separate emergency access into the site; the likelihood of this application being a forerunner of further application to develop the rest of the land.
- a detailed and comprehensive submission on behalf of family members who are residents of Damask Way; this considers development plan policy, highway safety & traffic, design, appearance & layout, impact on levels of daylight & privacy, conservation of buildings, trees & open land, impact on the countryside and noise, disturbance & smells.
- a letter of objection from the Warminster Civic Trust on the grounds that the original Damask Way development did not envisage any proposed extension, the loss of a 'perfectly good dwelling', the increase in traffic, creation of piecemeal development, the detrimental impact on the surrounding environment and existing residential amenities. In the event of the site being considered suitable for development, it should be self contained 'with its own entrance and exit from the main road'.

9. Planning Considerations

Principle of development

This site has been the subject of very considerable pre-application discussion on the principle of releasing this site for housing development and notwithstanding the prevailing local view, there is no fundamental spatial planning objection to the principle of this scheme.

- the site is located well within the adopted Town Boundary Limit where appropriate proposals for residential development are acceptable in principle (H1)
- one of the relevant criteria within policy H1 is that housing developments do not result in the loss of an open area or visual gap important for recreation or amenity reasons. While the land is clearly an open area, it could not be regarded as a gap between development lying as it does between

countryside to both north and south, and as an unmanaged area of grassland, it has limited intrinsic amenity value other than its openness. In terms of its recreational value, since it is an unfenced area of land which lies close to an undefined PROW, it has been used informally over the years by pedestrians and dog walkers. However, this accidental usage does not define it as a public recreational facility and its development will not involve the loss of any public open space.

- as part of the Inquiry into the current West Wiltshire District Plan, the Inspector directed that boundary limits should be drawn around the 5 major towns including Warminster; no objections were raised to the inclusion of the application site within the proposed boundary line and the Inspector did not consider it necessary to reconsider the position of the boundary or inclusion of this land with potential for development.

- the emerging Wiltshire Core Strategy (WCS) identifies the need for an additional 1,770 dwellings in the Warminster Community Area in the plan period (2006-2016) of which 1,650 would be expected in Warminster. Once existing completions, permissions and strategic allocations are considered, there remains a requirement for a further 180 dwellings to be identified on windfall sites within the town, of which the current scheme could deliver 23.

- the WCS does not include any proposal for altering the existing boundary for the town which reinforces the historic policy position and provides an up to date presumption that the land remains suitable, in principle, for housing development.

- as part of the evidence underpinning the preparation of the WCS, the Strategic Housing Land Availability Assessment (SHLAA) has identified the application site together with a larger parcel to the east as suitable for residential development within the next 5 years. The application site straddles areas 606 and 259 which together identify a total of just under 5 hectares to potentially deliver 111 dwellings at a density of approx 22dph. The current proposal to deliver 23 units on part of that identified land (at a similar density) would clearly be in accordance with future planning policy for this area.

- the WCS states that within the Warminster Community Area, there will be 'an increase in future housing in Warminster, compared to historic trends ..' by 2026; this presumes, and depends on, appropriate sites such as the current application site coming forward for development.

- The NPPF states clearly in para 14 that there is presumption in favour of sustainable development which for decision making, means 'approving development proposals that accord with the development plan without delay'; in terms of the current plan (and emerging Core Strategy) which would consider this site to be suitable in principle, government policy would support this development.

It is accepted that there are a number of constraints to development on the site including the proximity to the flood plain, proximity to areas of importance for wildlife, a nearby Special Landscape Area and a historic use of the land by the public for informal recreation; it is also accepted that there are a number of site specific issues which require to be addressed and these are considered in greater detail in the following sections of the report. Notwithstanding, it is clear that there are no strategic policy objections to the residential development of the land and no fundamental reason for refusal of this application.

Highway and access considerations

A - Vehicular access

Although this is an outline application, access is included for determination at this stage although precise details relating to the internal road layout, level of parking, and location of driveways would be for determination at the reserved matters stage.

There are 2 vehicle access elements to this proposal – the main proposed access to the development through the head of the cul de sac in Damask Way and the separate provision of a secondary emergency access onto Upper Marsh Road. The main access will require the demolition of no 66 and the extension of the side of the existing turning head to link directly into the development site in its northern corner with a 5.5m wide roadway and a single 1.8m footway on its south western side. The

indicative layout shows the new internal road as a T-shaped cul de sac generally following the triangular shape of the site.

The secondary emergency access would extend from the head of the new road and through the southern boundary of the site broadly following the line of an existing surfaced and sloping farm track which emerges onto Upper Marsh Road. This is to comply with the Council's Residential Road Design Guide which requires that culs de sac serving more than 50 dwellings shall have alternative access for use in the event of an emergency (the southern arm of Damask Way together with the proposed scheme would exceed this figure). The precise line of the emergency route and degree of improvement work is for consideration at reserved matters stage but it is accepted that for the anticipated levels of use, the minimum of construction work and upgrade is necessary. At its junction with Upper Marsh Road, it is proposed to install a demountable bollard that could be removed in the event of use by an emergency vehicle.

The majority of local objection to the scheme has been focussed on the highway aspects of the development with most respondents referring to the inability of Damask Way to safely accommodate the additional traffic; the fact that the existing cul de sac is regularly used by learner drivers, cyclists and residents' children; the danger of increased traffic levels within Upper Marsh Road which in part is a single track road and already inadequate; the likelihood of additional parking with the roadways to increase current levels of congestion and the inadequacy/danger of the access point of the emergency route.

As regards highway matters, Policy H1 of the District Plan requires a scheme for residential development to provide safe and convenient access to existing transport networks and the highway 'without creating transport problems'; the NPPF requires Transport Statements/Assessments to support schemes generating significant traffic and decisions which provide 'safe and suitable access to the site for all people'. It also goes on to advise that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'.

The application is supported by a Transport Assessment which considers both the existing highway situation and anticipated proposed scenario. It notes a local bus service within 450m of the site and a full range of bus and rail services, shops and schools within the town. The assessment shows that the nearby road network shows no discernible traffic congestion or queuing and survey work has identified approx one vehicle/60 secs (am) and one vehicle/40 secs (pm) using the Damask Way/ Upper Marsh Road junction. Using similar trip rates, it is predicted that there would be an increase of 11% (am) and 12.5% (pm) using this junction. It is your officer's view that this estimate is perhaps unrealistically low since many of the existing residents are of retirement age while the age profile of the development is more likely to reflect the national average; however, there is no evidence within the report that suggests that higher levels could not be reasonably accommodated.

The Highway Officer makes it clear in the consultation response that there are no objections to the scheme on the grounds of highway safety or sustainability – the site is within the existing planning boundary for the town; existing and proposed road layouts and junctions conform to current residential road design guidance; the scheme includes the provision of an emergency access as required; vehicular use of this access can be properly controlled; although walking distance to the nearest bus stop is greater than the 400m advised nationally, there are already a number of dwellings in Damask Way and Poulson Close that are further than this and could not reasonably be resisted on such grounds; notwithstanding, the provision of the emergency link will open up the south eastern end of Damask Way for more convenient cycling and walking and improve accessibility for existing residents. In terms of predicted traffic generation, while the development would generate an increase in the overall number of vehicles, the point is made that current trip rates are lower than the national average but the existing road network conforms to standard guidance and is considered suitable to accommodate the proposed increase.

In the absence of any highway objection or objective assessment that the development would have a 'severe' impact on the existing traffic position, there is no defensible reason for refusal on highway grounds. It is acknowledged that this view is not shared by the majority of residents in the vicinity but the perceived highway concerns are not supported.

The Highway Officer has included a number of observations regarding the design of the internal road layout which would have to be addressed as part of any reserved matters; these include comment on parking levels, garage sizes, access details for individual plots and details of the transition between Damask Way and the new road. These minor matters can be appropriately referred to in an informative and do not prevent the main access arrangements being approved as part of this development.

B - Pedestrian access

The submitted Transport Assessment notes that there are continuous footpath links from the site to the town centre – a formal footway network via Damask way, Upper Marsh Rd and Weymouth St (approx 1000m) and a more informal footpath network to the north and north west of the site via Bourbon Way and through Warminster Park with its various leisure opportunities. Estimated distances to Morrisons supermarket via this route are given as 850m and a walking time of under 15 minutes.

Immediately to the east of the site and its proposed landscaped area is the route of public footpath WARM53 which runs in a north/south direction to link Upper Marsh Rd with the existing informal footpath network. This PROW is currently ill defined across the open grassland but will not be affected by the proposed development other than in a positive visual way with a proposed native hedge along part of its route and the opportunity for improved signage. It was a consideration/hope in pre-application discussions for a direct new footpath link between the new development and this PROW but this has not proved possible since third party land is involved. The Council's Access Development Officer does not consider this to be prejudicial since the Damask Way/Warminster Park route would continue to provide good access north west to the town centre while the proposed emergency exit link would actually open up an additional pedestrian link heading south towards Upper Marsh Road. An improved link to the north east and the nature reserve would not be delivered but existing circular walks to this area would still be possible via the park and Smallbrook Lane.

In overall terms, therefore, this scheme would have a marginally improved impact on the existing pedestrian network in line with policies R11 and T12 which seek to protect, enhance and extend the public rights of way system where opportunities arise through new development proposals.

Visual impact in the landscape

Since this application is in outline form only, the full details of the proposed development are unknown and a full assessment of its overall impact in the landscape is necessarily limited. However, the proposal does set out the general access arrangements, an indicative layout and scale parameters for the proposed dwellings as currently required by the legislation to enable an informed appraisal.

The accompanying Design and Access Statement refers to a low density development at approx 23 dph, 'creating an appropriate transition between the town and countryside beyond' and which 'will enhance local landscape character and the setting of the town'. The approach to the development has been informed by a detailed Landscape Appraisal and Strategy which notes that the site

- is located some distance from an Area of Outstanding Natural Beauty and does not lie within a Special Landscape Area.
- is within the town boundary limit where there is a presumption in favour of development; the fact that the land was included within this boundary but excluded from the SLA 'is an indication that development is likely to be acceptable in this location in principle'.
- lies within the landscape setting of the town where the policy is to protect important physical features that are an integral part of the character and setting; there are no such features within the site which represents a small extension to a residential area.
- comprises species-poor unused grassland with no special landscape features, although it is naturally contained by two mature tree belts, the Were valley and a local nature reserve which more readily define the landscape structure and character.
- despite its elevated position, is surprisingly discreet within the wider landscape; views towards the site are limited by landform and vegetation with the mature tree belts directly north of the site and along Upper Marsh Lane forming significant features and screens.
- can be viewed within a context where there is already development on either side of the Were valley forming prominent built edges and skyline development

- is clearly open to view from the section of public footpath that crosses to the east from which immediate views are of the abrupt and poor visible edge of the houses in the Damask Way estate; the perception is of an urban fringe landscape with unmanaged land extending to the current built edge in contrast to other built edges which are well integrated by vegetation.
- is largely imperceptible in distant views from the chalk downs north of the town, appearing simply as a small undeveloped area attached to the built up area.

This appraisal has been fundamental in informing the proposed development and has had a strong influence on the location and extent of the scheme. This includes

- only developing a small portion of the available land, with the development site as an extension to Damask Way and part of the blue edged land retained as an 'off-site strategic landscape area' which 'assimilates development into the landscape and creates a transition between the town and countryside beyond'.
- setting back the housing development from the edges of the plateau top to minimise the visual impact.
- following the contours of the land where possible to provide a softer and more natural external boundary to the residential development in contrast to the abrupt and rigid edge to the existing housing area.
- incorporating the 'strategic landscape area' as part of the overall proposal; this retains and manages the existing tree belts to the north and south, provides extensive buffer planting adjacent to these tree belts to extend the woodland areas, includes small native copses and stands of trees and proposes native hedges and trees around both the development site and the external edge of the landscape area. The existing grassland would also be managed for hay production and/or sheep grazing. The precise details of the landscape area and its management would be for approval as part of any subsequent Reserved Matters application but its objective is 'to create a long term well landscaped and appropriate edge to the town'.
- limiting development to a modest density of 23 dph, comparable with the adjoining residential development and to 2 storey dwellings only. These are described as having 'typically vernacular portions' with ridge heights between 7.1 and 7.8m'; indicative elevations show typical 3, 5 and 5 bed houses incorporating these parameters. While these dwellings would be higher than the bungalows/chalet bungalows in Damask Way (the highest differential would be approx 2.3m), this, in itself, would not make for an inappropriate transition development. From both distant and close views, the extent and location of proposed landscaping will tend to minimise the overall impact and conditions could be imposed on an outline permission limiting the overall height of any buildings to ensure that the scale remains appropriate in this context and not contrary to the requirements of Policy C4 (to prevent inappropriate development which would have a detrimental effect on the views into and out of Warminster). It is your officer's view that the ultimate height of development should be controlled in this case (perhaps even lowered from that being indicated) and proposed condition 4 refers.

- no lighting of the emergency access route

- the removal of only 3 trees which are in proximity to the proposed emergency access route and which are of low arboricultural, amenity and landscape value; the Landscape Officer has no objection to their removal and otherwise finds 'no reason to refuse this application in arboricultural or landscape terms'. Appropriate conditions are, however, recommended.

As part of the pre-application process, the Council's Spatial Landscape Officer identified 5 key landscape constraints to developing this site – the setting of the AONB; interface with the countryside; visual prominence; amenity of residents and from public rights of way; and change in the landscape character. She comments that the landscape appraisal has explored these landscape issues and developed 'a robust design solution which will provide overall enhancement to the edge of Warminster and its wider landscape setting.' While it is recognised that the final design may require modification as part of any successful reserved matters application, it is considered that 'in principle all landscape

issues have been considered at this stage'. On that basis, there would appear to be no overall landscape reason for resisting this development.

Drainage considerations and impact on biodiversity

The application site lies close to a number of important ecological habitats – Smallbrook Meadows County Wildlife Site (CWS) and Local Nature Reserve (LNR); the Were (Swan River) which flows into River Avon Special Area of Conservation (SAC) and the River Avon System Site of Special Scientific Interest (SSSI) which is part of the wider SAC. The impact on all is a material consideration under The Habitats Regulations, the NPPF and current and emerging policy.

a) River Avon SAC

The condition of this SAC is vulnerable to changes in hydrology and water quality and new development can have a detrimental impact from an increase in phosphate loading (from additional sewerage discharges) and surface water drainage. Deficiencies in the original Ecological Impact Assessment and lack of detailed information on the proposed surface water drainage scheme attracted objections from both Natural England and the ecologist on the grounds that there was insufficient information to determine whether the proposal would have a significant effect on the River Avon SAC.

A detailed surface water drainage assessment subsequently confirmed that water draining from the development can be attenuated via soakaways within or near to the development and that drainage from the highways can either be accommodated in the existing highway system or that system upgraded to allow for the increase; storm drainage will continue to run off to the west and east, mirroring the flow characteristics of the existing undeveloped catchment. The report also outlines the potential for all footways, driveways and forecourts to be surfaced with permeable paving.

With regard to concerns over phosphate levels caused by additional foul sewage flow, this would be addressed by additional storage and improvement works to the nearby pumping station (required by Wessex Water); additionally, the Environment Agency has already assessed anticipated discharges from new housing (projected by the Wiltshire Core Strategy) and has concluded that the likely increases are compliant with the Habitats Regulations.

On that basis, the proposal would not have a significant impact on the River Avon SAC and subject to appropriate conditions ensuring the delivery of a surface water scheme based on the measures already outlined and the provision of additional storage at the Pumping station, no objection is raised.

b) Smallbrook Meadows CWS

This is notified for its neutral grassland and wetland habitats and the species they support and new residential development can damage these vulnerable habitats through an increase in recreational pressure and changes in the local hydrology.

The subsequent drainage report demonstrates that an adequate drainage scheme can be implemented to serve the development and that there is no requirement for any construction work to take place within the CWS which might affect the hydrology.

In respect of any increase in recreational pressure, the proposed landscape strategy offers space to the east of the housing area as an alternative recreational area while the buffer planting will retain the existing access point. Further measures to divert pressure from the CWS and manage formal access to it, such as signage, could and should be considered in the development of the detailed landscape plans but no detrimental impact on the CWS is now anticipated.

c) Protected Species

- The demolition of 66 Damask Way has the potential to result in a breach of legislation if roosting bats are present; a revised bat and nesting bird survey indicates no evidence of roosting bats but

opportunities for crevice-dwelling species to use the loft space. The Ecologist supports the recommendation for an update inspection of the building prior to demolition.

- Small numbers of reptiles are likely to be present along the field margins and within the western boundary and a detailed Construction Method Statement (CMS) will be required prior to any works commencing on site.

- A badger sett has been identified along the north eastern band of trees together with acknowledged badger activity across the site; an updated badger survey will be required prior to the commencement of any construction work and a CMS drawn up as required.

- the tree and scrub habitat along the field boundaries is potentially used by foraging/commuting bats and is important locally for wildlife. The retention of the tree belts together with additional planting, the planting of copses and a native hedge alongside the PROW will provide biodiversity enhancements, creating new habitat opportunities for wildlife and improving connectivity.

- the submitted ecology report also proposes a number of additional biodiversity elements, such as swift bricks and bat bricks within some of the new buildings.

All relevant consultees are now satisfied that the proposed development will minimise impacts on existing biodiversity while providing net gains where possible in line with the NPPF requirements for conserving and enhancing the natural environment.

Impact on heritage assets

The site is of archaeological interest with the majority of the red edged land lying within the medieval settlement of Henfords marsh. As required by the NPPF, the significance of any heritage asset and the impact of any development on that asset must be properly considered and an Archaeological Evaluation Survey, a magnetometer survey and Trial Trenching Survey were all subsequently submitted as part of the application.

The Archaeologist confirms that the studies to date have revealed some early neolithic remains suggestive of domestic use at the eastern end of the site and while these may be discreet and isolated finds, further features are likely to be present. This requires further evaluation works to be carried out but this can be properly controlled via a pre-commencement condition and would not prevent a permission being granted.

Impact on residential amenity

The proposed development is located immediately adjoining an existing residential area on open land which, although privately owned, has for many years been informally used and accessed by the general public as a general recreation area; in addition, the main vehicular access to serve the development is via an extension to the existing residential cul de sac. Under these circumstances, it is to be expected that the application would attract a great deal of local objection as detailed in section 8 of this report. Many of the concerns raised, particularly in respect of the principle of the development, highway safety issues and impact on biodiversity have already been addressed elsewhere in the report but the impact on existing amenity is a material consideration.

Policy C38 states that proposals will not be permitted which would detract from the amenities currently enjoyed through matters such as loss of privacy or overshadowing and levels or types of traffic generation. The subtext states that when determining the location of new housing, due regard must be given to the proximity of the development and likely impact on potential future occupiers.

The submitted Design and Access Statement notes that, as advised, consultations were carried out with the local community prior to the submission of the application. Consultation with representatives of the Town Council attracted 'no objection in principle to the proposals, although this view would appear to have changed in the interim with an objection now being maintained primarily on highway grounds. In addition, those residents immediately adjoining the site in Damask Way were approached and where feedback was received, the illustrative layout was revised accordingly; as a result, some of

the anticipated amenity concerns have been mitigated. However, the following amenity aspects of the scheme are relevant:

- the development will clearly generate an increase in traffic using Damask Way which existing residents may consider unacceptable. Reference is made to the use of the cul de sac as a play area, an area for learner drivers and cyclists and convenient roadside parking but the evidence shows that the road is under used when compared to a national average and clearly has capacity to accommodate additional numbers. The extent to which this would reduce existing amenity cannot be measured but it would be difficult to sustain an argument of specific loss of amenity as a result of additional vehicles using existing public infrastructure designed for that use.

- the demolition of the existing bungalow at the head of the cul de sac to create the road extension will have a more immediate impact on the adjoining properties nos 65 and 67 whose rear gardens would flank the new roadway. While this will clearly introduce a new element with potential for traffic noise and general activity, the gap between these 2 properties is approx 14m with the proposed road and footpaths occupying 9m and the remainder of the space as open verges. As illustrated, the nearest point of the roadway to the actual buildings measures 4m and 6m which is not unacceptable and additional benefit can be secured by ensuring robust boundary treatment (such as solid boundary walls) and appropriate planting within the verge to minimise noise levels. The illustrative plan, which would form the basis of the agreed roadway, states clearly that details of the boundary treatment are to be agreed with the adjoining properties which, together with an appropriate condition and informative (nos 17 and 4 respectively), will ensure that this aspect of amenity is properly considered.

In addition, the proposed roadway will be constructed approx one metre lower than existing land levels which will help to further reduce noise levels and eliminate the possibility of overlooking of the rear garden space by pedestrians and drivers.

- to mitigate overlooking and loss of privacy, the illustrative layout has been carefully designed to ensure that there are no new dwellings 'back to back' with existing properties in Damask Way but 3 dwellings only with blank side gables and at reasonable distances; there are no dwellings proposed immediately to the rear of nos 58-62; although proposed plots 1 and 23 are indicated 'in the line of sight' of nos 65 and 67, the height and design of these units could reflect this relationship and be adjusted accordingly; planting is indicated along the existing rear boundary which would soften the visual impact of the proposed dwellings (recognising, however, that the loss of the open view is not a planning consideration) detailed design could have been positioned.

- at the distances proposed, and within the context of 2 storey development only, there is no likelihood of overshadowing of existing dwellings.

- while there is a perception of a loss of a recreational facility, the land is privately owned and although there is an undefined public footpath which crosses to the east, the owners could at any time have enclosed the land to prevent access by the public except along the PROW. This footpath is to be retained (and enhanced by new planting) and in reality, the development will not involve the loss of any public open space.

While local opinion clearly does not support the proposed development and reflects a perceived loss of amenity, when assessed against the criteria of policy C38 it is difficult to conclude a material harm which could be quantified and supported in the event of an appeal.

Contributions

The development requires the following contributions:

Education – The Education Officer confirms that the development generates the need for an additional 7 primary and 5 secondary places at the designated schools (Sambourne & Kingdown) which at the 2012/2013 multiplier of £12713 (primary place) and £19155 (secondary), will require a total contribution of x.

Leisure and Public Open Space – Policy LP4 in the adopted Leisure and Recreation DPD requires contributions to open space and recreation provision as part of new housing development; the policy permits this in the form of on-site provision, off-site contributions and enhancements or an appropriate

combination. The Leisure Services Officer has calculated a required contribution of £16024 towards leisure facilities and £15,297 towards open space/play provision and has requested that these are directed towards the upgrade of the tennis pavilion and the skate park respectively.

Arts Development Officer – requests a contribution of £6900 to a ‘creative arts programme as part of community engagement’.

Affordable Housing – under the current policy framework (H2), the threshold for affordable housing is not met and there is no required contribution in this case.

Conclusion

While this application has attracted a great deal of objection locally, in reality it is a relatively modest windfall proposal on an unused area of land at the edge of the existing built up area. In terms of principle, the site lies within the current and projected town boundary limits with historic and future expectations that the land might at some time be developed; there are no supported highway concerns in terms of safety of capacity issues; the development is assessed as having no detrimental impact on the immediate landscape, the setting of the town as a whole or any nearby and important biodiversity habitats and will deliver an improved landscape setting at the edge of the town; the site does not contain any evidence of archaeological significance; there is no loss of public recreational space or access.

The perception of a loss of residential amenity is inevitable within the context of an open site at the edge of open countryside and uninterrupted views, but these are not material planning considerations which could justify a refusal; concerns over highway safety are not shared by the Highway Officer and the potential increase in traffic levels which are viewed as unacceptable must be considered against a currently low benchmark. This is not to dismiss the views and concerns of local residents, but within the context of the NPPF with its clear presumption in favour of sustainable development and requirement for ‘approving development proposals that accord with the Development Plan without delay’, there are no valid planning reasons not to support the proposal. A legal agreement will secure the required contributions and conditions are being proposed, and accepted, to ensure the detailed scheme will be an appropriate form of development in this location.

Recommendation:

The Area Development Manager be authorised to grant planning permission for this development in the event of a S106 Agreement being completed to secure the following:

An index linked education contribution towards 7 primary places (£12,713) per place and 5 secondary places (£19,155 per place)

An off-site leisure facilities contribution of £16,024 towards the upgrade of the tennis pavilion in Warminster Park

An offsite open space/play contribution of £15,297 towards the upgrade of the skate park in Warminster Park

A contribution of £6900 towards a creative arts programme

For the following reason(s):

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area and deliver a sustainable scheme which is in accordance with the Development Plan.

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

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

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site.

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

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

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 Notwithstanding that this is an outline application with the scale and layout of the development for subsequent approval, the dwellings hereby permitted shall be of single/two storey construction only and shall not exceed the parameters referred to in the submitted Design and Access Statement, the layout shall be generally in accordance with the illustrative plan indicated on drawing 07179-2D and the development shall include the strategic landscape buffer as generally indicated on drawing 271/P5 included within the Landscape and Visual Appraisal.

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

POLICY: West Wiltshire District Plan 1st alteration 2004 – H1, C4 & C32
The National Planning Policy Framework

- 5 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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 – C31a

- 6 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients,

drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - H1 & C31a

- 7 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

POLICY: West Wiltshire District Plan 1st Alteration – H1 & C31a

- 8 No development shall commence on site until details of the permanent closure of the emergency access to all vehicular traffic other than for emergency use only have been submitted to and approved in writing by the Local Planning Authority. The closure shall take place in accordance with the approved details prior to the occupation of the development and shall be retained in perpetuity and the access shall not be used other than for emergency purposes at any time.

REASON: In the interests of highway safety.

- 9 No development shall commence until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, and generally in accordance with the Foul and Surface Water Drainage Assessment (submitted August 2012) has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the approved details before the development is completed or first occupied.

REASON: To prevent the risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – U2
National Planning Policy Framework

- 10 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. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 11 No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed (which shall not exceed existing site levels), and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be [occupied/first brought into use] until such time as the earthworks have been carried out in accordance with the details approved under this condition.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C4 & 32

- 12 No development shall commence on site until a scheme of hard and soft landscaping for both the development site and the strategic landscape area has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- the precise boundaries of the proposed strategic landscape area to the east of the development site
 - location and current canopy spread of all existing trees and hedgerows on the land;
 - full details of any to be retained, together with measures for their protection in the course of development;
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure;
 - car park layouts;
 - other vehicle and pedestrian access and circulation areas;
 - all hard and soft surfacing materials;
 - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
 - 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 – C4 & C32

- 13 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 – C4 & C32

- 14 Notwithstanding the above requirements, the development hereby permitted shall be carried out as specified in the submitted and approved Arboricultural Method Statement, Tree Constraints and Protection Plan (Tree Research) and shall be supervised by an arboricultural consultant.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C32

- 15 A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the local authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently, and until the completion of all site works, site visits shall be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required shall

be submitted to and approved in writing by the local planning authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C32

- 16 Notwithstanding the requirements of condition 12, no development shall commence on site until a detailed landscape strategy for the strategic landscaped area is submitted to and approved in writing by the local planning authority. This strategy shall include full detailed landscape plans, all details of proposed planting, proposed land uses and any public access opportunities, measures to reduce and/or manage recreational pressure on existing biodiversity habitats, long-term design objectives for the area, management responsibilities and maintenance schedules. The strategy shall be carried out as approved in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity and biodiversity.

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

- 17 No development shall commence on site until details of any screen and boundary walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the dwellings hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a & C38

- 18 No demolition works at 66 Damask Way shall be commenced or carried out contrary to the recommendation detailed in the approved Daytime Bat and Nesting Bird Survey Report (Sedgehill Ecology Services July 2012) for an update inspection of the building in the event of a 12 month time lapse prior to demolition. Any update survey shall be submitted to and approved in writing by the local planning authority and the development carried out in accordance with the measures and/or timetable detailed in that survey.

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

National Planning Policy Framework

- 19 Prior to the commencement of any development, a Construction Method Statement shall be submitted to the local planning authority for written approval. The method statement shall provide details of the measures that will be implemented during the construction phase to prevent any harm or injury to protected species (namely reptiles, breeding birds and badgers). Development shall be carried out in full accordance with the method statement.

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

National Planning Policy Framework

- 20 There shall be no lighting installed along the emergency access road.

REASONS: In the interests of visual amenity and biodiversity

- 21 No development shall commence within the area indicated until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

National Planning Policy Framework

- 22 The development hereby permitted shall be carried out in accordance with the following approved plans:

Dwg 07179-3 received 13.04.2012
wg 7179-2D received 13.04.2012
Dwg LDS/11200-TP1 received 13.04.2012
Dwg LDS/11200-TP2 received 13.04.2012
Dwg LDS/11200-TP3 received 13.04.2012
Dwg IMA-10-088 Plan 5 received 13.04.2012 (IMA Transport)
Dwg IMA-10-088 Plan 6 received 13.04.2012 (IMA Transport)
Dwg IMA-10-088 Plan 004 received 04.07.2012 (IMA Transport)
Dwg IMA-10-088 Plan 005 received 04.07.2012 (IMA Transport)
Dwg 271/P5 received 13.04.2012 (Enderby Associates)

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

Informative(s):

- 1 Further to the requirements of condition 6, and for the avoidance of doubt, the applicant is advised that:

This permission includes the construction of the access as indicated on the submitted plans (IMA-10-088 Plan 5, 004 and 005) with the internal layout of the road network for approval at the reserved matters stage. Required details at that stage shall include, but not be limited to, long and cross sections for the internal road network.

Parking levels are required to comply with the Wiltshire Parking Strategy; for garages to be considered as part of the parking provision, the internal dimensions must be a minimum of 3m wide and 6m deep with a minimum opening/door width of 2.1m.

As a shared surface access road is proposed, an entry treatment should be included at the transition.

Access details for nos 63, 64 and 65 Damask Way will need to be provided.

- 2 Further to the requirements of condition 9 and other drainage matters, the applicant is advised to consult with the Environment Agency with regard to:

Any outflow which must be limited to greenfield run off rates and discharged incrementally for all return periods up to and including the 1 in 100 year storm

The surface water drainage system which must incorporate enough attenuation to deal with run-off up to a 1 in a 100 year flood event including an allowance for climate change; drainage calculations must be included.

Overland flood flow routes and collection areas which must be shown on a drawing using CIRIA good practice guide (C635)

The adoption and maintenance of the drainage system

The use of a sustainable drainage approach to surface water management (SUDS)

Flood Defence Consent which is required for any proposed works in, under, over or within 8 metres of the top of the bank of the Swan River (01278 484603)

Safeguards during construction to minimise the risk of pollution to the water interests in and around the site including the use of machinery, storage of oils and chemicals, the routing of heavy vehicles, the location of work and storage area and the control of spoil and wastes www.environment-agency.gov.uk/business/topics/pollution/39083.aspx

- 3 Further to the requirements of conditions 9 and 10, the applicant is advised to consult with Wessex Water in respect of:

Connections to the water supply which will require an off site mains extension at the developer's cost.

The discharge of storm water to the water course to the northeast which will require the land drainage authority's permission.

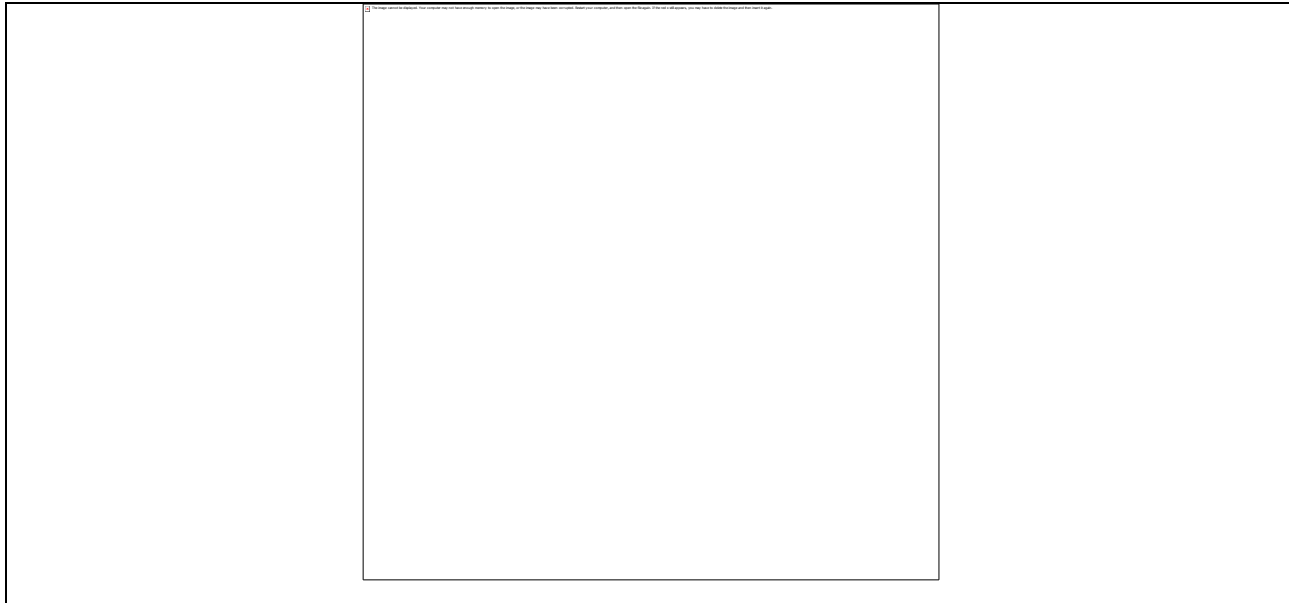
Connections to the public sewer, the impact of foul flows on the downstream pumping station, works and/or contributions to provide additional storage at the pumping station and any other required improvements; these will require a S104 Adoption Agreement.

Asset protection in respect of the existing water main in Damask Way which may need to be lowered at the new entrance; any new storm sewer to the water course to the northeast which may clash with an existing foul pumping main and foul sewer; sealing off water and sewer connections to no 66 Damask Way

'Sewers for Adoption' 7th Edition incorporating a new mandatory National Build Standard (NBS) for all new foul sewers and lateral drains and a signed S104 Adoption Agreement with the water company.

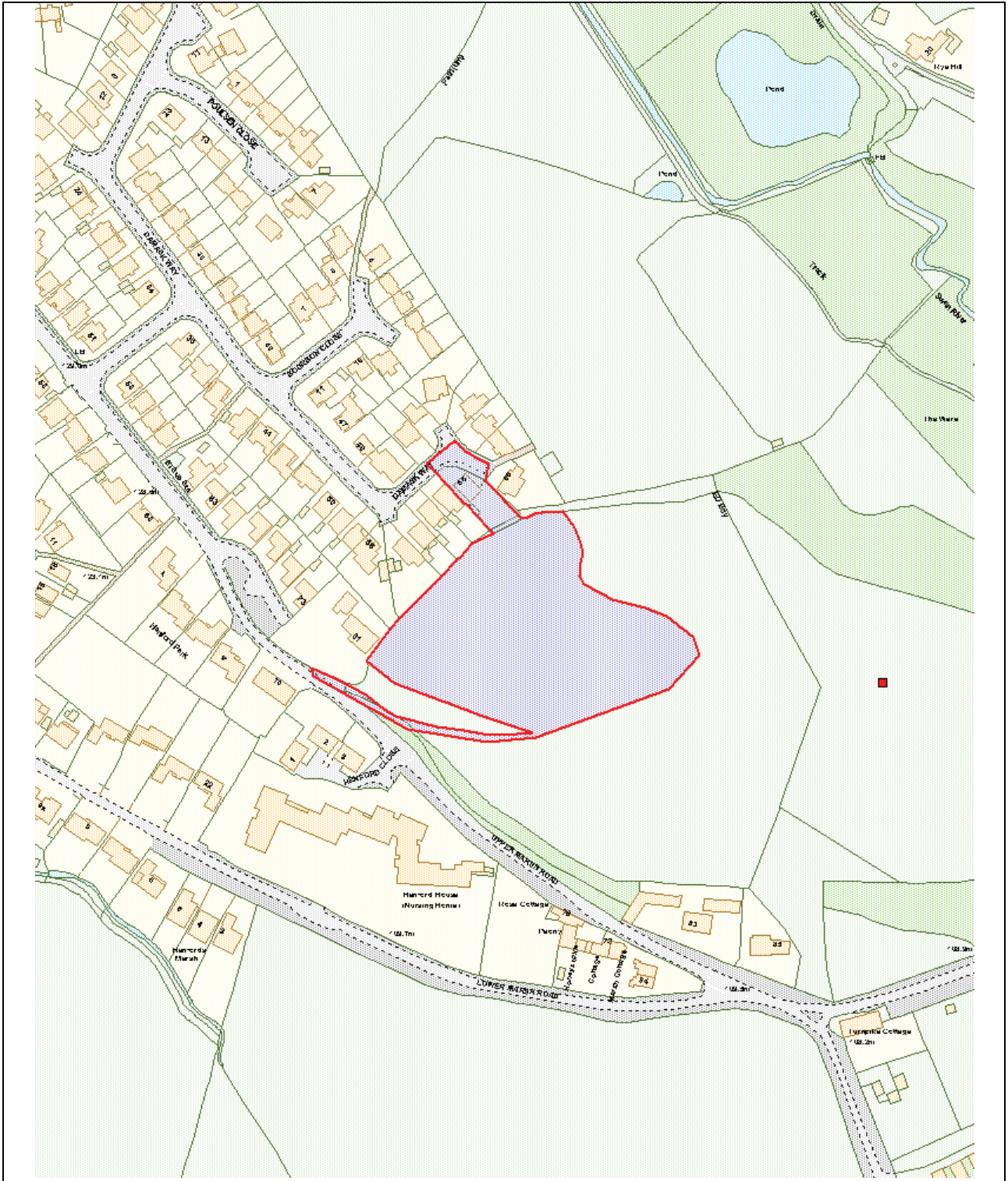
- 4 Further to the requirements of condition 17, it is expected that proposed boundary treatments along the rear/side garden areas of Nos 65 and 67 Damask Way and adjacent to the proposed access road are of appropriate height and design and of solid construction to minimise noise nuisance and overlooking.
- 5 Further to the requirements of condition 21, the work shall be conducted by a professional archaeological contractor and there will be a financial implication for the applicant.

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



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	13.02.2013		
Application Number	W/12/02050/FUL		
Site Address	Littleton Stables Littleton Semington Trowbridge Wiltshire		
Proposal	Proposed permanent traveller/gypsy site comprising one mobile home, one dayroom and one touring caravan		
Applicant	Mr And Mrs A And C Diment		
Town/Parish Council	Semington		
Electoral Division	Summerham And Seend	Unitary Member:	Jonathon Seed
Grid Ref	390612 160217		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 01225 770249 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * Scale of development;
- * Visual impact upon the surrounding area;
- * Relationship to adjoining properties;
- * Design - bulk, height, general appearance;
- * Environmental/highway impact; and
- * Other: Suitability of the site for a permanent Traveller Pitch.

1. Purpose of Report

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

Neighbourhood Responses – 2 objections.

Parish Council Response - Objection - details set out below

2. Report Summary

The main issues to consider are:

- * Principle of development including status of applicant and planning history;
- * Location and sustainability;
- * Highway safety;
- * Layout and landscaping; and
- * Drainage.

3. Site Description

The application site was granted a temporary and personal planning permission on appeal in January 2010 for a period of three years for the use of a tractor shed and touring caravan for residential purposes. The site has the appearance of a low key residential occupation combined with ancillary activities including agricultural small holding activity.

Accommodation is provided in a single storey low profile structure that has been converted to residential use.

Access to the site is obtained from the A361, and has visibility in both directions and hard standing to the apron. Access gates are set back from the highway. The site lies to the north of the A361, set back some 50 metres along a track.

The site is located in open countryside that has no particular planning or landscape designations.

4. Relevant Planning History

W/10/02908/FUL - Extensions to hay barn and kennels, erection of porch to existing cabin and erection of an agricultural building – Permission on 28.10.2010

W/09/00407/FUL - Retrospective erection of dwelling, detached day room and touring caravan for residential use – Refusal on 19.06.2009 (Allowed at appeal on 12.01.2010)

01/00008/FUL - Change of use of land for the keeping of horses for recreation, erection of stables, hay store, hardstanding and tractor machinery shed – Permission on 28.02.2001

5. Proposal

This is a proposal for a permanent traveller/gypsy site comprising one mobile home, one dayroom and one touring caravan. This would replace the existing traveller/gypsy accommodation on the site. The converted tractor shed currently providing the main residence would be demolished and removed from the site.

The mobile home would be approximately 12 metres in length by 6 metres in width; and up to 4.7 metres in height. Walls would be rendered and concrete tiles would be to the roof.

The dayroom would be 6 metres in length by 5 metres in width; and up to 4 metres in height. Walls would be rendered and concrete tiles would be to the roof.

There are no changes to access proposed.

6. Planning Policy

Local Plan

West Wiltshire District Plan 1st Alteration (2004)

The main policy governing gypsy and traveller sites is CF12. The site is in the countryside outside of the existing settlement of Semington.

Wiltshire Structure Plan 2016

DP15 Accommodation for Gypsies and Travellers.

National guidance

National Planning Policy Framework (NPPF)

Planning Policy for Traveller Sites

In the emerging core Strategy, the relevant policy relating to gypsies and travellers is CP47

7. Consultations

Semington Parish Council

Objection – “The site which is the subject of this planning application is in the open countryside outside any settlement, where it is clear that residential development is not normally appropriate. Also, the proposals are contrary to development plan policies on new dwellings in the countryside.

Both these points were clearly stated by Planning Inspector Mr Antony Fussey in his Appeal Decision document dated 12 January 2010 (paras 23 and 30).

* It is also clear from the Planning Inspector's para 38 that the breaches of the development plan, which persist in this latest application, were only to be tolerated "for a temporary period".

* The "Design and Access Statement" accompanying the planning application makes the point that permanent permission has already been given to the two nearby travellers sites. This fact is not relevant to the decision process for this application and should be ignored."

Ecology

No objection.

Environmental health

No objection.

Highways

No objection.

Archaeologist

No objections.

Spatial Plans

No objection.

Wessex Water

No objection.

8. Publicity

The application was advertised by site notice and neighbour notification. Two letters of representation have been received.

Summary of points raised:

- * Bought property here as it is surrounded by greenbelt land;
- * Daughter has some mental health problems and is scared enough have 2 gypsy parks in area already;
- * Looking after grandchildren;
- * Already have 2 gypsy parks within 500 yards;
- * Planning laws should be the same for the whole community; and
- * Should be used for agriculture.

9. Planning Considerations

*9.1 Principle of development including status of applicant and planning history;

A key consideration in the principle of this development is the Planning Inspector's decision in 2010. This decision clearly sets out the Inspector's findings that Mrs Diment has a nomadic way of life, as does her son Lee and that they therefore meet the requirements for the application of the Government's gypsy and traveller planning guidance. Mr Diment does not claim to have a nomadic way of life nor ethnic gypsy status, but is clearly the partner of Mrs Diment and was accepted as such by the Inspector. There is no reason to conclude differently to the Planning Inspector in 2010 on this fundamental point.

It is evident from the public consultation that there is a view that gypsies and travellers should be subject to the same planning policies that govern regular housing development. However the Government have made it clear that provision has to be made within local and national planning policy for gypsy and traveller accommodation and therefore it is necessary to apply these policies and national guidance when determining this application. To do otherwise would be unreasonable.

* 9.2 Location and sustainability;

The site is located in the open countryside outside of any settlement. It is opposite an established gypsy site and another 3 pitch gypsy site on the opposite side of the A350/A361 junction. The Council sought to persuade the Inspector at the previous appeal that the site was in an unsustainable location, but this argument was not endorsed by the Inspector, who found the Council's case on these grounds 'unsustainable'. This argument cannot therefore be justified as there has been no material change in circumstances relating to the location of the site. There are bus services passing and connecting to a variety of settlements. This service provides access to health, education and other services and facilities without reliance on the private car.

Finally it is noted that highway officers raise no objection.

* 9.3 Criteria of policy CP47 of the emerging Wiltshire Core Strategy.

The national planning policy for traveller sites details that where the need for traveller accommodation in a locality has been met (and spatial planning advice indicates that is so here, although this stance has still to be tested at the examination of the Core Strategy), then further traveller development should still be approved if the site meets "locally specific criteria". These are set out in the local plan at policy CF12 and are updated in the emerging CP47 of the Core Strategy. These criteria are broadly consistent.

The site is not liable to flooding, nor does it have any other significant physical barriers to development; The site has safe and convenient vehicular and pedestrian access; it is noted highways are raising no objection. The site has existing access to essential services. The site is considered to be a "reasonable distance" from the services and facilities of Semington village, Melksham and Trowbridge. Finally the proposals are considered to be sufficiently remote from neighbouring residents to avoid significant harm; it is noted that the occupation of this site has been ongoing for over 3 years. Further the existing development is not considered to cause any harm in the landscape and the replacement development would be of a similar amount and scale. The Inspector at the previous appeal stated that the site is 'neither sensitive nor, being set back from the road and having low buildings, prominent'.

*10. Conclusion.

The proposed development is considered to be acceptable in principle as it meets the criteria in the development plan and emerging core strategy set out for considering gypsy and traveller sites. The Inspector found the site to be acceptable for this use, and granted a temporary planning permission because he expected the Council to proceed with allocating gypsy sites within the three year period allowed. The DPD process on this aspect has been delayed and Government guidance has moved on, making it clear that even if the need for accommodation is met, then further traveller sites could and should be permitted subject to meeting detailed 'local criteria'.

In these circumstances, the proposals would not cause any harm to acknowledged planning interests and meet the 'local criteria' of the local plan at policy CF12 and the emerging criteria at Policy CP47 of the draft Core Strategy.

Accordingly, planning permission is recommended.

Recommendation: Permission

For the following reason(s):

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework, Planning Policy for Traveller Sites and the following policies in the West Wiltshire District Plan 1st Alteration (2004), namely Policies C1, C31a and CF12.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

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 development shall be carried out in accordance with the hereby approved plans:

Drawing: 10/12/1/1

Drawing: 10/12/1/2

Drawing: 10/12/1/3

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

3 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of DCLG Planning Policy for Traveller Sites, and by Mr Adrian Diment for as long as he is the resident partner of Mrs Christine Diment, or in the event of her predeceasing him, her widower.

4 No more than 2 caravan(s), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.

REASON: In order to define the terms of the permission and retain control of the rural scene.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further fences or other means of enclosure shall be erected and no further external lighting shall be installed on the site.

REASON: In order to define the terms of the permission and retain control of the rural scene.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garden structures or outbuildings shall be erected on the site.

REASON: In order to define the terms of the permission and retain control of the rural scene.

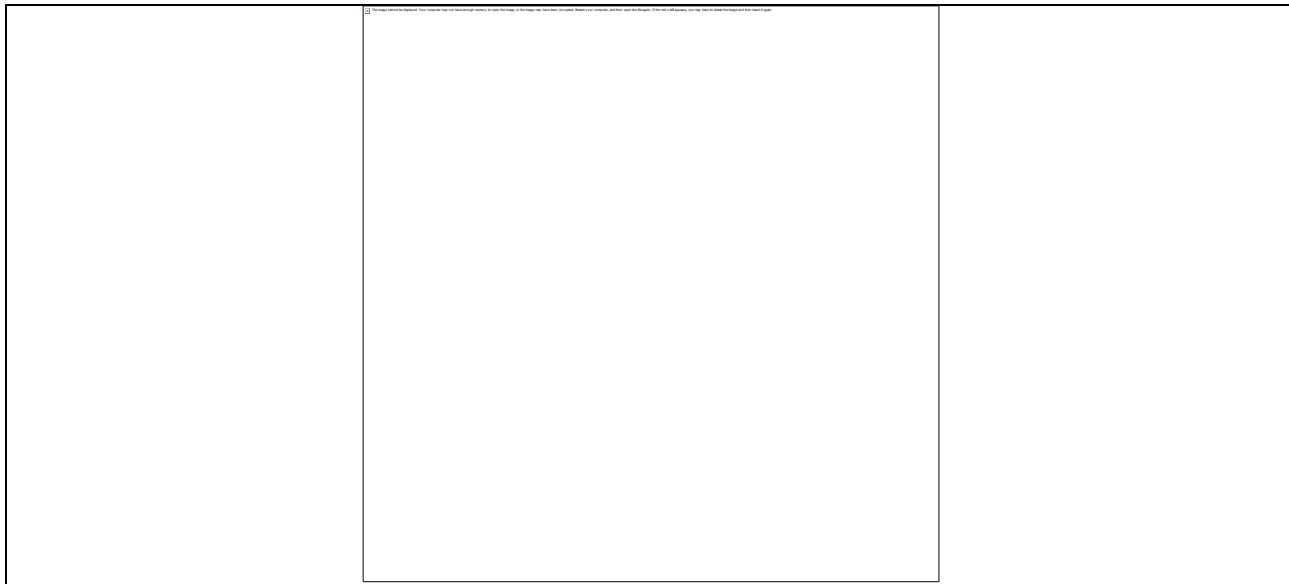
7 With the exception of the breeding and sale of horses and dogs, and of the sale of tack owned by the site occupiers, the site shall not be used for any commercial purposes.

REASON: In order to define the terms of the permission and retain control of the rural scene.

8 The existing converted tractor shed shall be demolished and the materials removed from the site before the mobile home is first occupied.

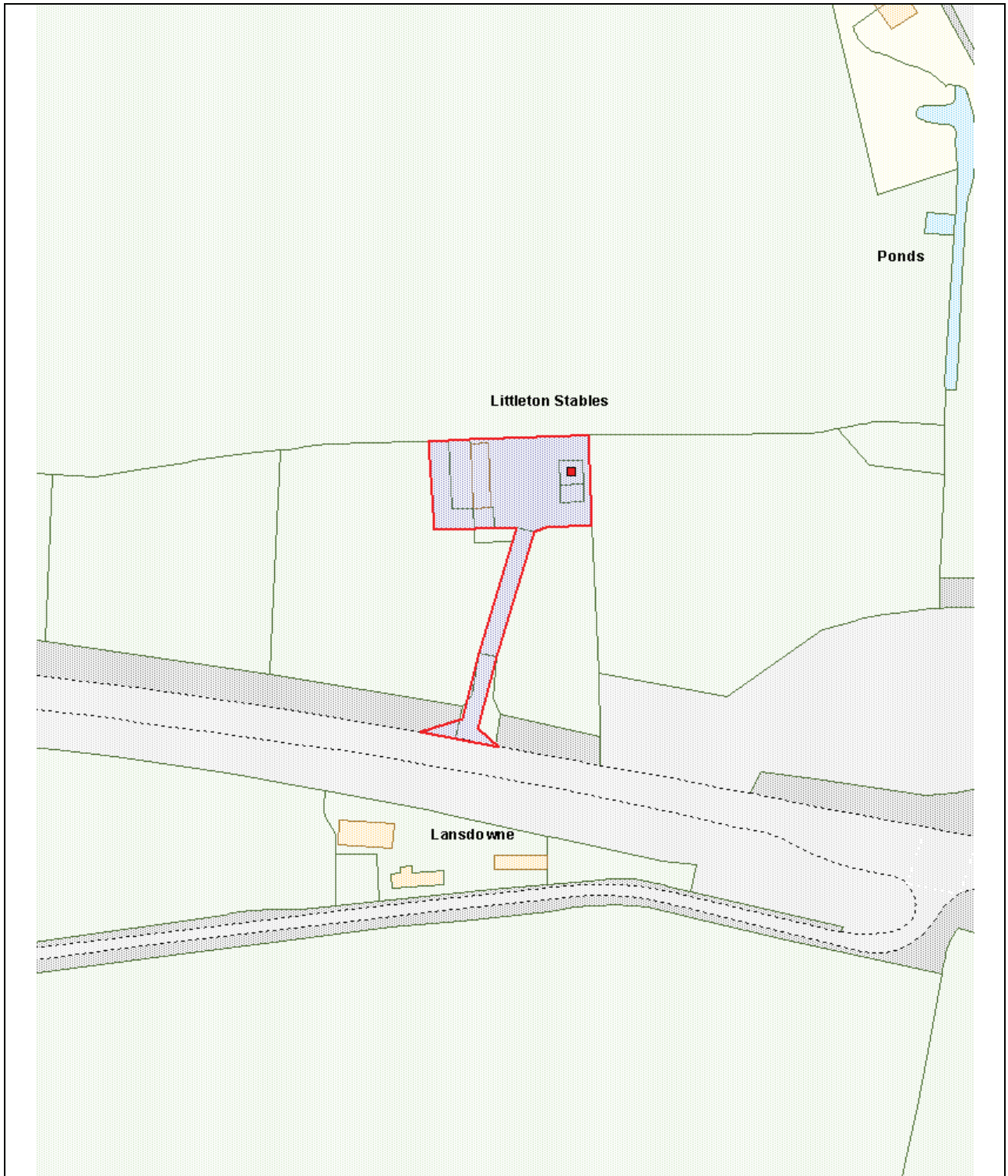
REASON: To protect the character and appearance of the landscape and to ensure that the residential use of the site is solely as a single mobile home with touring caravan, in accordance with the planning policies of the development plan and the NPPF.

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



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	13.02.2013		
Application Number	W/12/02102/FUL		
Site Address	18 Little Parks Holt Wiltshire BA14 6QR		
Proposal	Material amendments to previous planning decision W/12/00016/FUL comprising of modifications to gable roof ;rear elevation exterior finish; glazing to French window; moving exterior bedroom window		
Applicant	J And R (Jacksons) Ltd		
Town/Parish Council	Holt		
Electoral Division	Holt And Staverton	Unitary Member:	Trevor Carbin
Grid Ref	386736 162189		
Type of application	Full Plan		
Case Officer	Vicky Hodgson	01225 770344 Ext 01225 713932 Victoria.Hodgson@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Design - bulk, height, general appearance

Councillor Carbin adds that the application should be heard by Committee as there are objections from neighbours.

1. Purpose of Report

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

2. Report Summary

The main issues to consider are:

- * Design impact of the proposed alterations on the appearance of the area.
- * Impact on neighbouring amenity.

3. Site Description

Little Parks is a residential street comprising of detached two storey dwellings. Most of the dwellings are uniform in appearance with similar lean-to roofs that cover both front porch and side garages.

Planning permission was granted by the Planning Committee on 29th March 2012 to extend the existing side garage roof slope upwards at the front and insert a dormer window in the new roof slope which will serve a bedroom. At the rear, the extension will be a full two-storey height to eaves with a window at first floor level serving a bedroom and built at the same level as the existing first floor windows on the rear elevation. The permission also includes a small single storey rear extension (projecting out less than 1.5 metres) and a front extension under a continuation of the line of the existing mono-pitch roof that currently projects over the porch. The scheme also includes enlarging the front parking area.

4. Relevant Planning History

W/12/00016/FUL - Single storey rear extension, front infill extension and side extension – Approved 29/03/2012

5. Proposal

The current application proposes minor amendments to the approved scheme. These include altering the design of the dormer window both reducing its size and altering the roof form from a pitched roof to a hipped roof. The internal layout of the rooms would change so that this window would serve a bathroom rather than a bedroom (as previously approved). Minor changes are also proposed to the rear of the dwelling to change the design of the patio doors as well as a slight change in position of a first floor window.

The proposal also includes applying render to the single storey rear extension. The applicant has explained that they intend to use materials reclaimed from the existing house to construct the front, side and rear elevations, the only exception being the single storey rear extension. The reason for this is that there would not be enough remaining reclaimed stone to construct the rear extension following the construction of the other elements. The applicant has also stated that although they are prepared to use matching materials the actual stone is no longer manufactured and the nearest match is not similar enough to the original stonework used for the house.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004 - policies C31a – Design; C38 – Nuisance.

7. Consultations

Holt Parish council

No comments received by the time of recommendation.

8. Publicity

The application was advertised by site notice/neighbour notification. Expiry date 24th December 2012. Two letters of objection have been received.

Summary of points raised:

- The dormer window is only 4 metres from the side window of No. 20. It would be faced with lead or painted plywood. However, there are no technical reasons for this.
- Siting the bathroom at the front of the house would require a new 4 inch vent pipe would extend above the roof-line and visible from the main road which is unreasonable when all other vent pipes are sited at the rear of the dwellings on the estate.
- The use of render would not match the materials of the house and is unnecessary. Matching materials can be found and made locally.
- The insertion of a bathroom into the front of the property would directly overlook one of the main bedrooms of No. 23 resulting in a loss of privacy;
- The alterations to the front elevation would be out of character with the estate, and this will be exacerbated if non-matching or new materials are used.

However, one of the objectors states that they would be prepared to reconsider their objections if the following conditions are applied to any permission granted:

1. The new bathroom on the front elevation must have obscured glass fitted to its window;
2. The stonework and roof tiles used on the works to the front elevation are to be reclaimed materials from elsewhere on the existing property (i.e. they will be re-used original and weathered materials to match existing);
3. Materials used elsewhere match existing. Matching materials were used to construct the recent addition to No. 21 Little Parks (W/10/00976/FUL) and the same condition should apply to the current application at No. 18.

9. Planning Considerations

Design impact of the extension on the appearance of the area:

The alterations proposed are of a very minor nature and it is officers opinion that the design and overall impact of the proposal is acceptable.

The change to the dormer window at the front reduces its size and impact and would not cause any significant harm to the appearance of the streetscene. The objection comments relating to the use of lead or a proprietary covering on the gable sides of the dormer are unfounded as it is normal practice to use such materials on such a small area.

With regard to the alterations to the rear as well as the use of render for the single storey rear extension it is considered by officers that these alterations as well as the use of render is acceptable as they would not have a significant impact on the design of the building. These alterations would be to the rear of the property therefore there would be no impact on the streetscene.

Impact on neighbouring amenity:

The alteration to the roofline of the dormer window as well as its reduction in size would reduce its impact on the amenity of the neighbouring property.

The concerns relating to the change in first floor layout including altering the bedroom to a bathroom which would be served by the dormer window are noted. As such a condition would be attached to any permission granted ensuring the window is obscure glazed.

The alterations to the rear (change in design of the patio doors and slight change in position of first floor window) would not have an effect on the amenity of neighbouring properties.

Conclusion:

The proposal makes very minor alterations an existing permission approved by the Planning Committee in March 2012. It is officer's opinion that the alterations would not cause any harmful impact on either the appearance of the streetscene or the amenity of neighbouring properties. It is designed in accordance with the Council's policies and approval is therefore recommended.

Recommendation: Permission

Subject to the following condition(s):

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

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

- 2 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's 1112-01; 1112-02; 1112-03; 1112-04; 1112-05; 1112-06; 1112-07; 1112-08; 1112-10; 1112-11, received 14th November 2012

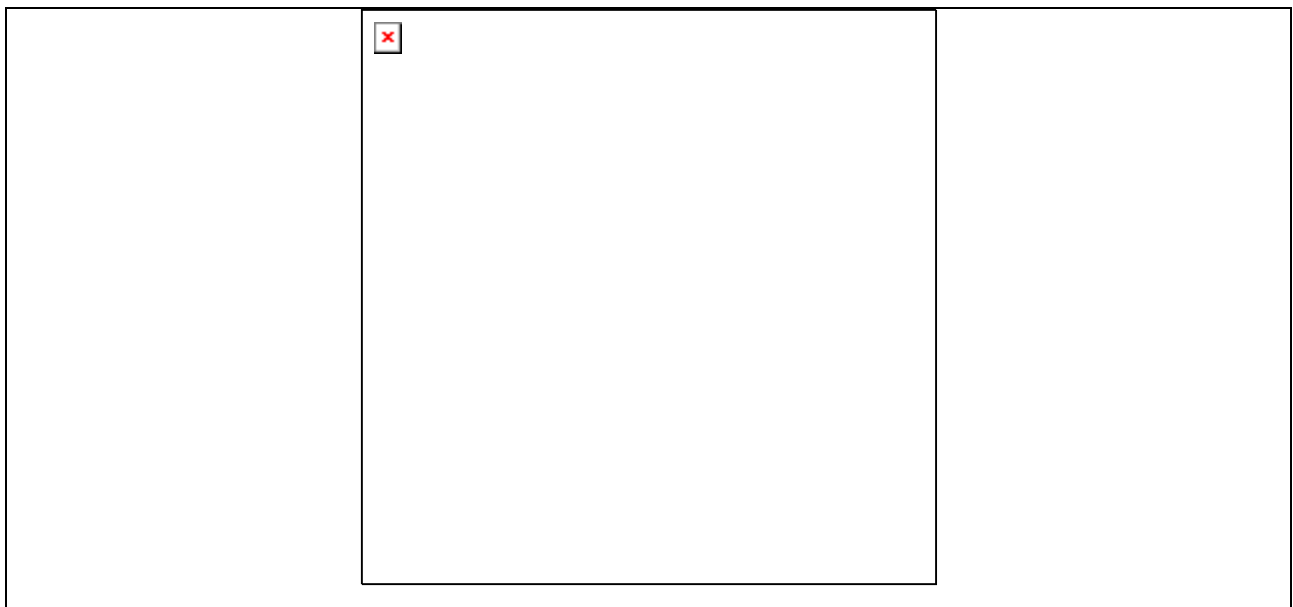
Reason: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

- 3 Before the development hereby permitted is first occupied the dormer window in the northeast elevation shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and the windows shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

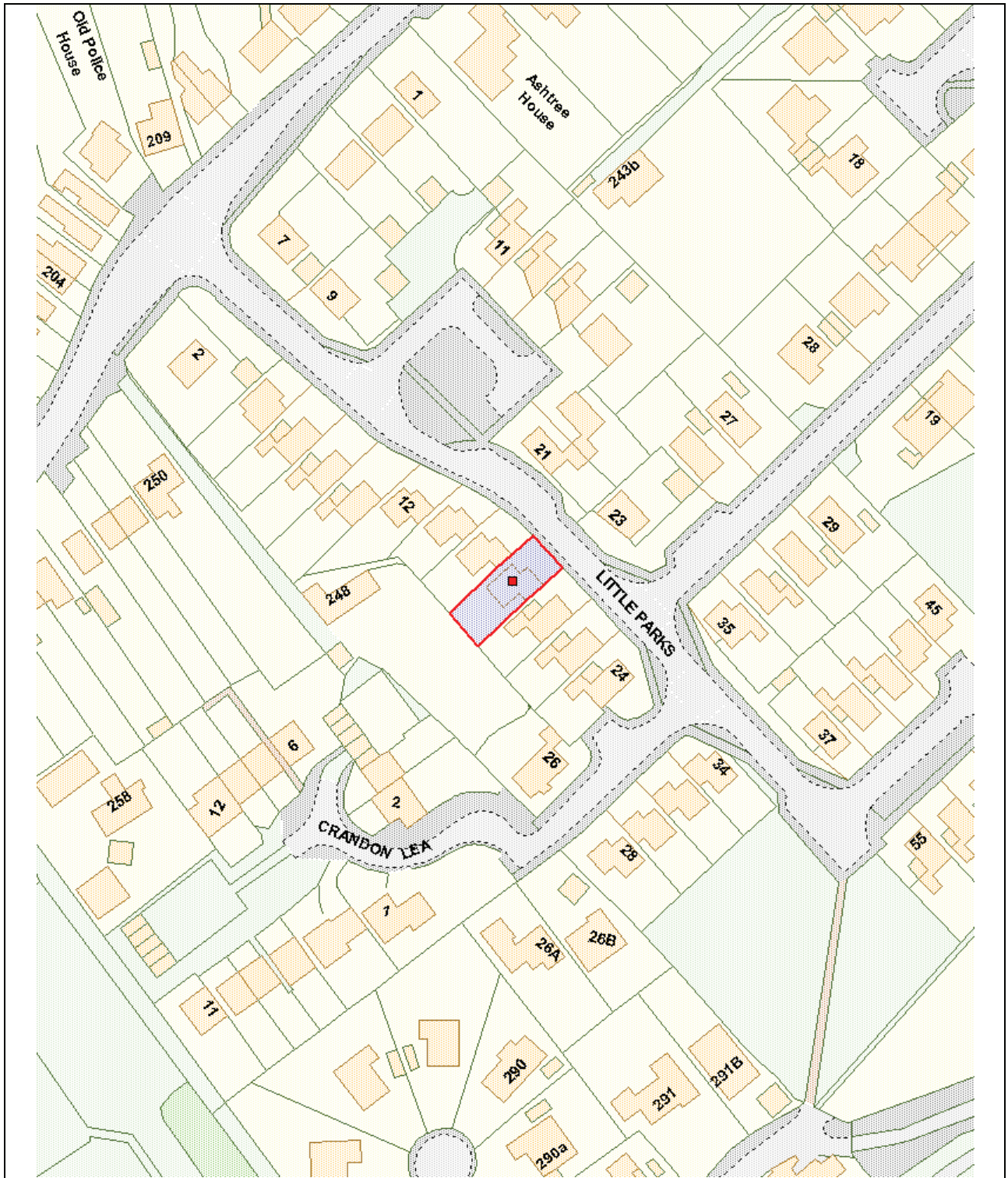
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

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



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