

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	20.06.2012		
Application Number	W/11/02689/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 cinema (Use Class D2), food and drink floorspace (Use A3/A4), and food superstore (Use Class A1), together with associated car parking, new access and landscaping		
Applicant	Optimisation Development 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

1. Background

This application was originally brought to the Planning Committee on 9 May with a recommendation of refusal of the proposal for 3 reasons. The original report which includes the reasons for refusal is incorporated in full at the end of this supplementary section (p18 onwards).

At that previous meeting, the draft minute states that the Committee resolved

‘to defer the application until the 20 June 2012 meeting when the 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 the highway access to the railway station, could be presented to the committee for consideration before the committee took a decision on the application’.

As instructed by this minute, your planning and highway officers arranged and attended a meeting with the applicant and his advisers on 23 May to address these matters. It was made clear by the applicant at that meeting that he considered that:

(a) the draft minute contained fundamental inaccuracies and failed to record the correct resolution which was for approval of the application subject to planning conditions and agreed heads of terms being reported back to the June committee; the applicant advised that this would be raised and corrected at the intervening meeting on 31 May.

(b) in the light of a ‘corrected’ minute and decision which would approve the principle of the development, further discussion on the proposal would be limited only to the details of any legal agreement and proposed conditions with no requirement for further work to be progressed on either the adjoining station land or access.

The original ‘minute’ was subsequently reconsidered at the Planning Committee meeting on 31 May and the Committee agreed an amendment to the original minute 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.'

Notwithstanding the wording of the revised minute, your officers have sought, both at the recent meeting with the applicant and subsequently, to address the matters raised by members in response to the original application; the issues covered by this supplementary report are therefore as follows:

(a) clarification of the proposed access and highway arrangements to serve the development both as regards the adjoining railway land and the wider highway network.

(b) draft heads of terms for inclusion within a S106 agreement

(c) a schedule of proposed planning conditions and informatives which are considered appropriate to support the application and which would meet the required tests under Circular 11/95 and recent advice in the NPPF.

(d) justification for permitting the development in the light of a fundamental conflict with the development plan.

2. Main Issues

(a) Highway and access matters

The applicant has outlined his current position as regards the proposed and future access arrangements as follows:

"For the avoidance of doubt, it is evident that the closure of the existing railway station access from Stallard Street is not necessary in order to make this planning application acceptable in planning terms. However, we do recognise the wider benefits for Trowbridge town centre in addressing an acknowledged deficiency concerning the highway access to the station. We have attached a two phased approach to secure the improvement of the highway access (with an explanation from ADL). This approach seeks to utilise our client's existing vehicular access route to the railway station car park in order to direct vehicular traffic through the site at Phase 1 and would only require minor amendments to the hard and soft landscaping of the submitted scheme.

Phase 1 works would be undertaken completely within our client's ownership within the red line and would achieve the improvement of the highway access as sought by the Council. The layout could then be amended at Phase 2, subject to agreement with Network Rail, to achieve a new layout on the station car park.

The Development Team held another constructive meeting with Network Rail this week to present these revised plans, with a view to reaching an agreement concerning how the plans will be implemented. A further update concerning discussions with Network Rail will be provided to Officers and Members at or before the Planning Committee on 20th June. For clarity the Phase 1 plan delivers the requisite improvement and can be implemented independently of Network Rail."

For clarification:

- Phase 1 effectively maintains the status quo - access to the station from Stallard St is retained via Station Approach with the existing vehicular and pedestrian link between via Station Way also retained as a direct link between the station carpark and the development site.

- Phase 2 proposes the closure of both Station Approach (other than as an emergency route) and Station Way with a new shared route to the station at the northern end of its carpark through the development site. Station Way would then be used to provide parking for the frontage properties, nos 5-9 Stallard St.

The delivery of Phase 1 does not require the agreement or cooperation of Network Rail; Phase 2 clearly does and Network Rail's response has therefore been sought and received as follows:

"I confirm that I met with Angus Horner of Prorsus and Lorna Randall of ADL Traffic Engineering on 29th May.

I confirm Network Rail would not agree to close the existing vehicular access to the station nor to reorganise the car parking unless it is demonstrated that there is a clear benefit to the Rail Industry and no such benefit has been offered.

In any event, no scheme that results in any reduction in the number of long stay parking space in the station lease would be acceptable."

Notwithstanding Network Rail's position, it remains the Highway Officer's view that the tabled proposals do not overcome the clear highway concerns raised in the original planning report before members at the meeting on 9 May. The assertion that 'it is evident that the closure of the existing railway station access from Stallard Street is not necessary' conflicts with the applicant's own evidence (see section 10.2 of May 9 report); the statement that 'we write setting out how the application will secure improvements to the highway access to the railway station' may show an intention to do so but cannot 'secure' this improvement without agreement of a third party. As confirmed above, this is currently unlikely.

It is therefore clear that if members wish to grant permission for this development, it is on the basis of the phase 1 'option' which retains separate access arrangements for the development site and the station.

(b) Proposed Heads of Terms

The following Heads of Terms have been proposed by the applicant for inclusion within a S106 agreement:

1. Public Art Contribution

Prior to the occupation of the development, to pay a contribution of £50,000 (inc of VAT); the style, design and techniques of the public art will be agreed with the Council prior to commissioning.

2. Wider Highway Network Contribution

Prior to the commencement of development, to pay a contribution of £150,000 for improvements to the wider highway network including:

- wider accessibility improvements to Innox Riverside
- public transport and accessibility improvements relating to Innox Riverside
- a contribution towards variable message signing relating to Innox Riverside
- directional signage to Innox Riverside
- implementing any variations to Traffic Regulation Orders relating to Innox Riverside

3. Car Park Management Plan

Prior to the occupation of the development, to submit to the Council for approval a Car Park Management Plan to address parking requirements for the mixed use development. An Appendix outlining the terms of that plan has been provided.

4. Pedestrian and Cycle Routes

Prior to the occupation of the development, to provide the pedestrian and cycle routes shown on drawing number 11198/SK-52 Rev A together with any variations that may be agreed with the Council.

5. Innox Path Underpass

Prior to the commencement of development to pay a contribution of £15,000 towards the upgrade of the Innox Path underpass.

6. Trowbridge Station Improvements

- To implement Phase 1 of the Trowbridge Station improvement works as shown on drawing number 11198-SK52 prior to occupation of the development.

- Prior to the commencement of development to pay the Trowbridge Rail Station Improvements Contribution of £100,000 to the Council as a contribution towards Phase 2 of the Trowbridge Station improvement works shown on drawing number 11198-SK53.

- To use reasonable endeavours to liaise with Network Rail to facilitate the delivery of Phase 2 of the Trowbridge Station improvement works.

- To dedicate such land between two points to be agreed with the Council on drawing number 11198-SK53 as may be required to facilitate the access arrangements for Phase 2 of the Trowbridge Station improvement works.

7. Training and Employment Provisions

This includes 'reasonable endeavours to recruit 50% Local People and 50% Local business' as employees and contractors at construction and operation phases.

In very general terms, these Heads of Terms are considered acceptable, and largely cover those areas referred to in section 10.9 of the original report. However, the following points should be noted:

(i) It must be emphasised that the specific details contained within each of the proposed Heads of Terms (including appendices only submitted immediately prior to the preparation of this report) have not necessarily been assessed in detail and may require further discussion and negotiation.

(ii) The proposed financial contributions towards highway works are relatively minor and are unlikely to make any significant contribution towards improvements or mitigation which would defray the identified traffic concerns. However, in the absence of any specific and agreed works which can be costed, it is doubtful that any increased figure could reasonably be requested or secured at this time.

(iii) While a contribution of £100,000 towards the Phase 2 option is being offered, it appears unlikely from Network Rail's current position that this can/will be implemented in the foreseeable future. It could reasonably be argued, therefore, that this would not meet the required test for a S106 contribution and in the event that the applicant withdrew this offer, an objection could not be raised.

(iv) The proposed carparking strategy (no 3 above) has a stated objective to 'ensure that there is adequate free parking', which it later proposes as providing 4 hours free carparking. It goes on to state that the charging regime will be compatible with other carparks in the town centre.

The Highway Officer comments that this is contrary to the Council's adopted parking strategy (Feb 2011) which contains a presumption that parking management plans will 'implement parking restrictions and charges consistent with those of council run car parks in the local area.' He further states that to allow free parking would likely result in creating those same traffic and retail problems that the policy is seeking to avoid and advises that the current plan is unacceptable.

(v) As regards the proposed £15,000 contribution to the upgrade of the Innox Path subway, this is a minimal contribution towards the Highway Officer's estimate of £300,000 for the general upgrade of this route. Under the circumstances, it is considered that a more beneficial package of works could be secured via the imposition of proposed condition 3.

(vi) In respect of members' instructions at the previous meeting to ensure that the retail and leisure elements of the development are brought forward at the same time, the applicant 'supports this

approach although we consider this matter can be addressed within a planning condition rather than a Section 106 agreement. Consequently, we suggest the planning condition requires that the retail floorspace (namely the A1 foodstore) and leisure floorspace (namely the Nos 1-7 Bowyers Buildings, Innox Mill and Innox House as set out in the approved drawings) is constructed and fitted out at the same time.'

There is no fundamental planning objection to this approach and this requirement is incorporated as proposed condition 10 below.

(vii) A commitment within the original Planning Statement to maintain the fabric and external appearance of nos 5-9 Stallard St in the absence of any confirmed or proposed uses of these buildings has not now been included. Since any works to these listed buildings would require separate listed building consent, this matter is self regulating while proposed conditions 31 and 33 further control aspects of the state and appearance of these buildings.

(viii) A commitment within the original Planning Statement to servicing and waste management strategies is more appropriately delivered within the framework of planning conditions, nos 39 and 8 respectively.

(ix) A previous offer to fund a study into ecological improvement works within the River Biss has been translated into a condition (no 21) requiring a River Biss Enhancement Scheme to be approved and carried out within an agreed timetable; it is considered that this would more effectively deliver ecological improvements than a financial contribution to some future study.

(c) Schedule of proposed planning conditions and informatives

The following planning conditions and informatives are recommended:

(i) Planning Conditions

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 until full details of 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 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

3. 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 have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in full before 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

4. No part of the development shall be brought into use or first occupied until the access roundabout and associated works illustrated on drawing numbered 11198-PA-102 rev A have been completed.

REASON: In the interests of highway safety

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

5. 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

6. No part of the development shall be brought into use or first occupied until a signage scheme has been designed and approved in writing by the Local Planning Authority and installed on the ground. 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.

REASON: In the interests of highway safety

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

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

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – LE1 & SP3

8. No part of the development hereby permitted shall commence 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

9. No part of the development hereby permitted shall commence until full details of the proposed A3 unit to be constructed at the site entrance (and which shall be generally in accordance with the proposed illustrative details) have been submitted to and approved in writing by the local planning authority. The 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 conservation area.

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

10. The retail floorspace (namely the A1 foodstore) and leisure floorspace (namely nos 1-7 Bowyers Buildings, proposed A3 unit at the site entrance, Innox Mill and Innox House) shall be constructed and, in relation to the cinema complex fitted out in accordance with the approved plans and the retail foodstore shall not be brought into use until all of the leisure floorspace referred to above is ready for occupation.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 – LE1 & SP3

11. 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 75% of the net sales and display area shall be used for the sale of convenience goods.

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

POLICY: West Wiltshire District Plan First Alteration 2004 – SP1 & SP3

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

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

POLICY: West Wiltshire District Plan First Alteration 2004 – SP1 & SP3

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

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.

15 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.

16. 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

17. 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

18. 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

19. 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

20. 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

21. 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

22. 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

23. 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

24. 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

25. 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) a detailed landscape scheme and specification showing all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) car park layouts;
- (f) other vehicle and pedestrian access and circulation areas;
- (g) hard surfacing materials;
- (h) minor artefacts and structures (e.g. furniture, seating, bollards, play equipment, refuse and other storage units, signs, lighting etc);
- (i) proposed and existing functional services above and below ground (eg drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

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

26. 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

27. 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

28. 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

29. 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

30. 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

31. 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

32. 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

33. 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

34. No development shall commence until an acoustic report for the entire site and detailing the potential impacts and mitigation required to protect surrounding residential areas has been submitted to and approved in writing by the Local Planning Authority. The report shall detail the scale of the proposals, entertainment noise from the cinema and leisure uses, all fixed plant and machinery, air conditioning and extraction systems and delivery noise from servicing the development and mitigation measures shall be designed to ensure that noise creep from the site is minimised and installations are of the best noise specification available. 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

35. 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

36. 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

37. 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

38. 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 and to minimise unnecessary light spillage above and outside the development site.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C35 & C38

39. 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

40. 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

41. 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

42. 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

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

11198-PA-100 received on 07.10.2011
11198-PA-101 received on 07.10.2011
11198-PA-102 rev A received on 14.03.2012
11198-PA-103 rev A received on 14.03.2012
11198-PA-104 rev A received on 14.03.2012
11198-PA-105 rev A received on 14.03.2012
11198-PA-106 rev A received on 14.03.2012
11198-PA-107 rev A received on 14.03.2012
11198-PA-108 rev A received on 14.03.2012
11198-PA-109 rev A received on 14.03.2012
11198-PA-110 rev A received on 14.03.2012
11198-PA-111 rev A received on 14.03.2012
11198-PA-112 rev A received on 14.03.2012
11198-PA-113 rev A received on 14.03.2012
11198-PA-114 rev A received on 14.03.2012
11198-PA-115 received on 07.10.2011
11198-PA-300 received on 07.10.2011
11198-PA-301 received on 07.10.2011
11198-PA-302 received on 07.10.2011
11198-PA-303 received on 07.10.2011
11198-PA-310 rev A received on 14.03.2012
11198-PA-311 received on 07.10.2011
11198-PA-312 rev A received on 14.03.2012
11198-PA-313 rev A received on 14.03.2012
11198-PA-400 received on 07.10.2011
11198-PA-401 received on 07.10.2011
11198-PA-402 received on 07.10.2011
11198-PA-403 received on 07.10.2011
11198-PA-410 rev A received on 14.03.2012
11198-PA-411 received on 07.10.2011
11198-PA-412 rev A received on 14.03.2012
11198-PA-413 rev A received on 14.03.2012
11198-PA-414 received on 07.10.2011
11198-PA-415 received on 07.10.2011
11198-PA-500 received on 07.10.2011
11198-PA-501 received on 07.10.2011
11198-PA-510 rev A received on 14.03.2012
11198-PA-511 rev A received on 14.03.2012
11198-PA-512 received on 07.10.2011
11198-PA-513 received on 07.10.2011
11198-PA-600 received on 07.10.2011
11198-PA-601 received on 07.10.2011
11198-PA-602 received on 07.10.2011
11198-PA-603 received on 07.10.2011
11198-PA-604 received on 07.10.2011
11198-PA-610 rev A received on 14.03.2012
11198-PA-611 rev A received on 14.03.2012
11198-PA-612 rev A received on 14.03.2012

11198-PA-613 rev A received on 14.03.2012
11198-PA-614 rev A received on 14.03.2012
11198-PA-615 rev A received on 14.03.2012
11198-PA-616 rev A received on 14.03.2012
11198-PA-617 rev A received on 14.03.2012
11198-PA-618 rev A received on 14.03.2012
11198-PA-619 rev A received on 14.03.2012
11198-PA-620 rev A received on 14.03.2012
11198-PA-621 received on 07.10.2011
11198-PA-622 received on 07.10.2011
11198-PA-710 rev A received on 14.03.2012
11198-PA-711 rev A received on 14.03.2012
11198-PA-712 rev A received on 14.03.2012
11198-PA-713 rev A received on 14.03.2012
11198-PA-714 rev A received on 14.03.2012
11198-PA-715 rev A received on 14.03.2012
11198-PA-716 rev A received on 14.03.2012
11198-PA-717 received on 07.10.2011
11198-PA-718 received on 07.10.2011
11198-PA-800 rev A received on 14.03.2012
11198-PA-801 rev A received on 14.03.2012
11198-PA-802 rev A received on 14.03.2012
11198-PA-803 rev A received on 14.03.2012
11198-PA-804 rev A received on 14.03.2012
11198-PA-805 rev A received on 14.03.2012
11198-PA-806 rev A received on 14.03.2012
11198/SK-50 received on 20.04.2012
11198/SK-51 rev A received on 23.04.2012
11198/SK-52 received on 31.05.2012
11198/SK-53 received on 31.05.2012
1213/11-01 rev C received on 19.03.2012
1213/11-02 rev B received on 19.03.2012
1213/11-03 received on 07.10.2012
1213/11-04 received on 07.10.2012
1213/11-05 received on 07.10.2012
88774/CIV 00100 rev P5 received on 02.04.2012
88774/CIV 00101 rev P5 received on 02.04.2012
88774/CIV 00102 rev P5 received on 02.04.2012
88774/CIV 00103 rev P5 received on 02.04.2012
88774/CIV 00104 rev P7 received on 02.04.2012

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

(ii) Informatives

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 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;

3. 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.

4. The applicant is advised to 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

5. 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.

6. 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.

7. 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.

8. 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.

(d) Justification for the grant of planning permission

In the light of the revised resolution confirming 'that the Committee were minded to grant approval for this application', Members will be aware of the original recommendation of refusal 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.

This recommendation was based on a number of key issues:

- the proposed development would not generally be in accordance with the redevelopment proposals outlined in the emerging Core Strategy
- in the absence of any evidence to the contrary, the proposed development which includes a major foodstore would be likely to have an adverse impact on the nearby Asda store with consequent reduction in linked trips to the Shires shopping precinct and the town centre
- the proposed development, which includes a cinema and number of ancillary restaurant, pub and café uses, would be likely to affect the delivery and viability of a similar proposal recently granted permission at St Stephens Place
- the proposed development would give rise to additional traffic congestion in the surrounding highway network for which no clear mitigation was proposed
- the development fails to include the adjoining station land and carpark to provide for an integrated transport hub which is fundamental to the holistic and future planning of development in the town.

It is your officers' view that these issues remain as fundamental concerns as argued in the original report and that they have not been overcome in subsequent discussions. However, the Committee made clear in its previous consideration of the proposal that there were, in their view, points which they considered might outweigh these policy and highway objections and that were in favour of supporting the current proposal. These could include:

- The wholesale development of this vacant and sustainable brownfield site, at a pivotal location at the entrance to the town, would create a positive climate for development as a whole and make it clear that 'Trowbridge is open for business'.
- The redevelopment of this site would create a significant number of employment opportunities within the Trowbridge area at both construction and operational stages.
- While there is no proven need for an additional foodstore in the town, it is recognised that in the current climate this may provide the key to delivering a viable solution for the whole site; there is no sequentially preferable town centre or edge of centre site which could accommodate a supermarket of this size;
- The delivery of a cinema and associated leisure uses would have a positive impact on the vitality and viability of Trowbridge;
- The development would ensure the retention, maintenance and beneficial use of existing and important heritage assets within the site that make a positive contribution to the character and appearance of this part of conservation area.

In the light of the above considerations and additional information, Members' instructions are now requested.

Should this be for a formal grant of planning permission, it remains a requirement that the application is referred to the Secretary of State under the Town and Country Planning (Consultation)(England) Direction 2009.

For Members' information, the application was previously reported as follows:

“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 notes 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 Western Area Planning Committee 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

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

There is a very extensive planning history relating to the site when operating as a meat processing factory. However, the only relevant applications to the current scheme are the 3 most recent proposals for the redevelopment of the site and conversion of the listed buildings:

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.

5. Pre-application consultations

This proposal has been the subject of pre-application discussions and consultations which are detailed in the Statement of Community Engagement accompanying the application. This document refers to:

- a pre-submission stakeholder presentation to the Transforming Trowbridge Board (18 July 2011)
- an introductory letter outlining the scheme to Trowbridge Town Councillors, Wiltshire Council’s Strategic Planning Committee members, Wiltshire Council’s Cabinet members, Andrew Murrison MP, local stakeholders and ‘business interest groups’ (August 2011)
- press releases to local radio and newspaper with features in the Wiltshire Times, reports on the Trowbridge People website, and reports on BBC Wiltshire and Heart Radio Wiltshire (July/August 2011)
- flyers delivered to over 7500 households in Trowbridge (August 2011)
- meeting with leader of Wiltshire Council (16 August 2011)
- advertisements in Wiltshire Gazette & Herald and Wiltshire Times publicising the forthcoming public exhibition (1 & 2 Sept 2011)
- two day public exhibition in St John’s Parish Centre (2 & 3 Sept 2011)

- creation of specific website and telephone helpline
- presentation to Trowbridge Area Board (8 Sept 2011)
- presentation to Trowbridge Town Council (6 Oct 2011)

The document reports a total of 209 visitors to the public exhibition with 79 feedback forms received (96% in support of the proposal); a further 29 responses, all in support, are reported to have been submitted via the website.

In addition, meetings were held on 18 August and 21 September with Council Officers to outline the intended nature and details of the scheme.

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, a Screening Opinion of the proposed works was requested on 26 August 2011; the Council confirmed on 15 September 2011 that a formal EIA was not required to support the proposed application.

6. Proposal

This is one of three applications relating to the redevelopment of this vacant brownfield site and is the substantive application; it is accompanied by W/11/02690/LBC for the proposed works to the various listed buildings and W/11/02691/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.

The application proposes 'a new viable mixed use development for Trowbridge anchored by the Morrison's food store which enables the regeneration of the site and the delivery of a much sought cinema, high quality leisure opportunities, and more public spaces for local people. Innox Riverside will deliver the leisure that Trowbridge needs, and create at least 400 new jobs.'

In essence, the development involves the demolition of all the former factory buildings, outbuildings, structures and tanks with the exception of the historic buildings along the southern and eastern boundaries. A proposed cinema 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. 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 7321 sq ms (gross)/3754 sq ms (sales) incorporating 218 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.
- An 8 screen multiplex cinema located between the foodstore and the retained mill buildings with auditoria ranging in size from 82 to 332 seats to provide a total of 1436 seats. A glazed entrance in the south east corner provides most direct access to the adjacent restaurant uses and the brick and vertical seam construction is intended to reflect the scale and mass of that retained building and provide a visual link. Its blank rear elevation faces onto the riverside.
- The renovation and conversion of existing listed and heritage buildings to provide 9 separate restaurant/café/public house units (A3 & A4 uses)
 - i) 2-6 Bowyers Buildings – Retention of the front facade of this 3 storey brick building, demolition of the remainder and replacement with a 3 storey structure including a standing seam roof and a 'staggered' 2 storey flat roofed extension (5-14m deep) projecting towards the river. The space will be vertically subdivided to provide 4 restaurant units at ground and first floor levels (4000-4500 sq ft) with

unit 6 occupying the whole of the second floor. External seating areas for nos 2-5 are proposed adjacent to the riverside walk; a small second floor terrace is proposed for unit 6.

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

iii) 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.

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

- A new, circular, low profiled building at the site entrance with a floor area of 209 sq ms and rear terrace seating facing into the site. Its design is currently illustrative only and its A3 use unspecified.

- The retention of nos 5-9 Stallard St, the reduction in height of the frontage retaining wall and laying out of private amenity space to serve these former dwellings. Specific uses for the buildings have not been identified.

- The provision of 524 on site car parking spaces (inc 33 no disabled) with 218 located under the supermarket and the remaining 306 as surface parking in the main central part of the site.

- A landscaped 'Riverside Park' adjacent to the River Biss together a number of smaller areas of open space within the site. These include

i) 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

ii) An L-shaped area linking the front of the cinema, Bowyers Buildings and Innox Mill

iii) A small open space to the rear of the new A3 unit at the site entrance

- 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 'potential' transport node in the south west corner to provide a dedicated area for buses to pass and stop within the site with bus shelters and cycle parking; a potential vehicular link to the station car park is indicated 'subject to agreement with Network Rail' but is not included as part of the proposal.

- Access to the development is via a single new 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.

This final scheme has been revised since its original submission to address some (but by no means all) of the design, highway and other comments which were raised during the initial consultation process. The main revisions can be summarised as:

- the removal of the petrol filling station at the front of the site

- the retention of nos 7-9 Stallard St (listed and historic buildings) at the site frontage

- the provision of an additional A3 unit at the main entrance

- minor repositioning/re-orientation of the foodstore and cinema buildings towards the site frontage

- reconfiguration of the parking and internal circulation routes (both vehicular and pedestrian)

- minor alterations to the areas of public realm.

The application is accompanied by a number of supporting reports and documents:

Planning Statement

Design and Access Statement

Design and Access Statement (Addendum – March)

Sustainability Statement

PPS4 Assessment

PPS4 Assessment (Addendum)

Economic Benefits Statement

Transport Assessment

Travel Plan
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

The submitted Planning Statement refers to a number of contributions and commitments which would be anticipated as part of a legal agreement attached to an approved scheme. These include contributions to highway junctions, bus services and public art; carparking, servicing and waste management strategies; a commitment to build out the retail and leisure elements at the same time; a commitment to maintain the external appearance of the retained listed buildings and a local labour agreement to ensure the recruitment of local staff is prioritised.

Finally, information has been submitted updating on the public consultation exercise (see Section 8) and the position regarding potential occupants for the development. A Viability and Deliverability Evidence Pack (Feb) confirms Morrison's, Cineworld, 'Prezzo' and 'Frankie and Benny's' as committed operators within the scheme and refers to a number of other, but unspecified, potential lessees who have expressed an interest in taking one of the units. Extracts from the local press have also been submitted showing general support for the development.

7. Planning Policy

(i) Government Policy

National Planning Policy Framework (NPPF)(published March 27th 2012)

(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

(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 (expired 2 April), 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 29 – Spatial Strategy: Trowbridge Community Area
Core Policy 36 - Economic regeneration
Core Policy 38 - Retail and leisure
Core Policy 41 - Sustainable construction and low carbon energy
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 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

In addition to the above adopted and emerging plans and documents, the following Planning Policy Statements were extant at the time the application was submitted and are therefore referred to and incorporated in the various supporting documents and correspondence. As of March 27th, these have been replaced by the NPPF:

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPS5 Planning for the Historic Environment
PPS9 Biodiversity and geological conservation
PPG13 Transport
PPS23 Planning and Pollution Control
PPS25 Development and Flood Risk

8. Consultations

Trowbridge Town Council

(i) Original plans

1 Convenience store - in the event that that an additional store can be justified and improved pedestrian links to core town centre provided to improve accessibility and linked trips, supports the concept of developing the site to provide a supermarket.

2 Design and access - is not convinced that that particular design of the supermarket is 'worthy of support'; undercroft parking leads to an overdominant building at a key entry point into the town. Raises objection to proposed access arrangements:

- a) Need to provide significant improvements to pedestrian/cycle links to other parts of town centre; roundabout access to Stallard St and lack of crossing facilities provides a barrier to pedestrians; the opportunity to reopen the larger of the two under bridges in the north west corner to Innox Mill Close should be included as preferable to the pedestrian bridge linking the site to Innox Rd; additional pedestrian links to Riverway and Bradford Rd to be considered
- b) Proposed roundabout for the main access is unsuitable for an already congested route into the town; access over the town bridge is inadequate/one lane of traffic; access should be moved further from the town bridge and be light controlled junction; traffic in Stallard St underestimated through flawed survey work
- c) Development should address inadequacy of Stallard St/Bythesea Rd junction by replacing mini roundabout with traffic lights and enable return of 2-way traffic route to the Conigre/Broad St/Hill St route.
- d) Developer should negotiate with Network Rail to restructure entrance to station forecourt through site and provide improved parking, integrated bus services and ramps to facilitate access to both platforms.

3 Leisure - objection to leisure development on this site due to site being isolated from town centre with poor pedestrian accessibility to other car parks and night time economies. Preferred uses to include residential, workshop, studio and live-work units.

4 Listed buildings and conservation area – objection to demolition of listed buildings; would urge demolition of building closest to town bridge (7 & 8 Bowyers Buildings) which detracts from other buildings

5 Night time deliveries to be controlled.

(ii) Revised Plans

Comments in respect of items 1, 3 and 5 above remain unchanged

2 Design remains disappointing and loss of footpath link between railway and supermarket 'makes a poor application even worse'; notes that the revised plans recognise the need to link to the railway station but there should be a fully linked plan with support of railway authorities and operators.

4 Welcomes retention of listed buildings and lowering of frontage wall but reiterates support for demolition of frontage building.

5 Regrets loss of petrol filling station which 'was one of the most attractive features of the original application' and urges LPA/developer to reinstate this as part of development. Currently only 3 PFS in town and none north of town centre. Removal is detrimental to overall scheme and will exacerbate traffic along Stallard St/Bythesea Rd.

Wessex Water

(i) Original plans

- No objection in principle to diversion of the existing sewers prior to commencement and subject to formal diversion agreement (s185 Water Industry Act).
- Uncertain whether Wessex Water to carry out required works at developer's cost or developer to implement through legal agreement.

(ii) Revised plans

Additionally notes that no tree planting will be permitted within the easement; the diverted line of the sewer to the north of the cinema runs too close to the building for adoption.

Environment Agency

(i) Original Plans

- 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 Public Realm Design Guide 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 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.
- 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 and implementing safeguards for the prevention of pollution.

(ii) Revised Plans

- Notes that the revisions meet the 4m distance to the river
- Notes that justification for failing to meet objectives of SPD are on grounds of commercial viability
- Comments that major intervention in the river corridor would result in betterment in terms of flood risk
- Reiterates request for conditions in event of material considerations outweighing adherence to SPD objectives.

English Heritage

(i) Original Plans

Recommends refusal on the grounds of 'the unnecessary demolition of three heritage assets, two of them listed grade II and thus of special interest on a national level.'

(ii) Revised Plans

Welcomes decision to retain heritage assets on Stallard St but comments that the 'proposed design of the enormous anchor could do with thoughtful consideration' and that 'Trowbridge deserves better'

Network Rail

(i) Original Plans

- Objects to proposal which includes land within ownership of Network Rail who is not willing to allow the use of this land.
- In event of civil matter being resolved, states a number of requirements for the safe operation of the railway and the protection of NR 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.

- Would welcome the commitment of the Council to pooling planning obligations from development to mitigate the potential impact on the railway.

(ii) Revised Plans

- Formally withdraws its objection on the basis that Network Rail's land has been removed from the application site

- Notes that the potential vehicle links into the station area will be subject to further discussion and formal legal agreement with Network Rail will be needed before any development takes place at this location.

Spatial Planning Officer

In view of the complexity of the policy issues raised by this application, it is considered appropriate to report these two consultation responses in full:

(A) Comments received April 10

"1. Proposal

1.1 The application is for full planning permission for a mixed use development including food superstore, cinema, food and drink units, car parking and landscaping. A 'PPS4 Assessment' (Roger Tym & Partners, October 2011) has been submitted in support of the application to provide justification for the proposed land uses including an assessment of compliance with the development plan and national policy. This has since been updated in the form of an Addendum to PPS4 Assessment, dated January 2012.

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 is adjacent to the River Biss and falls within the area covered by the River Biss Public Realm Design Guide (Adopted March 2009).

1.4 The site has been disused since the closure of the Bowyers factory in 2007.

1.5 GVA has been instructed to undertake an independent review of the retail implications of the proposals and their findings are referred to below. Their advice was received on 20 March 2012. Although this refers to national policy that has now been replaced by the NPPF, published on 27 March, I have taken into consideration the implications of this more up to date policy.

2. Planning Policy Considerations

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

National Planning Policy Framework

2.2 PPS4 has now been replaced by the National Planning Policy Framework (NPPF). 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 similar to PPS4, in so far as, the

application must satisfy the sequential test and would not have a significant adverse impact on a town centres vitality and viability or existing, committed and planned public and private sector investment. If either of these fails, then the application “should be refused” (paragraph 27).

2.3 In applying the sequential approach, “when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre” and applicants “should demonstrate flexibility on issues such as format and scale” (paragraph 24).

2.4 The NPPF places weight on the need to support economic growth through the planning system and recognises that main town centre uses (retail and leisure) can help deliver this.

2.5 Annex 1 of the NPPF considers the weight to be given to adopted and emerging development plan policies. Decision-takers should continue to give full weight to policies adopted since 2004 and due weight to relevant policies in other existing plans according to their consistency with the Framework. Weight can therefore be afforded to policies in the adopted Development Plan. In addition, weight must also be given to the emerging Wiltshire Core Strategy due to its advanced stage of preparation and the general consistency of relevant policies. The policies referred to below are considered to be consistent with the NPPF.

Adopted Development Plan

2.6 The adopted development plan for the area comprises the saved policies of the Wiltshire and Swindon Structure Plan 2016 (April 2006) (prepared in conformity with RPG10, the adopted Regional Spatial Strategy for the South West) and the West Wiltshire District Plan First Alteration (June 2004).

2.7 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.

2.8 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.

2.9 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.

2.10 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. Paragraph 3.5.22 recognises the need for commercial leisure facilities including multiplex cinema and associated uses within the West Wiltshire towns. Trowbridge as a Strategic Service Centre provides the appropriate location to meet this need. Up to date evidence prepared to support the development of the Wiltshire Core Strategy confirms that the aims of these policies is still valid.

2.11 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.

2.12 Policy LE2 of the Local Plan specifically allocates the St Stephens Place site for town centre uses. Permission has now been granted on this site for a mixed use leisure development including cinema.

2.13 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”.

2.14 Matters relating to the sequential approach and impact are discussed in paragraphs 2.20 below.

Emerging Development Plan

2.15 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 Pre-Submission Document (February 2012)

2.16 Consultation on the 'Pre-Submission Draft Wiltshire Core Strategy' ended on 2 April 2012. Council will consider the outcome at its meeting on 26 June 2012 before it is submitted to the Secretary of State for Examination. Submission is programmed for July 2012.

2.17 The emerging Wiltshire Core Strategy and the up to date evidence that underpins it can therefore be afforded weight in decision making.

2.18 Strategic Objective 1 (delivering a thriving economy) of the emerging Core Strategy, 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.

2.19 Consistent with the adopted development plan, the emerging Core Strategy 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.

2.20 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."

2.21 Core Policy 28 of the emerging Core Strategy 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.

2.22 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.

2.23 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.

2.24 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 and their observations are discussed below:

2.25 Roger Tym & Partners (RTP) in their Economic Benefits Statement state that the proposed development will create 410 FTE jobs, more than the Pork Farm plant generated when it closed down (400), albeit that it is recognised that the employment decreased as the plant wound down. However, the whole test is only met if it can be demonstrated that the proposed development generates the same or more jobs than other potential employment uses on the site. This begs the question as to whether the site is capable of delivering a higher density of employment. But the Economic Benefits Statement is silent on this issue. It does not assess the options against the relative economic impacts of each of those options, only the potential economic impacts of the submitted proposals. Therefore it is uncertain as to whether it could meet the first part of this policy test which is: does 'the proposed development generate the same number or more permanent jobs than could be expected from the existing employment use'.

2.26 There are no proposals to address the loss of land previously used for B2 purposes by replacing it with land suitable for B2 uses elsewhere in Trowbridge and none of the new floorspace is being brought forward for B1, B2 or B8 floorspace, so there is no trade off.

2.27 The proposals have the potential to improve the amenity of the area by virtue of regenerating a rundown former industrial site that has been vacant for a number of years. However, it is possible that any form of redevelopment would have the same impact. It is also appropriate to consider the environmental impact of the proposed use and whether this is acceptable in this location.

2.28 Finally, there is no assessment made in the Economic Benefits Statement of the long term viability of B1, B2 or B8 uses on the site.

2.29 Core Policy 36, Economic Regeneration, supports the regeneration of previously developed sites in Trowbridge, as a Principal Settlement, where:

- The proposed uses help to deliver the overall strategy for that settlement...and/or enhance the vitality and viability of the town centre by introducing a range of uses that do not compete with the existing town centre.

2.30 Core Policy 38, Retail and Leisure, requires the proposal by virtue of it not being within the Primary or Secondary Retail Frontage to be accompanied by an impact and sequential assessment to meet national guidance.

3. Retail Considerations

3.1 GVA has provided advice on the retail implications of the proposals (see attached letter dated 20 March 2012). The key points are set out below:

Need

- There is no planning policy requirement to demonstrate a need for the Innox Riverside proposals, and therefore the absence of need is not a reason for refusal.
- On qualitative need issues, as stated in the Wiltshire Retail Study, there is a good choice of large food stores in the centre, comprising Tesco, Sainsbury's and Asda and other independent and local shops.
- We do not dispute that Morrisons would provide additional choice and competition, but we are not convinced that Morrisons' absence from Trowbridge represents a qualitative deficiency. It is unrealistic to expect every town of this size to have all four large food superstores represented.
- The latest evidence suggests there will be some additional capacity arising in the period up to 2016, but we consider the quantitative need for a new food store is overstated and we are not convinced there is a clearly defined qualitative need.

Sequential Approach

- In terms of the sequential approach, we consider the Innox Riverside site should be regarded as edge of centre in respect of existing policy, having regard to the currently defined primary shopping frontage. In these circumstances, as far as the retail element of the proposals is concerned...the only other site which warrants consideration is the Cradle Bridge (Peter Black) site.
- We concur with RTP that both sites (i.e. application site and Cradle Bridge) could be regarded as edge of centre in retail policy terms.
- We have not been instructed to consider the other merits of both locations (i.e. application site and Cradle Bridge) for leisure uses, or viability issues etc. However, within the terms of our assessment, i.e. PPS4 issues, we do not consider it would be appropriate to refuse the Innox Riverside leisure proposals on the basis of failure to comply with the sequential approach.
- The only other site identified previously is the St Stephens Place site, which is currently the subject of leisure proposals and is therefore not suggested as a sequentially preferable location for a foodstore.
- In the absence of any town centre site which could be regarded as suitable, viable or available within a reasonable timescale, and the absence of any materially better integrated or connected edge of centre location, which could also be regarded as suitable, viable or available within a reasonable timescale, we consider the Innox Riverside site would be regarded as the next sequentially preferable location for a new foodstore in Trowbridge.
- In order to function effectively as a well integrated edge of centre location, it will be necessary to provide convenient attractive pedestrian links, signage and landscaping, and effective car park management to actively encourage linked trips between the Innox Riverside and the primary shopping area.

Impact

- RTP has undertaken further sensitivity testing...the impact of Morrisons on Asda would increase to £8.51m, equating to an impact of 24% on this store. We consider this to be a more realistic estimate, given the proximity of the two stores. On this basis, using up to date estimates and survey data employed by RTP, both Asda and Tesco would continue to trade above their respective company average.
- RTP has also undertaken a cumulative assessment, which factors in the likelihood of Sainsbury's in Trowbridge and Asda at Melksham both growing their current turnovers to reach their respective company average benchmarks by 2014. Our expectation is that adopting this scenario, which we consider to be more realistic, Asda in Trowbridge would be likely to be trading just below its benchmark turnover as a consequence of the cumulative effect of recently permitted proposals at the new Morrisons. We would expect Tesco and Sainsbury's to both be trading below average levels.
- We concur with their analysis that Tesco is at present a poorly integrated store, which would be regarded as out-of-centre in policy terms. As a consequence, the impact on this store is not a material planning consideration, and Morrisons has the potential to recapture trade back to a potentially better integrated edge-of-centre location.
- We consider the proximity and degree of linkages between Sainsbury's and the new Morrisons store are both broadly similar, and therefore impacts on this store should not be a significant cause for concern in policy terms.

- While Asda would be defined as a town centre store, we do not consider the levels of cumulative impact predicted are likely to seriously undermine its vitality and viability. Overall, we consider the potential for some additional linked trips, and the other wider attractions to the town centre of securing a cinema and leisure uses etc. could also have a positive effect on the centre.

3.2 GVA also make the following points:

- The WRS identified the potential of St Stephens Place site, which we identify as an edge-of-centre site. This concludes that the site has potential for town centre retail/leisure uses and residential development, but any scheme coming forward on this site will need to create direct linkages with Castle Place Shopping Centre. We concluded that if effectively integrated with the existing town centre offer, further convenience provision could be supported through clawback trade from out of centre foodstores surrounding the centre. We also concluded the St Stephens Place site is in need of regeneration and should remain a key priority for the Council to deliver the site over the planned period.

- Equally, it is evident that the Innox Riverside site is also in need of regeneration. Based on our review, this site offers greater potential as a commercially attractive location for a new foodstore. As far as the leisure elements of the two proposals are concerned, we do not consider there is a sound basis in PPS4 terms to differentiate between the two locations for potential leisure development, although the Council should consider the wider planning and policy merits of each proposal.

4. Conclusion

4.1 While the proposed application could be considered to be in accordance with policy aims of the adopted and emerging development in so far as it would secure the regeneration of a previously developed site within Trowbridge's central area, there are other policy considerations to be taken into account. Achieving the regeneration of this site would be in line with saved Policies DP3, DP5 of the Structure Plan and Policy LE1 of the adopted West Wiltshire District Plan, and Core Policies 1 and 2 of the emerging Core Strategy. In addition, it would be consistent with national policy in supporting economic growth, although other policy considerations also need to be taken into account for growth to be considered sustainable (paragraph 6, NPPF).

4.2 GVA has advised that there are no sequentially preferable sites to the proposal for a retail store, in part due to the fact that the St Stephens Place site is no longer available because of the consent for leisure proposals in accordance with Policy LE2 of the Local Plan. In terms of impact GVA concludes that the proposal would not result in an unacceptable impact on Town Centre stores. As such, Core Policy 38 could be considered to be met but it is considered that insufficient consideration has been given to the risk of impact on Asda, which is recognised as functioning as a town centre store that anchors the Shires shopping centre. The Shires continues to have a high level of vacancies and the impact of reduced footfall arising from the displaced trade from Asda to the Morrisons store could be underestimated.

4.3 Consideration must also be given to the more detailed policy considerations of Policy LE1 in terms of the proposal being of an acceptable form, scale and design, accessibility by choice of means of transport and highways and parking capacity - principles consistent with the NPPF.

4.4 In addition, the NPPF also requires that in assessing impact, consideration needs to be given to "the impact of the proposal on existing, committed and planned public and private sector investment in a centre..."

This has not been covered in the advice from GVA nor does it appear to have been appropriately addressed in the supporting information from RTP. At paragraph 9.16 of the RTP 'PPS4 Assessment' (October 2012) it is recognised that: "key factors which will determine whether a proposal is likely to undermine committed or planned investment will include the effects on current/forecast turnovers, operator demand and investor confidence".

4.5 The approved uses for the leisure and hotel use on the St Stephens Place site, which are in accordance with the adopted development plan allocation in Policy LE2 and Core Policy 28 of the emerging Wiltshire Core Strategy, are considered to have a positive impact on the vitality and viability of Trowbridge. There is no evidence to suggest that Trowbridge or any town of its size and catchment can sustain two multiplex cinema operations and as such it would be reasonable to recognise the risk

involved of permitting two schemes in terms of the impact that this could have on the delivery of an allocated site and the impact on “operator demand” and “investor confidence”.

4.6 Consideration should also be given to the loss of employment land and the tests of Local Plan Policy E5 and Core Policy 35. However, this should be weighed against the recognition given in the emerging Core Strategy to the need to secure the regeneration of viable uses on this site in line with the Master Plan, as recognised by Core Policy 28. While the adopted development plan does not allocate the site for any use, the emerging Core Strategy has been informed by the Master Plan being developed for Trowbridge Central Area and identifies the ‘former Bowyers site’ for a business quarter with housing development rather than the uses being proposed.

4.7 However, it is recognised in the current economic climate that a supermarket may provide the key to delivering a viable solution for the whole site. In such circumstances, there may be opportunities to bring forward complementary uses to other permitted development elsewhere in the Master Plan area.

4.8 It is recognised that development of the site provides the opportunity to enhance the River Biss corridor and meet the aims of the design guidance and in turn Core Policy 28 of the emerging Wiltshire Core Strategy through securing a high quality of design. In considering the application, in line with the vision for Trowbridge, securing attractive cycle and pedestrian links along the River Biss corridor to connect with other regeneration sites will also be important, as will links and connectivity with the town centre in line with advice from GVA and consistent with development plan policy.

4.9 As with any retail proposals that are not with the centre, if you are minded to recommend the application approval it will be important to give consideration to the use conditions to ensure that the nature of retailing does not change over time or develop in a way that would not be acceptable. For example, restriction on sub-division of units, goods floorspace restrictions or restrictions on inclusion of concession units such as pharmacy, dry cleaners etc that in line with the sequential approach can be provided within town centre units. This is not considered to be unreasonable given the basis on which the applicant has assessed impact and the sequential approach.

4.10 The above policy considerations will need to be weighed in the balance in determining the planning application.”

(B) Comments received April 24

The conclusion to this initial response has been updated following the receipt of additional information regarding the implementation of the St Stephens Place permission and highway matters. Paragraph numbers refer to those in the original response above:

“Paragraph 4.1: This considers that the proposal would be “in line” with the principle of securing the regeneration of a previously developed site within the central area of Trowbridge and the potential delivery of priority leisure uses for the Town, as set out within the adopted development plan. However, this is a very broad policy consideration which would support a wide range of uses on the site and therefore this should not be taken in isolation as other policy considerations in the adopted and emerging development plan as well as national policy also need to be taken into account that may in themselves or collectively override this consideration.

Paragraph 4.2: The GVA analysis of the information provided by the applicant in support of the application has not provided an assessment of the impact of the proposal on the Shires which benefits from linked trips from Asda, which acts as an ‘anchor’ for the Shires. As a result insufficient consideration has been given to the impact of the reduced footfall and loss of trade at Asda. Without clear evidence to the contrary, it must be considered that the proposal would have an unacceptable impact on the Shires and the Town Centre. Additional to this, is the impact on the town centre of the non implementation of the allocated site (saved Policy LE2 of the West Wiltshire Local Plan 2011), which is also likely to provide the catalyst for the development of adjoining sites particularly Cradle Bridge. The development of this site for town centre uses continues to be a key policy objective in draft development plan policy. This point is considered further against the comments on Paragraph 4.4 below.

Paragraph 4.3: There are irreconcilable issues, as demonstrated by colleagues in Sustainable Transport, relating to accessibility and highways impact of the proposed scheme.

Paragraph 4.4: Bullet point 7, paragraph 23 of the NPPF supports the allocation of edge of centre sites for main town centre uses that are well connected with the town centre. The allocation of the St Stephen's Place site in Policy LE2 for town centre uses, which is reinforced by the uses proposed within the emerging Wiltshire Core Strategy Core Policy 28 (discussed below), is wholly consistent with this, up to date, national policy therefore significant weight should be afforded to this. Once developed for town centre uses, this well located edge of centre allocation site will become part of the town centre of Trowbridge and is an expansion of the centre. As such, the requirement in paragraph 26 of the NPPF regarding the impact of proposals on planned investment is a relevant consideration. There is a real prospect that the positive impact that the delivery of this allocated site will have on the town centre will be lost; GL Hearn in their letter of 5 April 2012 on behalf of Legal and General Property has stated that:

"The ODL scheme, on the former Bowyers site, is in conflict with existing and emerging policy and would threaten the future viability of the LGP development and hence it would undermine the future viability and further regeneration of Trowbridge town centre. Without doubt there are alternative schemes for the former Bowyers site which would better accord with policy and would assist with the town centre regeneration."

Paragraph 4.5: The applicant has not provided any clear evidence to demonstrate that there is no cumulative impact of their proposal on this permitted leisure use, contrary to the NPPF and the adopted and emerging development plan requiring the impact of leisure proposals to be fully assessed (criterion c Policy LE1, West Wiltshire Local Plan; Core Policy 38, emerging Core Strategy). Without clear evidence to the contrary, it must be expected that the proposal will have a detrimental impact on the delivery and in due course occupation of the permitted development on St Stephen's Place. There are a finite number of 'leisure' investors seeking to come to Trowbridge and real risk of additional vacant premises being created, which in itself will do little to enhance the vitality and viability of the town centre and could lead to the displacement/relocation of similar uses from the Primary Retail Frontage. The absence of clear evidence on the cumulative impact of this proposal, particularly on the delivery of an allocated site is a key policy consideration. The applicant is silent on this point and has previously acknowledged that the impact on operator demand and investor confidence are relevant considerations (paragraph 9.16, RTP October Assessment). The policy conflict of the proposed development, as raised by GL Hearn, with regard to the emerging Wiltshire Core Strategy and alternative uses is discussed further in my additional comments on paragraphs 4.6 to 4.7 below.

Paragraphs 4.6: This application will clearly lead to the loss of employment land for B1, B2 or B8 uses and give rise to "traffic problems" contrary to Policy E5 (as well as Policy LE1). The point made in paragraph 4.6 also recognises the policy imperative through emerging Core Policy 28 to secure the regeneration of the site through other uses but focuses on housing development alongside employment. At this point, Core Policy 28 should be considered in more detail.

For clarification, the regeneration of the application site is recognised within the emerging Wiltshire Core Strategy through the 'Trowbridge Master Plan' and its sites (see Figure 5.20, Wiltshire Core Strategy Pre-Submission Document). This is given policy status within Core Policy 28, with the overarching aim of this policy to secure the holistic regeneration of the central area of Trowbridge and for "the development of these sites to incorporate a sustainable mix of retail, leisure, business and residential uses" (paragraph 5.149). This policy was developed to ensure that complementary land uses are delivered on each site and the sustainable development of the Central Area achieved through a comprehensive approach to its regeneration. In pursuit of sustainable development within the Trowbridge Central Area, Core Policy 28 is explicit in requiring proposals to "fully reflect those uses set out within the Master Plan" and "contribute to the wider vision for the town centre".

There is now clear evidence regarding the implementation of the St Stephen's Place permission and its deliverability, which was questioned by the applicant of this site; to grant planning permission would run counter to Core Policy 28. This requires the delivery of a sustainable mix of uses across the Central Area of Trowbridge. In addition to the fact that the proposed uses would in themselves be contrary to those set out in the Master Plan, as discussed above they would not only undermine the

delivery of the uses on the St Stephen's Place site, already permitted in accordance with the uses identified in the Master Plan for this site, but would also fail to provide alternative complementary uses for sites promoted through the Master Plan, contrary to Core Policy 28 and Core Policy 29, the Spatial Strategy for Trowbridge. This would undermine the holistic planning of the Trowbridge Central Area through the Master Plan approach. As discussed previously, there is no evidence to justify that Trowbridge can support two leisure quarters anchored by multi screen cinemas.

Paragraph 4.7: The point made in paragraph 4.7 must not be considered as accepting of the suitability of a supermarket on the site,. However, it does recognise that in order to achieve the overall aim of the Master Plan for the Central Area of Trowbridge and the regeneration of this site in current market conditions, it may be necessary to consider an additional 'enabling use' such as a supermarket. However, as clarified above, regeneration of this site should only be for complementary uses to those planned for other sites within the Central Area in order to deliver its holistic regeneration and achieve a "sustainable mix" of development overall. Given the current market conditions, while the uses proposed for this site within Core Policy 28 may not be currently viable without an appropriate enabling use on part of the site as set out above, the mix of uses proposed in the application are not appropriate in light of the wider Master Plan. An 'enabling use' on part of the site could be acceptable only if it enabled the delivery of a use identified in the Master Plan that complimented the land uses secured on other central area sites.

The application also fails to take into account the direct relationship of the application site to the 'Station - Transport Interchange', the adjoining site (Site 3) within the Master Plan. Regeneration of this site seeks to achieve public realm enhancements, better links with the town centre and an improved interchange between rail and bus services. As set out in the comments received from colleagues in Sustainable Transport, the proposals undermine the policy aims for 'Site 3' thus undermining the policy requirement for the 'Former Bowyers Site' to "contribute to the wider vision for the town centre".

Paragraph 4.8: The key policy consideration here is whether the site can be made to function effectively as a well integrated site with the town centre and secure attractive sustainable transport links (pedestrian and cycle) within the River Biss Corridor linking the proposal site with sites within the Trowbridge Central Area. Connectivity of the uses on the site with the Town Centre is an important consideration. Without such policy considerations being properly addressed the overall impact on the Town Centre arising from the proposed development will be more acute than predicted, seriously compromising the delivery of sustainable development. Indeed, GVA places emphasis on the need to secure "convenient, attractive pedestrian, signage and landscaping, and effective car park management to actively encourage linked trips with the primary shopping area".

Paragraph 4.10: To summarise, it must be recognised that the proposed development would have an adverse impact on the holistic planning of the Central Area of Trowbridge; is likely to have a significant adverse impact on planned and committed investment undermining the delivery of an allocated site within the adopted development plan; in the absence of a cumulative impact assessment on leisure uses and clear evidence relating to the impact on the Shires, must be considered likely to have a significant adverse impact on the town centre; would not be of a form that is well integrated with the town centre and secures linked trips; would conflict with policies relating to accessibility and highways. The development proposed would therefore be contrary to the NPPF; Policies LE1, SP3 and E5 of the adopted West Wiltshire Local Plan; and Core Policies 28, 29, 38, 61 and 62 of the emerging Wiltshire Core Strategy."

Regeneration Officer

Views have been incorporated within the Spatial Planning response above

Highway Officer

(i) Original Plans

Objection 'based upon the unacceptability of the proposals in terms of the layout, pedestrian access and the multi-modal travel arrangements. Additionally, should the micro-simulation modelling demonstrate similar or worse peak hour traffic conditions on the surrounding network, I would also include an appropriate traffic based objection'.

(ii) Revised Plans

In the light of ongoing discussions over the highway aspects of the development, it is considered appropriate to report in some detail the Highway Officer's comments:

(A) Comments received April 12

"Discussions in respect of some quite fundamental transport aspects remain ongoing and unresolved, and the comments I offer today will need to be reconsidered prior to the committee meeting.

From the outset, the applicant's transport consultants conceded that the transport assessment accompanying the application was incomplete at the time of submission. Since that time, there has been a continuing dialogue through meetings and correspondence between the Council and the agent.

There are three significant issues. In turn;

(1) Traffic impact

The agents have acknowledged that the original TA needed to have a more robust evidence base, and agreed some while back to develop a transport model (S-Paramics) that would:

- a) reflect existing performance of the network
- b) show the impact of traffic associated with their proposal and
- c) allow the testing of any mitigation measures.

At a meeting on 6 March, the agents showed us the result of a), and some early outputs from b).

Aside from the clear conclusion that mitigation would be required (ie to deal with significant queues and delays arising), they have yet to deal with c), and are therefore presently unable to offer a tested package for consideration. I have arranged a further meeting with agents on 19 April.

At this stage therefore, I cannot advise whether an agreed solution will be found.

(2) Relationship with the station

The position is unclear in this regard.

We are told that discussions are taking place with Network Rail to devise and agree a mutually acceptable re-arrangement; potentially incorporating full integration of the train station car park with the parking proposed for the foodstore, alongside the closure of the present vehicular access to the station in exchange for access via the proposed development. Detailed plans have been tabled to that end.

We are told that closure of the existing access to the station is a key part of their anticipated overall mitigation package.

That said, when pressed to explain how and when the application would be amended to reflect such significant changes, the clear message is that no such resubmission is planned.

Whilst those two positions appear confused and irreconcilable, my recommendation must assume that as long as the station land is not incorporated within the proposal, there is no way of securing any guaranteed alterations or linkages with the station facility. .

(3) Location of store

I have always advised that the planned position of the store is very poorly located for non-car access. Contemporary best practice guides toward arrangements that place buildings close to established pedestrian and bus routes. Buildings located at the rear of development areas with large parking areas located to the fore are designed with convenience for car drivers in mind. There is an inevitable price to pay, in this case resulting in not only inconvenience for non-car customers, but also a range of consequential conflicts between pedestrians, cars and service vehicles.

Given the above, and with the caveat that my advice is subject to change, I recommend that the application is refused for the following reasons:

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 E4C, E4D and E5(iii) of the West Wiltshire District Plan, and Core Policies 61 & 62 of the emerging Wiltshire Core Strategy.

The proposal fails to take advantage of the key relationship with the adjoining railway station, contrary to Policy E4C of the West Wiltshire District Plan and Core Policy 61 of the emerging Wiltshire Core Strategy.

The proposed location of the foodstore to the rear of the site would result in a car dominated development, causing inconvenience and conflict for bus users and pedestrians. As such the proposal is contrary to Policies E4C, E4D and E5(iii) of the West Wiltshire District Plan, and Core Policy 61 of the emerging Wiltshire Core Strategy.”

(B) Comments received April 20 following meeting on 19th

“ ..the consultants presented the final results from their comprehensive modelling exercise.

Without straying into too much detail, their analysis confirms that the impact of the development on the existing network would be to create a significant increase in queues and delays on the immediate and adjacent highway network.

Frankly, this does little more than reaffirm the concerns that we have all expressed from the outset.

Even more helpfully, the consultants have considered the way in which the traffic impact might be mitigated. The most effective change is the closure of the existing station access, alongside the integration of the station car park with the proposed store access (thereby dealing with a further objection set out in my note to you)

Modelling that change shows a material improvement in network performance.

Despite his agents presenting very clear evidence and obvious conclusion, the applicant's view steadfastly remains that his proposal will not create any difficulty, and therefore he is unwilling to commit to any mitigation.

Given that compelling nature of the transport analysis, I struggle to reconcile the two, however the consultant's findings are helpful in that they very much support my recommended reasons for refusal sent under earlier cover.”

Rights of Way Officer

Footpath

- Notes that TROW 73 would need to be diverted
- Footpath required to be open during development so would either need permanent diversion prior to, or temporary diversions during, construction.

Pedestrian cycle links

- Redevelopment offers opportunity to improve links but routes largely around buildings and vehicle flows and generally poor
- key link through the site is from Stallard St to where subway and Innox path meet
- desire line from railway bridge/station to Innox Rd underpass provided in original layout but lost in revised scheme and would require considerable diversion to deliver pedestrian link
- unclear which routes cater for cyclists which in any event appear to require users to cross internal roads.
- good links in to site possible from town bridge direction.

Subway

- current area of concern to highway officers and police as attracts anti social behaviour
- Improvements could/should be sought including lowering of land around subway to increase visibility and safety; revised plans now exclude Network Rail land from application site so only limited improvements/land lowering now possible

Contributions

- contribution should be sought towards scheme for improving NR land around subway (if NR agree to improvements) as this is key entry point from north. Scheme should lower land, upgrade lighting through subway and level gradient onto Innox Path
- contribution to upgrade Innox Path estimated at £300K; contribution of £120K would be 'fair and reasonably related given what a key link this is into the site'.

Conservation Officer

(i) Original plans

Recommends refusal based on

- demolition of 7-9 Stallard St without adequate justification such as an overall public benefit which outweighs loss, their retention preventing all reasonable reuse of the site, or no viable use for buildings.
- petrol filling station in very prominent location, detrimental to appearance of Conservation Area and setting of listed buildings
- expanse of carparking in views from Conservation Area

(ii) Revised Plans

Revised recommendation of 'No objection' based on

- retention of listed buildings and removal of PFS
- proposed feature café at site entrance would offset buildings on north side and create improved gateway into site; modern design would complement historic buildings
- 'extensive mass of carparking', although visible, would be broken up and have reduced impact.

Urban Design Officer

(i) Original plans

Recommends refusal based on

1. Building layout – fails to properly address Stallard St, the railway station and R Biss or integrate site into wider locality
2. Highways - overwhelming visual impact of entrance road and roundabouts with negative impact on character of area and feasibility of pedestrian links with retail centre
3. Parking - visual impact of parking area which covers one third of site and tarmaced area which covers almost half the site
4. Pedestrian routes and public spaces – public open spaces fail visually and functionally; riverside park too isolated and lacks surveillance; pedestrian routes are visually negative and require crossing several lanes of traffic; scheme turns its back on river corridor

5. Landscape and ecology – landscaping at edge of site will not reduce dominance of area of parking or enhance scheme; the width of the riverside walk simply complies with EA's minimum requirements; scheme fails to address ecological objectives of R Biss SPD
6. Architecture – lack of detailing to works to Innox Mill and House; scale and design of works to 2-6 Bowyers Buildings would have negative impact; proposed cinema makes no architectural statement or visual reference to building's importance and proposes blank elevations to river and public realm; foodstore is detached from development and service yard has negative impact on river; no improved relationship between 5/6 Stallard St and surroundings.
7. Sustainability – unclear whether majority of site meets sustainability policies.

(ii) Revised plans

- notes improvements to points 1, 3, 4 and 6 above
- advises improved pedestrian crossing points at Wicker Hill to improve links with town centre
- Concludes that there are insufficient design objections to warrant refusal but advises opportunities for further ecological enhancements and conditions relating to the listed buildings, external materials and landscaping.

Archaeologist

(i) Original plans

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

(ii) Revised plans

No further comments or recommendations

Ecologist

(i) Original plans

Protected Species

- Notes that bat activity is largely concentrated along R Biss which is important wildlife corridor; limited opportunities for reptiles and breeding birds

River Biss SPD

- Objective 5 is 'to improve the environment, reduce flood risk, and enhance biodiversity along the River Biss corridor'. Document identifies this as one of only 2 sites appropriate for 'habitat creation – major intervention' (eg removing retaining features, re-profiling river channel and banks) and specifically identifies that there is an opportunity to cut into the piling below water level, regrade the banks and create a marginal shelf for marginal and aquatic planting to enhance biodiversity.

- The proposed development does not incorporate any improvements to the river; creates a narrow river corridor with no provision for an ecological function; would increase shading from cinema building; proposes no planting along river edge; introduces artificial lighting along corridor. Riverside park would improve diversity, but is questionable as a space for public use and enjoyment of river setting. 'Given that biodiversity enhancement at the Bowyers site is a core element for delivering the SPD's ecological objective, the approval of this application in its current form would significantly weaken the ability of the SPD to deliver any of its ecological outcomes. As such, I cannot support this application.'

(ii) Revised plans

No significant changes have been made and previous recommendation for refusal is maintained.

Scientific Officer

(i) Original plans

Comments that the historic mixture of uses on the site makes it likely that contamination of the ground will have occurred and that some work related to land contamination was carried out as part of the previous application to develop the site. Raises no objection subject to an appropriate condition.

(ii) Revised plans

No further comments

Drainage Officer

No comments to make regarding flooding; re drainage, the proposal provides an opportunity to significantly reduce the volume of water discharging into the River Biss and public sewer system; final designs and discharge rates can be approved via condition.

Environmental Health Officer

(i) Original plans

- raised concerns over noise and light in respect of residential amenity and the cumulative impact on the noise and light environment of Trowbridge; advised submission of acoustic and lighting reports
- advised submission of odour report addressing cooking smells from proposed restaurants and pubs
- recommended conditions requiring details of lighting; noise levels not to exceed existing background levels; approval of noise impact assessment; limitations on hours of deliveries; erection of gates at the entrance/exit of site to prevent 'boy racers' and anti-social behaviour; installation of suitable ventilation equipment; scheme for the storage of refuse. Also informatives relating to hours of construction; operation of plant and machinery; dust control measures; radio noise; late night or early morning working; temporary oil storage tanks.
- notes the site is currently an attraction for pigeons and advises appropriate roof design, measures against roosting and perching birds and provision of dedicated feeding area for birds.

(ii) Revised plans

- notes that no additional reports have been submitted to address matters raised above
- recommends conditions as referred to above

Landscape Officer

(i) Original Plans

Recommends refusal based on

- poor and uninviting views into site from all 3 proposed access points
- inadequate consideration of public areas and usable space with 'squeezed' riverside walk, uninviting north facing spaces to rear of restaurants; a riverside park which adjoins the railway line, backs onto a supermarket service yard, has views over industrial buildings and falls short of Secure by Design principles.
- advises more of the riverside to be opened up and incorporated into a larger central open space; better visual links from access points; greater use of under building and underground parking; use of 'dead' areas within site for service yards/areas.

(ii) Revised Plans

The revised proposals remain short of being satisfactory and the recommendation remains unchanged.

Arts Development Officer

(ii) Original plans

Is expectation of a greater integration of public art into the site in line with Council's guidance and requests an indicative contribution of £50,000

(ii) Revised plans

No further comment other than applicant appears agreeable to commissions that are accessible, reflect local distinctiveness, are of heritage value and relevant to the local community.

Amenity and Fleet Officer

Notes that while the proposed Public Open Space is not in an ideal location, it would lead into the Riverside Walk. While it has not been requested by the Council, would be prepared to adopt it subject to a legal agreement and financial contribution but whatever arrangements are agreed, it should be retained in perpetuity.

Trowbridge Vision Board

(i) Original plans

'wishes it to be known that the interest of the applicant in this very important site is very welcome and acknowledge that it is in need of comprehensive redevelopment. We also acknowledge that it is unlikely in current and foreseeable market conditions that a comprehensive redevelopment could be delivered without large floor-plate food retail to generate sufficient value to address the site's constraints.

Transforming Trowbridge therefore supports the principle of developing this site but believe that the commercial leisure element is better served at another location in Trowbridge. We would therefore seek to work with the applicant to secure a more appropriate mixed use development for the former Bowyers site and would encourage Wiltshire Council to adopt a similarly positive and flexible approach in this respect.'

(ii) Revised Plans

No further comment to make

Mid Wilts Economic Partnership

No comment received

9. Publicity

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

Expiry date of the original application was 25 November 2011; the expiry date following reconsultation on the revised plans was nominally 4 April 2012 but due to problems with the Council's web site for more than a week when the information was unavailable, now coincides with the preparation of this report.

Summary of points raised:

At the time of preparing this report, 50 letters from the general public had been received; a petition with 115 e-mail signatories; 3 letters representing supermarket and cinema operators within the town; and letters from the Trowbridge Civic Society, the Trowbridge County Town Initiative and the Trowbridge and District Chamber of Commerce.

(I) Third Party representations

39 letters of support generally covering the following points:

- much needed regeneration of vacant brownfield site
- site currently presents unattractive entrance to town
- Trowbridge needs a cinema; nearest cinema facilities a good distance away
- proposals overall better than comparable scheme at St Stephens Place
- cinema complex would rival facilities in Bath
- Cineworld offers better value to customers
- development on this site will 'kick start' development on other vacant sites within the town
- employment opportunities and job creation
- sustainability of the site adjoining the railway station
- plenty of car parking
- improved cycle and pedestrian routes to the town from residential areas
- potential improvement in traffic flows
- opportunity to retain and restore listed buildings
- provision of a safe riverside park
- opening up the River Biss for access
- provision of public open spaces within the site
- development will attract visitors and shoppers to the town
- provision of evening facilities and a night time economy
- improved restaurant and eating facilities
- increase in supermarket choice and competition with impact on prices
- additional petrol filling station to provide choice and reduce prices
- the scheme appears to be fully funded
- development would de-contaminate the site
- local opinion is in favour of the scheme
- there should be no further delay in approving the scheme.

While being generally in support of the development, several of these letters express reservations over the need for a further supermarket in the town and have concern over the likely increase in traffic and highway disruption associated with the scheme; several also express disappointment at the subsequent removal of the petrol filling station, and the delay in determining the application. (NB several of these letters are from the same correspondents)

8 letters of objection covering the following points:

- no need for additional supermarket
- additional supermarket will create minimal job opportunities by recruiting existing staff already employed within the town
- apparent support for foodstore will not necessarily be realised once built
- detrimental impact on existing supermarkets within town competing for same market
- supermarkets are killing off small, more diverse retailers
- loss of further retail units within town centre has detrimental impact on overall viability
- financial offer to 'clean up' site is tempting but other options should be explored
- poor highway layout which will exacerbate already congested part of town
- who will pay for additional highway works to address additional congestion
- although sustainable site, most visitors to Morrisons and cinema are likely to be arriving by car

- roundabout solution is not suitable, is poorly designed and would have detrimental impact on existing access points in Stallard St
- lack of detailing for proposed bus shelters and poor location
- former Tesco site is better location for cinema complex

3 letters expressing neither direct support/objection but making the following points and comments:

- support for cinema and leisure facilities but not for additional foodstore or petrol filling station
- highway details and layout require amending including repositioning of the roundabout and the pedestrian crossing, narrowing of carriageway over town bridge, alterations to service arrangements and bus turning area, inclusion of practical link to station forecourt
- materials should reflect local context
- greater tree planting along railway
- consideration of refuse collection facilities

(II) ePetition

The signatories of the e-mail petition 'believe that this is absolutely the best possible outcome for all concerned. We want more affordable supermarket shopping, we want a deliverable cinema, we want a pleasant well thought spacious development with ample parking and transport links which this delivers in full. This is indeed OUR VISION FOR TROWBRIDGE and will indeed TRANSFORM TROWBRIDGE. We the residents and supporters of this development demand that Wiltshire Council and the Western Area Committee listen to what we want, in a council who's (sic) motto is 'Where everybody matters'.

(III) Letters on behalf of other operators/developers

(a) A letter of objection has been submitted on behalf of Sainsbury's Supermarkets Ltd on the following grounds:

1 Development is contrary to emerging development plan policy (WCS) as the site is identified for a mix of residential development, including affordable housing, and business development.

- reference is made to 2 documents which support the WCS (a) the Wiltshire Retail Study which confirms that there is no capacity for additional food retail floorspace in Trowbridge; and (b) the Transforming Trowbridge Masterplan which notes highway constraints on the bridge; it is evident that much of the traffic using the proposed development will pass through this difficult highway arrangement

2 Development occupies an out of centre location and fails the sequential test for retail and leisure uses as there are sites within the Town Centre to accommodate these uses.

- reference is made to retail policies SP1, SP2 and SP3 and leisure policies LE1 and LE2 and the fact that St Stephens Place is allocated for retail and leisure uses.

3 The PPS4 assessment is deficient in a number of areas

- there are sites at Castle St, St Stephens Place and Cradle Bridge which are allocated for retail/leisure uses or benefit from extant planning permissions and sequential test therefore fails
- household survey evidence to support the PPS4 assessment was undertaken at the start of the school holidays and was untypical
- the catchment area extends too far to the south and already includes a Morrisons store
- claim that another store will increase market share is doubtful
- double counting of expenditure inflow which artificially increases capacity and underestimates impact
- includes overtrading in assessment but excludes undertrading
- excludes existing commitments and recent developments
- qualitative need for additional convenience floorspace not justified as are already 7 supermarkets in town providing choice and competition
- disagree with the assumption that the proposed Morrisons store would compete generally with Tesco and have limited impact on trading at Asda and Sainsburys.

(b) Two letters of objection have been received on behalf of Legal and General UK (applicants of St Stephens Place development) on the following grounds:

(i) Original Plans

1. St Stephens Place site is sequentially preferable and 'is suitable, available and viable to deliver the cinema, and restaurant, café, bar components of the ODL scheme

- reference is made to the PPS4 assessment which was carried out prior to details of the LGP scheme being confirmed
- contains an (incorrect) assumption that the LGP scheme would not be coming forward
- adopting the same measurement for sequential test purposes, St Stephens Place is an edge of centre site, while the Bowyers site would be out of centre
- St Stephens Place site is allocated for retail/leisure uses in the development plan (LE2) and also complies with CP6 in the emerging WCS; the Bowyers scheme is not supported by any site specific policy in development plan and is contrary to WCS

2. Permission for the ODL scheme would have a significantly adverse impact on the St Stephens Place development which 'is on an allocated site to be developed in accordance with the development plan contrary to PPS4 policy.'

- reference is made to the current application which seeks to undermine the credibility and viability of the LGP scheme; however, viability would be threatened if permission was granted for a competing 8 screen cinema complex on the site.

(ii) Revised Plans

- permission now been granted for the cinema and hotel development at St Stephens Place
- 'considerable' progress been made to implement the scheme; exchange of contracts with Odeon and Premier Inn is imminent, site clearance works have commenced, application to discharge planning conditions been submitted, 'ground breaking ceremony proposed in April, interviews taken place with 5 contractors
- agreed programme includes start on site June 2012, handover to Odeon for fit out April 2013, handover to restaurant units and Premier Inn August 2013, opening of scheme October 2013
- positive feedback on marketing of restaurant units
- previous objections not altered by revised plans and reinforced by publication of NPPF
- approval of application would require referral to Secretary of State (Consultation Directions 2009)
- since Council's web site was unavailable until 2 April, all parties should have sufficient time to consider revisions before referral for committee decision
- applicant should be asked for appropriate NPPF impact assessment in accordance with para 26.

(c) A letter from the Trowbridge County Town Initiative reports that a presentation was made to the group (representing approx 50 local businesses) in December by the applicant. The majority (2 to 1) were in favour of the proposal but concerns/comments were expressed over the following:

- future pedestrian arrangements to enable crossing to access the town centre
- Stallard St/Wicker Hill are the busiest in the town centre and the development would only enhance that position
- discussions with Network Rail over closing the station access and relocating it across the development site would be supported
- unanimous support for removing the left turn restriction at the Market Sty/Castle St junction
- if permission is granted, there should be highway conditions to maximise pedestrian safety in accessing town centre
- in the event that highway concerns cannot be overcome, the development should not proceed
- the amount of non food retail should be restricted to protect existing retailers
- carparking to be free/cheap to act as incentive to visit the town centre
- there are already sufficient supermarkets in the town.

(d) A letter from the Trowbridge Civic Society states that 'this is a good proposal' and refers to

- a good awareness of the historical context,
- the attempt to make good adverse effects of earlier road development
- the retention and reuse of the significant buildings
- the good architectural quality of the proposed buildings and appropriate scale and materials
- while the development would move the centre of gravity away from the present town centre, notes the opportunity created for increased pedestrian access to town centre and increased night time activity

- riverside walk and cycle path would increase links to residential development in Bradford Rd
- landscaping should take account of usage levels and may be better replaced with attractive paving
- possible screening of the Riverway trading estate from the path and riverside
- encouragement of rail use and proposals for rail/road integration.

(e) A letter from the Trowbridge and District Chamber of Commerce reports strong support for a cinema and range of family restaurants among the 13% of its membership who responded to its survey comparing both developments

- 4 supported St Stephens Place scheme (good location, current eyesore, would generate development of adjacent sites, cinema of sensible size). Reasons for not supporting scheme – impact on existing hoteliers; inadequate parking
- 11 supported Riverside scheme (create more jobs, supermarket more beneficial than Premier Inn, larger cinema, more parking, proximity to station/proposed bus interchange, better design, opening up of riverside, additional petrol station, whole scheme well balanced). Reasons for not supporting scheme – additional supermarket, traffic congestion, carparking still likely to be inadequate.

The applicant has provided the following update to the public consultation process:

- Public meeting – 96% of respondents in support
- Wiltshire Council website – strong support
- Editor to Wiltshire Times – received 10 letters in support
- Wiltshire Times website – 50 plus comments in support
- 3 independent on line polls comparing Bowyers scheme (B) with St Stephens Place development (S) - Facebook poll (75%B/25%S); Facebook poll end Jan 2011 (70%B/30%S); SW Wilts Lib Dem poll(88%B/12%S); represents 80% support for Bowyers scheme (as at end Feb)
- Household newsletters – 538 responses in support (as at end Feb)
- Innox Riverside website – 35 comments received /91% in support
- meetings with Transforming Trowbridge and Trowbridge County Town Initiative
- Survey of Chamber of Commerce (Dec) – 73% in support
- ePetition – 89 signatories (NB the copy forwarded to the Council and referred to above contains 115 signatories)

10. Planning Considerations

10.1 Principle of development

The fundamental policy case is comprehensively presented by the Head of Spatial Planning in section 8 above and Members' attention is drawn to the detailed policy issues raised by this application and subsequently addressed in both the original and updated consultation response. It is not necessary to rehearse these policy comments further but simply to draw attention to the conclusion which states the following:

“To summarise, it must be recognised that the proposed development would have an adverse impact on the holistic planning of the Central Area of Trowbridge; is likely to have a significant adverse impact on planned and committed investment undermining the delivery of an allocated site within the adopted development plan; in the absence of a cumulative impact assessment on leisure uses and clear evidence relating to the impact on the Shires, must be considered likely to have a significant adverse impact on the town centre; would not be of a form that is well integrated with the town centre and secures linked trips; would conflict with policies relating to accessibility and highways. The development proposed would therefore be contrary to the NPPF; Policies LE1, SP3 and E5 of the adopted West Wiltshire Local Plan; and Core Policies 28, 29, 38, 61 and 62 of the emerging Wiltshire Core Strategy.”

10.2 Highway and access considerations

Both adopted and emerging policy make 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 '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 requires that new developments should deliver 'sustainable travel linkages' (Core policy 28); demonstrate 'that consideration has been given to the needs of all transport users' (Core Policy 61) and 'provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages' (Core Policy 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.

The consultation responses of the Highway and Rights of Way Officers identify the significant issues raised by this application.

(i) Traffic Impact

While a Transport Assessment required by the NPPF was submitted with the application, it is acknowledged as being incomplete, or as corrected by the applicant 'that there would be further modelling work undertaken post submission of the TA'. That independent document initially concludes that

- the Bythesea/Stallard St roundabout is currently at capacity in the peak hour and some queuing is predicted; the proposed mitigation is an agreement with Network Rail to access the station through the development and the closure of the existing station access.

- the County Hall roundabout will have an increase in queuing; to address this, 'it will be necessary to wait until the micro simulation modelling is undertaken to assess whether there is any benefit in improving this junction'

- the Longfield Gyratory and Trinity Church Gyratory could experience some increase in queuing; to address this, 'further investigation will be undertaken into improving the Trinity Gyratory'.

The specific mitigation proposed in respect of the Bythesea Rd/Stallard St system includes the adjoining railway land and is considered in greater detail below; the mitigation proposed for the other 2 traffic concerns requires additional information and testing.

At a meeting with highway officers on 6 March, some of the necessary information and modelling was made available; at a further meeting on 19 April, the final results of the modelling exercise were presented. This analysis confirms (a) that the impact of the development on the existing network would be to create a significant increase in queues and delays on the immediate and adjacent highway network, and (b) that the most effective change would be the closure of the station access alongside the integration of the station carpark with the proposed new access to the development.

The current submission does not incorporate the adjoining station land or offer any other tested mitigation for consideration. Therefore, on the basis of the applicant's own evidence, the development

would have a detrimental impact on the highway network but does not confirm how, or whether, this would be mitigated. As such, the application remains contrary to adopted and emerging policies LE1, E4, CP61, CP62 and the NPPF as detailed above.

It is an important point that the highway impact of this development has been raised as a major consideration by the Town Council, the Trowbridge County Town Initiative and Chamber of Commerce (both who represent many small and local businesses) and many members of the public including those who are otherwise supportive of the proposal.

(ii) Relationship with railway station

The location of the application site adjacent to the railway station provides an opportunity to deliver an integrated transport node which would incorporate the station carpark with the parking for the food store and leisure uses while providing an improved access arrangement to the station via the proposed development. This would secure the closure of the current station access as part of the mitigation measures to address the increased traffic use.

This integration of transport facilities was raised as an important consideration at the pre-application stage and has been incorporated within the D&A Statement; however, it is not reflected in the submitted or revised plans and no details have been provided to confirm how this might be achieved or the scheme further revised to accommodate the change.

Nonetheless, the applicant confirms that discussions are ongoing with Network Rail and that 'clear, detailed, advanced and concrete progress' is being made. That said, this is not confirmed by Network Rail in its responses to the application to date which make it clear that there is no agreement as yet to incorporate any of its land within the development. As at the time of preparing the report, there is no evidence to show that NR's position has changed.

Following a meeting with highway officers on 19 April, the applicant has submitted the following:

"Creating the potential to close the station is part of the mitigation package, but not the closure of the access itself.

The Applicant has liaised extensively with Network Rail (NR), as requested by WC, in order to discuss the closure of the station access and help to ultimately create a far stronger multi-modal transport interchange, in line with sustainable transport ambitions. The Council should note that both NR and First Great Western (FGW) are agreeable (and have confirmed this in writing), subject to the Applicant covering the cost of the works and any legal agreements.

The closure of the current Trowbridge station access provides no material benefit for the Innox Riverside development from a highways perspective. It was originally considered in connection with signalling the Stallard Street/Bythesea Road junction in order to see if any capacity benefits could be achieved. However, ADL and PFA (WC's consultants) having now assessed the Stallard Street/Bythesea Road junction, conclude that there is no benefit in signalling this junction and hence it is proposed to leave it as a roundabout. It is therefore not necessary as part of the Innox Riverside Development to close the station access.

The benefits of closing the station access and redirecting the station traffic via the Bowyers application site are therefore as follows:

- a) It integrates the two sites.
- b) will improve the safety of NR's access onto Stallard Street
- c) It will facilitate NR's customers, in that they will have less delay in getting out of the station
- d) There will be less hold ups on the roundabout caused by vehicles turning right into the station

In respect of items b) and c) it should be noted that these are clearly benefits to NR, not to the Applicant. In respect of item d) Wiltshire Council could implement a banned right turn to prevent these hold ups, if they considered it caused an issue. An alternative vehicular route from Wicker Hill to the Station via the Bowyers site could still be secured if necessary, as the Applicant has a right of access to the Station via Station Way.

Regardless of whether or not vehicular access to the station is taken via the Bowyers site, the proposal will still allow cycle and pedestrian access between the development and the station forecourt. The developer has a right of access over the NR land that runs along the rear boundary of the properties 5-7 Stallard Street.

In an ideal world it would be preferable to improve the pedestrian routes across the Station forecourt. However, this is a matter for NR/FGW. To facilitate an additional benefit of the scheme, as advised, the Applicant has offered to fund improvements of the station forecourt and guarantee NR/FGW a right of access over the Bowyers site in the event that they close the station access.

The applicant is willing to discuss the dedication of the land required to provide an alternative access route to the Station and the private road (which benefits from an existing right of access to the Station) with Wiltshire Council. This would then also give the Council the option to undertake any further access improvements as part of any future plans for the Station, if it later elects to pursue these objectives independently.

As an additional measure and pursuant to the meeting with Wiltshire Council's Head of Service (Sustainable Transport) on 19th April, the Applicant has now asked its solicitors to prepare a Letter of Undertaking and Memorandum of Understanding to be exchanged with Wiltshire Council, which will articulate the Applicant's commitment to collaborate with Wiltshire Council and also Network Rail to deliver the Rail Station Improvements. The Applicant is content to contribute up to one hundred thousand pounds Sterling (£100,000) towards the cost of the requisite works.

In the context of all of the aforementioned, the Applicant has demonstrably done and will continue to do everything practicable to facilitate and promote the closure of the existing Station access and other improvements at the Station.”

While this commitment is welcomed and indicative of the applicant's positive intentions,

- there is no certainty that the guaranteed alterations or linkages with the station can be delivered since they involve third party land, and
- inclusion of the relevant land will necessarily involve further revisions to the site layout which would need to be considered, consulted on and assessed.

In the light of the applicant's requirement that this application be determined at this meeting, it is clear that these material issues cannot be resolved within this time frame or, possibly, any other. The integration of the station site is fundamental to the mitigation proposed by the applicant to address the impact of increased traffic and is also an essential element in the emerging Trowbridge Area Strategy which looks to deliver 'improvements to the rail station providing a new gateway to Trowbridge and improved public transport connectivity'.

The failure to secure this as part of the redevelopment of the site would have significant implications for the long term delivery of that Strategy as a whole and a premature decision which would exclude this possibility cannot be supported. The NPPF clearly states that decisions should reflect whether 'opportunities for sustainable transport modes have been taken up' and until this matter has been fully explored and concluded, any decision at this time, other than a refusal, would be premature and contrary to adopted and emerging policies.

(iii) Internal site layout

The Highway Officer re-affirms in his recent response that 'the planned position of the store is very poorly located for non-car access. Contemporary best practice guides toward arrangements that place buildings close to established pedestrian and bus routes. Buildings located at the rear of development areas with large parking areas located to the fore are designed with convenience for car drivers in mind. There is an inevitable price to pay, in this case resulting in not only inconvenience for non-car customers, but also a range of consequential conflicts between pedestrians, cars and service vehicles.'

This assessment identifies a fundamental flaw in the site layout and a conflict with sustainable policy objectives referred to above. Concerns over the overall site layout and extent and location of parking were raised at the very start of the planning process, together with the limited accessibility to public

transport facilities derived from the failure to integrate the adjoining station land within the development site. While this particular matter remains outstanding, the scheme remains very car dominant 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.

The applicant's response to this matter is that re-positioning the store at the front of the site would prevent access to the station by all users (itself a key highway requirement) and the demolition of all the listed buildings (which other parties have sought to protect). The Council's response is that it would clearly be possible for the store to be re-positioned closer to the front of the site while not prejudicing either of the issues raised, which requirement might fall as a consideration in the event of more integrated layout incorporating the adjoining land; at that point, new and sustainable links could be created to serve all users in an appropriate hierarchy.

The point has been made by the applicant that the highway comments on this matter conflict with those of other consultees and that there is an implicit policy support for a superstore on the site which, by definition, is a car focussed development. These may be matters of fact or opinion but there is no doubt that the current layout does not deliver the most sustainable of layouts to meet the objectives of current policy; however, there is also little doubt that any scheme of this type and scale is likely to fail in this area without the inclusion of the station site which would enable the whole matter of connectivity to be considered.

(iv) Pedestrian/cycle connectivity

Following on from the above, there is an associated concern regarding the general linkages both within the site and to the wider area. The D&A Statement notes that the site is ideally located to be accessed on foot and that 'the development seeks to take advantage of the site's sustainable location by enhancing the pedestrian and cycle links between the train station, retail centre and northern areas'; the revised D&A statement 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.

It is acknowledged that the existing links through the site are poor, but this is not surprising given its history as a meat processing factory. Its redevelopment, however, offers a major, and rare, opportunity to improve this and open up increased and improved pedestrian and cycle links through the site and to the surrounding area.

Quantitatively, the redevelopment would provide an increase in the number of routes within the site associated with the proposed uses. The two existing paths would be diverted (subject to separate approval) and a new cycle/path way would be provided along the riverside and the northern boundary to link Innox Path in the northwest corner with Innox Square (and ultimately Stallard St) in the south east. In addition there are a number of smaller links serving the various buildings and spaces.

In terms of their quality, it has been noted that these are largely governed by the position of buildings and proposed traffic routes through the site and do not adequately reflect current and future desire lines. In particular, the Rights of Way Officer has drawn attention to the importance of the key line through the site from Stallard St to Innox Rd and for access from the station to Innox Path. For cyclists, the former route will require a lengthy diversion around the external boundary and is not a full cycle link in any event (it becomes a footpath towards Stallard St) while the scheme does not deliver the latter; for pedestrians there is no direct link other than around the foodstore to get from the station to the subway.

Concerns have been raised over the existing subway under the railway which is currently a focus for anti-social behaviour. A request has therefore been made for a contribution towards a package of improvements which include lighting; the lowering of land on the east side of the subway to enable the narrow passageway in that area to be removed and the land opened up to improve visibility, create a safer environment and provide more space for pedestrian/cycle interaction at this point; gradient alterations to link with Innox Path and the upgrading of Innox Path itself. This has been rejected by

the applicant who comments that it 'is already spending hundreds of thousands of pounds by creating a new riverside walk, a number of alternative pedestrian routes through the site (compared to the unattractive route at the moment) and an extensive public realm area.'

While this may be the case, since the main connectivity through the site is largely dependent on access via the subway, it is a real consideration that this is of an acceptable quality which will not deter users and compromise the wider objectives for the redevelopment of the site. The situation is already further compromised by the recent exclusion of the adjoining Network Rail land which prevents any significant re-engineering around the subway and limits the extent of any improvements, and must give added weight to the importance of incorporating the railway land as part of an integrated transport approach.

Connectivity concerns have also been raised 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 scale, design and siting of the site entrance is likely to further discourage pedestrian crossing at this point and reduce the likelihood of 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 major weakness.

In determining whether this aspect of the scheme is sufficiently unacceptable to warrant a specific refusal, the Spatial Planning Officer comments that the development does not integrate well with the town centre although neither the Rights of Way nor Urban Design Officers raise a formal objection. It is a consideration that aspects of this could be addressed by a financial contribution from the developer (Innox Path) and further information/work to improve links to the town centre secured by a Grampian condition (internal links/Stallard St) but whether these ultimately deliver a scheme which fits with the wider vision for the site remains doubtful. Members may wish to consider this in their overall deliberations.

As a final point, it has been raised that the proposed carparking restrictions are not in line with the Council's parking strategy. In the event of planning permission being granted, this matter could be addressed by condition or legal agreement.

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 a cinema complex 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 leisure uses; a proposed cinema which functionally links with these uses but which visually links with the new foodstore in the north west corner adjacent to the railway station; a feature gateway building at the site entrance; the central and front areas largely given over to parking, access and other transport elements of the scheme; 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.

As an urban design solution, the proposal, as now revised, largely meets the applicant's stated objectives, but to a lesser extent, those of the policy aspirations for the site. It is clear from the comments of the Urban Design, Highway, Conservation and Landscape Officers and the Ecologist that the original scheme was unsatisfactory in several areas including the site layout, the relationship of buildings to the wider public realm, the impact on the riverside, the loss of important heritage assets, the dominance of the site with surface carparking and traffic matters, the quality of the public spaces and the general missed opportunity which the redevelopment of this landmark site at the entrance to the town presents. The importance of these elements had been made known to the applicant at the very start of the planning process and throughout the initial consultation period and it is only on receipt of the revised scheme that the wider aspirations for the successful redevelopment of the site have begun to be addressed.

Revised comments note an improved internal layout and more positive relationship with the public realm; the essential retention of the frontage buildings; a reduced dominance of the surface parking; some improvement to internal links and open spaces and improved architectural detail to both new and retained buildings.

The Innox Square part of the development centred around the conversion of the retained buildings provides a very attractive focus on the east side of the entrance and at the start/end of the riverside walk. Although positioned at the rear of the site, the cinema visually links with this group of buildings across the central open area while providing an appropriately scaled focal point. The central space, while still a carpark, has been broken down into smaller areas which include pockets of open space and afford glimpses of the riverside park. The lowering of the very high wall along Stallard St visually opens up the whole site to wider views and enhances the setting of the row of listed buildings at the important public frontage. The contemporary feature building at the site entrance helps to minimise the visual dominance of the access point and provide a visual link back to the Innox Square complex.

The proposed access in the form of a large roundabout with 4 entry/exit lanes does not provide the most appropriate or attractive entrance to the development and will clearly be very dominant in this part of Stallard St close to the important Town Bridge. However, as the D&A Statement notes, the site currently has 2 access points located very close to each other and are surrounded by large areas of tarmac which already have a 'considerable visual impact'.

In terms of the design of the individual elements, the proposed foodstore and cinema buildings are generally considered appropriate in their setting. The comments of English Heritage, particularly in respect of the foodstore are noted, but it is recognised that these are large modern buildings which reflect their individual function and which are replacing utilitarian factory structures. Requested amendments have been incorporated which improve the orientation and principal elevations of both buildings; concern still remains over the functional and blank elevations of the foodstore where it faces the railway and the cinema where it faces the riverside walk but it is doubtful that further improvements can be achieved. Proposed materials on both buildings will either match those already found within the retained buildings or be of a more industrial type reflecting the former use of the site and are considered acceptable.

The rebuilt elements of the Bowyers Buildings are not unacceptable with the replacement saddle pitch roof considered an improvement on the originally proposed saw tooth roof which would have been overdominant. There remains some concern over the large 2 storey rear extension which will present an unrelieved flat roofed brick elevation up to 14m deep in views from the riverside walk, but this could be improved by additional detailing.

The proposed feature building at the entrance to the site, although illustrative only at this stage, proposes a low profiled circular building which is considered to be an appropriate and contemporary element at this pivotal location.

Notwithstanding these positive elements, concern still remains in 3 particular areas:

- The overall connectivity of the site to the surrounding areas as detailed in 10.2 above.
- The extent of the improvements to the Biss corridor in either landscape or ecological terms; this is dealt with more fully in section 10.5.
- The quality of the open space within the site both visually and functionally. While the revisions have resulted in some improvement, usable spaces are still largely marginalised due to the location and extent of the surface carparking and position of buildings. While it may be a deliberate design concept that 'the proposed buildings sit around the edge of the central landscaped spaceto ensure that the site is open and welcoming', the reality is that this central area is fundamentally a carpark with pedestrian routes crossing the space and token tree planting to break up the 'good quality surface finishes'. The benefits of undercroft parking are to some extent offset by these 218 spaces being unavailable outside of the supermarket opening hours which places a demand for additional surface parking within the main central area.

With the exception of Innox Square, all other open spaces are located adjoining either the carpark or service road, even the feature riverside park which is located to the rear of the site and adjoining the service vehicle turning area. While the D&A Statement notes that up to a third of the site is public realm, 'the need to carefully balance parking areas with pedestrian routes through the site and across frontages' has clearly favoured the parking element to the detriment of the remainder which will largely operate as wide walkways rather than discrete and usable spaces.

In the light of the above, it is doubtful that the scheme, even as revised, delivers the 'exemplary public realm and strong pedestrian and sustainable travel linkages' expected by CP28 in this 'Area of Opportunity'. It is acknowledged that there are a number of physical and commercial constraints which limit the possible urban design solutions on this site but the particular combination of uses accompanied by the applicant's demand for significant surface carparking does compromise a number of important urban design elements.

However, it is also acknowledged that any major redevelopment of this site will involve a number of compromise elements which, in a smaller scheme, would not necessarily be acceptable. While there remain significant reservations over the extent of the surface parking, the riverside area, the quality of the open spaces and the links to the town centre and residential areas, the benefits, particularly in respect of the heritage environment, are considerable. The Urban Design Officer concludes that, on balance, 'there are insufficient design objections to warrant refusal' of the development and members may wish to support this view.

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).

The NPPF 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 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 buildings, the demolition of functional buildings to open up views of the riverside, an appropriate gateway building at the entrance and the provision of enhanced pedestrian routes through the site would meet these objectives in full.

There is some concern over the scale of the site entrance and its visual impact on this part of the Conservation Area; English Heritage also reminds that the NPPF sets great store by good design and the integration of new development into the historic environment; reference is specifically made to the design and impact on the Conservation Area of 'the enormous anchor' and the opportunity for this to make a positive contribution. Both concerns have been noted and addressed in 10.3 above.

(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, sensitive extension (Innox Place) and rebuild (Bowyers Buildings). As referred to previously, there is some concern over the scale and mass of the rear extension to the retained frontage of these buildings but this must be considered against the overall enhancement of the entire group of traditional buildings.

There is currently no proposed use for the listed buildings at the front of the site which raises concerns in respect of their future maintenance and the appropriate nature of those uses. However, the revised scheme will secure these buildings and their setting in their entirety while a condition could be attached 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 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.

As with the former PPS5, the NPPF advises an evaluation is carried out 'proportionate to the asset's importance' and 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 the light of the above, it is considered 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 this site is incorporated within the River Biss Public Realm Design Guide which is adopted supplementary planning guidance for the improvement and enhancement of the Biss corridor. The Ecologist has detailed the concerns in respect of this proposal which fundamentally fails to meet objective 5 of that document ('to improve the environment, reduce flood risk and enhance biodiversity along the River Biss corridor'), or to deliver the more specific works detailed for the Bowyers site. Despite the importance of this document and its requirements being raised at the very start of the planning process, both the original and revised plans make limited contribution towards the objectives of the Design Guide.

The objectives for the site fall into two areas – major intervention works within the river to create a low flow channel, and the opening up of the river frontage, both of which are essential to improve biodiversity. No works at all are proposed within the channel while the opening up of the river frontage is largely limited to the provision of a landscaped footpath/cycleway of a width sufficient to meet the Environment Agency’s minimum guidelines. The Ecologist, Landscape and Urban Design Officers and EA have separately drawn attention to the inadequacy of these enhancements when set against the expectation for the site and the missed opportunity which this scheme represents. The site is one of only 2 sites within the SPD area identified for major ecological works and the failure to deliver enhancements as part of the current application will considerably weaken the ability of the SPD to deliver any of its ecological outcomes.

The applicant’s response is as follows:

- incorporation of works within the river would have required a revision to the FRA and this was not raised at pre-application stage
- the consultation response from the EA suggests that it would support a refusal of the application for failure to meet the objectives of the SPD when it cannot be certain that these ‘aspirations’ can actually be met
- the SPD is ‘an aspiration’ with the required works untested
- the proposed development delivers a significant betterment to the river edge while the riverside park is actually beyond what is expected by the SPD
- the proposed layout would not prejudice any future works to the river bank but due to the site levels and position of heritage buildings, this would necessarily be limited to the area adjacent to the riverside park
- in the event that permission was to be granted for the development, the applicant would be ‘willing to commit to funding a study into the potential to cut into the river bank associated with the scheme’

In assessing the matter as a whole, there is a clear shortfall in the expectation for this development as laid out in the River Biss SPD. It is also questionable whether the proposed development would adequately meet the aim of the Trowbridge Area Strategy in the emerging plan which notes that the Biss is an under-utilised resource and that new development must contribute to improving connectivity and the character of the green corridor.

Whether Members consider that the scheme makes a sufficient contribution is ultimately a matter of judgement. It would have to be acknowledged that there is ‘some’ improvement and enhancement compared with the current situation. The riverside park is clearly a betterment albeit making use of part of the site which would appear to serve little other commercial purpose and has significant limitations in terms of providing a usable and attractive area of public open space; the riverside walk and cycleway certainly improve the character of the green corridor but the rear elevations of those buildings which turn their backs onto the river present a less than inviting area; reference is made to there being a 15m wide landscaped area alongside the river but this space includes pathways and terraced seating areas which compromise the extent of the green corridor; the limited width on the bank side of the walkway is unlikely to encourage successful landscaping and ecological improvements; the commitment to funding a river study is welcomed and may be regarded as the first step towards improvements within the river channel but would need to form part of any legal agreement prior to permission being granted (not afterwards).

While the ecological aspect of the scheme is disappointing, it must be considered within the context of the wider benefits which the redevelopment of the site would bring. Since there will clearly be some improvement as part of the development a refusal might be difficult to substantiate particularly if a commitment to the SPD enhancements can be secured through a legal agreement.

10.6 Flooding and drainage

(i) 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.

(ii) 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.

10.7 Site Contamination

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

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.

10.9 Contributions and commitments

The applicant has offered an initial package of contributions as detailed in Section 6 above and has subsequently included

- a commitment to fund a study into works within the River Biss (see 10.5)

- a contribution of up to £100K towards the cost of improvements to the railway station, together with a 'Letter of Undertaking and Memorandum of Understanding' supporting the applicant's commitment to collaborate with network rail and Wiltshire Council to deliver those improvements (see 10.2)

With the exception of the contribution to public art (£50K as agreed with the Arts Development Officer) and improvement works to the station, none of the other financial contributions have been quantified, largely because the highway aspects of the scheme remain unacceptable in principle and have not been the subject of discussion or the offer to fund a River Biss study is dependent on permission being granted. Remaining commitments are to deliver a number of strategies following permission, all of which would be acceptable in principle.

In addition to the above 'package', other requests for contributions have arisen as part of the processing of the application. These include:

- a contribution to Network Rail to mitigate the potential impact on the railway; since all of NR land has been excluded from the site and no detailed justification has been put forward to show the real impact of the development on the rail network compared with its former use, it is not considered that this would meet the guidance and tests identified in the NPPF.

- a contribution to the maintenance of the riverside park in the event that it is adopted by the Council; however, the developers are proposing that the Riverside Park and Walk will be managed by Morrisons as part of the overall estate management arrangements for Innox Riverside, with costs also subsidised by other Innox Riverside occupiers via the Estate service Charge that will be levied. This arrangement is acceptable to the Council subject to it being incorporated within a S106 to secure the open space in perpetuity.

- a contribution towards a scheme for improving land in the area around the Innox Path subway (subject to Network Rail agreement) as detailed in Section 10.3 above. A response to the feasibility of this from Network Rail is not available in time for the completion of this report but is nonetheless not accepted by the applicant. In the event that Members were to grant permission for the development, it is considered that these necessary improvements are justified in accordance with the policy requirements and objectives for this site. However, the precise extent of the works is dependent on the inclusion/exclusion of NR land and any figure sought would have to be appropriately related to the works to be undertaken. On that basis, it is considered that this would meet the guidance and tests in the NPPF.

10.10 Conclusion and Recommendation

In pulling together all the above elements of this application in order to reach a recommendation, a number of points are clear:

- 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 limited and that if this application is refused, there is no certainty when another commercially viable development will present itself. The regeneration of this site is therefore important in isolation but also makes 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.

It will be evident from the above analysis, that many aspects of the current submission are disappointing not least the proposed combination of uses which largely do not appear to reflect a current need. There is no perceived demand for an additional supermarket in the town and while the application for a cinema on the St Stephens Place site was only submitted after the current application, the intentions for that site were well known in advance. Permission has since been granted and work is under way towards implementing that decision.

However need, itself, is no longer a basis for making a planning decision within the current policy framework as set out in the NPPF. This most recent document has as its 'golden thread running through both plan-making and decision-taking' a 'presumption in favour of sustainable development'. For retail and leisure schemes outside the town centre, this requires an assessment of

- the impact on 'existing, committed and planned' investment within the catchment area, and
- the impact on the town centre viability and vitality (para 26)

Where it is shown that an application is likely to have a significant adverse impact on either of these factors, 'it should be refused' (para 27).

The spatial planning assessment reaches a number of conclusions:

- While the proposal would be 'in line' with the principle of securing the regeneration of this brownfield site, this cannot ignore other policy considerations.
- The necessary analysis does not address the cumulative impact on leisure uses or confirm that the proposed development would not have an unacceptable impact on the viability of the Shires and the town centre.
- It is clearly doubtful that Trowbridge can support 2 cinema developments and it is real prospect that that proposed development would have a detrimental impact on the delivery and subsequent occupation of the cinema/leisure complex at St Stephens Place which is an already 'committed and planned' investment on an allocated site within the adopted development plan.

(NB: It is not considered that a refusal of the current application which includes this as a consideration would conflict with advice received in the context of the determination of the application for the St Stephen's Place development; that advice noted that a decision could not be taken to refuse the Bowyers application on the basis that it had already granted permission for a cinema on that site. Any refusal of the current application must be based on its merit in accordance with policy, for example, policy LE1; the NPPF clearly states that the impact on 'committed and planned investment' is a reason for refusal).

- The proposed uses are not in accordance with the Trowbridge Master Plan which underpins the holistic regeneration of the central area and would undermine the wider vision for the town.
- The development does not relate well to the town centre to encourage linked trips.

These must inevitably lead to a conclusion that the development would be 'likely' to have an adverse impact on both factors identified in para 26 of the NPPF and therefore 'should be refused' as stated in reason 1.

It is an important point that the NPPF states very clearly that the purpose of the planning system is to contribute to the achievement of sustainable development. This requires the policies in paragraphs

18 to 219 of the document to be considered as a whole and a balance of considerations (economic, social and environmental) to be taken into account in planning for, and making decisions on, proposed development.

As part of overall sustainable development, the NPPF actively promotes sustainable transport. Annex 2 defines 'sustainable' in the transport context as 'any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport'.

The policy and highway assessments at 10.1 and 10.2 makes it clear that the proposed development will not deliver a sustainable transport approach which will include the adjoining railway station and land. While there may be a genuine commitment by the applicant towards this objective, it requires the inclusion of Network Rail land which, at this time, cannot be guaranteed and does not form part of the development. A decision to approve the application without this fundamental element would have an immediate and detrimental impact on the already difficult highway network in this part of the town, which difficulties would then be carried forward to other development sites and proposals.

It is also a real consideration that any adverse traffic impact as a result of this particular scheme would potentially reduce the attractiveness of the town as a destination with consequent impact on its 'vitality and viability'; it is evident that the policy framework, both at national and local level, would not support this outcome as a consequence of any individual scheme, irrespective of other benefits.

It remains a possibility, of course, that the redevelopment of the site may not ultimately include the adjoining railway land; in that event, it would require the developer of the site to consider the significant highway difficulties and to propose and contribute to appropriate mitigation whatever that may be. The current application clearly proposes the inclusion of railway land in its proposals (although it does not deliver them) and does not offer any alternative in the event that this is not forthcoming. At best, therefore, a decision to permit the development would be premature pending resolution of the acknowledged highway impact both immediately and in the long term. The applicant's timetable does not allow for this and there can be no recommendation other than a refusal at this time.

In making this recommendation, Members should be aware that it is entirely consistent with not just national policy, but both adopted and emerging local policy, including LE1 ('the traffic can be safely accommodated on the local highway network'), E4 ('the development does not harm the environment of the site and its surrounds' and 'is readily accessible by foot, bicycle and public transport'); CP61 ('consideration has been given to the needs of all transport users' and 'encourage the use of sustainable transport alternatives') and CP62 ('Developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network').

Members should also be aware that this recommendation takes full account of the latest advice in the NPPF which advises 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). The highway assessment of this proposal concludes that the overall highway impact will be severe and that in the absence of a tested mitigation package there is no certainty that this can be addressed; the policy case notes the importance of an integrated transport approach as part of the wider regeneration of the town. Under these circumstances, a refusal on transport grounds is appropriate; conditions or planning obligations which cannot secure either would not.

With regard to other issues raised in the report, several of these point to a rather neutral or disappointing outcome. Many of these were raised with the applicant at the very start of the process and while there have been positive changes incorporated particularly in respect of the heritage environment, there are clearly a number of areas where improvements could, and should, be sought. However, as has been acknowledged elsewhere, a scheme of this nature is inevitably a compromise while the areas of concern could be improved via planning conditions and/or legal agreement.

Notwithstanding the undoubted benefits which redevelopment of the site will bring, the fundamental policy and highway objections supports a clear recommendation of refusal at this time. If, however, Members are minded to overturn this recommendation, the following are directly 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: Refusal

For the following reason(s):

- 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

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