

AGENDA

Meeting: Strategic Planning Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Wednesday 29 November 2023

Time: 10.30 am

Please direct any enquiries on this Agenda to Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email committee@wiltshire.gov.uk

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

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

Membership:

Cllr Howard Greenman (Chairman)
Cllr Tony Trotman (Vice-Chairman)
Cllr Ernie Clark
Cllr Adrian Foster
Cllr Sarah Gibson
Cllr Carole King

Cllr Christopher Newbury
Cllr Pip Ridout
Cllr James Sheppard
Cllr Elizabeth Threlfall
Cllr Robert Yuill

Substitutes:

Cllr Helen Belcher OBE
Cllr Richard Britton
Cllr Steve Bucknell
Cllr Clare Cape
Cllr Ruth Hopkinson
Cllr George Jeans
Cllr Dr Nick Murry
Cllr Andrew Oliver

Cllr Stewart Palmen
Cllr Nic Puntis
Cllr Jonathon Seed
Cllr Bridget Wayman
Cllr Stuart Wheeler
Cllr Graham Wright
Cllr Tamara Reay

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for a meeting you are consenting that you may be recorded presenting this and that in any case your name will be made available on the public record. The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found [here](#).

Parking

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

County Hall, Trowbridge
Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

Our privacy policy is found [here](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting**

To approve and sign as a correct record the minutes of the meeting held on 1 November 2023.

Please note that these minutes will be published as a supplement.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10.20am on the day of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. Representatives of Parish Councils are included separately in the speaking procedure, please contact the officer listed for details.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Wednesday 22 November 2023 in order to be guaranteed of a written response. In order to receive a verbal response, questions must be submitted no later than 5pm on Friday 24 November 2023. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals and Updates**

To confirm that there is no report to be received of completed and pending appeals, and any other updates as appropriate.

Planning Applications

To consider and determine the following planning applications.

7 **PL/2022/08155 - Land west of Semington Road, Melksham.** *(Pages 7 - 50)*

Outline planning permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved.

8 **PL/2021/08064 - Innox Mills, Trowbridge.** *(Pages 51 - 140)*

Hybrid (full and outline) planning application descriptions (i) & (ii)

(i) Outline planning application: the erection of up to 284 dwellings, erection of a convenience store (Class E), erection of up to 872 sqm of new commercial floor space (Class E); and associated access, public realm; and landscaping works.

(ii) Full planning application: Erection of convenience store (333 sqm GIA) and 12 No. apartments, part demolition and external works to Innox Mills and change of use to Class E; external works and extension (180 sqm GIA) to Innox Place and change of use to (Class E); external works to Dyehouse and Brewery for as bat mitigation and change of use to a dual use internal market/Class E; demolition of former Cloth Factory Building; and associated access, public realm and landscaping work in commercial courtyard and along the Stallard Street frontage.

The listed building consent application proposes internal and external works and part demolition of Innox Mill; internal and external works, and extension to Innox Place. Although a separate application, the issues relevant to the impact upon the listed buildings (Innox Place and Innox Mill) are considered under this report.

9

Urgent Items

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

This page is intentionally left blank

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	29 November 2023
Application Number	PL/2022/08155
Site Address	Land to the West of Semington Road, Melksham, Wiltshire
Proposal	Outline planning permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved.
Applicant	Terra Strategic
Town/Parish Council	Melksham Without CP
Electoral Division	Melksham Without West & Rural (Cllr Seed)
Type of application	Outline Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

The application is before the Strategic Planning Committee at the request of Councillor Seed. The 'call-in' is on behalf of Melksham Without Parish Council who have concerns regarding the principle of further development in this location. The PC's full concerns are set out in section 8 below.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved. The report addresses the concerns raised by the PC who requested that this application be determined by the Committee.

2. Report Summary

The main issues to be considered are:

- Whether the proposal constitutes EIA development
- Whether the development is acceptable in principle (CP 1 and 2);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the scheme would have an acceptable landscape impact (CP 51);
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64);
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67);

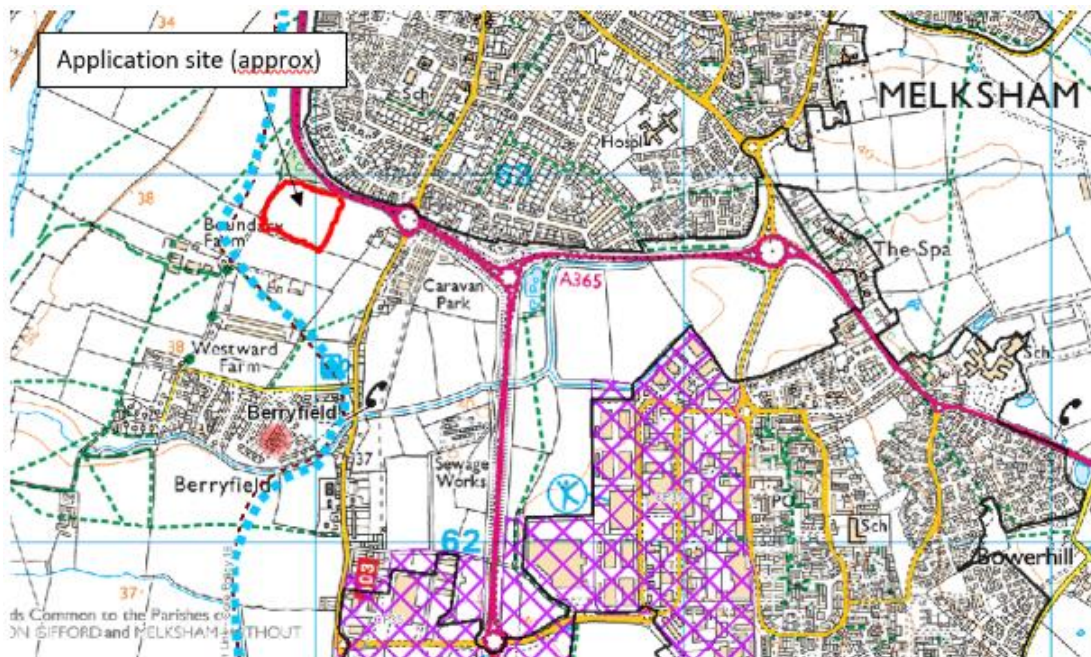
- Whether there would be any harmful impacts upon protected species or habitats (CP 50)?
- Whether there will be any land contamination / air quality issues (CP 55)?
- Whether the proposal results in the loss of best and most versatile agricultural land (NPPF 170)?
- Are there any other planning issues raised by the development?
- What planning obligations are required to make the development acceptable in planning terms?

3. Site Description and location

The site of approximately 2.6ha in area is located within Melksham Without Parish on land located to the south of the Market Town of Melksham (see figure 1 below). More specifically it lies on the southern side of the Western Way to the west of the Semington Road and the existing houses of Townsend Farm.

The application site is currently an agricultural field, unaffected by urban development, and is surrounded by popular Public Rights of Ways (PRoWs) and the Kennet and Avon Canal towpath / Sustrans Route (National Cycleway Route 4, from London to Fishguard) to the north (approximately 180m away), a recreational route and strategic right of way. The site forms an important transitional feature, and a visual and physical break between the developed part of the village and the open countryside beyond.

The site is generally flat. There are no Public Rights of Way that cross the site however, there are a number in close proximity notably, MELW116, MELW117 and MELW2.



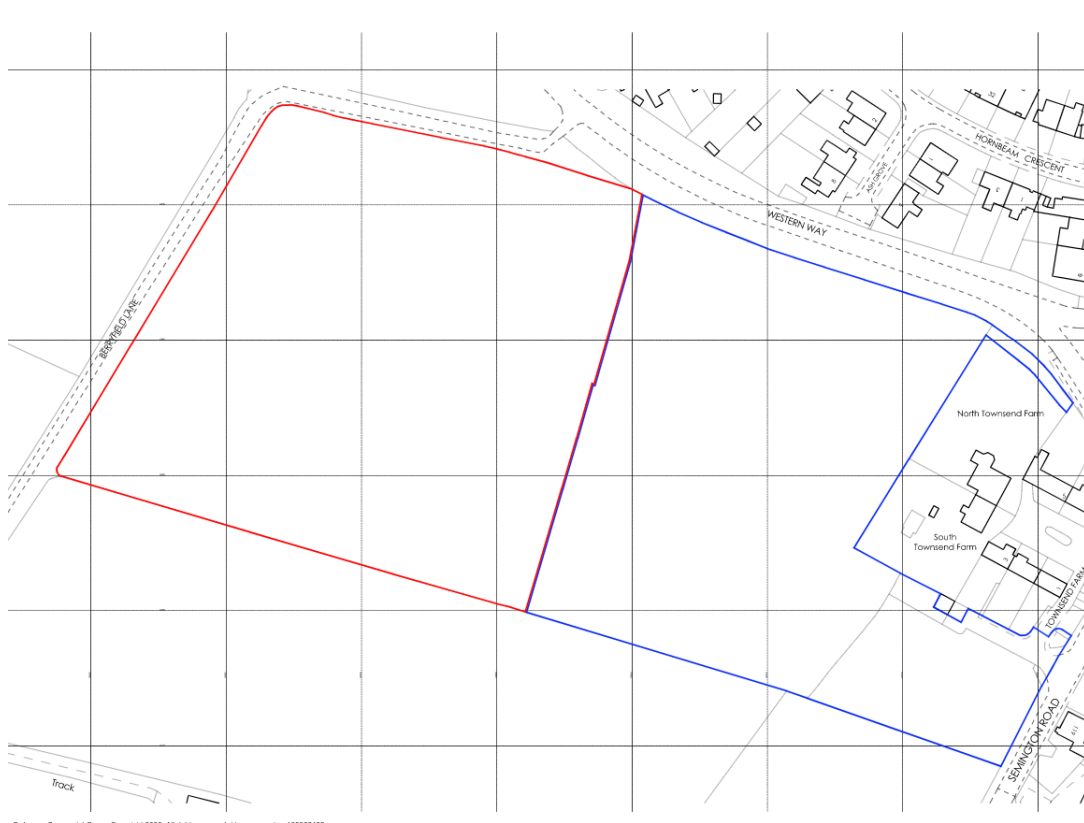


Figure 1 – Site Location Plans

The site is surrounded by some field hedging and trees however in places it is not complete and therefore, clear views are offered into the site from a number of vantage points. Furthermore, all the trees and hedging are deciduous and therefore, in the winter months the site is much more open in the landscape.

In terms of planning constraints, there are no landscape or heritage designations that cover the site. There are no TPOs on the site.

The site is located outside of the defined Limits of Development for the Melksham and therefore, in planning policy terms is considered to be in the open countryside.

Although the site is entirely located within Flood Zone 1, the Wiltshire Strategic Flood Risk Assessment (SFRA) mapping places shows that it is within an area at risk from groundwater flooding. According to the SFRA, groundwater levels on the site are between 0.025m and 0.5m below the ground surface.

4. Planning History

Reference	Description	Decision
17/01095/OUT	Outline planning application for residential development - formation of Access and associated works	Refused
18/04650/OUT	Outline planning application for residential development of 108 dwellings, formation of access and associated works.	Withdrawn
20/07334/OUT	Outline planning permission for up to 50 dwellings	Refused Allowed at appeal
PL/2023/00808	Approval of reserved matters following Outline application 20/07334/OUT approved under Appeal ref APP/Y3940/W/21/3285428 for up to 50 dwellings, (appearance, scale, layout and landscaping)	Pending determination

In respect of 20/07334/OUT, it should be noted that, at the time the appeal was allowed, the Council was unable to demonstrate a 5-year Housing Land Supply (5yr HLS). The absence of 5yr HLS meant that paragraph 11d was engaged. The application of policies within the framework did not indicate that development should be refused on the site. The provision of a 100% affordable housing scheme was considered to be a substantial benefit. The Inspector did not identify any significant material planning harm (the Council raised a landscape objection) other than it being located outside the limits of development (LoD) of Melksham. Any conflict with development plan policies was given limited weight and was judged to be outweighed by the substantial benefits identified.

Furthermore, limited weight was given to the conflict with the Melksham Neighbourhood Plan. The principal policy that the application conflicted with was Policy 6 which mirrors CP2 of the WCS – i.e. seeks to restrict development outside of the LoD. Given that the Inspector was already giving reduced weighting to CP2, it was considered that a similarly aimed policy in the NP should also be addressed in the same manner in terms of weighting.

5. The Proposal

This is an outline application with all matters reserved bar access for a development of up to 53 dwellings (of which 100% would be affordable) with access and associated works. It is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment and Drainage Statement
- Surface Water Drainage Strategy
- Transport Statement
- Travel Plan
- Agricultural Assessment
- Tree Plan/Report
- Noise Impact Assessment
- Landscape and Visual Appraisal
- Ecological Impact Assessment

- Biodiversity Net Gain Metric
- Parameters Plan
- Illustrative Masterplan

Whilst the masterplan (see figure 2 below) is indicative (save for the access), it seeks to show a possible layout of how the housing could fit on the site in an acceptable and policy compliant manner.

This indicative layout shows that vehicular access would be connected to the Semington Road via the Phase 1 development to the east which is currently subject to ‘reserved matters’ application PL/2023/00808 (the layout of which is as detailed below in figure 2). The access would lead on to a central spine road which branches into cul-de-sacs. Public open space and landscaping is shown to be formed around the edges of the site with pedestrian access links into Phase 1 and on to Berryfield Lane. Attenuation features are shown around the edges of the site.



Figure 2 – Indicative layout

The below plan (figure 3) is a proposed Parameters Plan. This Plan would fix at outline stage certain parameters for the planned development (e.g. built development and green infrastructure) which, if approved, could not be altered at later reserved matters stage(s) (unless a variation to the outline consent is first applied for). The Plan shows green infrastructure (GI), attenuation features, the vehicular access point and principal routes, pedestrian connections and residential development areas. It also shows that the net developable area of housing would be approximately 1.6 ha. For the 53 dwellings, this equates to c. 33 dwellings/ha, which is comfortably within expected tolerances for an edge of settlement development in a relatively rural location. This mirrors the density of phase I. The plan shows approximately 1 ha of the site as GI.

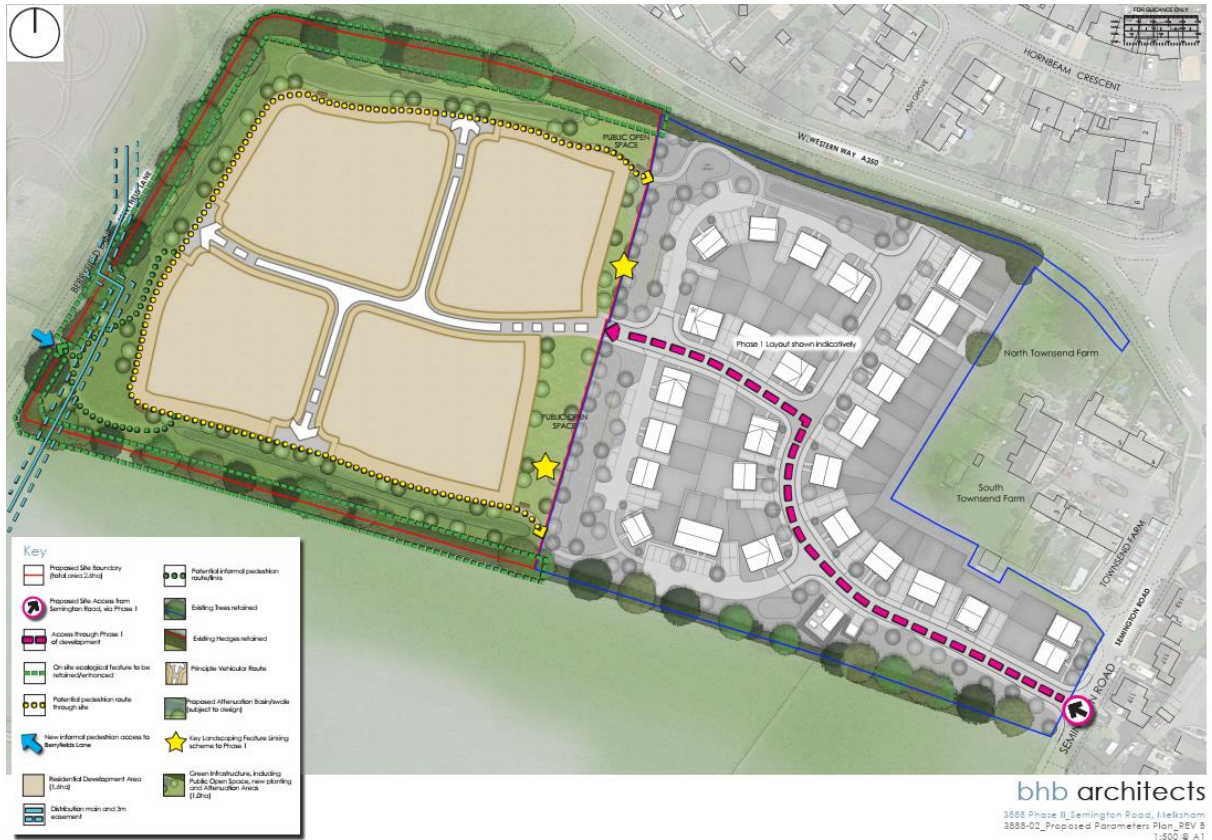


Figure 3 – Parameters Plan

The second Parameters Plan (see figure 4) deals with ecological matters. The Plan fixes other aspects of the GI with a more detail showing:

- The GI space that is fixed to enable biodiversity net gains to be secured on the site (including RPA's, tree and hedgerow planting);
- that light levels at the northern, southern and western boundaries would be maintained as existing to minimise the impact on protected species such as bats; and,
- vegetated garden spaces and the land taken up by the footprint of houses.



Figure 4 – Ecological Parameters Plan

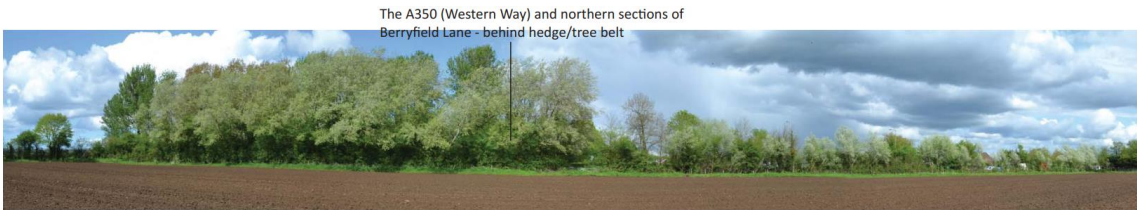
Below are some photos of the site. They show the extent of tree planting that exists around the boundaries and the limited intervisibility between the site and its surroundings. Some photos are taken from the Landscape and Visual Impact Assessment (LVIA) that accompanies the application, and others from a previous application. The difference in seasons shows summer and winter impacts.



View looking east from Berryfield Lane across the site (taken from LVIA)



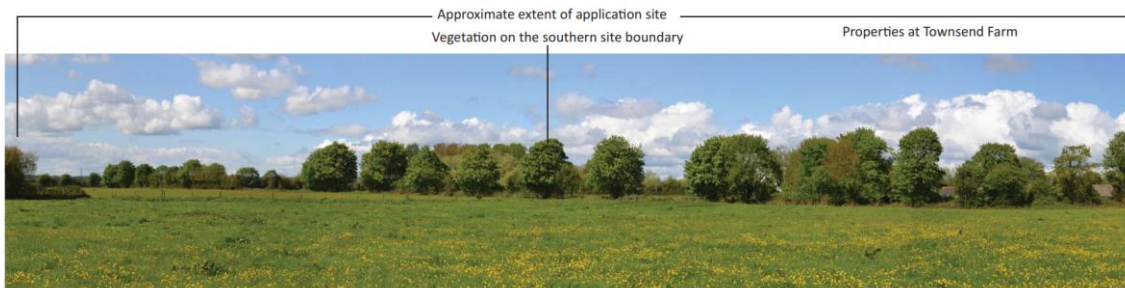
View looking south-west from Berryfield Lane, adjacent to A350 (taken from LVIA)



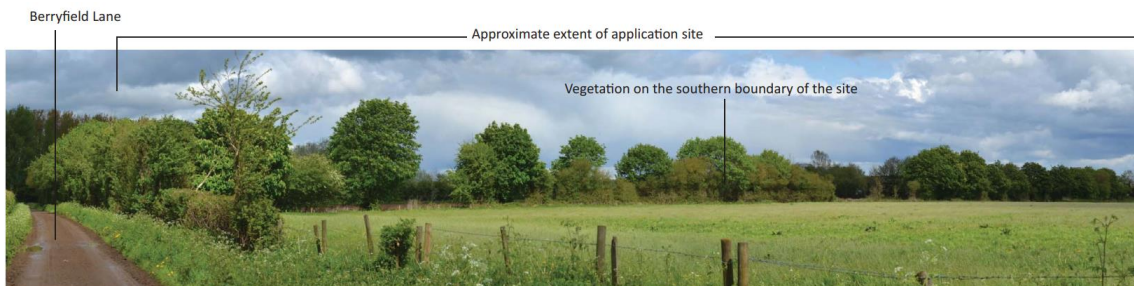
View from the middle of the field looking north towards the A350 (taken from LVIA for 20/07334/OUT)



View from the middle of the site looking west towards Berryfield Lane (taken from LVIA for 20/07334/OUT)



View Looking north-west to the southern boundary of the site (taken from LVIA for 20/07334/OUT)



View Looking north-west from Berryfield Lane to the southern boundary of the site (taken from LVIA for 20/07334/OUT)



View from Semington Road looking west at the point of access (© Google Streetview)

6. Planning Issues

The main issues to be considered are:

- Whether the development is acceptable in principle (CP 1 and 2);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the scheme would have an acceptable landscape impact (CP 51);
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64);
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67);
- Whether there would be any harmful impacts upon protected species or habitats (CP 50)?
- Whether there will be any land contamination / air quality issues (CP 55)?
- Whether the proposal results in the loss of best and most versatile agricultural land (NPPF 170)?
- Are there any other planning issues raised by the development?
- What planning obligations are required to make the development acceptable in planning terms?

7. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP41 – Sustainable Construction and Low Carbon Energy
- CP43 - Providing Affordable Homes
- CP45 – Meeting Wiltshire’s Housing Needs
- CP48 – Supporting Rural Life
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP56 – Land Contamination
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport

- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk

Wiltshire Waste Core Strategy

WCS6 (Waste Audit)

Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

- U1a Foul Water Disposal
- U2 Surface Water Disposal
- U4 Ground Source Protection Areas

Other

- The Wiltshire Waste Core Strategy (adopted 2009)
- Wiltshire Housing Site Allocations Plan (adopted Feb 2020)
- Policy WCS6 - Waste Reduction and Auditing
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- National Planning Policy Framework July 2021 (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation
- “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3” (HE GPA3)

8. Summary of consultation responses (including comments on the revised scheme where indicated as a second response).

Melksham Without Parish Council:

First response – Objection

- *The site is outside the settlement boundary and is in the village of Berryfield, which is classed as a “Small Village” in the Core Strategy. Please also refer to Policy 6: Housing in Defined Settlements of the made Melksham Neighbourhood Plan regarding development in the small villages of Beanacre and Berryfield.*
- *This site was previously turned down in May 2017 for 160 dwellings, and the reasons for that refusal still stand. Precedent is also set within the assessment of the principle of development for 16/11901/OUT on applications in the Semington Road area that do not fall under the existing built area of Berryfield or within the settlement boundary of Melksham Town. The site therefore conflicts with Core Policy 2 of the Wiltshire Council Core Strategy as it is outside the defined limits of development and has not been brought forward through the Site Allocations DPD or the Melksham Neighbourhood Plan.*
- *Whilst there currently is a lack of 5-year land supply, the Melksham area has exceeded the number of dwellings required by the Core Strategy by 2026 and the protection of paragraph 14 in the NPPF is valid with a current adopted Melksham Neighbourhood Plan less than 2 years old. This was confirmed by the Planning Inspector for the appeal at the adjacent site 20/07334/OUT; AP-36412.*
- *The development proposed is for 100% affordable housing, which conflicts with Wiltshire Council’s Core Strategy Policy 43 ie ‘the need for developing mixed, balanced and inclusive communities, affordable housing units to be dispersed throughout a development and designed to be high quality, so as to be indistinguishable from other*

developments'. On recently meeting Sovereign Housing at pre-app stage for the adjacent site (20/07334/OUT) they mentioned that the 50 dwelling site was about the right size for a wholly affordable housing site for themselves. On their proposed pre-app drawing for that development, it is shown as Phase 1, and this proposal is described as Phase 2 with a connecting road shown between them. The applicant is the same for both sites at outline stage.

- If Wiltshire Council are minded to approve this application, please refer to the published Housing Needs Assessment undertaken for the review of the Melksham Neighbourhood Plan to give a steer on the mix of type and tenure that are needed in the Neighbourhood Plan area, and in fact broken down into smaller settlement areas within the NHP area - https://www.melkshamneighbourhoodplan.org/_files/ugd/c4c117_4c8411b64439472fbf cf8e856799e2c9.pdf
- The loss of Grade 2 agricultural land (Best Most Versatile land). It is noted that it is suggested within one of the developer's submission documents that this particular parcel of land was unsuitable for agricultural use and was fallow. The parish council do not want to see the loss of good quality land from agricultural use. Residents from the neighbouring Townsend Farm development confirm that this year rapeseed had been grown and cultivated in the field and for the last 15+ years there had always been either crops or animals on the land.
- Highway safety concerns with regard to access to the site as Semington Road is quite narrow where the access is proposed. In addition, the highway safety for residents in terms of accessing facilities in the town with them having to cross the busy A350. Whilst the light controlled crossing to the east had recently been upgraded as part of the Active Travel project by Wiltshire Council, there was still an informal, desire line across the east of the A350 roundabout to access the town centre and Aloeric school. The proposed site entrance is very close to the entrance to the Mobile Home Park and in addition to the road calming measures already in place this could lead to congestion and traffic issues, especially on the Semington Road roundabout at the A350. The A350 is a primary route, with some 20,000 vehicles using it per day.
- Access to schools and lack of school places. Whilst Aloeric School may be the nearest, this requires people having to cross the busy A350. The proposed primary school at Pathfinder Place, Bowerhill is not yet built and there is no footpath proposed from Berryfield to Pathfinder Place for those wishing to access the school on foot. St George's Primary School in Semington is some distance away and for access by vehicle would require a circuitous route via the A350 due to the Bus Gate at the entrance to Semington Village from the Semington Road. It was noted that there is no pre-school provision at Aloeric school and this needed to be borne in mind for any potential walking route being assessed for early years children. The parish council raised concerns about the recent Road Safety Report for 20/01938 of which children would be using the same route to school. This contradicted itself by saying that the route was safe as children would be accompanied by an adult, and elsewhere reported that the assessor witnessed an unaccompanied child on a scooter en route to school. In addition, children may be accessing other primary schools at Bowerhill and the proposed school at Pathfinder Place
- The application makes no reference to a contribution to the proposed Melksham Link canal restoration by the Wilts & Berks Canal Trust (12/01080).
- The erosion of the rural buffer and visual green gap between the town of Melksham and the small village of Berryfield.

Should Wiltshire Council be minded to approve this application the Parish Council would like to see the following conditions included in the Heads of Terms for the S106 Agreement:

- There are practical art contributions.

- A LEAP (Local Equipped Area of Play) is provided which includes bins and benches as well as public open space and the regular emptying of bins to be reflected in any future maintenance contribution.
- The Parish Council wish to enter into discussions on being the nominated party for any equipped play area for the site, and the associated maintenance contribution.
- Bus shelters to be provided in Semington Road with WiFi connectivity to provide Real Time Information.
- The road layout is such that there are no dead ends in order that residents and refuse lorries do not need to reverse out of roads.
- There is a visible delineation between the pavement and the road.
- As no community facility is being provided from this application, that a contribution is made towards the running costs of the new village hall being provided as part of planning application 16/00497/OUT on Semington Road.
- A contribution is made to public transport.
- A contribution towards the canal scheme.
- Equipment is provided for teenagers, such as a teen shelter with WiFi connectivity.
- The provision of circular walking routes with the provision of benches and bins
- The provision of bird, bat and bee bricks, reptile refugia and hibernacula in order to increase biodiversity and wildlife in the development

Further to the following comment previously made, the parish council request additional weight is attributed to this comment due to the proposals in the Government's current NPPF consultation to be implemented in Spring 2023 that more weight is attributed to recognise the food production value of the farmland.

The loss of Grade 2 agricultural land (Best Most Versatile land). It is noted that it suggested within one of the developer's submission documents that this particular parcel of land was unsuitable for agricultural use and was fallow. The parish council do not want to see the loss of good quality land from agricultural use. Residents from the neighbouring Townsend Farm development confirm that this year rapeseed had been grown and cultivated in the field and for the last 15+ years there had always been either crops or animals on the land.

Second response – maintain objection

We have reviewed the documentation submitted and have no further comments to make at this time. We would refer both the planning officer and application back to our previous comments dated 31 January 2023 which remain current and valid.

Wiltshire Council Spatial Planning: Comments

The proposal is not supported in principle as it would not accord with the strategy and pattern of development anticipated by the WCS and Joint Melksham Neighbourhood Plan. Therefore, from a strategic policy perspective, the proposal would not constitute sustainable development and thereby also conflict with the principle aims of the National Planning Policy Framework.

This must be set against other material considerations, the most pertinent of which is the current housing land supply position. Whilst the Council are unable to demonstrate a 5 yr HLS, careful consideration should be given to decisions on housing proposals. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as a whole, and any material considerations, on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.

However, whilst the Council are currently unable to demonstrate a 5 year HLS, it can demonstrate a 3 year HLS and NPPF paragraph 14 is relevant with regards to the Joint Melksham Neighbourhood Plan with all four criteria being met. Therefore, for applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.

Wiltshire Council Highways: no objections subject to conditions to cover:

- Compliance with the Residential Travel Plan
- Access to the development provided to base course level with visibility splays prior to occupation.
- Submission of a Construction Traffic Management Plan
- Pedestrian connection to Berryfield Lane prior to occupation of 20th dwelling.
- Landscaping scheme to include impenetrable boundary to north to prevent indiscriminate access onto the A350 where there are no pavements.

And planning obligations to cover:

- Travel Plan monitoring for 5 years
- Payment of green travel vouchers to each household
- A time limited and index linked contribution towards improving walking and cycling routes in the vicinity of the development.

Wiltshire Council Lead Local Flood Authority: no objection

After submission of additional information requested by the drainage officer, no objections to the development subject to conditions.

Wiltshire Council Climate Team: comments

Advice and guidance based on current planning policy with regards to addressing climate change with the development. Positive weight should be given on the planning balance should a development take an ambitious approach to sustainable construction.

Wiltshire Council Affordable Housing: no objection subject to affordable housing provision

Should it be decided that this site is suitable for residential development, under the relevant Core Policies of the Wiltshire Core Strategy, on-site affordable housing provision would be required. Their consultation response sets out the obligations placed upon the developer should they decide to deliver the scheme as 30% nil subsidy with the remainder (70%) of the affordable housing with subsidy or as 100% granted funded/with subsidy.

Wiltshire Council Education: No objection subject to financial contributions towards early years education places. There is sufficient capacity at primary and secondary level to accommodate the pupils from this development.

Wiltshire Council Landscape Officer: Comments

The hedge along Berryfield Lane will require substantial 'gapping up' and reinforcement to create a strong screening edge to the west. Also expect more street trees to be included in any proposed detailed application to ensure the plans are in accordance with the NPPF para 131 'treelined streets'. No community orchard planting is shown on the scheme which could be planted up in the PoS between phase 1 and phase 2. Again, this is a requirement within the NPPF para 131.

Rain gardens and bio-retention swales to be considered in accordance with both CIRIA best practice guidance on SUDs and the recently released Natural England Green Infrastructure Design Guidelines.

Should it be decided to approve, the following also required:

- 1 - a Detailed Planting plan noting species, densities, and specifications (To National Plant Specification)
- 2 - A Landscape and Ecology Management Plan setting out how the planting will be maintained from installation through to maturity.
- 3 - A Tree / utilities coordination plan showing how street trees and utilities including street lighting have been properly coordinated to ensure no clashes between root growth and that trees have enough room to grow to maturity both above and below ground without impacting on services.

Wiltshire Council Archaeology: no objection / comments

This application area forms part of a larger site that has been the subject of a geophysical survey and a trial trench evaluation. This evaluation identified an area of later prehistoric and Romano-British field systems and possible settlement activity that straddles the current application as well as application 20/07334/OUT located immediately to the east. Following discussion between the County Archaeologist and the applicant's archaeological consultants it was agreed that the area of archaeological activity identified by the evaluation could be explored via an open area excavation. This excavation would effectively mitigate the impact of the development upon the archaeological resource. The outcomes from a Written Scheme of Investigation (WSI) are awaiting following commencement of the excavation.

As the excavation would address the archaeological issues in both the western and eastern parts of the site, there are no other comments.

Wiltshire Council Waste and Recycling: No objections subject to the payment of £101 per dwelling to cover the cost of waste and recycling containers for each new dwelling.

Details of standards expected for access to waste collection services provided for detailed design at RM stage.

Wiltshire Council Public Open Space: no objection

The requirements for POS for this proposal would be as follows-

- 1851.18 sq.m of Open Space to be provided on site
- 93.81 sq.m of Play to be provided on site
- 1250.80 sq.m of Sports to be provide on site where possible if this was not the case a monetary contribution of £12,508.80 would be required to upgrade existing sports provisions in the local area.

Wiltshire Council Public Protection: No objections subject to conditions to cover the submission of a Construction and Environmental Management Plan, the undertaking of an Air Quality Screening Assessment, submission of a contaminated land report and to ensure development is carried out in accordance with the noise assessment report.

Wiltshire Council Ecology: no objection subject to conditions

Wiltshire Council Urban Design:

First response - Comments / objections

Fundamentally the application appears to demonstrate poor quality design, because the Outline plans use an out of date/misleading indicative layout for Phase 1 which it is proposing to be an extension to integrate with; yet a REM submission (PL/2023/00808) has been simultaneously made, which contradicts the design concept proposed on this Outline, and no mention of the revised proposed detailed is made in the DAS for this outline. The DAS is intended to explain the design rationale in a reliable way.

There is one telling example of how poor design processes such as this impacts the quality of the design, and how piecemeal development which the applicant is pursuing is also at odds with high quality design: the adjacent proposed REM layout actually omits the POS and equipped play feature in its N-W corner, which this Outline application implied it will utilise and link into. and even such an implication is wrong, as the POS officer has responded that equipped play is expected on this site. My advice is that this requirement be determined on the basis of the total housing potential of the sites, not each site in isolation. And whilst the LPA will naturally object to the non-compliance of the REM with its own Outline, it is inexplicable that the applicant is submitting such contradictory proposals and narratives at the same time.

Also that REM application seeks to create a new hedge to deliberately sever the two sites, whereas the concept underpinning this Outline application shows the two sites integrating across a shared linear POS.

Also that adjacent Outline had committed to deliver a tree-lined avenue which this Outline would be expected to continue. Despite that fact that the subsequent REM on that site appears to be attempting to remove that feature (which the LPA will no doubt object to) there is no justification for this Outline to suppose it would not be expected to commit to deliver it also.

With the applicant's design process appearing to be uninformed, uncoordinated and unreliable, it is just not possible to give positive, constructive urban design feedback on this Outline. Perhaps once the adjacent REM is resolved, the applicant can make some more coherent proposals which do not contradict with what is permitted in the adjacent field.

Aside from this fundamental concern, the parameter plan and indicative layout can already be shown to be inadequate and incompliant with CP57 and the National Design Guide. I have attached an annotated version of these to highlight some (not all) of the problems and reserve the right to provide a more comprehensive UD response if and when a revised design proposal is submitted.

Second response – no objections

I have no objections in principle to this proposal and would at this stage only seek to advise upon the next stage regarding more detailed architectural design and detailing.

On page 12 of the Design and Access Statement there are some rather alarming photographs of ornate barge/fascia boards. These should not be replicated in any form on the new houses, nor should PVC canopies over front entrance doors be considered.

This site is a long way from the historic core of Melksham and therefore there is no obligation to try and reflect the historic architecture and townscape that can be seen on the High Street. There is no justification to produce “traditional elevational design”, as stated in paragraph

12.2.1 of the D&AS. Doing so will only lead down the road to ubiquitous pastiche standard houses types that are seen everywhere, but are representative of nowhere.

A sentence in paragraph 12.3.1 states “Any reserved matters scheme should look to avoid pastiche and seek to embrace modern interpretations of local character”. This paragraph is a lot more reassuring. I would clarify things further by strongly recommending that the proposed house elevations should have a modern aesthetic, but be constructed of traditional materials, principally brick, real stone and render.

With regards to the roofing materials, the sort of high-quality scheme that we all wish to see here will be best achieved by using small unit sized clay or natural slate quarry tiles. Large unit sized concrete tiles should be avoided.

Wessex Water:

First response - Objection

The Illustrative layout, drawing ref 3888-03, submitted in support of the application shows what appears to be an attenuation pond in the southwest corner of the site that is in direct conflict with the existing 6” public water main, this is not acceptable to Wessex Water and as such the applicant will need to amend the site layout to ensure that required easement is maintained.

With this in mind we would request a holding objection on the layout until the applicant has demonstrated how they propose to accommodate the 3m easement required either side of the water main and unfettered access

Alternatively, the applicant may wish to consider diverting this water main, application for water main diversion (at the developers cost) can be permitted but the developer must prove satisfactory hydraulic conditions and that there will be no loss in capacity within the diverted main, all new water mains must be constructed to the current adoptable standards. Early consultation with our Sewer Protection Team is advised.

9. Publicity

The application was advertised initially by way of a site notice and neighbour notification letters. An advert was also placed in the press for the application. There have been a series of amendments to the application which were advertised by way of neighbour notification letters. 10 letters of objections to the development have been received and no support letters. The material planning considerations that have come out of all of this are summarised below
–

Need

- The only reason the adjacent site was successful at appeal was because of a last minute change to the housing type to 100% affordable homes. This application has 30% affordable homes so would not meet the inspector's requirement regarding the previous appeal.

Ecology / Environment

- Access road cuts through a wildlife haven and will therefore destroy it.
- Development of this field will further destroy the wildlife in the area.
- Loss of Grade 2 best and most versatile agricultural land contrary to paragraph 112 of NPPF.
- Salisbury & Wilton Swifts has reviewed this outline planning application as we believe all new developments should provide habitat opportunities for those species such as swifts who prefer, or can adapt to, the built environment.

Loss of Green Space/Congglomeration

- The Planning Inspector allowed the 50 houses on the adjacent site as he stated in his report: “...*this amount of development would still allow a transition between Melksham to the North and open rural land to the South*”. This application would mean that this would be lost.

Location/Sustainability

- The site is in an unsustainable location, far away from any facilities and goes against the published Melksham Neighbourhood plan for where the residents of the town want housing development to be earmarked. It has not been brought forward through the proper channels and the site is outside of the settlement boundary limits.

Infrastructure

- Impact on local infrastructure – lack of school and doctor surgery places is already an issue.
- This development and its counterpart offer nothing to the existing local community in terms of facilities or infrastructure, but will instead create further pressure on our already over-subscribed medical facilities, schools and pre-school facilities, and erode our existing quality of life.
- Melksham is currently overpopulated considering the existing public resources and infrastructure. Ad-hoc planning applications should be turned down unless they significantly contribute to the community or town at large.

Pollution

- Concern was also expressed about the increase in particulates and other emissions from car exhausts, causing a rise in the pollution of the air we all breathe especially when there are queues around all our homes. This can only become worse because of the extra cars joining and queuing along Semington Road.
- As the proposed site is lower than the A350 then I would have thought that this would have a detrimental impact on the quality of air for future residents.

Contrary to Development Plan

- It would conflict with the Wiltshire Core Strategy on Housing, as the site is in open countryside outside the limits of development defined for Melksham and thus contrary to Core Policy 1, 2 and CP15.

Contrary to National Policy

- The published Melksham Neighbourhood plan means that the less than 5-year land supply issue of recent times is reduced to 3 years. The Council housing supply number is well over 4 years currently so this means that all elements of WC's Strategic plan and the National Planning Policy Framework should apply to this proposed development.

Contrary to Neighbourhood Plan

- This area has not been identified for development as part of the Melksham Neighbourhood plan.
- We do have a Melksham Neighbourhood Plan, which was brought about after consultation with local residents and organisations. It is an iterative process, with land being brought forward for consideration for future development. This application is not plan-led; it is speculative, and allowing it would simply demonstrate that whatever the local residents, organisations and businesses plan for a sustainable and well thought out future for the town and its surrounding villages, in the end developers can use loopholes in the law to force through applications.

Highways Safety/Parking

- Traffic congestion as cars queue up to join the A350 from this scheme and all the other developments recently allowed along the Semington Road.
- There have been recent works to improve and add a cycle lane to the pedestrian crossing across Semington Road near the roundabout with the A350, and to improve the crossing for pedestrians and cyclists across bypass on the east side of the roundabout. However there is still a pedestrian path leading west of the roundabout, and to cross on this side is simply dangerous, albeit appealing in that it appears to be the quicker route when walking to the Aloeric School or into town.
- Semington Road is now marked and signposted as part of the National Cycle Network - so to introduce another road leading onto Semington Road (and very near to the crossing), with over 200 cars using it (as indicated by the number of parking spaces on the two planning applications) is reckless to say the least. How can one organisation suggest that a route is safe for cyclists while another allows hundreds more cars to use it?

Other

- This development if allowed would encourage additional applications along the west side of Semington Road - further destroying agricultural land and leading to coalescence of Melksham Town with Berryfield village.
- This development makes no contribution to the Wilts and Berks enabling development.

10. Planning Considerations

10.1 Principle of Development

The NPPF advocates the primacy of the development plan stating that, first and foremost, decisions must be made in accordance with the development plan unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). Any conflict identified with the development plan policy must be given weight on the planning balance.

10.1.1 Wiltshire Core Strategy and Joint Melksham Neighbourhood Plan –

The Wiltshire Core Strategy (WCS) sets out a ‘Settlement Strategy’ and ‘Delivery Strategy’ for development across the County. WCS Core Policy 1 addresses the Settlement Strategy and identifies four tiers of settlement – ‘Principal Settlements’, ‘Market Towns’, ‘Local Service Centres’, and ‘Large and Small Villages’. Within the Settlement Strategy, Melksham is defined as a Market Town. Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development. Beyond these limits is countryside.

WCS Core Policy 2 addresses the Delivery Strategy. It sets out a presumption in favour of new residential development within the Limits of Development of the settlements – including Melksham – and further states that housing should not be permitted outside the limits except in the few circumstances explained at paragraph 4.25, none of which apply in this case. Core Policy 2 continues that the limits of development may only be altered through the identification of sites through a site allocations DPD or a neighbourhood development plan.

The Council adopted the Wiltshire Housing Sites Allocation Plan (WHSAP) in February 2020. It does not allocate further land for development at Melksham.

WCS Core Policy 15 sets out the Council’s sustainable plan-led approach to delivering development that responds to and reflects economic, social and environmental needs for the Melksham Community Area. Paragraph 5.82 of the WCS states that the strategy for

Melksham is “... to ensure an appropriate and balanced mix of housing and employment growth is managed to provide contributions to town centre improvement and delivery of enhanced services in the town”.

The Joint Melksham Neighbourhood Plan 2020-2026 (NP) was ‘made’ in July 2021. It sets out principles for new housing and good design through Policies 1 and 6; to a larger extent Policy 6 relies on the WCS to define the settlement boundary and the circumstances under which new housing will be permitted in the NP area. This said, standalone Policy 7 allocates land at Middle Farm, Whitley for approximately 18 residential units.

The application site is not allocated in either the WCS or the WHSAP (nor the NP). Therefore, as the site lies outside of the limits of development and none of the exception policies apply, the proposal does not accord with the WCS Core Policies CP1, CP2 and CP15, and the general principles set out in the Neighbourhood Plan.

10.1.2 Five-year housing land supply and relevant appeal decisions –

The above said, the Council is at the present time unable to demonstrate a 5-year supply of deliverable housing land, and this is a significant material consideration. According to the most up to date Housing Land Supply Statement (dated April May 2023 (base date: April 2022)), the number of years deliverable supply is 4.6 years (since ‘agreed’ to be 4.59 yrs following a more recent appeal decision). This means that the ‘tilted balance’ flowing from paragraph 11d)ii of the National Planning Policy Framework(NPPF) is engaged; it says the following –

“For decision taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) Where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

As Wiltshire Council is unable to demonstrate a 5-year housing land supply, the local plan policies which would restrict new housing provision must be treated as being out of date. This does not mean that the policies carry no weight, but rather that the NPPF expectation that planning permission should be granted (... unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole) has effect. And the effect in this case is – in the context of there being no identified adverse impacts outweighing the benefits of the proposed development in terms of it delivering housing – that planning permission should be granted. The other ‘non-impacts’ of the development are discussed later in the report.

In a recent allowed appeal decision relating to a proposal for 200 dwellings in countryside on the edge of Devizes the Inspector considered the housing land supply position, and concluded as follows –

“The proposal would help boost the Council’s supply of deliverable housing sites through a mix of market units next to a second-tier settlement that offers accessible facilities and

services. The proposed units could be delivered in the short term, and they would help address the persistent shortfall of housing in Wiltshire when there is not a plan-led mechanism to address this until the DPD is potentially adopted. Against this backdrop, I do not consider the shortfall to be modest, regardless of the number of permissions which the Council have granted and the Council's performance on the Housing Delivery Test. The extent of the shortfall has largely been flat in recent times despite the Council's briefing notes. I therefore attach substantial weight to this social benefit in the context of the Framework's aim to significantly boost the supply of housing."

In another recent (July 2023) allowed appeal relating to a site in the countryside on the edge of Holt for up to 90 dwellings (ref. PL/2022/03315), the Inspector said the following –

"When considering other appeals across Wiltshire, I am aware that Inspectors have given varying weight to shortfalls of this scale. In my view, even the Council's position of 4.59 years cannot be termed a moderate shortfall. Rather, I see it as being significant, as it constitutes an appreciable deficiency when compared to what the supply should be. Furthermore, it would appear the earliest this could be resolved through the adoption of a revised Local Plan is the end of next year, though I fully accept such timetables have a habit of slipping and the adoption date could be further into the future."

There have been 26 appeals since 2019 where 5-year land supply has been a principal material consideration. 19 of the appeals have been allowed, with 12 of 15 allowed in the last 16 months. Those few appeals that were dismissed had, in the main, other technical objections which tipped the balance the other way (for example, ecology, highway safety, loss of a country park, etc.). There are no technical objections relating to this application.

In order to address the housing supply shortfall the Council has issued two briefing notes, in September 2020 and April 2022. In section 6 – *What can we do to restore a five-year housing land supply?* – the note states that the Council will:

iii) Positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated.

In the Holt appeal decision the Inspector stated the following in relation to this Briefing Note:

"I afford significant weight to this Briefing Note, as it is a realistic attempt to address the shortfall and, as such, I also attach significant weight to this stated intention in paragraph 6.1. To my mind, this case falls under this intention, for although I found harm to the character and appearance of the area, that harm was primarily due to the effects of placing a housing estate on a field and so commonly arises when the site is outside a settlement. As such, while that is a policy objection I do not consider it to be a major one. Overall, I attach significant weight to the content of the Framework in relation to the need for a 5- year supply and the consequences that flow from failing to identify that quantity of housing land. I also attach significant weight to the delivery of 90 dwellings, as it would make an appreciable contribution to addressing a shortfall of this size"

A further appeal decision of relevance to this specific application site is 20/07334/OUT which relates to the land to the immediate east (that is, the other half of the same field). This appeal – for up to 50 affordable housing units – was allowed in May 2022 when the Council did not have a 5 yr HLS. The decision letter, again, sets out the weight to be attributed to a development plan in these circumstances. It also sets out how much weight was/(should) be given to the provision of affordable housing, and it more specifically addresses the Joint Melksham NP policies. In the appeal, the location of the development at the edge of the limits of development of Melksham, the fact that the Council had allowed housing development to

the south, and the accessibility of the site to services and facilities by means other than the private car, were determinative factors. The inspector stated that:

“...in terms of accessibility of the proposed scheme to local services I accept that the appeal scheme conflicts with Policies CP1, CP2 and CP15 and JMNP 1 and 6. However, the level of harm would be limited given its location which allows good access to services by a genuine choice of transport modes.”

As it was a scheme comprising solely affordable housing (AH), the Inspector gave substantial weight to the provision of this. The Council’s delivery record of AH and the pressing needs within the Melksham community area were also determinative in the conclusion. The Inspector stated at paragraph 77:

“I conclude, therefore, that there is a pressing need for affordable housing and the appeal scheme is not in conflict with Policies CP43 and CP45. As with all the other main issues this is a matter for the planning balance.”

Turning to the current application, the proposal is for a similar level of housing (53 vs the 50 allowed on appeal within the same field). The current application is also proposing 100% affordable housing as per the scheme allowed at appeal. The Council is still unable to demonstrate a 5yr HLS some 12 months on from the appeal decision. All of these points allude to a very similar set of circumstances for the current application.

In addition, it is also of note that since the appeal was determined pedestrian improvement works have been undertaken to the Semington Road roundabout making it safer and easier for people to access Melksham town centre on foot or by bicycle. This is an enhancement to the accessibility credentials of the site that were found acceptable by the appeal Inspector in any event.

In light of these circumstances, it is considered the weighting the appeal Inspector applied to the WCS and Melksham NP policies when determining the application on the other half of the field should also be applied to the current application. This is not just a matter of consistency in decision making but is also in view of the very similar circumstances of the two sites – understandable given that they are part of the same field. Whether or not the conflict with development plan policy is considered to outweigh the benefits is a matter for the planning balance. However, in view of paragraph 11d being engaged, and furthermore in view of the presumption in favour of sustainable development applying, it would be necessary to demonstrate significant other harm in the event of a resolution to refuse planning permission.

Objections have been received regarding Melksham already having more housing than previously identified and that the Melksham Community Area has already met its indicative housing figures. However, this is a scheme for 100% affordable housing and the appeal decision referred to above also addresses this at paragraph 99, where it states:

“Despite the achievement of housing requirements for Melksham, delivering affordable housing remains a pressing need for the whole Council. The fact that the Council has specific requirements for community areas has still resulted in a need to increase substantially the supply of land for affordable housing. The Council’s suggested Action Plan designed to improve management arrangements, lacks additional resources and for this reason, is unlikely to deliver a step change in affordable housing delivery as would be required to fully address this issue.”

In view of the age of the Wiltshire Core Strategy it is a necessary requirement of the NPPF to assess housing need at the county level and not locally – and in accordance with the appeal

Inspector's conclusions quoted above. As already set out, at the county level Wiltshire Council is presently unable to demonstrate the required 5-year housing land supply.

Whilst the Melksham NP may allocate additional housing, it was not considered by the appeal Inspector that this addressed the acute need for affordable housing within the Melksham Community Area. At paragraph 75 the Inspector said the following:

“Although 534 affordable dwellings have been completed between 2009/10-2020-21 and around 277 units are in the pipeline or being delivered, the level of affordable housing need is acute. In contrast on this single issue the inclusion of just 6 affordable dwellings in the single housing allocation of the JMNP does not readily reflect the extent of housing need in the area.”

10.1.3 Principle of development – conclusion

The Council does not currently have a 5-year supply of housing, and accordingly WCS Core Policies CP1, CP2 and CP15 cannot be given full weight. In the context of a lack of any detailed objections from statutory consultees, the NPPF 'tilted balance' favours the application as *“any adverse impacts of granting permission”* cannot demonstrably outweigh the benefits, the main benefit being the supply of housing, which in this case would be 100% affordable.

Notwithstanding the site's location in 'countryside', it is considered to be reasonably accessible being adjacent to the existing edge of the town. Whilst there would be some undoubted change to the landscape at and around the site, it is not considered that there would be sufficient 'harm' arising from this to warrant a refusal decision under WCS Core Policy 51 (Landscape). There are no other 'policy obstacles' (as highways, drainage, ecology and other detailed issues are all satisfactorily addressed in the application – these are addressed later in the report).

Regarding the relevance of the Joint Melksham Neighbourhood Plan (NP), paragraph 14 of the NPPF provides guidance, stating the following –

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

a) The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made:

The NP was made in July 2021 meaning that it became part of the development plan more than two years ago. It follows that in accordance with paragraph 14, the policies of the NP cannot significantly and demonstrably outweigh the benefits of the proposal in supplying housing. And in any event, as the NP relies to a certain extent on the WCS housing delivery policies which are now out of date in the context of the NPPF – and in view of the conclusions in the appeal decision for the adjacent land about the importance of affordable housing – less weight can be afforded to the NP policies anyway.

10.2 Design

The detailed considerations in respect of design are not for consideration under this outline application i.e., the layout, scale, appearance, and landscaping of the development are points to be determined as part of a later Reserved Matters application(s). However, it is still necessary to look at these issues at a higher level to ensure that the figure of 53 dwellings can be accommodated on the site whilst ensuring a high standard of design can be achieved.

The Urban Design Officer (UDO) originally objected to the application on the basis that the originally submitted documentation did not adequately demonstrate that the scheme would comply with the requirements of Core Policy 57 to secure high-quality design. The detailed points can be seen within the UDO's comments and so they are not repeated here.

The scheme has since evolved with a revised indicative layout, Design and Access Statement (DAS) and parameters plan. Upon further consultation with the UDO they did not wish to raise any specific objection to the proposal only to highlights areas that ought to be addressed as part of a reserved matters submission.

Turning to the indicative layout plan which shows one possible way in which 53 dwellings could be accommodated on the site, the following points are noted:

- The dwellings and their gardens appear to be appropriately scaled.
- Policy compliant levels of parking are shown on the indicative layout.
- Policy compliant levels of public open space have been demonstrated with sufficient gaps left for strategic planting to mitigate against any possibly visual effects.
- Sufficient space appears to have been left for attenuation and the safeguarding of Wessex Water infrastructure that crosses the southwest corner of the site.
- An appropriate level of space appears to have been left to ensure no net loss to biodiversity and to ensure that enhancement can take place.
- It shows a suitable level of cycle and pedestrian connectivity into and around the site and appropriate levels of integration with the phase 1 scheme to the east.
- Buildings are shown to face the public realm to give natural surveillance to streets and also to provide a continuous frontage to the street scene.

With the above points in mind and noting that the proposal equates to 33 dwellings per hectare, the scheme is not considered to constitute an overdevelopment of the site. A scheme is therefore capable of being brought forward on the site in a policy compliant manner that would accord with the principles enshrined within the NPPF and to that of Core Policy 57 of the WCS which seeks to deliver high quality design.

The DAS shows some analysis of local context has gone into the consideration of the proposal and the indicative layout and parameter plan largely reflects the layout approved as part of the phase 1 development.

The parameters plan will need to be conditioned as a 'fixer' to the layout that is presented at reserved matters stage. This is necessary to ensure an appropriate amount of space is left to provide public open space, landscaping, biodiversity enhancements, attenuation and statutory easements to Wessex's infrastructure. It is also required to ensure the right amount of pedestrian and cycle connections are delivered throughout the site.

Given the commitments in the DAS – and on the assumption that planning permission is given – it would be prudent to condition this document so that development is carried out in general accordance with it to ensure its positive features are carried forward to the reserved matters stage, such as, the proposals to address climate change that would be built into the development, and the emphasis on the Reserved Matters scheme avoiding pastiche architecture and instead seeking to embrace modern interpretations of local characteristics.

10.3 Landscape, Open Space and Visual Impact

The decision to allow up to 50 dwellings on land to the east of this site but within the same field is a significant material consideration as it represents an important landscape change. The baseline assessment of the land within this application must now include the permission for 50 dwellings on the eastern half of the field. It should also be acknowledged that the

principle of allowing residential development in part of this field has already been set. The landscape considerations under this application are centred on what, if any, the additional impacts of 53 dwellings would have on the character and appearance of the area, and whether any identified impacts would be adverse or not.

The principal conclusions on landscape impacts by the Inspector for the above-mentioned appeal are seen in paragraph 47 and 48 of the decision letter. Whilst the Council raised an objection on landscape grounds, the Inspector did not agree with the Council's conclusions on the matter. In the paragraphs referred to above, the Inspector stated that:

“The appeal scheme conflicts with Development Plan policies. Policies CP1, CP2, CP15, CP51 and CP57 and JMNP policies 1, 6 and 17 are consistent in seeking to resist development beyond settlement boundaries and the protection of the countryside. However, although I find conflict between the appeal scheme with these policies, the level of harm arising would be localised by its relationship to surrounding development, the configuration of the site, its limited extension west within the main field boundary and the strength of existing boundary hedgerows which could allow the base for effective landscape mitigation. I therefore conclude that there would be Modest/Negligible harm to the landscape character and appearance of the area arising from the appeal scheme.

Furthermore, there are no specific Development Plan policies which seek to protect the Gap between Melksham and Berryfield and the proposed development would not significantly erode it.”

The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) which seeks to address the level of landscape harm associated with the development. It assesses the baseline landscape and visual context of the site and appraises the development's impact upon them, including from any sensitive visual receptors. The Council's Landscape Officer does not raise any objections to the methodology employed in the LVIA nor to the conclusions on the baseline assessment and appraisal of landscape and visual sensitivity.

The LVIA concludes overall at paragraphs 7.20 and 7.21 that:

“The development envelope also retains key areas of green infrastructure and open space along the site's boundaries, serving a variety of functions in terms of mitigation, including the formation of a robust boundary to development, which is sufficient to retain separation between Melksham and Berryfield village to the south, and allow a transition between the man-made and natural landscape.

Overall, the proposed development incorporates such a strategy which is based on a generous proportion of green infrastructure, open space, and landscape planting, situated across the site at points where it will serve best to avoid or reduce potential impacts.”

The Council's Landscape Officer has not disagreed with the central conclusions of the LVIA.

Whilst the comments of third parties and the Parish Council are noted in respect of landscape considerations, given what has been set out above, the level of harm that would arise from this scheme would not amount to significant harm that would warrant an objection under Core Policies 51 and 57 of the WCS, and to the policy of the NPPF to take account of the intrinsic value and beauty of the countryside.

However, the Landscape Officer's conclusions are based upon conditions which would require:

1. A Detailed Planting plan noting species, densities, and specifications (To National Plant Specification)
2. A Landscape and Ecology Management Plan (LEMP) setting out how the planting will be maintained from installation through to maturity.
3. A Tree / utilities coordination plan showing how street trees and utilities including street lighting have been properly coordinated to ensure no clashes between root growth and that trees have enough room to grow to maturity both above and below ground without impacting on services.

With regards the above suggested conditions, this is an outline application where all matters (bar access), including landscaping are reserved. It would be expected at REM stage that a detailed planting scheme is submitted, and a tree / utilities plan can also be submitted at that stage. Should sufficient details not be supplied at REM stage, then the LPA can choose to refuse that reserved matter or if appropriate, request the details via planning conditions. As such, it is not necessary to insist upon those conditions as part of an OUT consent. However, the condition relating to the submission of a LEMP is considered reasonable and necessary at this stage and can therefore form part of any permission given.

That said, this application does include a parameter plan which sets aside sufficient land as green infrastructure to deliver, amongst other things, landscape mitigation. It is considered that the parameters plan sets aside sufficient space to enable a reserved matters scheme of up to 50 dwellings to come forward with the appropriate level of landscape mitigation. As such, there is an appropriate level of details within this OUT consent to enable the 'in-principle' landscape matters to be considered and a judgement reached that the scheme is considered to comply with the requirement of Core Policy 51 of the WCS. It should be noted that this policy allows for harm to be mitigated through robust landscaping proposals which would come forward at REM stage. The LPA would be able to refuse an REM layout that does not accord with the parameters plan submitted at OUT stage or indeed, one that does not provide sufficient landscape mitigation/controls.

10.4 Heritage Impact

This application area forms part of a larger site that has been the subject of a geophysical survey and a trial trench evaluation. This evaluation identified an area of later prehistoric and Romano-British field systems and possible settlement activity that straddles the current application as well as application 20/07334/OUT located immediately to the east. Following discussion between the County Archaeologist and the applicant's archaeological consultants it was agreed that the area of archaeological activity identified by the evaluation could be explored via an open area excavation. This excavation would effectively mitigate the impact of the development upon the archaeological resource. The County Archaeologist has subsequently reviewed and approved a Written Scheme of Investigation (WSI) for these works and they currently awaiting the commencement of the excavation.

There are no above ground heritage assets that stand to be affected by this outline proposal and, in light of the above, the County Archaeologist is not objecting to this proposal. In principle, therefore it is considered that a scheme for up to 53 dwellings can be delivered at REM stage without giving rise to any harm to above or below ground heritage assets. As such, the requirements of Core Policy 58 are met.

10.5 Agricultural Land

The site is considered to be a Grade 2 arable field and is, therefore, defined as 'best and most versatile' agricultural land. An Agricultural Appraisal report was prepared for the earlier application 17/01095/OUT to assess the quality of the land for residential development across the whole field. The overall amount of land that is being lost is not significant in area (Natural

England are generally concerned where areas greater than 20ha are being lost). The application site falls well below that threshold. Whilst the loss of Grade 2 agricultural land is a factor to be considered on the planning balance, it is not in this case a matter to which significant weight can be afforded in the context of the housing supply shortfall.

10.6 Flood Risk and Drainage

Paragraph 159 of the Framework says that:

“... inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk”.

Paragraph 161 goes on to states that:

“All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- a) applying the sequential test and then, if necessary, the exception test as set out below; ...”*

The NPPF is clear at paragraph 162 of the Framework when it states that:

“Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.”

The below map (figure 5) is taken from the Strategic Flood Risk Assessment (SFRA). Although the site is located within Flood Zone 1, this map shows that the site is within an area of ground water flooding.

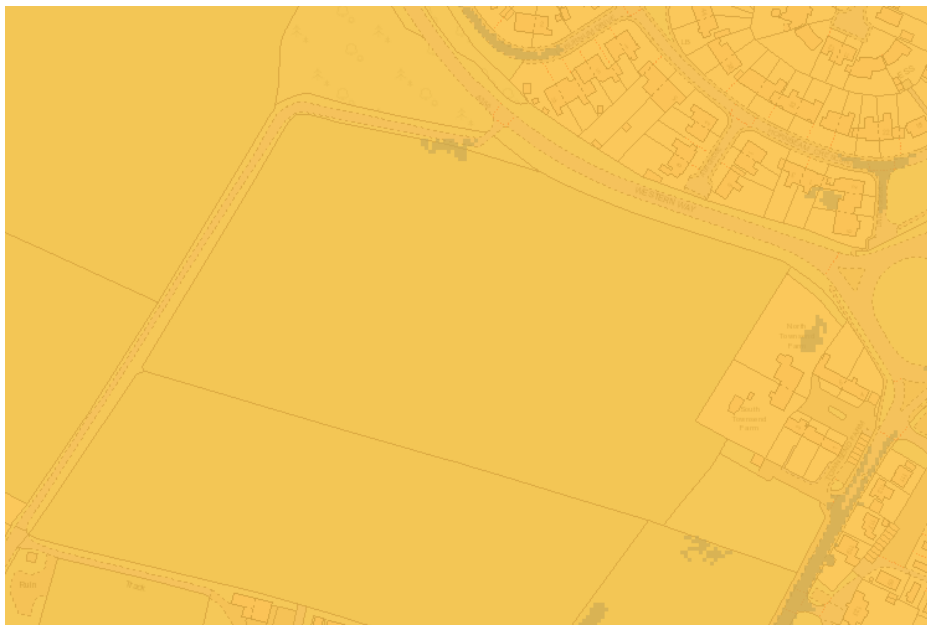


Figure 5 – Ground water Flooding Map

The SFRA sets out what is classified as a High Risk source of other flooding. On page 54 it states that these are sites where:

- *More than 10% of the site is at risk from surface water flooding in the 1 in 1,000- year event*
- *More than 10% of the site is within highest risk category in JBA Groundwater map (groundwater is <0.025m below the surface in the 1 in 100-year event) [Red layer Appendix G SFRA 2019]*
- *More than 75% of the site is within the second highest risk category in JBA Groundwater map (groundwater is between 0.025m and 0.5m below the surface in the 1 in 100-year event) [Orange Layer Appendix G SFRA 2019]*

It is noted from the above map extract that the site in question is covered by more than 75% of the second highest risk category in the Groundwater map. In light of this, the SFRA mapping is indicating that sequential testing should be applied to the development, in line with the requirements of the Framework as the site is within an area of ground water flood risk and the application is for a development type that is not exempt from the test, as specified in footnote 56 of the Framework.

However, it is noted that the SFRA is only one source of evidence that can be used to assess whether the site is in fact within a groundwater vulnerable area. The applicants have submitted their own flood risk assessment. In addition to this, they have also submitted a groundwater flooding technical note and a response note to the groundwater flooding issue that was raised by officers. All of these documents have been reviewed by the Lead Local Flood Authority (LLFA) and – as is evident from its final response in October 2023 – there are no objections to the FRA or the notes, subject to conditions.

As such, there is no need for sequential testing on this site as it is accepted that levels of ground water flooding are not within the high-risk categories where such testing is mandated. In the light of the LLFA comments, it can be concluded that ‘in principle’ the development can proceed without increasing flood risk elsewhere. The conditions suggested by the LLFA are both necessary and reasonable in order to ensure flood risk is not increased elsewhere.

Wessex Water have infrastructure in the southwest corner of the site (a distribution main) and, as per its policy, will not accept any building over it or within the 3m statutory easements either side of it. They also require unfettered access to their infrastructure. As a result of their comments, the applicants have amended the parameters plan which now shows the infrastructure on the plan and satisfies the requirements of Wessex Water in terms of easement and access. Wessex Water’s latest comments (18 October 2023) reflect this position. As such, Wessex Water has removed its initial holding objection to the application.

In its earlier response dated 31 January 2023, Wessex Water confirmed that it had infrastructure that could be connected to – to accommodate new mains water and foul sewerage. It also confirmed agreement in principle to the discharge of surface water run-off from the site to an existing surface water sewer network to the northwest of the site.

Given that the site is within an area (Wessex Water) identified by the EA as subject to serious water stress it is prudent to ensure water efficiency opportunities are maximised to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the NPPF. To this end, and in the event of planning permission being given, a condition is required to ensure the optional requirement Building Regulation standard Part G for water consumption limited to 110 litres per person per day.

10.7 Ecological Impact

The Council's Ecologist's final comments confirm that there are no ecology objections to the development subject to conditions. This was upon submission of further details requested by the Ecologist.

The conditions are to cover the following:

- Restriction on the installation of external lighting
- Compliance with the Ecological Parameters Plan, BEMP and BNG Assessment.
- To ensure the biodiversity mitigation and enhancement measures are carried out
- The submission of a Landscape and Ecological Management Plan (LEMP)
- The submission of a construction and Environmental Management Plan (CEMP)

These conditions are reasonable and necessary to ensure that matters of ecological importance relating to the site are not impacted upon by the development both during the construction and operational phase.

With the plans and documents supplied to date on ecological matters and with the above conditions in place, it is considered that the development would not have an adverse impact on protected species, priority habitats or the ecology of the area more generally. As such, the scheme is considered to accord with Core Policy 50 of the WCS and to the relevant paragraphs of the NPPF (notably, 180 requiring biodiversity net gains).

10.8 Environmental Impact

The Council's Public Protection team have no objection to the development provided the following elements are covered:

- Submission of a Construction and Environmental Management Plan (CEMP)
- Undertaking of an Air Quality Screening Assessment.
- A condition to cover any unexpected land contamination issues that arise on site.
- That the recommendations of the Noise Impact Assessment noted in chapter 5 are applied.

These conditions are reasonable and necessary to make the development acceptable in planning terms. Notably, in respect of the CEMP as the development backs on to existing dwellings.

However, it is noted the Phase I Desk Study by Georisk lists at Section 9 of that report what further work is required in any Phase II Ground Investigation study. It is reasonable, therefore, to request compliance with Section 9 of that report as opposed to applying the WC standard contaminated land condition. Furthermore, the Phase I study does not identify any geo-constraints that would preclude development or warrant significant remedial action.

10.9 Highways / Rights of Way

Core Policy 60 of the WCS states that the Council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. One of the stated ways of achieving this is by planning developments in suitable locations.

Paragraph 111 of the July 2021 NPPF states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

In summary, the Local Highways Authority (LHA) have reviewed all the relevant information (access plans, Transport Assessment and Travel Plan) and do not have an objection to the scheme subject to a number of conditions and s106 contributions towards improving walking and cycling routes in the vicinity of the development, monitoring of the Travel Plan and provision of green travel vouchers.

With regards to the conditions, these are to cover the following matters:

- Implementation of the Travel Plan
- Provision of the vehicular access onto the Semington Road (granted under 20/07334/OUT) to base course level prior to occupation.
- Provision of a construction traffic management plan prior to commencement in the interests of highways safety
- Provision of 2m wide walking link onto Berryfield prior to occupation of the 20th dwelling
- That the landscaping scheme provides impenetrable landscaping on the northern boundary to prevent indiscriminate access onto the A350.

These conditions are both reasonable and necessary to ensure the development can proceed in an acceptable manner.

In light of the comments from the LHA, it is considered that the construction of the proposed development would not have an unacceptable impact on highway safety and would not have a 'severe' residual cumulative impact on the road network. As such, there are no highway reasons that would warrant withholding planning permission for the proposed development.

It should also be noted that improvement works have been carried out to the Semington Roundabout to encourage pedestrians to cross at the eastern rather than western arm of the roundabout. This has addressed earlier objections that were raised by the LHA in relation to the development of this field. Furthermore, whilst it is appreciated application 20/07334/OUT was only for 50 dwellings, the Inspector in deciding that appeal raised no 'in principle' objections on highways grounds that would prejudice this further quantum of housing from coming forward.

10.10 Community Infrastructure Levy (CIL)

The new dwellings would be liable for CIL. The site would fall under charging zone 2 where the sum equates to £85 per square metre of residential floor space created. Floor space calculations can only be provided at detailed design stage and thus CIL calculations would be required at reserved matters stage.

In addition to CIL payments, further financial obligations towards infrastructure specific to a development proposal are secured through section 106 contributions.

11. S106 contributions

Core Policy 3 advises that 'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework. These are:

- Necessary to make the development acceptable in planning terms

- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme. Whilst there may have been some differentials were the site to be delivered as one, rather than 2 phases, the changes would be very subtle in nature and not raise any concerns with officers that would question the recommendation it has decided to make. The Applicant has agreed (see Appendix A) to provide the following (the calculation is based on the net addition of dwellings which is 53):

Affordable Housing

CP43 states that on sites of 5 or more dwellings, affordable housing provision of at least 30% will be provided and transferred to a Registered Provider. The above policy requires affordable housing to be secured via a legal agreement. CP45 also requires affordable dwellings to address local housing need and to incorporate a range of different types, tenures, sizes of homes in order to create a balanced community. CP46 requires in suitable locations, new housing to meet the needs of vulnerable people.

The applicant is proposing 100% AH and so the policy requirement of 30% is met. This would need to be delivered as 30% nil subsidy with the remainder (70%) of the affordable housing with subsidy or as 100% grant funded/with subsidy.

Recreation and Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 98 of the NPPF. With regards to the development plan, Policy LP4 of the Leisure and Recreation Development Plan Document 2009 (LRDPD) requires a contribution to open space and sports facilities. Core Policy 52 of the WCS supports this by stating that accessible open space standards should be in accordance with the adopted Wiltshire Open Space Standards. Open space is listed as place shaping infrastructure under priority theme 2 of Core Policy 3 of the WCS.

To comply with the above policy it is necessary to secure on-site public open space to ensure the health and well-being of the future occupants of the development site. The increase in population caused by the development would have an impact on existing leisure facilities and, it is therefore necessary to upgrade a local facility to cater for the likely increased demand.

The proposal generates a public open space requirement of 1,851.18m² public open space with 93.81m² of this as equipped play all of which should be secured in perpetuity.

A leisure contribution of £12,508.80 is required towards the upgrade of Bowerhill Sports Field at Lancaster Road and/or upgrade of playing pitch and/or ancillary services within the vicinity of the site. This is considered a reasonable request as existing sports facility within the vicinity of the site are likely to be used by residents of the new development.

The provision of open space is to serve the needs of the future occupants of the housing scheme and thus its provision on-site is directly related to the development. The improvements to off-site leisure facilities directly relates to the increase to the local population caused by this development.

The respective amounts are considered to be fair and reasonable and are based on the Council's current standards set out in Policy LP4 of the LRDPD.

Education

The NPPF (paragraph 95) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. In order to

ensure this, Core Policy 3 lists the provision of education as a priority 1 theme where it is required due to the impacts of a development proposal.

Early Years - A contribution of £70,088 is required to go towards the funding of 4 pre-school places within the area at a cost of £17,522 per place. The Early Years Officer has advised that the existing Early Years provision will not be able to support the needs of additional families requiring Early Years and Childcare in this area as they are all operating at high capacity.

Refuse

The Wiltshire Core Strategy at para 4.41 Core Policy CP3 identifies sustainable waste management facilities as essential components of daily life and therefore critical to delivering our strategic goal of building more resilient communities. Waste management is listed as place shaping infrastructure under priority theme 1 of Core Policy 3 of the WCS.

A contribution of £5,353 (£101 per dwelling x 53) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development.

The provision of bins, and the services required to support waste collection, is a burden on the Council that is directly related to new developments. The sum requested here directly relates to the size of development proposed. £101 is the cost of purchasing the necessary waste and recycling containers for a single dwelling in Wiltshire and so the costs are considered fair and reasonable.

Public Art

An indicative public art contribution figure (based on £300 per dwelling) for the applicant to deliver the integration of public art for this site would be £15,900 for 53 dwellings. It is expected that no more than 10% of this figure should be spent upon the production of a public art plan.

Art and design in the public realm will help to mitigate the impact of development by contributing to good design, place-shaping, infrastructure and engage communities with the development.

The above contribution is considered reasonable and necessary in line with the following policies of the development plan:

- Core Policy 3 promotes and defines public art as a type of place-shaping infrastructure and states that the cost of providing infrastructure can be met through the use of planning obligations.
- Core Policy 57 promotes “the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm.”
- Saved West Wiltshire District Plan 1st Alteration Policy I2 also makes reference to The Arts.
- The Planning Obligations Supplementary Planning Document (October 2016) refers to the 2011 guidance note of art and design in the public realm.

In addition, the NPPF recognises that cultural wellbeing is part of achieving sustainable development and includes cultural wellbeing within the twelve core planning principles that underpin both plan-making and decision-taking. The PPG complements the NPPF and states that “*Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using.*”

Highways

Core Policy 60 of the WCS seeks to reduce the need to travel particularly by private car, and supports and encourages the sustainable, safe and efficient movement of people and goods within and through Wiltshire. CP 61 states that where appropriate contributions will be sought towards sustainable transport improvements and that travel plans will be required to encourage the use of sustainable transport alternatives. Such requests are also listed under Core Policy 3 as infrastructure priority theme 1. The following planning obligations are sought by the LHA:

In order to maximise walking and cycling from the development site, to increase the sustainability of the site and, to offset the vehicle travel impacts of the development, a contribution of £74,200 (£1400 per dwelling) is sought towards active travel enhancements in the local vicinity (notably, the provision of a route to the planned school at Pathfinder Way). This is based on the contribution provided by phase 1 (20/07334/OUT) comprising 50 dwellings where £70,000 has been secured in the legal agreement towards the costs of improving pedestrian accessibility in the vicinity of that development. That sum was considered to meet the three tests set out in paragraph 57 of the Framework by the appeal Inspector.

A contribution has been requested towards a Travel Plan Monitoring fee of £1,500 per annum for 5 year period, totalling £7,500.

A payment of £200 for green travel vouchers to each household. This would total £10,600 based on a scheme of 53 units.

Such contributions are necessary to mitigate the impacts of the development on the surrounding highways network and to encourage more sustainable travel movements to and from the development.

12. Conclusion (The Planning Balance)

At the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11d of the NPPF):

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In this context, the Wiltshire Core Strategy is not up-to date as the Council finds itself without a 5yr HLS. As such paragraph 11d (the 'tilted balance') of the NPPF, is engaged. No technical policies of the NPPF that protect areas or assets of particular importance have provided a reason for refusing the proposed development. As such, the tilted balance has effect under paragraph 11d)ii and 'footnote 8' which requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when assessed as a whole.

The 'harms' –

The site lies outside the Limits of Development of the 'Market Town' of Melksham contrary to Core Policies 1, 2 and 15 of the WCS which are strategic policies that all seek to establish and control where new housing proposals in Wiltshire will be acceptable.

The proposal also conflicts with the Melksham Neighbourhood Plan Policy 1 which aims for a carbon neutral future, through amongst other matters, reducing dependency on private transport and requiring development within settlement boundaries (Policy 6).

It is clear therefore that the scheme does not conform with the development plan when taken as a whole. However, whilst these policies are predicated on the principles underpinning the Framework, the policies cannot be afforded full weight given the housing land supply position of c. 4.6 years.

Nonetheless, the level of harm against these policies is only considered to be limited, for the following reasons:

- the size of the scheme is appropriate for Melksham as a market town which is capable of significant growth as identified by CP1 of the WCS.
- although outside of the LoD, it is noted that the site is located just outside and therefore, its proximity to the town centre allows access by a genuine choice of transport modes.

However, the conflict with the development plan is still harm which militates against the grant of planning permission.

No other harm has been identified against this proposal that is not otherwise capable of being addressed through the use of planning conditions or via planning obligations as part of a s106 agreement.

The benefits –

Provision of entry level AH / housing to address 5yr HLS shortfall –

Given the lack of a 5YRHLS within the county, the widely acknowledged nationwide housing crisis, the further shortage of affordable housing both locally and nationally, and the provision of a 100% AH scheme comprising 53 units, this is a matter which must be given substantial weight.

Expenditure on construction and investment in the area / creation of construction jobs –

Paragraph 81 of the NPPF states that:

“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

In light of the above – and bearing in mind the size of the scheme (53 units is not a large site) – moderate weight should be attributed to this benefit. The development would provide a boost to the economy through the provision of construction jobs associated with a housing development. It is noted that the construction industry has been highlighted by the government as one of the key areas for growth post pandemic and more generally. The same weighting can be attributed to the economic expenditure from future occupants of the development within the local economy.

Financial contributions towards off site infrastructure –

Whilst these contributions are required to make the development acceptable in planning terms, some of the contributions would be of benefit to the local population and, without the development, would be less to happen. In this case, a contribution to provide improvements to an off-site sports facility would not only be of benefit to future occupants of the development who may choose to use these facilities, but to many locals who already use them. Some limited positive weight can be attributed to this point.

Neutral impacts –

The lack of identified harm against technical policies of the WCS is not a benefit of the development but would be a neutral aspect of it. The lack of technical objections and the conformity with the development plan are therefore neutral points on the balance.

Conclusion –

It is considered that the adverse impacts of granting planning permission (the conflict with CP 1 2 and 15 of the WCS as well as Melksham NP policies 1 and 6 (the development plan)) would not be significantly and demonstrably outweighed by the benefits (notably provision of 100% affordable housing and economic benefits), when assessed against the policies in this Framework taken as a whole.

RECOMMENDATION:

Defer and Delegate to the Head of Development Management to grant full planning permission subject to first completion of a Section 106 legal agreement to cover the matters set out in Section 11 of the report, and subject to the following conditions –

Conditions:-

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

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

- 2 An application for approval of the reserved matters specified in Condition 3 below, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

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

The development shall be carried out in accordance with the approved details. The reserved matters shall be submitted as a single phase, unless otherwise agreed by the Local Planning Authority.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Dwg Reg: 3888 - 01A - Location Plan
- Dwg Ref: MSW-BWB-ZZ-XX-DR-YE-0001_Ecological Parameters Plan_S2_P02 - Ecological Parameters Plan
- Dwg Ref: 3888 - 02 Rev B - Parameters Plan

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

5 The development hereby permitted shall be carried out in general accordance with the design and layout principles in the following:

- Design and Access Statement dated August 2022

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

6 The development hereby permitted shall make provision for the following:

- (a) Up to 53 dwellings;
- (b) Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 1851.18 sq m of general public open space and at least 93.81 sq m of equipped play space.

The 'layout of the development' (as to be submitted and approved under condition no. 3) shall accommodate the above in broadly in accordance with the Parameter Plan (no. 3888-02 Rev B).

Prior to commencement of the development, a programme, or phasing plan, for the delivery and completion of the dwellings and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

REASON: To ensure the creation of a sustainable development which is in character with its surroundings and in accordance with the terms of the planning application.

- 7 No development shall commence on site until the following details have been submitted to and approved in writing by the Local Planning Authority:
- a. a sensitivity analysis has been undertaken on the network considering surcharged outfall conditions;
 - b. overland exceedance routes have been shown on a drainage plan for flows in excess of the 1 in 100 year plus climate change (40%) rainfall event;
 - c. clear arrangements are in place for ownership and ongoing maintenance of SuDS over the lifetime of the development;
 - d. submit calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment; and,
 - e. Additional groundwater monitoring should be undertaken during the winter months to establish peak seasonal levels.

REASON: To minimise the risk to people and property during high return period storm events, to ensure that the surface water drainage performs as designed, to avoid flooding due to lack of maintenance and to prevent pollution of the receiving watercourse.

- 8 Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include:
- a) Long term objectives and targets in accordance with the Calculation of Biodiversity Net Gain using Defra Metric 3.1 report (Biodiversity Net Gain Assessment, Document Number: MSW-BWB-ZZ-XX-RP-LE-0004_BNGP2, Rev: P02, Date: October 2023 by BWB Consulting).
 - b) Management responsibilities and maintenance schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme as identified in:
 - Ecological Parameters Plan, Drawing ref: MSW-BWB-ZZ-XX-DR-YE- 0001, Rev: P02, Date: 26.10.2023 by BWB Consulting
 - Biodiversity Enhancement Management Plan (BEMP), Document Number: MSW-BWB-ZZ-XX-RP-LE-0003_BEMP, Rev: P02, Date: 19/10/2023 by BWB Consulting
 - c) The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s).
 - d) A procedure for review and necessary adaptive management in order to attain targets.
 - e) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

- 9 The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in

writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person and telephone number for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
- x. Details of how surface water quantity and quality will be managed throughout construction;
- xi. Details of the safeguarding measures to deal with the following pollution risks:

- the use of plant and machinery
- wheel washing and vehicle wash-down and disposal of resultant dirty water
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes

xii. Details of safeguarding measures to highway safety to include:

- A Traffic Management Plan (including signage drawing(s))
- Routing Plan
- Details of temporary/permanent Traffic Regulation Orders
- pre-condition photo survey - Highway dilapidation survey
- Number (daily/weekly) and size of delivery vehicles.
- Number of staff vehicle movements.

xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
- Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of TBMS zones A and B and predevelopment provision of hedgerow mitigation/ translocation along Firs Hill A361.
- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
- Method statement to include pollution prevention measures for construction of causeway over Lambrok Stream to minimise harm to the watercourse and protected and notable species with regular monitoring.
- Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice with regular monitoring.
- Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.

- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and in compliance with Core Strategy Policy 62.

- 10 No development shall commence on site until a Phase II Ground Investigation report has been submitted to and approved in writing by the Local Planning Authority. The report should address the issues raised in Section 9 of the Phase I Desk Study by Georisk Management dated July 2022.

REASON: In order to reduce the risks associated with land contamination in accordance with Core Policy 56 of the Wiltshire Core Strategy.

- 11 Prior to the commencement of construction, an Air Quality Assessment (AQA) or Screening Assessment must be submitted to and approved in writing by the Local Planning Authority. This must quantify the effect of the development on existing local authority air quality monitoring locations and sensitive receptors as well as the proposed development. It must also identify and make adjustments for all core strategy-based development in the development's locality. Use of CUREd data in the AQA is expected along with any other currently accepted approaches to AQA.

REASON: In order to comply with Core Policy 55 which states that development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

- 12 The development shall be carried out in accordance with the mitigation measures detailed in Section 5 of the submitted Noise Impact Assessment by BWB dated 22nd August 2022 and maintained as such in perpetuity.

REASON: To protect the amenities of the future occupants of the development site from noise generated by the A350 (Western Way).

- 13 No residential unit shall be occupied until those parts of the Residential Travel Plan capable of being implemented prior to occupation have been implemented. Those parts identified for 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 Residential Travel Plan Co-ordinator shall be appointed and carry out the identified duties to implement the Residential Travel Plan for a period from first occupation until at least 2 years following occupation of the last residential unit.

REASON: In the interests of reducing the amount of private car movements to and from the development.

- 14 No residential unit shall be occupied until the vehicular access to Semington Road granted approval under planning permission 20/07334/OUT has been provided to base course level including its visibility splays. The access shall have been completed to wearing course level prior to occupation of the 50th dwelling served by it.

REASON: In the interests of safe and convenient access to the development.

- 15 Prior to the occupation of the 20th dwelling unit hereby approved, a walking link 2 metres wide shall be provided between the roads on the development and Berryfield Lane, The link so provided shall thereafter be maintained and kept available for use.

REASON: In the interests of good pedestrian accessibility.

- 16 The landscaping scheme submitted for the development shall include intensive and impenetrable landscaping on the northern boundary.

REASON: To prevent indiscriminate access from the public open space on the northern side of the development to the A350 with its high traffic flows and lack of pedestrian facilities.

- 17 The dwellings shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change in the interests of sustainability, and to use natural resources prudently in accordance with the National Planning Policy Framework.

- 18 No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

- 19 The development will be carried out in strict accordance with the following documents:

- Ecological Parameters Plan, Drawing ref: MSW-BWB-ZZ-XX-DR-YE-0001, Rev: P02, Date: 26.10.2023 by BWB Consulting
- Biodiversity Enhancement Management Plan (BEMP), Document Number: MSW-BWBZZ-XX-RP-E-0003_BEMP, Rev: P02, Date: 19/10/2023 by BWB Consulting

- Biodiversity Net Gain Assessment, Document Number: MSW-BWB-ZZ-XX-RP-LE-0004_BNGP2, Rev: P02, Date: October 2023 by BWB Consulting

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

20 The biodiversity mitigation and enhancement measures will be incorporated into the development in accordance with:

- Biodiversity Enhancement Management Plan (BEMP), Document Number: MSW-BWB-ZZ-XXRP-LE-0003_BEMP, Rev: P02, Date: 19/10/2023 by BWB Consulting

The installation of these features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These measures will continue to be available for wildlife for the lifetime of the development.

REASON:

To mitigate for impacts to biodiversity arising from the development.

Informatives:

Protected Species

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2017) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Artificial Lighting

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Drainage MADD Factor

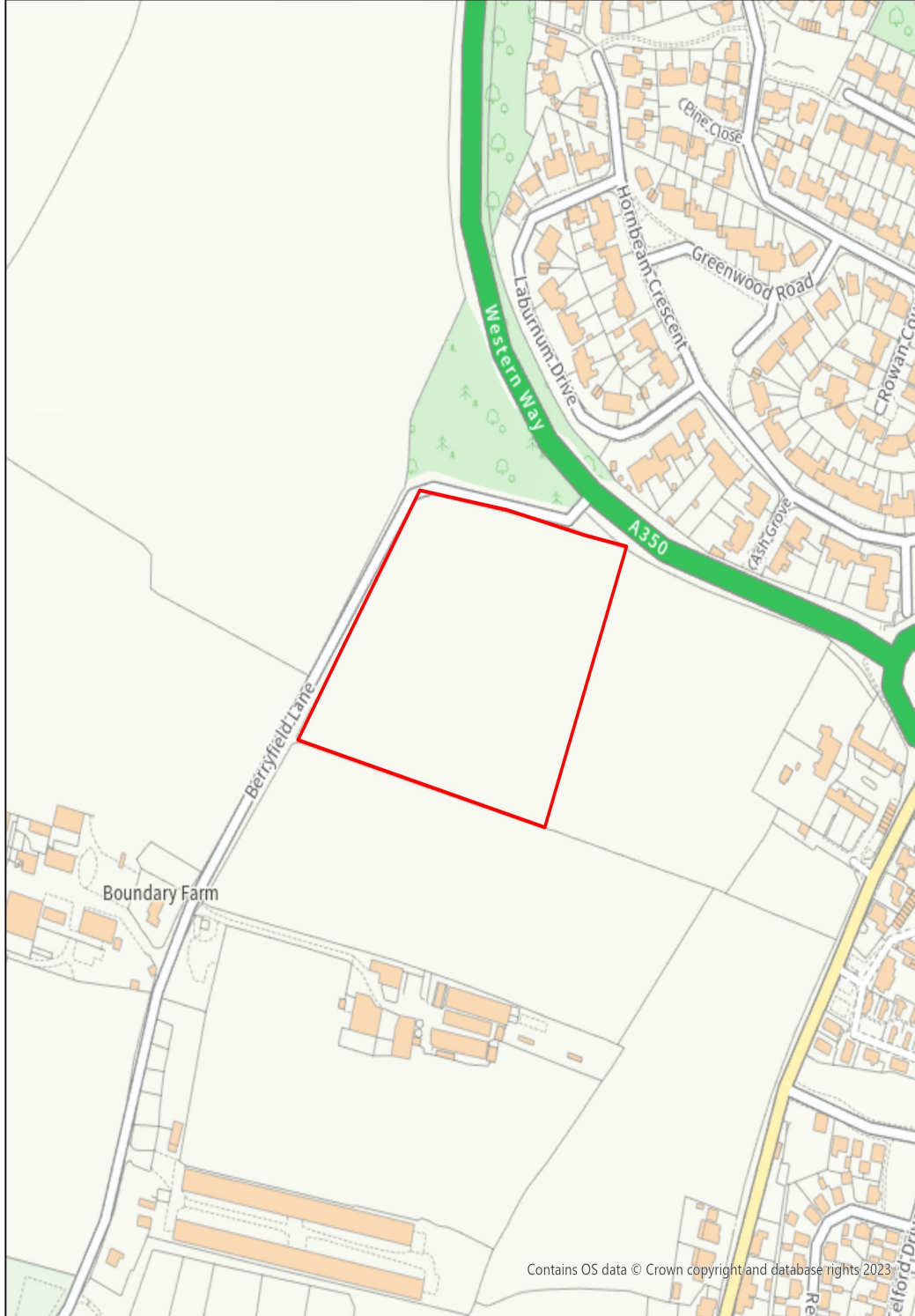
Within the calculations, the MADD factor / Additional storage volume must be set to zero. If a value other than 0m³/ha is selected for the MADD value, the applicant will need to provide quantitative evidence to demonstrate that this is appropriate.

APPENDIX A

S106 HEADS OF TERMS

**PL/2022/08155 – Lane West of Semington Road
HEADS OF TERMS (Based on 53 Dwellings)**

SUBJECT	REQUEST	AMOUNT	AGREED
Affordable Housing (AH)	On site delivery of 30% at nil subsidy with the remainder (70%) of the AH with subsidy or as 100% granted funded/with subsidy.	53 Units	X
Public Open Space	Delivery of 1,851.18m ² of public open space, of which 93.81m ² is to be equipped play space	N/A	X
	Upgrade of Bowerhill Sports Field at Lancaster Road and/or upgrade of playing pitch and/or ancillary services within the vicinity of the land	£12,508.80	X
Waste & Recycling	Provision of waste and recycling containers @ £101 per dwelling	£5,353	X
Education	Early years provision x 4 places	£70,088	X
Public Art	Public art scheme to be delivered on site (£300 per dwelling) x 53 units	£15,900	X
Highways	Active travel enhancements in the local vicinity ((notably, the provision of a route to the planned school at Pathfinder Way).	£74,200	X
	Travel Plan Monitoring Fee for 5 years @ £1500 per annum	£7,500	X
	Green Travel Vouchers @ £200 per dwelling	£10,600	X
TOTAL SUM OF MONEY		£196,149.80	X



Contains OS data © Crown copyright and database rights 2023

1:3,000



389944E 162895N m

© Crown Copyright and Database Rights 2023 Ordnance Survey Licence No 100049050

This page is intentionally left blank

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	29 November 2023
Application Number	PL/2021/08064
Site Address	Innox Mills, Stallard Street, Trowbridge, BA14 8HH
Proposal	<p>Hybrid (full and outline) planning application descriptions (i) & (ii)</p> <p>(i) Outline planning application: the erection of up to 284 dwellings, erection of a convenience store (Class E), erection of up to 872 sqm of new commercial floor space (Class E); and associated access, public realm; and landscaping works.</p> <p>(ii) Full planning application: Erection of convenience store (333 sqm GIA) and 12 No. apartments, part demolition and external works to Innox Mills and change of use to Class E; external works and extension (180 sqm GIA) to Innox Place and change of use to (Class E); external works to Dyehouse and Brewery for as bat mitigation and change of use to a dual use internal market/Class E; demolition of former Cloth Factory Building; and associated access, public realm and landscaping work in commercial courtyard and along the Stallard Street frontage.</p> <p>The listed building consent application proposes internal and external works and part demolition of Innox Mill; internal and external works, and extension to Innox Place. Although a separate application, the issues relevant to the impact upon the listed buildings (Innox Place and Innox Mill) are considered under this report.</p>
Applicant	Innox Mills Ltd
Town/Parish Council	TROWBRIDGE
Electoral Division	Trowbridge Central (Cllr Palmen)
Type of application	Outline, Full Planning and associated Listed Building Consent
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

The application is before the Strategic Planning Committee at the request of Councillor Palmen. His reason is due to the scale of development within the central part of Trowbridge; it is of major interest to the public and therefore should be discussed at the planning committee.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The main issues to be considered are:

- Whether the proposed development is acceptable in principle (CP 1 and 2);
- Whether the proposed development constitutes high quality design (CP 57);
- Whether the proposed development would preserve or enhance the historic environment (CP 58)
- Whether the proposed development would have an acceptable landscape impact (CP 51);
- Whether the proposal makes all the necessary provisions to incentivise sustainable travel choices, provides safe and suitable means of access, sufficient parking and ensuring the proposal does not have a negative effect upon highway safety (CP 60, 61 62 and 64)?;
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67);
- Whether there would be any harmful impacts upon protected species or priority habitats (CP 50)?
- Whether there will be any land contamination / air quality issues that would affect the delivery of the site or require suitable mitigation/remediation to protect the surrounding environment and people (CP 55)?
- What planning obligations are required to make the development acceptable in planning terms (CP 3)?
- Are there any viability issues that effect the provision of affordable housing and/or securing of the planning obligations required to make the development acceptable in planning terms?
- Are there any other planning issues raised by the development?

3. Site Description and location

The site of approximately 4.07ha in area (see figure 1 below) is located within Trowbridge Town Parish. The site comprises the whole former Bowyer's site with the exception of Nos. 5-9 Stallard Street.

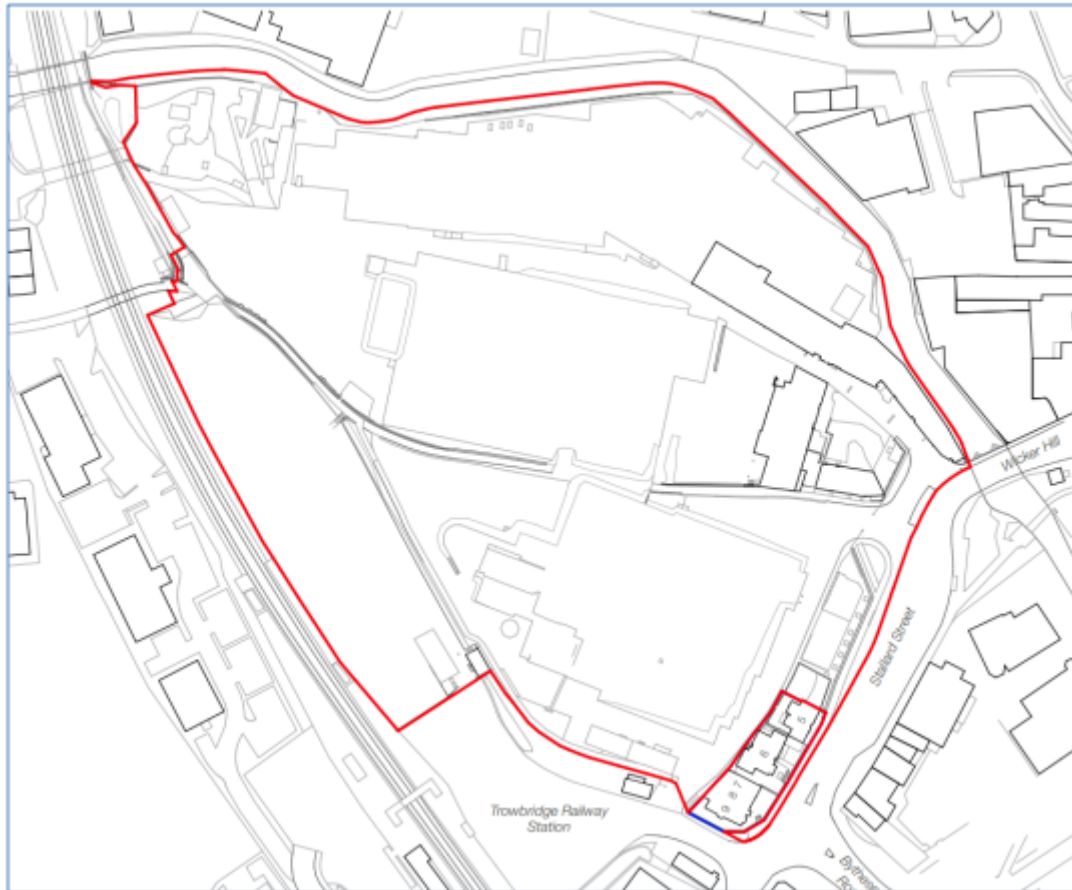


Figure 1 – Site Local Plan

The site lies adjacent to Trowbridge town centre. Trowbridge Railway station and branch line lie to the west of the site with housing and Stallard Recreation Field behind. The River Biss adjoins the western and northern boundary of the site with the industrial parks known as Riverway, The Maltings, Shails Lane lying on the other side of the River Biss along with Hill Street and Kitcheners Court. Stallard Street lies to the east and south of the site which comprises a range of commercial uses with residential units above as well as individual dwellings and blocks of flats.

Running across the site are a couple of public rights of way (PRoW) – TROW73 and TROW72. TROW 73 runs from the site entrance at Innox Place across the site in a diagonal line to the rear of the site linking up with Innox Road. TROW72 runs from the entrance to the site by Innox Place, along the back of No.'s 5-9 Stallard Street linking up with the Station Car Park.

The River Biss (a main river) borders the site and consequently a large part of the site lies within Flood Zone 2 and a smaller part within Zone 3.

Within the site itself lies Innox Mill and Innox Place which are Grade II listed buildings with No,'s 5-8 Stallard Street also at Grade II adjoining the south-eastern boundary. The Brewery and Dyehouse building which are also located on the site are considered to be non-designated heritage assets.

The Trowbridge Conservation Area covers a small section of the site frontage with Stallard Street. The majority of the site, though outside, is considered to be within its setting.

Other heritage assets that are within close proximity to the site include:

- Nos. 50-58 Stallard Street – Grade II
- Studley Mill, Stallard Street – Grade II
- Town Bridge – Grade II
- Malthouse and Outhouse at rear of Nos. 19 and 21 Hill Street – Grade II
- Kitcheners Arms, Hill Street – Grade II*
- Buildings at the rear of No. 12 Hill Street – Grade II

Being a near town centre location, there are a number of other listed buildings along Stallard Street, Hill Street, Fore Street, Wicker Hill and Back Street that are in reasonable proximity to the site such that their settings could be affected by the development.

The western and northern boundaries of the site adjoin the Yellow Zone (Medium Risk) defined in the Trowbridge Bat Mitigation Strategy with the Railway and River Biss Corridor noted as key foraging and commuting routes for bats within the Bath and Broadford on Avon Bat SAC.

The site is identified as having potential contamination from former uses (railways sidings, pie and bacon factories, brewery industry and former cloth mill).

4. Planning History

The site has been subject to numerous applications relating to former uses. These are not considered to be relevant. However, previous permissions for different forms of development have been allowed. These are set out below.

Reference	Description	Decision
W/09/00582/FUL	Redevelopment of the former factory site to provide new campus for Wiltshire College comprising college buildings, theatre, sports hall, all-weather sports pitch, car parking and ancillary open spaces	Withdrawn
W/11/02689/FUL	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	Refused
W/11/02690/LBC	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	Approved with conditions
W/12/02299/FUL	Demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site comprising a food store (Use Class A1), non-food retail units (Use Class A1), leisure floorspace (Use Class D2), food and drink floorspace (Use Class A3/A4), and associated petrol filling station (sui	Approved with conditions

	generis) together with associated car parking, new access and landscaping	
W/12/02300/LBC	Demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site comprising a food store (Use Class A1), non-food retail units (Use Class A1), leisure floorspace (Use Class D2), food and drink floorspace (Use Class A3/A4), and associated petrol filling station (sui generis) together with associated car parking, new access and landscaping	Approved with conditions

The former Bowyer's factory was closed in 2008 by the then owners, Northern Foods. Wiltshire College submitted an application (W/09/00582/FUL) to relocate there existing Trowbridge campus onto the site. However, due to a lack of committed funding from the Learning Skills Council this application was withdrawn. The site was then purchased by Morrisons who secured planning permission for the re-development of the site for two alternative schemes for a supermarket with ancillary leisure uses in 2013 and 2014 (Refs: W/11/02689/FUL & W/12/02299/FUL). Following changes in the retailing marketplace, which reduced demand for large format stores, Morrisons decided not to proceed with the implementation of these permissions. Furthermore, the development of St Stephens Place which had delivered a cinema for Trowbridge took up the demand in that respect.

With regards the above permissions by Morrisons, it is useful to set out what masterplan was approved for the last approval on the site (W/12/02299/FUL). Although lapsed, this gives an indication as to what layout and form of development was previously considered acceptable by the Planning Committee. See figure 2 below which shows the scheme that was centred around a large Morrisons supermarket with petrol station. The ancillary leisure uses are on the right-hand side.

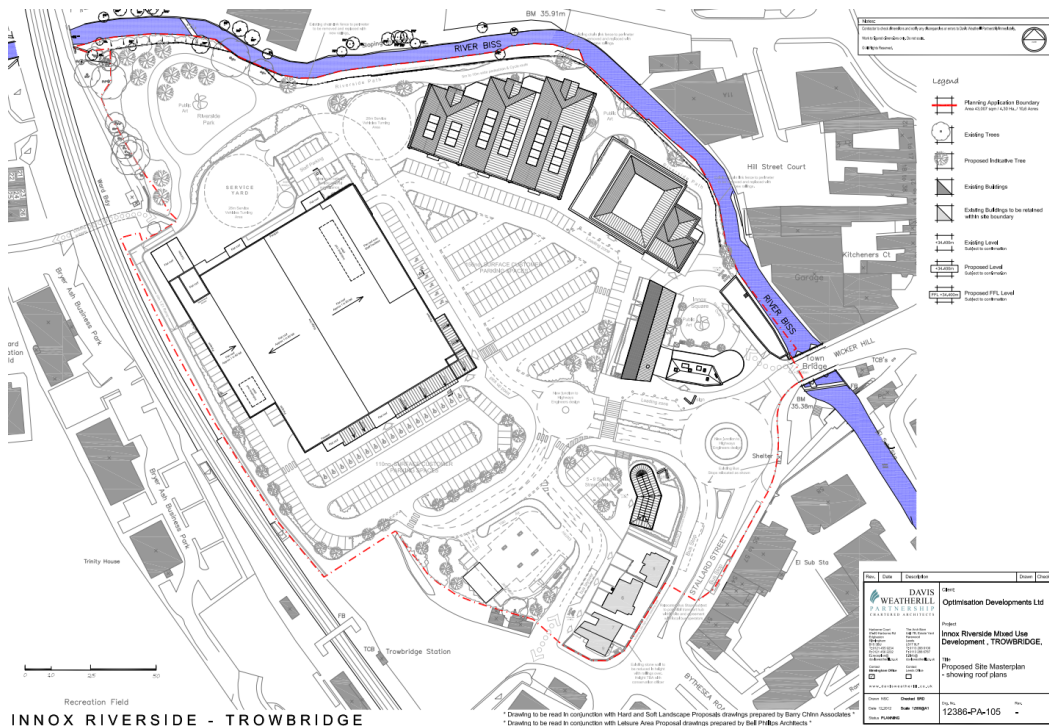


Figure 2 – Masterplan for W/12/02299/FUL

Following the demolition of the 20th Century factory buildings the site was subsequently sold to the applicant in 2016.

5. The Proposal

The proposal is a hybrid (full and outline) planning application. The area of the site that is covered by the full and outline aspects of the proposal can be seen in figure 2 below. The development description for the site is as follows:

(i) Outline planning application: the erection of up to 284 dwellings, erection of a convenience store (Class E), erection of up to 872 sqm of new commercial floor space (Class E); and associated access, public realm; and landscaping works.

(ii) Full planning application: Erection of convenience store (333 sqm GIA) and 12 No. apartments, part demolition and external works to Innox Mills and change of use to Class E; external works and extension (180 sqm GIA) to Innox Place and change of use to (Class E); external works to Dyehouse and Brewery for as bat mitigation and change of use to a dual use internal market/Class E; demolition of former Cloth Factory Building; and associated access, public realm and landscaping work in commercial courtyard and along the Stallard Street frontage.

The listed building consent application proposes internal and external works and part demolition of Innox Mill; internal and external works, and extension to Innox Place. Although a separate application, the issues relevant to the impact upon the listed buildings (Innox Place and Innox Mill) are considered under this report.

Hybrid (full and outline) planning application descriptions:

Outline planning application: the erection of up to 284 dwellings, erection of a convenience store (Class E), erection of up to 872 sqm of new commercial floor space (Class E); and associated access, public realm; and landscaping works. Scope of reserved matters to be included at the outline stage: 'access' and 'landscape'

Full planning application: Erection of convenience store (333 sqm GIA) and 12 No. apartments, part demolition and external works to Innox Mills and change of use to Class E; external works and extension (180 sqm GIA) to Innox Place and change of use to (Class E); external works to Dyehouse and Brewery for as bat mitigation and change of use to a dual use internal market/Class E; demolition of former Cloth Factory Building; and associated access, public realm and landscaping work in commercial courtyard and along the Stallard Street frontage.

Listed Building Consent Application Description: Internal and external works and part demolition of Innox Mill; internal and external works, and extension to Innox Place.

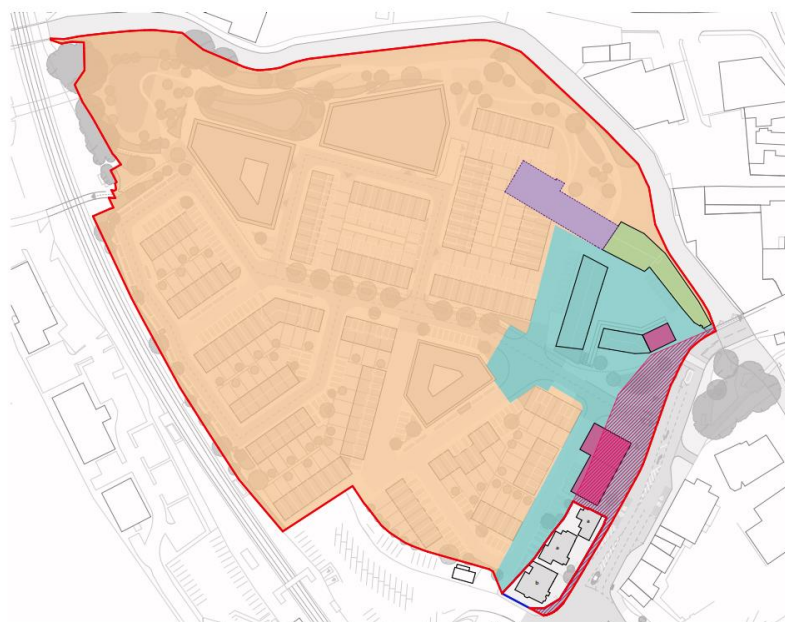
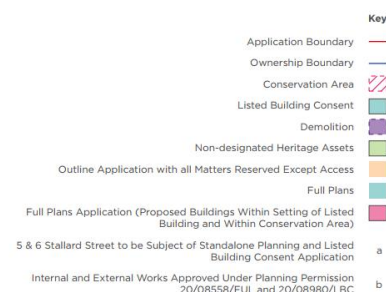


Figure 3 – The area covered by the FULL and OUT application.

The application has been accompanied by the following documents:

- Affordable Housing Statement: Knight Frank
- Air Quality Assessment: Entran
- Arboricultural Report: Silverback
- Archaeology Statement: Amour Heritage
- Condition Survey of Listed Buildings: Campbell Reith
- Construction Transport Management Plan: MWT
- Design and Access Statement: Keep
- Ecology Report (including Biodiversity Net Gain report): Engain
- Flood Risk Assessment and Drainage Strategy: Campbell Reith
- Flood Risk Sequential Test Statement: Knight Frank
- Heritage Statement: Amour Heritage
- Landscape Strategy: GLA
- Land Quality Statement: Campbell Reith
- Noise Assessment: Entran
- Planning Statement: PlanningSphere
- Statement of Community Engagement: Cadence PR
- Transport Assessment: MWT
- Travel Plans (Residential and Commercial): MWT
- Waste Minimisation Statement: PlanningSphere
- Accommodation Schedule: Keep
- Viability Statement: Knight Frank (NB. to be submitted post-submission)

The Design and Access Statement (DAS) provides an in-depth description of the proposals across the site. Noting this is a hybrid application the DAS covers a design and landscape strategy for the outline element, accompanied by parameter plans (see Section 5, 6 and 7) and detailed discussions and plan for the full element (see section 8 and 9).

In summary, this is first and foremost a regeneration scheme offering the potential to deliver significant benefits to the town, economically, environmentally and socially. Housing would underpin the other mix of uses proposed for the site which is not uncommon on brownfield sites such as this where residential development is usually required to enable the other uses to come forward from a viability perspective. That said, the scheme would deliver 4,078 sqm GIA of commercial floor space.

It would be delivered in a phased manner to ensure that the site can become active as early as possible and to ensure that the development remains viable with income generated through each phase of the build. There would be 7 phases (see figure 4 below) and each phase of development would broadly but not entirely correspond with a particular character area identified within the DAS (see page 72).

The first phase would comprise the front section of the site. Moving in a roughly clockwise direction, the other 6 phases would follow. At certain points throughout the build the heritage assets on the site would be restored and made fit for occupation. This would safeguard the implementation of the repair and restoration works to the heritage assets to ensure this part of the proposal is delivered and not left.

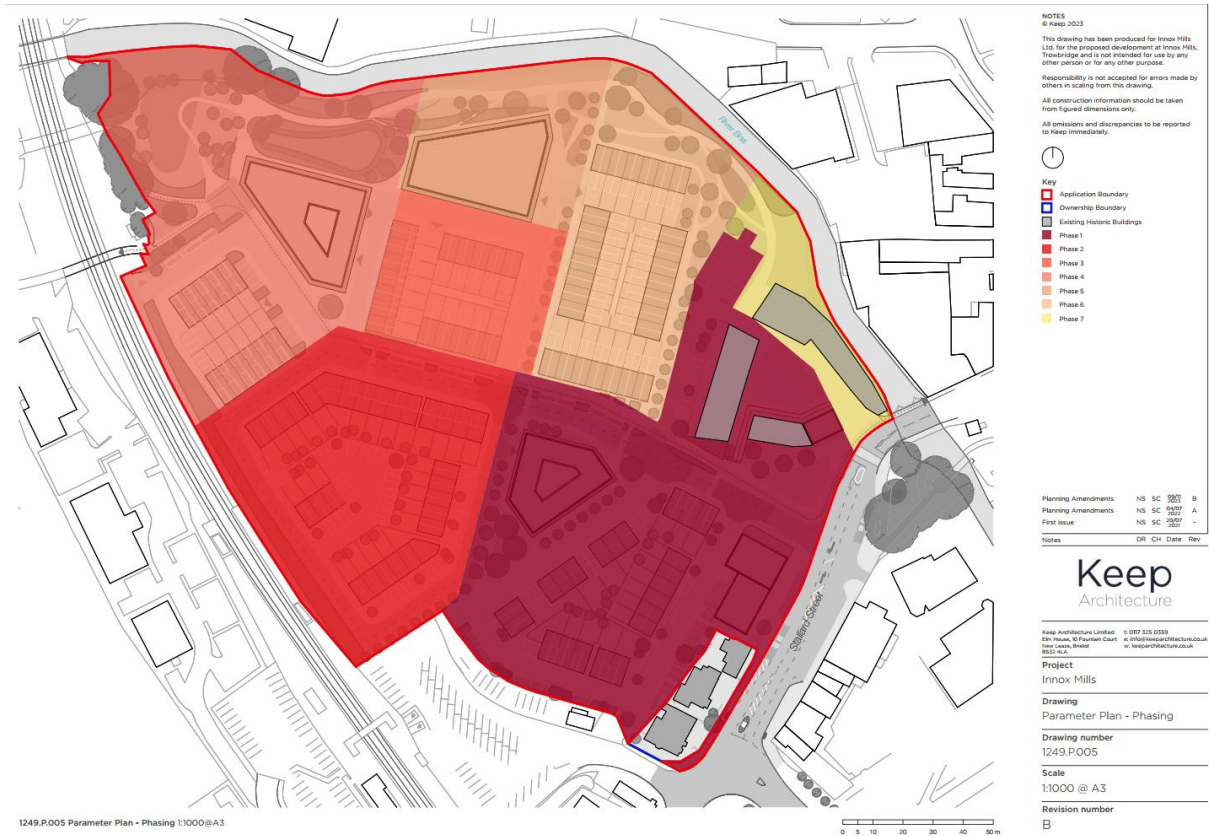


Figure 4 – Phasing Plan

The illustrative masterplan for the site is shown at figure 5. This seeks to show a possible layout for the proposal including the outline elements, to demonstrate how the scheme could fit on the site in an acceptable and policy compliant manner. As mentioned above, the site would be delivering a significant amount of commercial floor space (see table 1 below).

Building	Proposed Use	Floor Area sqm GIA
New build (Block A)	Flexible Commercial (Class E)	133
New build (Block B)	Flexible Commercial Class E	712
New build (Block C)	Flexible Commercial (Class E)	160
Innox Mill	Coworking (Class E)	1,320
Innox Place	Coworking (Class E)	295
Innox Place Extension	Ancillary Café (Class E)	180
Dyehouse	Indoor Market / Flexible Commercial (Class E)	439
Brewery	Indoor Market / Flexible Commercial (Class E) / Bat Mitigation	839
Total		4,078

Table 1 – Commercial Floor Space

The above table shows where this commercial space is to be delivered throughout the site and therefore, it is useful to read it in conjunction with the illustrative masterplan (figure 5) shown below.



Figure 5 – Illustrative Masterplan

The masterplan above is not fixed (insofar as the outline proposals are concerned) but it gives an indication of the different character areas that are intended to be brought about by the development as set out in the DAS. From this plan and in conjunction with the DAS, the following points are a very brief overview of the proposals:

- A riverside park is to be formed alongside the river Biss that would contain public open space, play space, drainage attenuation, landscape and ecological buffers.
- Housing would be delivered predominantly in terrace form with the western side by the railway line being more traditional and reflecting the character of Bradford and Innox Road (referred to as The Sidings in the DAS).
- The block of housing behind Stallard Street would be reflective in character and scale of those listed properties that front Stallard Street (referred to in the DAS as Bowyers Place).
- The northern blocks of housing to the west of Innox Mill would be terraced but of a more contemporary design reflective of the existing and former mill buildings that occupy/occupied the site (referred to as The Mill Quarter in the DAS).
- These blocks of houses would be broken up by taller focal buildings that would comprise of some active ground floor uses (commercial) with a focus on flats above.
- The two northern blocks of flats would share the character of ‘The Mill Quarter’ along with the central block as they would be reflective of the former industrial buildings on the site.
- Innox Square and The Old Chapel would be formed primarily from the retained buildings on the site (with some modest extension) and would provide the commercial focus of the development with a range of uses (e.g., retail to food and beverage outlets).
- A corner building is proposed on Stallard Street that would provide a focal point at the entrance to the site. This building is informed by the scale, proportions and character of the listed buildings on Stallard Street that lie to its southwest. It would comprise a convenience store at ground floor with 12 flats above.

- Vehicular access would be formed off Stallard Street at the existing vehicular access point into the site (opposite 58 Stallard Street). Pedestrian and cycle access would also be formed at this existing access point along with connections through to Trowbridge Train Station and onto the wider strategic path leading to the Kennet and Avon Canal Towpath (National Cycle Route 4).
- Other elements of the proposal beyond the buildings would be designed in a reflective manner to compliment the former uses of the site e.g., hard landscaping is to include some weaving patterns in the blockwork to reflect the former cloth making industries of the site.

Save for the elements subject of the full application and the access proposals on the outline application, the plan and commentary in the DAS is not set in stone. However, it provides a good framework for any future reserved matters applications that are submitted for the outline part of the site. Accordingly – and on the assumption that planning permission is given – it would be prudent to ensure that the development is carried out in general accordance with the DAS to ensure the development comes forward in line with the masterplan principles outlined at this stage. This would be conditioned.

Noting that figure 4 above is indicative, there are a number of elements that do need ‘fixing’ at this stage with regards to the outline part of the site, such as, landscape and ecological buffers, an 8m easement for the River Biss as an EA Main River, access, land use and buildings heights. To this end, a number of parameters plans have been submitted in respect of the outline part of the proposal to deal with such matters (see figures 6 and 7 below). These parameter plans set the ‘fixers’ within the site and, if approved as part of this application could not be altered at reserved matters stage (unless a variation to the outline consent is submitted).



Figure 6 – Parameter Plan

On the above plan the building blocks, roads, footpaths, public open spaces and green infrastructure are fixed. Whilst the outline application only includes access in full, with layout, appearance, scale and landscaping left to reserved matters, it is clear from the above that quite a lot of the parameters within these reserved matters are in any event fixed by this plan.



Figure 7 – Access and Land Use Parameters Plan

Turning to the full element of the proposals, these are of course fixed and the DAS sets out in detail, along with separate plans the proposal for the two new buildings – The Old Chapel, an extension to Innox Place and The Gateway Building.

The Gateway Building would be a 4-storey building. The lower ground floor would comprise a retail unit totalling 333m² with access from Stallard Street. The upper ground floor would provide level access from the street to the flats that would sit above the shop. The first and second floors would comprise of 5 flats each and have the same floor area as the ground floor. The third floor would provide 2 flats and is located over just half of the building at the corner with the new street and Stallard Street. This is intended to provide a higher nodal corner which draws focus within the streetscene and also into the new development. Plans and elevations can be seen at figure 8 and 9 respectively.

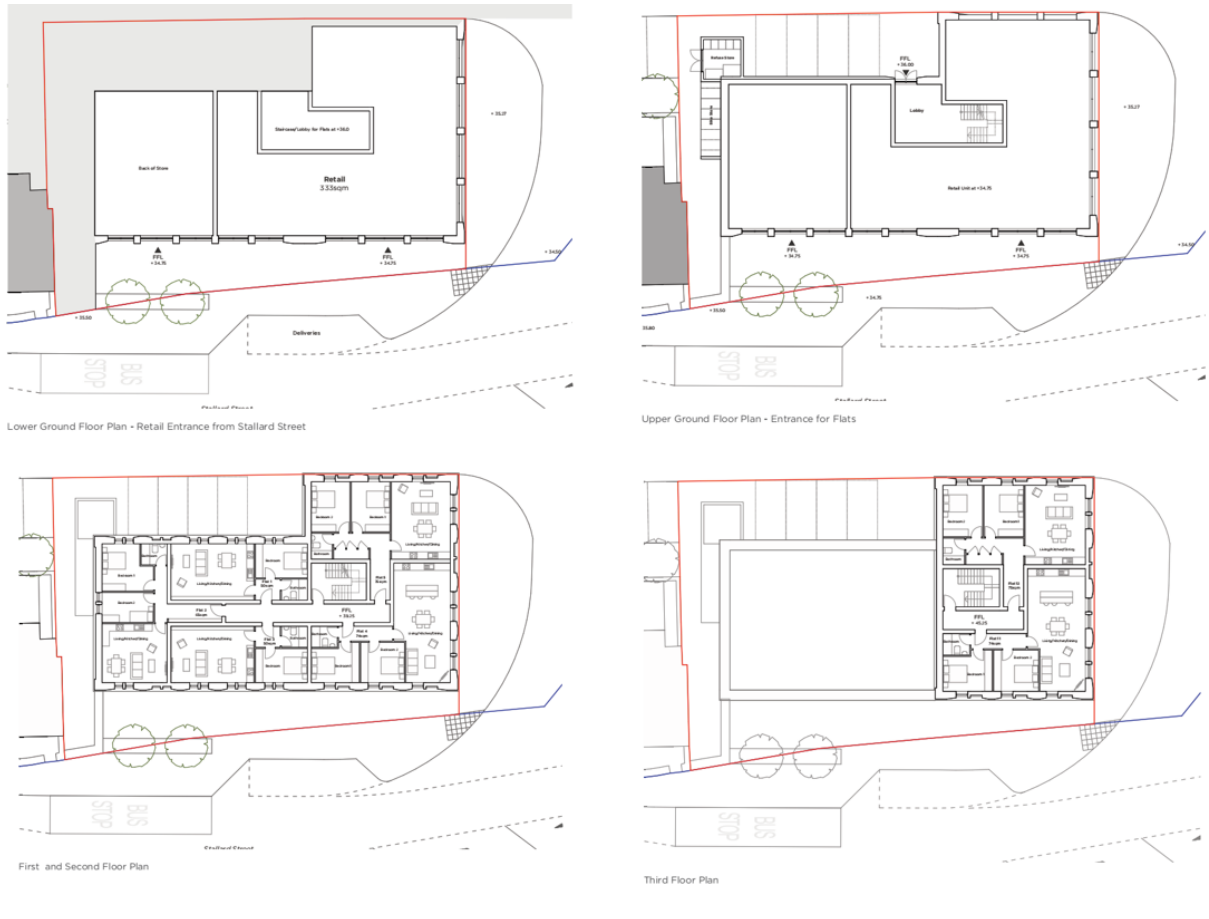


Figure 8 – Gateway Building Floor Plans

The building is proposed to be constructed out of buff brick, with grey metal framed windows and doors, timber bin and bike store, grey metal coping, and stone walling to match the existing along Stallard Street.

Its scale, height and proportions are taken from the listed buildings on Stallard Street whose rhythm is echoed in the elevations of this new gateway building.

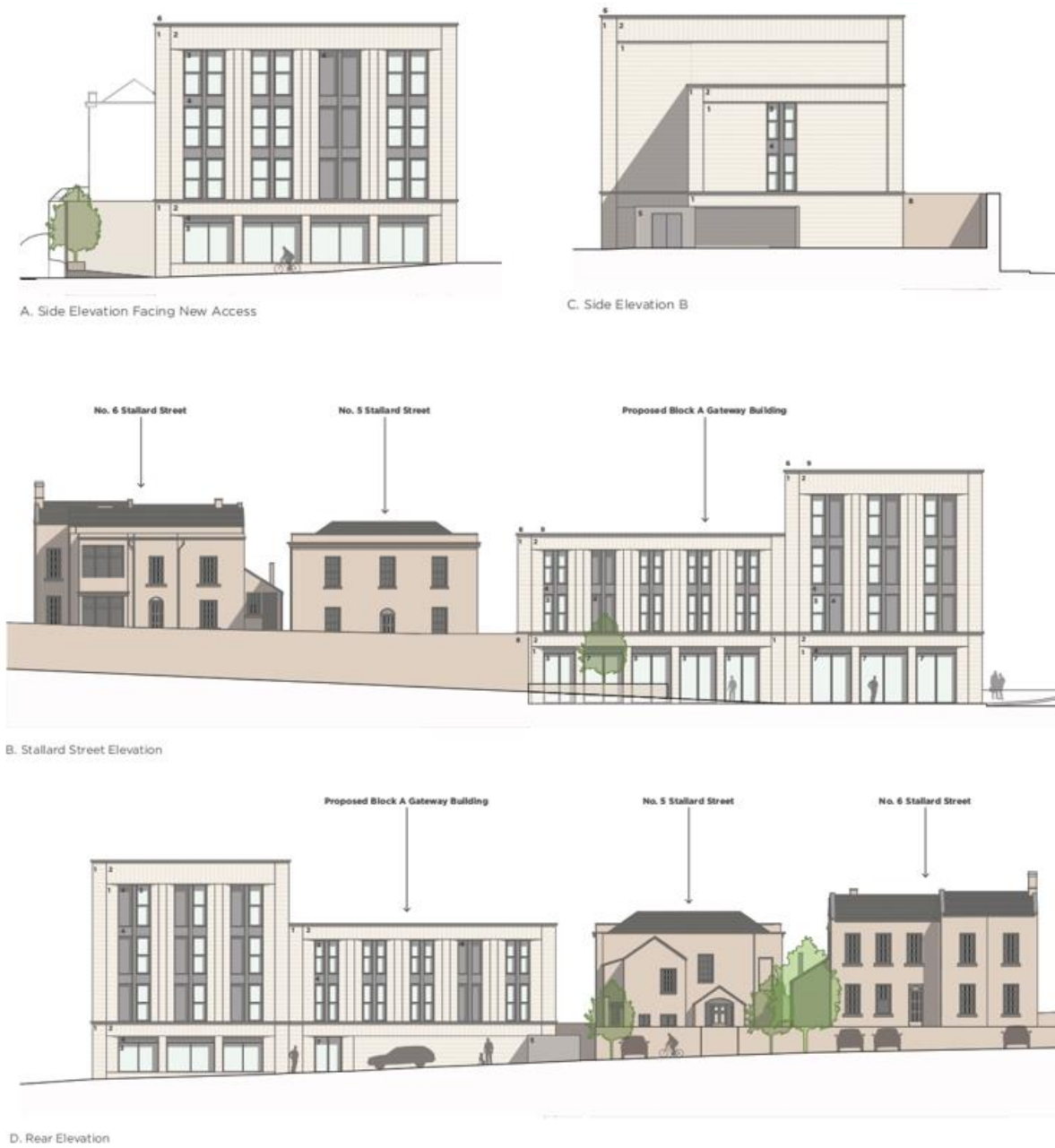
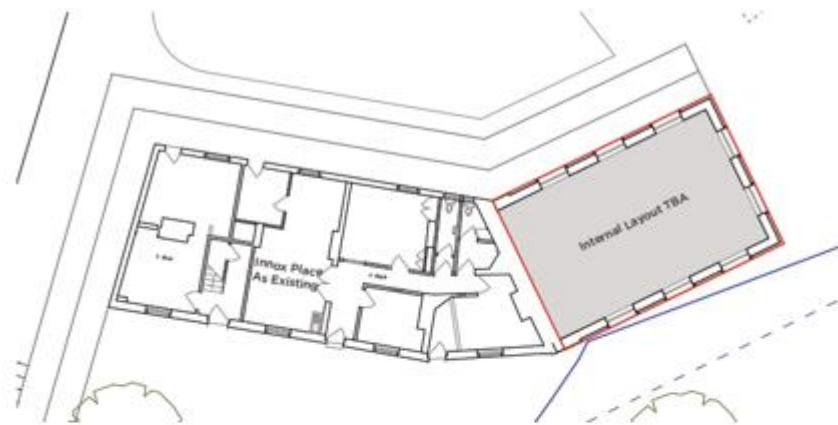


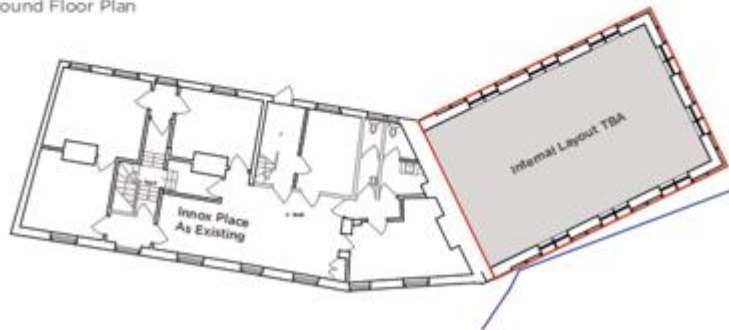
Figure 9 – Gateway Building Elevations

The Old Chapel would sit adjacent to Innox Place on the site of an historic Methodist Chapel that has subsequently been demolished. It is currently an empty part of the site with an unattractive blank gable on the end of Innox Place. The building would enclose this part of the site and provide a gateway into the 'Innox Quarter' as well as masking the unattractive blank gable wall and enabling overhead signage.

It would be contemporary in design reflective of the former industrial heritage of the site and would comprise of 2-storeys with a largely glazed exterior, the proportions of which have been informed by Innox Place (see figures 10 and 11 respectively).



Ground Floor Plan



First Floor Plan

Figure 10 – The Old Chapel Floor Plans

It would be constructed out of metal cladding with grey framed windows and doors. It is proposed to have a green roof with PV panels on top.

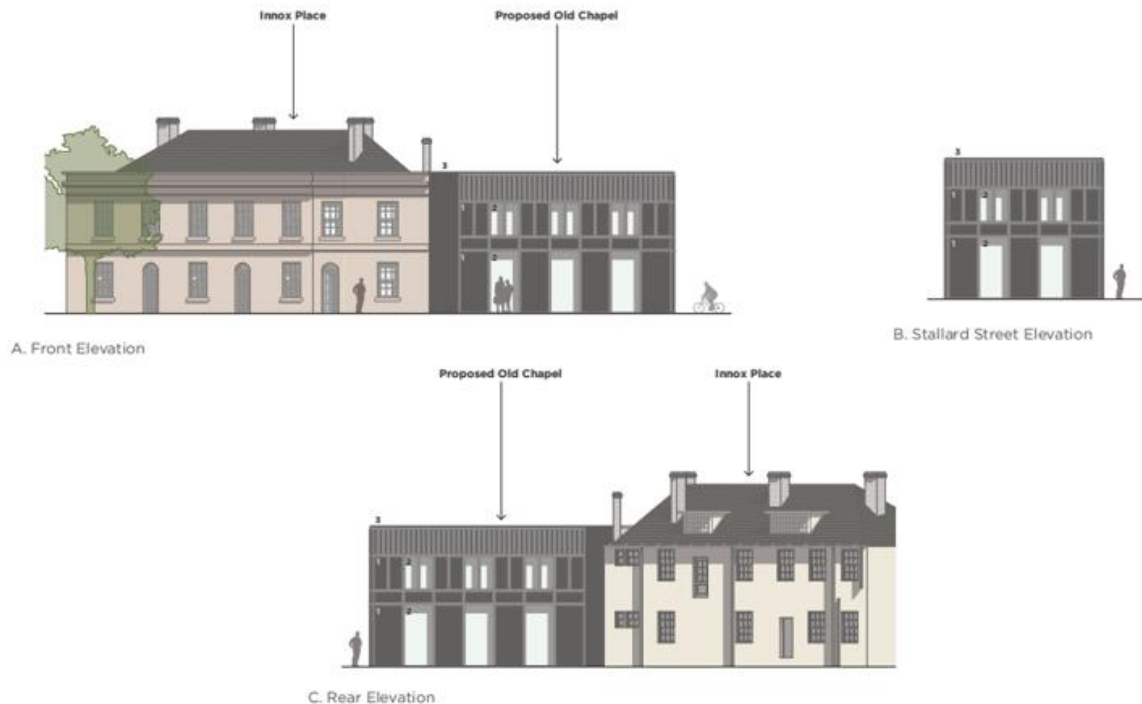


Figure 11 – The Old Chapel Elevations

The remainder of the retained buildings that form part of the full application comprise Innox Place, Innox Mills, The Brewery, Dyehouse and Cloth Mill. As noted from the development description for the full planning application, the works merely relate to the external aspects of these buildings (save for the Cloth Mill which is due to be demolished). There are no internal works proposed. Any internal works would either be the subject of further listed building consent applications where the building is listed (Innox Place and Innox Mills) or where not listed, no further action necessary (the case for The Brewery and Dyehouse).

However, the full application does involve the change of use of these buildings to an E class use save for the Dyehouse and Brewery which would form bat mitigation and a change of use to a dual use comprising internal market and Class E.

With regards to external works, Innox Place and Innox Mills would see all existing windows and doors repaired to match existing, and brickwork, stonework, rainwater goods and roofing repaired where required. Some minor demolition works are proposed to the Mill to remove small modern additions and also sections of render are to be removed to expose the brickwork.

The Dyehouse and Brewery would have the same repair treatment applied to it. The clothing factory that adjoins the Brewery is to be demolished with a new gable elevation designed in matching brickwork to cap off the end section of the building. In the northern elevation a new metal door would be inserted with grills for bat access.

The elevation and plans for these buildings can be seen on the online file. Due to this aspect of the application largely being repair work, the plans have not been included in the report as the status quo will largely remain and can be garnished from the photos below. .

Below are photographs taken at various locations in and around the site during the month of September 2021. The full set can be seen on the online file under the reference, Site Visit Photos and dated 21 September 2021.



View from inside 'Innox Square' looking west. Innox Place is to the left of the photograph, Innox Mills to the rear and the Brewery and Dyehouse Façade is visible on the right.





View looking south-easterly towards Town Bridge along the River Biss Corridor from behind the former Cloth Mill (proposed to be demolished).



View from the site looking in a northerly direction towards the industrial estates on the other side of the River Biss. This area is to form part of the public open space.

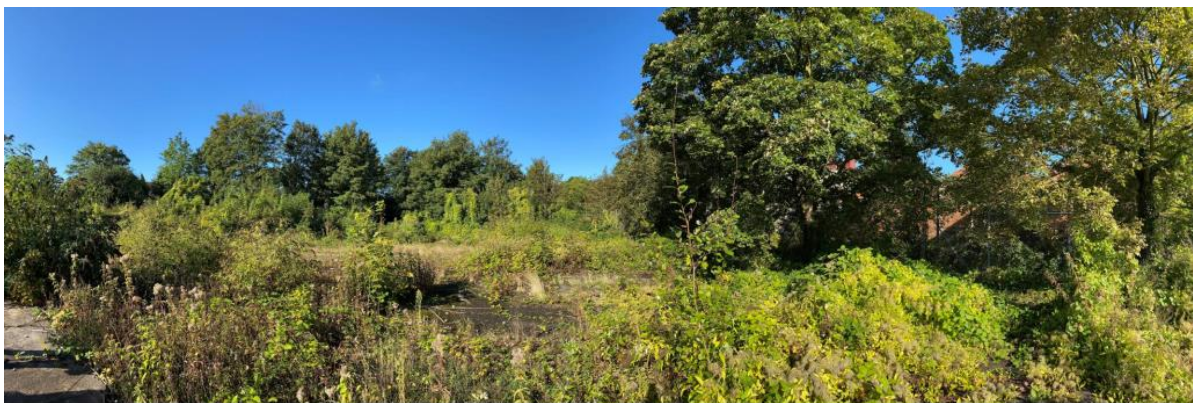


View looking in a south easterly direction towards the rear of the former Cloth Mill (to be demolished), Brewery and Dyehouse. This will form public open space and parking for 'Innox Square.'





View from the rear of the site looking in a south-westerly direction. The former Mill, brewery and dyehouse buildings that will make up 'Innox Square' can be seen on the left hand side of the photograph, with the buildings on Stallard Street in the middle and the Station and spire of Holy Trinity Church (visible) to the right.



View looking in a north-westerly direction of the rear of the site that borders the River Biss which will form part of the public open space. Glimpses of the Maltings Industrial Park buildings can be seen through the trees.



View from the car park to the rear of Trowbridge Train Station looking in a southerly direction. This area is proposed as terraced housing and is referred to as 'The Sidings' in the proposals outlined above.





View from the Station Railway Bridge looking north-easterly across the site towards the former mill buildings and Innox Place.



View from Stallard's Street in front of Beauford Mansions looking in a north-westerly direction towards the site frontage. The buildings on the left hand side are No.'s 5-9 Stallard Street (refurbished as part of a separate application). The central gap will be the location of the Gateway Building with access and 'Innox Quarter' on the far right.



A closer view of the vehicular access point into the site from the bus stop opposite on Stallard's Street. The access will be formed to the left of Innox Place which is the Georgian terrace at the front of the group of buildings. To the left of the access will be the new cornerstone building referred to as 'The Gateway Building.'





View from inside Innox Mills first floor looking west across the site towards Trowbridge Train Station. On the left hand side you can see the buildings of Stallard Street and the gap where 'The Gateway Building' is proposed. The middle to right hand side of the photograph shows the area known as Bowyers Place in the DAS which will be a range of family housing with access through to the Station.



View from inside the first floor of Innox Mill looking in a north-westerly direction towards the rear of the site. The area of the site that is predominantly shown in this photograph is what is referred to in the DAS as The Mill Quarter – high density residential with a mill like character.



View from the rooftop of The Dyehouse looking in a westerly directly over what will become 'Innox Square.' You can see the blank elevation of Innox Place and the space to the side of it that will be the location of the building referred to as 'The Old Chapel.'



Internal view of the first floor of Innox Mills. This photograph shows the general state of the interior of these buildings and how the proposed development can bring much needed repair works to the building. It also highlights how important the restoration of this and the other heritage assets on the site is to secure their long term vitality and viability.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP28 – Trowbridge Central Areas of Opportunity
- CP29 – Trowbridge Community Area Strategy
- CP30 – Trowbridge Low-Carbon Renewable Energy Network
- CP41 – Sustainable Construction and Low Carbon Energy
- CP43 – Providing Affordable Homes
- CP45 – Meeting Wiltshire's Housing Needs
- CP48 – Supporting Rural Life
- CP50 – Biodiversity and Geodiversity
- CP51 – Landscape
- CP52 – Green Infrastructure

- CP55 – Air Quality
- CP56 – Land Contamination
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk

Wiltshire Waste Core Strategy

WCS6 (Waste Audit)

Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

- U1a Foul Water Disposal
- U2 Surface Water Disposal
- U4 Ground Source Protection Areas

Other

- The Wiltshire Waste Core Strategy (adopted 2009)
- Wiltshire Housing Site Allocations Plan (adopted Feb 2020)
- Revised Wiltshire Planning Obligations SPD (October 2016)
- Policy WCS6 - Waste Reduction and Auditing
- Waste storage and collection: guidance for developers SPD
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- West Wiltshire Leisure and Recreation DPD (2009)
- National Planning Policy Framework
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation
- “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3” (HE GPA3)
- Trowbridge Bat Mitigation Strategy (TBMS) SPD

Emerging Policy: Wiltshire Local Plan Review

At the current time, the Wiltshire Local Plan Review (LPR) is in the early stages of preparation and cannot be afforded material weight at this stage. On 18 July, members of the Full Council voted to progress to Regulation 19 stage for the emerging Local Plan and consultation commenced on the plan in September 2023. As drafted, the emerging Plan does however allocate Innox Mills. The draft text for this allocation in italics below and the concept plan for the site is shown at figure 12.

Land at Innox Mills

4.290 *Innox Mills is a highly sustainable brownfield site in the centre of Trowbridge. Allocating the site will provide high quality homes and other facilities through regeneration and redevelopment. There will be a variety of dwelling types, including potential for apartments in converting existing heritage stock and new housing will reflect the site's context and urban setting. The development will also provide mixed commercial, recreation and cultural uses with public realm and landscaping to blend a commercial feel and green spaces.*

4.291 *The delivery of homes on the site will create a new neighbourhood of the town that should include services and facilities to serve it. A small retail element could provide convenience without undermining the primary role of the town centre. Educational provision would be sought offsite and developer contributions made for this.*

4.292 *The site is well connected to the town centre, with walking and cycling routes adjacent to the site that can be incorporated into the design of the development to deliver vibrancy and legibility. The railway station is opposite the site and there are already regular bus services on Stallards Street. Potential light pollution from the railway station will need to be considered through the planning application process. Future residents would be able to easily access the town centre on foot or bike. The development would be seen as a consolidating extension to the heart of the town, which would help to increase footfall and boost local trade. It is also in close proximity to a range of employment opportunities within the town centre and at Canal Road Industrial Estate. The proposals support place-shaping priorities for a more vibrant town centre and sustainable travel choices.*

Policy 55

Land at Innox Mills, Trowbridge

Land at Innox Mills, Trowbridge, as identified on the Policies Map, is allocated for the development of approximately 175 dwellings with a minimum of 10% affordable housing provision, and mixed commercial, recreation and cultural uses.

A single comprehensive masterplan, phasing and delivery strategy for the development, must be prepared and approved by the local planning authority in advance of any planning application being submitted for the whole or part of the allocated site. This must take account of the requirements of this policy and the principles shown within the concept plan and be prepared in consultation with the local community and local planning authority. Subsequent planning applications must be in accordance with the approved masterplan.

Infrastructure and mitigation requirements include:

- *a new vehicular access off Stallard Street and improvements to connectivity to the railway station through a new entrance to the site which will incorporate a bus loop;*
- *enhancements should be made to Stallard Street to increase the standard and size of bus stops and waiting areas and pedestrian infrastructure, wherever possible this should tie in with the council's Future High Streets Fund scheme;*
- *improvements to cycling and walking routes through the site to link to the existing network ensuring that the linkages from the site to the town and key destination points;*
- *access to the railway station should also be served by a new lift access to the railway line bridge in order to facilitate disabled access to both platforms from within the station;*
- *core bat habitat to be protected and enhanced. Design and layout will be informed by appropriate surveys, impact assessments and the Trowbridge Bat Mitigation Strategy (TBMS) and include funding contributions towards management, monitoring and any-off site measures as necessary, as informed by the TBMS;*
- *high quality design which allows for vistas into and through the site to the key features of the town including the architectural buildings and church. The layout of the site should be in accordance with easements required for the infrastructure below ground;*
- *sensitive design and layout, which ensures the significance of heritage assets and their settings, on and adjacent to the site, including the Trowbridge Conservation Area and its setting, are not subject to unacceptable harm;*

- securing appropriate retention, restoration and reuse of heritage assets to ensure they are converted to viable new uses. This shall be informed by appropriate heritage and archaeological assessments;
- developing the riverside with attractive river frontage with public realm improvements to incorporate bat mitigation, flood alleviation and open space provision to enhance the River Biss corridor;
- moderate off-site infrastructure reinforcement for both water supply and foul water drainage as necessary;
- design and layout to take into consideration wastewater infrastructure crossing the site;
- an odour assessment to assess the potential impacts of the odour buffer of the sewage treatment works. Results of the assessment and any mitigation measures should be adopted;
- a noise assessment to assess the potential impacts of the highway network. Results of the assessment and any mitigation measures should be adopted; and
- financial contributions towards early years, primary and secondary education school places.

4.293 How the site may be developed is shown on the concept plan as shown in Figure 4.40. This illustrates one treatment of the site that considers mitigation requirements and the homes, other uses and infrastructure envisaged.

Land at Innox Mills, Trowbridge

Concept Plan



Figure 12 Land at Innox Mills, Trowbridge Concept Plan

The agent has made representations on the draft allocation policy for Innox Mills. They have principally set out their objection to the numbers proposed on the allocation and have cited the detailed viability appraisal that has accompanied their application as justification for a higher quantum of development. The higher numbers proposed by the applicant are to ensure the scheme remains viable.

7. Summary of consultation responses

Trowbridge Town Council (initial comments) – No objection subject to the following conditions, details and informatives:

- a. *The consolidation of all play equipment into the LEAP (7B) to the north of the site, leaving the area allocated as a LAP (7E) as open greenspace.*
- b. *That the LEAP (7B) should have a metal hoop-topped fence around it.*
- c. *That the main spine route through the development from the railway underbridge/ NCN link to Stallard Street/Town bridge should be clearly designated as shared space for cycling as the most direct route for cyclists.*
- d. *That the pedestrian link (6) alongside the railway line and the riverside walk (7) should also be designed as shared use routes for pedestrians and cyclists.*
- e. *The inclusion of 'Henry de Bohun' as either a significant street name or building name within the development.*
- f. *That the development should include high quality historical interpretation which references the previous uses of buildings and other parts of the site.*
- g. *That the LEAP is transferred to Trowbridge Town Council once completed.*
- h. *Inclusion of Swift bird boxes.*
- i. *Relocation of bus stop on Stallard Street – opposed to the proposed location which results in a reduction in on-street parking and has no suitable space for a shelter. The bus stop should remain in almost its current location, not requiring relocation of the bus shelter as per the drawing below.*
- j. *Retention (in a suitable location on Stallard Street Trowbridge, if it has to be moved) of the original 'Haden' iron gully which is currently located close to the bus stop which is proposed to be moved, with suitable historic interpretation provided related to the manufacture of this item.*
- k. *Provision of a drinking water refill point in partnership with Wessex Water on a suitable route through the development from the railway station to the town centre.*

Trowbridge Town Council (final comments)

Minor changes to the masterplan have been made to accommodate some of the Highway's objections, including better provision for pedestrian access to the railway station and potential future vehicular access to the railway station. No significant material changes have been made. The committee may therefore wish to retain its existing previous comments.

Local Highways Authority - Objection

As it stands, the Highways Authority consider the proposals to present an additional traffic impact upon a highway network subject to continuing congestion thereby exacerbating existing highway vehicle capacity and reducing the attractiveness of walking and cycling routes as a result of congestion.

In addition to the above, the Highway Authority considers that the illustrative masterplan makes no consideration of vehicular access to the Railway Station thereby preventing any

realistic mitigation to traffic movements on the local highway network and fails to maximise connectivity to a major transport hub.

The proposals also make limited consideration for the necessary public realm improvements to enhance walking and cycling connectivity with the site, to reduce the severance of the site with routes to the Town Centre and to enhance public transport infrastructure.

The Highways Authority have presented a proposal which includes:

- access from the site to the Station Car Park
- closing off the existing station approach road from Stallard Street
- removing the mini roundabout opposite the entrance to the station and reconfiguring the junction
- consolidating the signal-controlled crossings to just one on Stallard Street
- public realm improvements along Stallard Street towards Wicker Hill

In order to achieve the above, planning obligations are necessary with commuted sums presented to cover the costs of works in addition to Highways Dedication works and other legal processes associated with Highways. If this scheme of mitigation is delivered, then the Highways Authority would accept that this proposal could then be delivered without having an unacceptable impact as this proposal would improve traffic flows in this part of the Town. In addition to planning obligations they have suggested a number of conditions that would be necessary in the event such proposals are presented to cover all relevant and necessary highways matters to make the development acceptable in planning terms. These would cover:

- full design details of the vehicular access into the site
- detailed designs of the access roads to the station and delivery timescales
- detailed scheme for all the pedestrian and cycle paths
- details of EV Charging points
- details for the provision of mobility hub offering sustainable travel information and facilities

However, as the applicant have not sought to propose the scheme presented by the Council due to viability concerns, the Highways Authority object to the proposal on the basis that the scheme is contrary to Core Policies 60, 61 and 62.

Lead Local Flood Authority (final comments) – no objection

For the outline planning application, no objections subject to a detailed surface water drainage strategy.

For the full planning application, no objections subject to conditions.

Environment Agency (final comments) – no objection

No objection subject to a number of conditions, primarily to ensure there are no harmful impacts to the River Biss through controls to prevent pollution, excess surface water discharge and to ensure its continued function from an ecological point of view. They have also sought to ensure that the EA retains an access point to the river via planning condition..

Network Rail – no objection

Network Rail has no objection in principle to the revised proposals but due to the proposal being next to Network Rail land and infrastructure they want to ensure that no part of the

development adversely impacts the safety, operation and integrity of the operational railway. They have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

Any change to the access into the Station Car park will require regulatory consultation and approval to be obtained, together with potential changes to Station Documentation and legal costs associated with this. We would expect the promoter of such works to be responsible for funding the costs and working with NR and GWR to discuss and agree proposals which would have to be consulted through Station Change (Regulatory consultation process). If the access to the station is to be re-routed through the new development, a right of access will need to be granted to NR along this route until this is adopted and the legal costs for this documentation funded by the proposer of these works.

Network Rail have a right of access under a Conveyance dated 29 December 1983 made between The British Railways Board and Unigate Properties Limited which would need to be retained at all times and this would need to include Network Rail's right to take access to the gate at the far north west corner of the proposed site (as noted on the site masterplan).

The applicant should be made aware of the covenants contained in the Conveyance, particularly clause 3 concerning the requirement to obtain Network Rail's approval for any works within 3 metres of Network Rail's ownership boundary.

The applicant should be made aware of the covenants contained in the demarcation agreement dated 6th December 1995 as updated by a Deed of Rectification dated 13th November 1997, and also the covenants contained in the Conveyance dated 9th November 1967 made between The British Railways Board and Bowyers (Wiltshire) Limited.

Wiltshire Council Education – no objection subject to S106

The Council's Education Team have no objections to the development subject to securing s106 money towards the provision of early years, primary and secondary education. The money requested is set out in more detail within the report.

Wiltshire Council Economic Development – no objection

Throughout the application they have shown continued support for the scheme.

Wiltshire Council Landscape Officer – comments

They have concerns about the fact that the River Biss remains largely canalised in the proposals set out, the lack of street trees down the main street, and SUDs features being more fully incorporated into the scheme. After a meeting was held with the Landscape Officer and applicant's team, the issues have been somewhat addressed subject to further conditions/details at REM stage. Comments are included on this in the report.

Wiltshire Council Conservation Officer – no objection and comments

The full response can be viewed on the file; however their summary is as follows:

“The redevelopment of the Bowyers site offers an opportunity to reverse the pattern of long-term erosion which has blighted this area and current government policy suggests that a successful application should fully exploit this opportunity for enhancement in order to realise and maximise both aesthetic and economic benefits. Previous approvals for the site imply that the principle of the scheme is acceptable from the point of view of the built historic environment and, overall, the current proposals are more appropriate in terms of their scale and relationship to the street of the proposed new development and of access arrangements. There is an opportunity for well-designed units within wider scheme to be far more appropriate in townscape terms than a petrol fillings station and supermarket.

On this basis the impact of the proposals on heritage assets will be largely positive and the requirements of current conservation legislation, policy or guidance are considered to be met and I have no fundamental objection to make to the approval of the current scheme although I urge that the above matters relating to the mechanisms for securing the proposed heritage benefits from the scheme be addressed.

In addition, conditions should be added to secure an appropriate level of detail required to underpin a high quality scheme:

- *Full details of all new materials, including samples;*
- *Large scale details of architectural features including: parapets, windows, (including elevations and sections of the windows, head, sill and window reveal details), external doors, vents and extracts, rainwater goods;*
- *Construction of sample panels to control details of new brickwork walling, including details of feature panels and decorative treatments. The sample panels shall then be left in position for comparison whilst the development is carried out.*
- *Details of hard and soft landscaping*
- *Details of lighting and signage”*

Wiltshire Council Public Open Space – no objection

The outline planning application requires 8,487.5m² of public open space (including 430.11m² equipped play space) to be provided on site. Noting the POS area is short of the requirements, they request a financial contribution to deliver off-site POS. They have identified Stallard Recreation Field.

They also require money for the improvement or development of sports pitches or associated facilities that enable their use. They have also identified Stallard Recreation Field as the target site for this.

They have no requirements for the FULL element of the application.

The space requirements and contribution requested is set out in more detail within the report.

Wiltshire Council Public Protection - no objections subject to conditions.

Wiltshire Council Ecology (final comments) - no objection subject to conditions.

Natural England – no objection

Having reviewed the Appropriate Assessment Natural England concurs with the conclusion of Wiltshire Ecology that subject to the mitigation identified being secured, an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC can be avoided.

Wiltshire Council Urban Design (final comments) – no objection

This is a key historic site within the centre of Trowbridge, it also presents many constraints to new development. The Design and Access Statement (D&AS) clearly explains how these opportunities and constraints have been addressed by the architects. As a result, the proposed scheme responds well to the site's location and historic buildings that are to be retained. They therefore have no objections to what is being proposed here. Some recommendations are set out in their response.

Wessex Water (initial comment) – Comments

The masterplan shows buildings and a SuDS feature / tree planting over the existing strategic surface and foul water sewers crossing the site. The applicant's consultants have indicated that the apparatus will be diverted to achieve the required easements (6 metres either side of the outside edge of both sewers) There is no current evidence to show that a diversion will work within the masterplan layout in terms of easements (especially close to the riverbank) and levels (to ensure flow velocities can be maintained).

We recommend a drawing be submitted showing the proposed diversion. Whether or not a diversion can be achieved will be subject to application to Wessex Water, a fee and engineering assessment. The cost of the diversion will be borne by the developer. Any damage of our apparatus by a third party will result in a claim for damages. Should this application gain approval it is recommended that a condition is applied to ensure a scheme of diversion works can be agreed prior to construction on site to ensure existing customers are protected from a loss of service and sewer flooding and there is no pollution to the River Biss.

Wessex Water (Final Comment)

The main issues:

- *The strategic sewers are shown to be diverted too close to the watercourse. There will be construction and future access issues. (especially where the sewers pass between the attenuation basin and the river).*
- *The diversion appears to redirect all foul flows into just one sewer that crosses the railway. There are two sewers crossing the railway to ensure uninterrupted service should one sewer fail or require maintenance.*
- *It appears that a new on site surface water passes beneath the surface water detention basin. The surface water network has not been designed to Water Industry guidelines and in its current form will not be adopted by Wessex Water.*
- *There are no distances marked on the drawings – the 1200mm diameter sewer crossing the site that is shown as remaining in-situ must be 6 metres away from any building. Any changes to vertical levels will need to be agreed. A build near application will be required for this sewer.*

The current layout does not appear to be able to accommodate strategic infrastructure crossing the site. This will need to be agreed to Wessex Water's satisfaction prior to determination.

Wiltshire Council Waste and Recycling – no objection subject to S106

They have no objection to the proposal subject to conditions. The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit to be delivered via a s106. At REM stage they would require vehicle tracking to

demonstrate manoeuvrable space for refuse lorries and the identification of collection and storage points for dwellings and flats.

SUSTRANS - comments

In summary, they require:

- 1) The proposed pedestrian and cycle link from NCN 4 spur through the development site should be compliant with the Cycle Infrastructure Design Guidance in Local
- 2) Transport Note 1/20; and the direct link proposed from the development site to Trowbridge Station should be a designated pedestrian and cycling route.

Wiltshire Council Rights of Way

Footpaths TROW72 and TROW73 run through this site and must be accommodated. The previous development on the site applied for diversions, the legal orders were undertaken but the diversions were not completed on the ground as the development did not proceed.

The developer has acknowledged the presence of the rights of way and has shown how they propose to accommodate them. Slight realignments would be required and the developer has appreciated that this will require them to apply for legal orders.

Therefore, they have no concerns about the proposals at this point in time.

8. Publicity

The application was advertised initially by way of a site notice and neighbour notification letters. An advert was also placed in the press for the application. There have been a series of amendments to the application which were advertised by way of neighbour notification letters.

20 objections letters have been submitted (a small number for a development of this scale. The material planning considerations that have come out of all of this are summarised below.

Need

- We do not need more housing in Trowbridge.
- Where are the leisure facilities Trowbridge so clearly need?
- The commercial (leisure/retail and offices) element of this site should be a much higher percentage of the overall built area
- The recent pandemic has changed our ways of working and socialising and I'm not sure a large amount of new office space is needed
- Many years ago Graham Payne was an advocate of using future housing developments to draw people using the Universities in Bath away from Bath and into Trowbridge by using flats for student accommodation, bringing perhaps a more educated base of people into the area and making full use of the bus and rail services.
- Disappointing that the early promise of improved facilities for the town have been trumped by the drift to 'quick-buck' housing development but a more activist local authority involvement is required to solve something the commercial market will not offer alone

Ecology / Environment

- Need to accommodate swift boxes in the development due to their declining populations.

Design / Character of the Area

- As wonderful as a cultural hub is, the reality should be all the buildings on the site should be torn down. There is no nostalgia for buildings that have been sitting to rot for 10+ years.
- The site has fantastic potential and to skew the plans by working around these disused building is just going against the vision of the town's future.
- Trowbridge deserves better, the developer should give up their profiteering plans, the Council should step in, and we could really transform the gateway to Trowbridge so much that people would flock here.
- We should be building new public realm space to enhance the train station's gateway access to the town centre, as well as fixing the broken traffic problems, not allowing a developer to shove as many homes as possible into an unsuitable site.

Infrastructure

- There is not adequate infrastructure to accommodate all this extra housing e.g. health services and schools.
- Disappointing to see no plans to include anything at all to enhance everyday life in our town, when we are crying out for leisure and cultural facilities and this is a prime location in the town centre. Houses and a convenience shop aren't going to do much to benefit the townspeople in the long run.
- More houses will cripple the infrastructure of Trowbridge.

Pollution

- Concerns over emissions from all the extra cars in the town centre.

Contrary to Development Plan

- My objection is based on this part of the Wiltshire Core Strategy as adopted in 2015: Trowbridge Area Strategy, 5.148 (page 179). "Improvements associated with the need to better integrate the various modes of public transport are also needed, including the potential for a fundamental re-design of the railway station as the gateway to the town centre." This application does not seem to address this opportunity to make the railway station part of the gateway to the town centre.

Highways / Parking

- There is a lack of access and the development will lead to an already congested town centre.
- The roads are not equipped especially Stallard's street. Unless they plan on adding a dual carriage way and traffic light system at the already busy round about adjacent Asda and station.
- This application doesn't provide a clear route for traffic to the railway station via the vehicular access from Stallard Street to help alleviate existing traffic problems.
- Lacks sufficient parking provision.
- The main entrance to the proposed housing estate from Stallard Street should be a mini roundabout. This mini roundabout should also have an exit into the carpark of the Clark Mills complex. As the road is so wide there, there is plenty of space and no demolition or extra asphalt would be required; just repainting of road markings. This change would make exit from both sites safer and easier plus would slow traffic on Stallard Street making the road safer for pedestrians crossing the road and cyclists.

Heritage

- Concern with the scheme as presented due to the non-listed heritage assets (Dyehouse and Brewery) being progressed in the final phase of the scheme and the listed buildings at 5-9 Stallard Street are subject to a separate application - stranding these 'problem buildings' from the overall scheme and risking that commercial pressures/imperatives will be applied to an unsatisfactory (aka a cheap but 'only commercially viable') treatment of these buildings in the future.

Impact upon existing businesses

- Introducing too much housing into commercial areas/town centres can have a detrimental impact on Businesses due to complaints regarding noise and light pollution.

There has been under 10 letters of support for the scheme. Most of the comments relate to how this development is much welcomed given that the site has been derelict for some time now. Support is from local businesses who have commented on what the site has already done for the town in hosting markets and outdoor cinema events. It is noted that this figure is not perhaps representative of the town as there would appear to be much greater support for the redevelopment of this site including the Trowbridge Chamber of Commerce. Furthermore, a lot of the objection letters received were in favour of the redevelopment of the site just not wishing to see as much, if any, housing proposed.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

9.1 Principle of Development (outline application)

Trowbridge is identified as a Principal Settlement in the WCS. Core Policy 1 identifies Principal Settlements as ones that will provide significant levels of jobs and homes. There is a presumption in favour of sustainable development within the Limits of Development (LoD) of Principal Settlements as identified by Core Policy 2.

Core Policies 28 and 29 of the WCS address the Spatial Strategy for Trowbridge and the Trowbridge Central Area. The explanatory notes with these policies state that the regeneration of Trowbridge is a priority and a number of development sites have been identified – *“the development of these sites should incorporate a mix of retail, leisure, business and residential uses and be compatible with Core Policy 36 [Economic Development] ...”*.

The outline element of the scheme proposes 243 dwellings. As the site is within the LoD of Trowbridge, one can accept that it is an acceptable location in principle for new housing. With regards the scale of housing proposed, 243 dwellings is not considered to exceed the growth levels envisaged at Principal Settlements i.e. significant levels of growth. This element of the outline proposal can, therefore, be considered acceptable in principle.

In addition to housing, the outline element also includes the erection of a convenience store (Class E) and up to 872 sqm of new commercial floor space (also Class E). The same conclusions are drawn as above – the site is within the LoD and thus supported by Core Policy 2 and the scale of provision is compliant with Core Policy 1. This element of the outline proposal can also be considered acceptable in principle.

However, it should be noted that what constitutes sustainable development in Wiltshire is the development plan when read as a whole. The development is considered acceptable in principle, but, whether it constitutes sustainable development depends very much on how it is measured against the other relevant policies of the development plan. These will be considered in the next sections of this report.

9.2 Principle of Development (full application)

The full application includes the following:

- Erection of convenience store (333 sqm GIA)
- 12 No. apartments
- Change of use of Innox Mills to Class E
- 80 sqm GIA extension to Innox Place and change of use to Class E.
- Conversion and change of use of Dyehouse and Brewery for use as bat mitigation and change of use to a dual use internal market/Class E.

The 12 No. apartments are considered acceptable in principle for the reasons already stated above i.e., within LoD and of suitable scale (both individually and in combination with the 243 dwellings proposed in outline form). The same conclusions are drawn for the commercial uses as with the outline consent (permitted with LoD at a scale commensurate to that set out at Core Policy 1).

9.3 Need

The Council cannot currently demonstrate a 5-year housing land supply (5YRHLS). The provision of housing would count as a significant material benefit of the scheme. On the planning balance, this would weigh heavily in favour of permitting the development. In light of the lack of a 5YRHLS, there is a need for further housing in the county and, Trowbridge being a Principal Settlement (in the WCS), means it is one of the most suitable locations in which to make up the shortfall in supply. It should be noted that 'need' is determined at a county level and, therefore, any sustainable housing development within Wiltshire is capable of contributing towards the supply.

Notwithstanding the above, it is noted that a number of third parties have queried the need for further housing within Trowbridge and also whether this site is appropriate for said housing. Comments have also been made regarding the lack of infrastructure within the town and the significant need for more retail, office and leisure facilities. In response, this is a regeneration scheme, on a brownfield site, that has had various industrial uses over the previous decades. This history of the site does throw up challenges to delivering a commercially viable scheme as former industrial processes will have contaminated the land, with significant remediation costs required to address this – this is evident in that the site has remained vacant since 2008 with the last proposals presented in 2012.

Whilst it may be the preference of some third parties to see more retail and leisure facilities provided on the site, the Council must have regard to commercial viability if it is to ever see planning approvals get built out. In this regard, the developer has submitted a viability report which has been independently reviewed for the Council. From this report it is evident that the housing element of the proposal is required to make it 'stack up' financially, especially the large costs envisaged with repairing and converting the former mill buildings as well as the remediation strategy for the contaminated land issue.

Furthermore, as seen above, the scheme is not without a significant element of commercial space (over 4000m²). It is considered that the right balance has been struck between the

need to ensure the site delivers facilities for the town as part of regeneration proposals and the provision of housing. It should be noted that locations close to or adjacent to town centres are very much locations where the government is keen to see housing growth as they offer the most sustainable options for accessing services, facilities, and jobs (as opposed to the much objected to, but needed, greenfield developments on the outskirts of the town). Moreover, the residential element compliments the commercial aspects of the scheme with future occupants bringing their economic expenditure to support the E Class Uses. The dwellings would also provide natural surveillance, overlooking the commercial uses, public open space and footpaths of the development, providing a safer and more welcoming environment. Although there is some objection to the housing, without it, the scheme wouldn't stack up and the town would not see the additional retail and leisure uses that are proposed in this application.

9.4 Design

In supporting the regeneration of the central area of Trowbridge, Core Policy 28 specifically requires proposals to 'meet high quality design and sustainability standards including exemplary public realm and strong pedestrian and sustainable travel linkages'. Core Policy 57 compliments this policy and looks at how development can achieve high quality design.

Page 52 of the Design and Access Statement (DAS) sets out the vision for the site. It states that:

"The site at Innox Mills provides an excellent opportunity for a comprehensive and sustainable mixed use development that will enhance the character and improve the environment and vibrancy of the immediate context and wider town of Trowbridge.

This significant and major urban regeneration site provides the opportunity to provide much needed new homes in a sustainable location. the site will act as a new focus for the area and will reconnect and establish new urban realm, environmental corridors and improved townscape in Trowbridge.

This new vision for the site will be underpinned by the introduction of new high quality housing that will promote the town centre as an attractive place for urban living. a range of homes will be provided with high quality urban spaces, active frontages at street level and individual private gardens. Car parking and servicing requirements will be carefully considered and will be balanced with the need to provide a strong sense of place for the residents and wider community of Trowbridge.

A range of tenures and architectural styles will be provided within the overall development to meet and exceed the current housing demand.

An appropriate balance of suitably designed new homes and other building uses that promote reduced energy use that fit into the historic character of the area will be provided. The new buildings will be well built with natural materials that match the historic context, scale, proportion and typology of the surrounding architecture.

The site has excellent connectivity to Bath, Bristol and the south Coast and is adjacent to the vibrant town centre. The location along with the proposed mixed use for the site and facilities will encourage more sustainable and less carbon intensive choices including train travel, cycling and walking. the vision for the site will promote healthy lifestyles for residents and the existing community and encourage the adoption of more environmentally and socially acceptable decisions including WFH (Work From Home), live/Work, reduced car ownership, car sharing, cycling and designated electric vehicle hook up points.

The overall vision of the development proposals will very much enhance the wider character of the town well beyond the application boundary.

This vision is 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 5 above. Whilst the majority of the site is in outline form, and therefore the detailed considerations in respect of design cannot be considered under the outline application (i.e., the layout, scale, appearance and landscaping of the development are points to be determined as part of a Reserved Matters application) the application has been accompanied by a significant volume of supporting information. This information has been provided to demonstrate how the scheme could work in design terms and to also demonstrate that the proposal would not have an adverse impact on the character and appearance of the area.

The indicative masterplan (see figure 5 above) shows one possible way in which the site could be laid out in a manner that would not have adverse impacts. The plan is detailed and is considered to be a realistic fit bearing in mind the constraints of the site identified above. The masterplan is accompanied by a series of parameter plans (see figures 6 and 7) which identify the development constraints of the site/policy requirements that necessitate land take so they can be safeguarded at REM stage. These plans act as 'fixers' as to how the layout of the development will be delivered at reserved matters stage e.g., detailing ecological buffers zones and statutory easements. These plans should be viewed alongside this section as they form the basis on which the proposals have been deemed to be acceptable from a design point of view.

Whilst the draft allocation policy in the Local Plan Review (LPR) looks to allocate 175 dwellings, the LPA is required by NPPF policy to make the most efficient use of land. If a higher quantum of units can be accommodated on the site without giving rise to material planning harm then there would be no sound basis in which to refuse permission. This application has done a more detailed analysis of the site and its constraints and considered just that, that a higher quantum can be accommodated (a high quantum is also relied upon for viability issues too, which have unlikely been tested for an allocation). Given the sites location adjacent to the town centre and railway station, this is an ideal place for having a higher density of development and is supported by NPPF para 124 where it states that "*planning policies and decisions should support development that makes efficient use of land...*" and at para 125 where it states that plans should seek significant uplift in average density in areas well served by public transport.

The scheme relies on predominately terraced housing and blocks of flats to deliver the quantum of dwellings proposed in this scheme. Terraced housing is characteristic of the surrounding area, notably, Bradford, Innox and Newtown Road which are examples of residential roads lying close to the development.

Naturally the presence of flats within a development proposal will push up the density of development and more critically, usually require greater building heights. The indicative plans show these flat blocks as being 4 storeys in height save for one 5 storey building. Noting the presence of 4 and 5 storey buildings within the vicinity of the site, this is not considered to be

an issue were such heights to come forward at reserved matters stage i.e., it is compatible development. Furthermore, flats are common forms of development in town centre locations.

The indicative masterplan demonstrates how the housing through the development can be adapted to suit the different character areas that are identified in the DAS and as summarised in Section 5 above. The variance through the site being key to the successful delivery of this site in design terms, creating a well-considered place with locally grounded context.

Active frontages are shown at ground floor level throughout the development on certain blocks to provide a range and mix of uses amongst the residential element and satisfactorily shows how the 872m² of commercial space can be accommodated within the outline proposals in a suitable manner. This arrangement also allows for natural surveillance of the public realms and commercial spaces below which is fundamental to achieving well designed places and meets the requirements of point viii. of Core Policy 57.

The indicative masterplan demonstrates that each house would be provided with a small private amenity space to its rear which is considered sufficient for an adjacent to town centre location. The location being key to the acceptance of perhaps lesser standards here but, noting also that Wiltshire Council does not have minimum garden space standards for dwellings. Car parking provision is accommodated for each of the dwellings to a satisfactory level with individual spaces for the houses and parking courts for the flats. Sufficient visitor spaces are accounted for along with parking for Innox Square and the other commercial elements of the proposal. The parking is designed in a manner so as to reduce the presence of on street vehicles and takes account of the town centre location when looking at overall provision – a reduction in standards being permissible in areas well served by public transport.

Public open space, play space, ecological and landscape buffers, statutory easements for Wessex Water infrastructure that crosses the site as well as maintaining public rights of way and existing connection points is demonstrated on the indicative material. Sufficient space is left for road infrastructure including safeguarding a route to the Station Car Park through the site for any future plans to shut off the current Station Approach.

In light of the above, the illustrative material accompanying the outline proposals is sufficient to demonstrate that the scale of development proposed can be delivered on the site without the appearance of overdevelopment and whilst ensuring key policies elements relevant to the delivery of this scheme are adhered to.

Whilst the DAS provides largely indicative material in relation to the outline proposals, it contains some important principles regarding the different character areas of the site, the phasing of the development and plans and sketches showing how each area may look within the development. As set out earlier, it would be prudent to ensure that the development is carried out in general accordance with the DAS so that these principles can form the foundations blocks for the detailed design presented at reserved matters stage.

Access and movement through the site are covered in more detail in the highways section of this report in including any necessary conditions. That said, from a design perspective, officers are satisfied that the outline proposals demonstrate sufficient space has been left to deliver the necessary pedestrian and cycle connectivity through the site and along the obvious routes/desire lines. Conditions suggested by the Highways Officer would cover the detailed design of these to ensure they are accessible from all abilities. In addition, a scheme of wayfinding is required to signpost people to different parts of the site and the wider town beyond. This can be conditioned and aid in the legibility of the site as well as ensuring a site wide signage scheme is devised in the interests of creating a high quality and attractive public realm (meeting CP 57 requirements again).

A scheme of public art is required and would be secured via planning condition. This can include a range of different elements such as, stand alone art installations or bespoke street furniture and hard landscaping. The DAS touches upon the use of different surfacing material laid in a weaving pattern to reflect the former Mill uses on the site. It is features such as this that, when applied throughout the site, can constitute a scheme of public art and often prove to be more effective in reflecting the history of the site/area than standalone art installations. This condition is necessary to in line with Core Policy 57 to ensure an attractive and high quality public realm that gives a sense of place.

Conditions are also necessary to cover the finer details of the design elements of the outline development proposals. Samples of materials, and submission of architectural details would be required before the construction of any of the buildings. This is to ensure the scheme delivers a high quality and attractive built environment and to prevent the standard of the development being watered down post permission in line with paragraph 135 of the NPPF. This is fairly common with larger schemes where specific materials may not be known until the site is ready to be build out.

The proposals relating to Innox Mills, Innox Place, The Dyehouse, The Brewery, The Old Chapel and The Gateway Building are proposed in full not outline form. As such, these elements of the application can, in so far as what is being applied for be assessed in detail in relation to their design and impact upon the character and appearance of the area.

Innox Mills, Innox Place, The Dyehouse and The Brewery, are to be converted into E Class uses. At this stage, it is only the external works and change of use of the buildings that is the subject of the full application. The principle of the change of use has already been covered. Turning to the external works, as outlined in Section 5 these relate to repair works only. These are prominent buildings all of heritage value (both listed and non-designated heritage assets) which, once restored/repared, would be able to positively contribute to the character and appearance of the area. There are no concerns from a design perspective with the restoration of these buildings. In any event, most of the works are repair works which would not need planning permission. Works that materially alter the character of the building would require planning consent but, regardless of whether consent is required or not, what is set out is acceptable.

The detailed plans do not show any internal works or subdivision of these buildings into different units and so there is nothing further to consider. However, in principle, it is accepted that E Class Uses can come forward in each of these buildings without giving rise to design concerns. The works outlined in the full application in respect of these buildings accords with Core Policy 57 of the WCS.

As and when further works are proposed, additional consent may be required for advertisements, flues, ducting etc. and listed building consent would be required for any works to the listed buildings. Consideration would be given to the character and appearance of the area at that time as well as the character and setting of the heritage assets. However, as set out above, such works are not envisaged to cause any issues that would prevent the building being fitted out for the various E Class Uses that may come forward.

The Old Chapel and The Gateway Building are both new builds to which details plans have been submitted. The plans of these buildings shown in Section 5 above can be seen in a larger format in Sections 8 and 9 of the DAS.

The Old Chapel is contemporary in design with a modern palette of materials as detailed in Section 5. Its proportions and scale are reflective of Innox Place to which it will adjoin; in doing

so it will mask the blank unattractive gable elevation that is currently in situ. Its scale is respectful of the adjoining building and will, subject to conditions to control materials and detailing, be an interesting component within the streetscene. Its position assists in repairing the frontage of the site and restoring the sense of enclosure that once existed when the chapel was still there. The floor plans do not show any internal works and so this is, the same as the existing buildings - i.e. yet to be confirmed. However, as with the existing buildings, it is accepted in principle that E Class Uses can come forward in this building without giving rise to design concerns. With the conditions in place to secure architectural details and materials, the building accords with the requirements of Core Policy 57.

The Gateway Building is informed by the scale, height and proportions of No.'s 5-9 Stallard's Street but also draws context from the Mill buildings. Its position, height and size ensure that it will have significant presence on the streetscene and help provide further enclosure, order/rhythm to Stallard Street which is welcomed (the previous Morrisons scheme was lacking in this regard as the building proposed was smaller in scale and size). Whilst a large building totalling 4-storeys, it is respectful of the surrounding development noting the presence of 4-storey development already on Stallard's Street and it would not dominate or overpower the adjoining dwellings (these being set on higher ground). The overall style of the building is contemporary and so too are the materials. However, this is acceptable given its scale, proportions and fenestration are respectful of the surrounding development. Furthermore, as it is serving as a key nodal/cornerstone building at the entrance to the whole development it does need to stand out somewhat.

As with the Old Chapel, the success of the building will lie very much in the architectural detailing and the materials employed. To this end, conditions would be required as per the Old Chapel to control these details to ensure the finer elements of the design are controlled in the interest of high-quality design.

The E Class Space at ground floor is left as a blank space to come forward at a later date which is the same as the existing buildings and the Old Chapel. Again, it is accepted in principle that an E Class Use can come forward in this building without giving rise to design concerns. Any further external changes to this building are likely to require consent e.g., advertisements where the amenities of the area would be considered.

The residential element of the building occupying the first, second and third floors does not pose any design concerns. There is residential use above ground floor commercial spaces on Stallard's Street and the building would be compatible with the character of the area.

The wall that runs along the front of No.'s 5-9 Stallard Street would be continued for a short section before dropping down to provide an active frontage with the street and for level access into the Gateway Building. The introduction of the retail frontage is welcomed and would add to the character of the area offering a more open and active street. This, coupled with the pavement widening proposed as part of the s278 works would help to improve the public realm in this section of the town.

With the conditions outlined above in place, the Gateway Building would accord with the requirements of Core Policy 57 in that it would provide a high quality and attractive building that would add interest and enclosure to the current streetscene whilst respecting its surroundings.

Turning away from the buildings, the parameter plan shows a number of key spaces that would be introduced as part of this regeneration scheme which would see new public realm created. Notably, space to the front of Innox Place, the external area within 'Innox Square', the space

to the west of Block B (as identified on the masterplan) and the considerable amount of public open space alongside the River Biss.

Naturally, some of these spaces are meeting policy requirements (e.g., Core Policy 52 – Green Infrastructure requires the provision of accessible open spaces in accordance with the requirements of the adopted Wiltshire Open Space Standards), however, all the spaces are considered to be enhancements to the public realm of the town. They offer a variety of ways in which people can interact with and navigate through the built form and provide vibrancy and vitality to the commercial areas of the development. Subject to the conditions outlined above regarding a scheme of public art and wayfinding, along with highways conditions to ensure surfacing and routes within these spaces are accessible for all abilities, they would contribute towards the achievement of well-designed places – notably, meeting points ix. and xii. Of Core Policy 57.

With regards design consultation, the Urban Design Team have been involved in the scheme since its submission. The scheme has seen some additional information submitted and changes made to the scheme during the determination period to take account of points raised. The latest response from the UDO states that:

“The Design and Access Statement (D&AS) clearly explains how these opportunities and constraints have been addressed by the architects. As a result, the proposed scheme responds well to the site’s location and historic buildings that are to be retained. I therefore have no objections to what is being proposed here.”

In light of the above observations, and the final comments received from the UDO, officers consider that the design of the scheme, in so far as what is presented as part of the outline and full proposals, meets with the requirement of Core Policy 57 of the WCS.

9.5 Neighbour Amenity

With regard to the outline proposal, the precise details needed to fully assess this will come at the reserved matters stage. However, the indicative layout and building heights plan satisfactorily demonstrates that adequate levels of amenity can be achieved throughout the development for future occupants.

The application was accompanied by an Environmental Noise Assessment which has highlighted potential noise issues at the boundaries of the site, notably, Stallard Street and the railway line. It has also noted the potential for noise issues between the commercial activities on the site and the residential uses. The Environment Agency have also outlined in their response potential noise issues arising from waste activities to the north of the site.

Mitigation in the noise assessment suggests the façades facing such noise sources will need to be upgraded by using selective glazing and ventilation elements to achieve the accepted noise levels internally. This is not considered an issue in principle that would prevent the outline proposals from coming forward. Mitigation is achievable and this would need to be subject to condition as suggested by the Environmental Health Officer (EHO). With such conditions in place, it is considered that the proposals can proceed without noise and disturbance having an adverse impact upon the reasonable living conditions of the future occupants of the development site.

Sufficient spacing has been shown on the illustrative masterplan to demonstrate the outline proposals can be delivered without giving rise to undue loss of light, privacy or overshadowing to future occupants of the development site. The finer details of this would be secured and

controlled at detailed design stage; the REM application would not be permitted were issues to arise e.g. inappropriate window placement.

There are no adjoining properties that stand to be adversely affected by the proposals. The nearest residential properties are located along Stallard Street where the noise from pedestrian and vehicular traffic as well as commercial activities is already present such that the scheme would not have a material impact. Properties on Innox Close/Road are separated from the development by the railway line and, the outline proposals for this part of the site largely consist of residential properties and public open space which is compatible. In principle, no issues of concern are raised here. The EHO does not raise any concerns in that regard either i.e., in principle, subject to their suggested conditions there would be no adverse impacts from the proposal on adjoining residents.

The River Biss separates the site from the properties to the north which are, in any event, business and industrial uses which would not be impacted upon in principle by a mixed used commercial and residential scheme by reason of noise and disturbance.

Given the site is separated from existing development by the railway line, Stallard Street, the River Biss and playing fields, with public open space and ecological buffers also proposed round over half of the perimeter of the site, it is not considered that the outline proposals would give rise to any loss of light, privacy or overbearing impacts to adjoining buildings/occupants.

Noting that this element of the scheme is proposed in outline form, with layout, landscaping, appearance and scale left to reserved matters, subject to the conditions referred to above, the outline elements of the proposal accord with the requirement set out in point vii of Core Policy 57.

The Old Chapel is positioned in a manner that would not cause adverse loss of light to nearby buildings nor would it result in significant overshadowing. Whilst large format glazing is proposed at second floor it is serving commercial spaces and, due to the distance and outlook would not affect the privacy of any of the nearby properties.

The use of the Old Chapel is proposed as an E Class Use (commercial) which would be compatible with the existing uses in the area and those proposed as part of the development. The same would apply for the E Class Uses proposed in Innox Mill, Innox Place, The Dyehouse and Brewery – all acceptable uses for town centre locations. In principle, one can assume no adverse impacts in this regard.

However, the E Class Use Class contains a wide variety of uses with some having the potential for greater impacts than others e.g., bars and restaurants. Although this element of the application is proposed in full, the actual breakdown of the buildings into units and the exact uses has not been proposed at this stage. Notwithstanding this, the potential impacts of noise, disturbance, smell and odour are matters that still need to be addressed as part of this application. In that regard, it is considered that the use of planning conditions would be sufficient to address these issues. It is recommended that conditions cover the following:

- a) details of all new extraction equipment, flues vents etc. that are required to facilities any of the uses proposed in the interests of pollution control (noise and smells).
- b) details of the hours of operation of the units in the interests of noise and disturbance.

With regards to condition a), these details would need to be submitted to the LPA and agreed prior to any such equipment being installed and for b), prior to the occupation of the first unit. With such conditions in place, it can be concluded that the use of these buildings would not

have an adverse impact upon the amenities of the area/nearby properties by reason of noise, smell or disturbance. Details of ventilation and extraction equipment would be required in the interest of preserving the character and setting of the heritage assets on the site therefore, the condition noted above would be addressing more than environmental issues. The EHO is content that with such conditions these uses would not have an adverse impact on the amenities of nearby residents.

The Gateway Building contains an E Class Use at ground floor level with flats above. The same conclusions can be drawn for this E Class Use as has been applied to the other buildings that are proposed in the full application. Furthermore, the same conditions would be necessary to ensure it has the same acceptable impact.

The flats above the ground floor use would look out onto Stallard's Street and the development site itself. Despite being 4-storeys, the distance and outlook from these windows is such that they would not result in significant loss of privacy to existing properties. Regarding the impacts on the outline proposal, careful consideration would need to be given to the arrangement of properties to the rear of this building at reserved matters stage to ensure future occupants are not adversely impacted. That said, a certain amount of 'buyer beware' comes into play when prospective purchasers are looking at the plans/properties on the site.

Residential use above ground floor E Class Uses is common within town centres and would therefore be a compatible use with the wider area. It would also help to provide more natural surveillance onto Stallard's Street giving it a safer feel when travelling along it in the evenings/night. Conditions a and b referred to above would, protect the flats above from any unreasonable impacts from the E Class Use proposed at ground floor level.

9.6 Heritage Impacts

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Section 66 requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.

Part of the site lies within the central Trowbridge Conservation Area and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The NPPF outlines government policy for planning. It sets out three overarching objectives for the planning system in the interests of achieving sustainable development – an economic objective of building a strong economy; a social objective of fostering well-designed, beautiful and safe places and an environmental objective of protecting and enhancing our natural, built and historic environment. Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out policies concerning heritage and sustainable development and requires a balanced approach (paras 201-3) to decision making with harm weighed against the public benefits resulting from proposals. Paragraph 197 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy 'Core Policy 58: Ensuring the conservation of the historic environment' requires that designated heritage assets and their settings will be conserved and where possible enhanced. It is also required that distinctive elements of Wiltshire's historic

environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced.

The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments. Proposals are required to demonstrate how the proposal will make a positive contribution to the character of Wiltshire and enhance local distinctiveness by responding positively to the natural and historic environment and the existing pattern of development and to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate development into its setting.

Additional guidance is provided within the Trowbridge Town Centre Conservation Assessment (2006), The River Biss Public Realm Design Guide, Urban Design Framework for Trowbridge and Transforming Trowbridge Vision Report.

The heritage assets considered in this assessment are the following:

- Innox Mills (Grade II)
- Innox Place (Grade II)
- The Dyehouse (non-designated heritage asset)
- The Brewery (non-designated heritage asset)
- The Cloth Factory (non-designated heritage asset)
- No.'s 5-8 Stallard Street (Grade II)
- No. 9 Stallard Street (non-designated heritage asset)

In addition to the listed and unlisted heritage assets within the site, there are a number of fine buildings/structures (largely listed) in the immediate vicinity, the setting of which will be affected by the proposals. These include the Town Bridge and Lock Up and the group on the eastern side of Stallard Street (including the grade II* listed No. 58).

The Conservation Officer (CO) notes in her response the requirement under paragraph 194 of the NPPF which expects applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The CO acknowledges this requirement has been met through the applicants "Heritage Statement" and "Design and Access Statement" which provide sufficient information to understand the impact of the proposals and are proportionate to their scope.

In summary the CO in her response sets out clearly what the significance of the heritage assets on the site are. They state:

"In this case the significance of the remaining historic buildings lies with their historic fabric and construction and the evidence they provide for their development and industrial uses. The site also has significance in its history and the contribution that the industry that the site housed made to the economic development of the town. The key buildings are attractive and well-built examples of their type which are valued within the town and which contribute to the character and appearance of the conservation area and setting of the nearby listed buildings."

The principle of restoring the buildings (Innox Mills, Innox Place, The Dyehouse and Brewery) and converting them to commercial uses is welcomed by the CO and was something that had been agreed in an earlier consent for the Morrisons supermarket proposals (W/12/02299/FUL). Whilst it is accepted that this largely relies upon detail that is not provided with this application, it is not felt that the works to the buildings to make them available for E Class Use will adversely harm the heritage assets. The ability through conditions (e.g.,

materials and architectural detailing) and the controls one can apply under any necessary future LBC, advertisement or planning applications is sufficient to ensure the finer details are acceptable from a heritage perspective. With that in mind, the proposed Innox Square is stated by the CO as having *“the potential to become an attractive and well used public space.”*

The site access vs. the previously approved scheme is considered to be a vast improvement with a more understated access that allows for more street enclosure and public realm in front of the buildings. The previous consent proposed a roundabout (see figure 2) with a dual carriageway into the site. The current access proposals are much more understated and will have a better relationship with the heritage assets on the site and allow for enhanced public realm improvements to Stallard Street. Therefore, the element of the scheme is considered to be an improvement and would not cause any adverse harm to the settings of any of the heritage assets on or near to the site.

There are no objections from the CO to the new Gateway Building stating that it *“will have a greater townscape presence and contribution to enclosure of the street.”* Due to its size and positioning close to the street, it will help to screen the outline proposals. As with the converted buildings, the finer details will need conditioning. Subject to these conditions, it will not adversely affect the setting of heritage assets including the character and appearance of Trowbridge Conservation Area to which it will just lie in. Furthermore, it is considered to be an improvement upon the previously consented building (see figure 2) for this location which was smaller and with greater set back from the street, not offering the same contribution and/or enhancement.

The Old Chapel would mask a current unattractive and blank gable elevation on Innox Place. It would reintroduce the sense of enclosure in this part of the site and its scale and proportions are respectful of the adjoining and nearby heritage assets. It would appear a more respectful building than the previously consented modification and extension to Innox Place under W/12/02299/FUL. With the detailing controlled via planning conditions it would not adversely affect the setting of heritage assets including the character and appearance of Trowbridge Conservation Area which it would partially be in.

There are no objections to the principle of the outline elements of the proposal. The CO notes that subject to the details, *“the mix of uses and scale of development offers the opportunity to create a well-connected and designed place that enhances this area of the town”* Furthermore, they note the outline proposals to the rear of No.'s 5-9 Stallard Street have the *“potential for a much-improved relationship with the heritage assets.”* The previously approved scheme saw some landscaping and a petrol station located behind these buildings which was not ideal from a heritage perspective.

In light of the above the CO concludes that:

“On this basis the impact of the proposals on heritage assets will be largely positive and the requirements of current conservation legislation, policy or guidance are considered to be met and I have no fundamental objection to make to the approval of the current scheme...”

Noting the previous scheme consisted primarily of a large format supermarket, car park and petrol station, it is fair to say that the current scheme offers the ability to present a better relationship with the heritage assets on and off the site. Whilst the comments above are broadly positive, the conclusions are based upon a number of details that still need to be secured via condition. These are:

- Full details of all new materials, including samples;

- Large scale details of architectural features including: parapets, windows, (including elevations and sections of the windows, head, sill and window reveal details), external doors, vents and extracts, rainwater goods;
- Construction of sample panels to control details of new brickwork walling, including details of feature panels and decorative treatments. The sample panels shall then be left in position for comparison whilst the development is carried out.
- Details of hard and soft landscaping
- Details of lighting and signage

The conditions above are reasonable and necessary to ensure the development comes forward in an acceptable manner with regard to, amongst other issues, heritage matters. Such conditions are considered necessary not just from the point of view of the heritage assets but also from the perspective of achieving high quality design. Therefore, the conditions are necessary on the planning permission as well to ensure it covers the wider outline proposals and the non-designated heritage assets. As such, these do not need to appear on the LBC application – that would be duplication.

Furthermore, another key component of the CO's acceptance of the scheme is ensuring that the heritage benefits (the restoration and conversion of the existing buildings) of the scheme are brought forward i.e., to ensure that not just the outline permission comes forward and the money from that spent elsewhere without the full element being implemented.

It is therefore necessary to secure a mechanism for their delivery to ensure that the outline proposals don't just come forward without the Innox Square development taking place. This can be secured via a condition which has been agreed with the applicant. The applicant has agreed to the following in table 2 below.

	When will the buildings be made wind and watertight?	When will the buildings be ready for use?
Innox Mill	Prior to commencement of development	Prior to occupation of the 200 th dwelling
Innox Place	Prior to commencement of development	Prior to occupation of the 50 th dwelling
Dye House	Prior to commencement of development	Prior to occupation of the 150 th dwelling
Brewery	Prior to commencement of development (including the provision of bat roost)	Prior to occupation of the 100 th dwelling

Table 2 – Delivery of 'Innox Square' Development

With the above condition in place, the outline proposals would not be able to be commenced until the heritage assets are made wind and watertight to prevent any further decay. This would include providing adequate protection of them from any construction works occurring under the outline permission. Furthermore, the condition ensures the outline proposals cannot be completed without, at various stages throughout the build, the heritage assets on the site being made ready for occupation by an E Class Use. Whilst it may be desirable for these to come forward sooner, they are set out in this manner to ensure sufficient money is available from the sale of the outline phases to invest back into the heritage assets.

With the above conditions in place, the CO is accepting of the scheme. Whilst a scheme of this size and nature will not be devoid of any harm, the limited concerns raised by the CO above need to be weighed against the substantial public benefits that arise from the redevelopment and regeneration of this site. Notably, that the long-term vitality and viability of

the heritage assets on the site is secured and that a derelict site is redeveloped with a mix of uses providing an enhancement to the character and appearance of the wider area. The provision of much needed housing and the wider public realm improvements would also be of considerable public benefit.

In light of the above, it can be concluded that there is no material conflict with CP 58 of the WCS and that the provisions under the statutory act to preserve and enhance the character and setting of listed buildings and the character and appearance of the conservation area is met. Any limited harm arising is far outweighed by the public benefits.

9.7 Landscape, Open Space and Visual Impact

The site is currently an eyesore with ruderal vegetation taking over parts of the derelict concrete hardstandings that exists across most of the area. It is fair to say, therefore, that there exists the potential to provide much visual enhancement to this area of the town.

Core Policy 51 requires development to protect, conserve and where possible enhance landscape character. The proposed hard and soft landscaping strategy demonstrates that the outline proposals will lead to enhancements to the character of this part of the town. The landscape strategy for the site will look to deliver these enhancements by implementing the following:

- To create a green corridor along the River Biss which will include footpaths, open space, formal recreation space and planting;
- To create opportunities to increase biodiversity across the site;
- To celebrate the sites industrial heritage through the hard and soft landscaping proposals;
- To provide further areas in and around the site for play and recreation;
- To provide structured planting throughout the development;
- To enhance planting along the railway line; and,
- To provide garden corridors running north-south linking new Green Infrastructure (GI) with the River Biss corridor.

In order to deliver the aims of the strategy it is necessary to ensure that space is reserved on the site for the delivery of GI. To this end the application includes a land use parameters plan (see figure 7 above) which fixes GI within the site and provides space for play areas etc, to ensure the broader aims of the landscape strategy can be delivered at reserved matters stage. Conditions will be necessary to secure this parameters plan as an approved plan and to ensure that development is carried out in general accordance with the landscape strategy (same as imposed for the DAS).

The Landscape Officer (LO) had some misgivings over the strategy, namely the interaction with the River Biss and the lack of trees down the central street. These areas are affected by other issues.

In respect of the central street this is designed around a Wessex Water easement zone above their infrastructure. It is not possible to build above this but, it may be possible to accommodate trees within the easement. Accordingly, there is no reason why at reserved matters stage planting could not come forward in this area as part of the reserved matter 'landscaping.' An informative can be imposed to ensure this matter is looked into with a view to delivering trees within the easement. Should there be barriers to the delivery of such landscaping that was accepted by the LPA then the matter would be dropped.

With regards the River Biss, the EA have concerns about the de-canalising of the river channel which effects the ability to provide the softer edges and interaction that the LO is after. However, the greater section of the River Biss is contained within the outline part of the proposals where the detailed matters relating to this aspect are yet to be approved. This matter could be further investigated at reserved matters stage and the EA have suggested a condition requiring a detailed management plan for the enhancement of the River Biss and its corridor. This would help shape the proposals at REM stage with a view to alleviating part of the LO's concerns. The LO is, therefore, in broad agreement that the scheme could progress on this basis. With that in mind, the outline aspect of this scheme would not conflict with CP51 subject to the conditions outlined above being secured.

The full element relates to the existing buildings on the site along with the two new buildings, The Old Chapel and The Gateway Building. As with the outline proposals, the regeneration of this part of the site will have a positive impact on the townscape. Subject to the aforementioned conditions, the full proposals fit in from a heritage perspective and satisfy the requirements of design policy. In light of this, it is not considered that there are specific landscape considerations that need addressing here. The full elements would be subject to a hard and soft landscaping condition which would provide a satisfactory landscaped setting for the proposals.

9.9 Flood Risk and Drainage

The application is accompanied by a site-specific Flood Risk Assessment (FRA) and drainage strategy (see figure 10). The drainage and flood mitigation strategy has been informed by topographical surveys, flood modelling, percolation testing and pre-application liaison with the Environment Agency and Wessex Water.

The strategy to deal with surface water relies on two outfalls into the River Biss. The outfalls are required to achieve betterment against the existing drainage flows rates from the site and allow for climate change.

In order to achieve this the drainage strategy relies upon a combination of SUDs features throughout the development. This includes, permeable paving, blue and green roofs, swales, rain gardens, underground cellular storage as well as traditional drainage infrastructure such as attenuation ponds. All of these methods are designed to capture at source to slow the rate of flow into the River Biss and enable control over discharge rates.

The Lead Local Flood Authority (LLFA), having reviewed all the relevant information, including the additional documentation sought by them and the EA during the application, and have removed their initial holding objection to both the full and outline schemes.

In respect of the outline application, the LLFA have no objections subject to the submission of a detailed drainage strategy as part of a planning condition to accompany the proposals submitted at reserved matters stage. This condition is considered reasonable and necessary to ensure that the outline proposals do not lead to increased risks of flooding elsewhere.

The full application relies upon the same strategy as the outline application. It is the intention to use the outfalls into the River Biss that are located within the part of the site covered by the outline proposals. As such, it will be necessary to impose the same condition to the full application i.e. that no development commences under a surface water drainage strategy is submitted to and approved in writing by the LPA.

With this condition in place, your officer's assert that the scheme now complies with current policy (Core Policy 67 of the WCS and paragraph 167 of the NPPF).

The EA have also reviewed the submitted FRA and do not raise any objections to it subject to conditions to cover the following:

- Submission of plans and cross-sections, to demonstrate that finished floor levels across the site are set to at least 300mm above the 100yr 35% climate change flood level.
- No development or ground raising shall take place on the existing land within flood zone 3 (35%cc outline) as per the submitted model outputs. If ground raising or re-profiling is necessary, no development approved by this permission shall be commenced until an updated flood risk model and detailed plans are submitted.

These conditions are considered necessary to reduce the risk of flooding to people and property and to ensure flood risk is not increased. These conditions would be in addition to those requested by the LLFA.

The Environment Agency also has a statutory duty to maintain the channel of the River Biss in this location. Such maintenance involves clearing vegetation and debris from the channel in order to minimise flood risk from blockages. Currently their operatives have no safe access points to the river. Therefore, they request that the developer includes a proper access point alongside the channel at a position of their choosing. This would include a ramp into the channel and vehicular access. This request can be sought via a planning condition to which officers consider is reasonable and necessary.

Wessex Water have infrastructure that crosses the site (see figure 11). This plan shows 2 foul sewers and a surface water sewer running across the site in a north westerly direction. Such infrastructure cannot be built over and contains easements of 6m either side of the apparatus. Wessex Water have stated that the masterplan shows buildings and a SuDS feature / tree planting over the existing strategic surface and foul water sewers crossing the site.

With regards to the planting of street trees along the central spine road which is considered by Wessex Water to impact the most southerly of these foul sewers, this has been addressed in revisions to the parameters plans which shows the removal of these trees. Whilst this has raised concerns from the LO, as stated previously, this can be explored during the submission of the detailed landscaping schemes as part of a discharge of condition process to see if any planting can be accommodated within the statutory easements.

Turning to the other foul and surface water sewer that run to the north of the one referred in the above paragraph, it is proposed by the applicants to divert these. The applicants have provided a revised drainage strategy to cover the site (see figure 10). The proposed drainage strategy shows the diversions route with a dotted red line. The applications would need agreement with Wessex Water to divert but, the proposals below show a possible diversion route.

A Phase I Geoenvironmental Desktop Study' by Campbell Reith has highlighted many previous site uses on the site that pose a potential risk to groundwater and the adjacent River Biss. The report recommends that a detailed site investigation is undertaken. The EA support the need for this and therefore request conditions to enable this work to be undertaken as recommended, plus others to protect controlled waters. In this regard, conditions to cover the following are requested:

- Submission of a remediation strategy to deal with the risks associated with contamination of the site.
- Prior to use of the development a verification report demonstrating the completion of works set out in the approved remediation strategy needs to be submitted and approved.
- A condition to cover the eventuality that further contamination is identified that wasn't previously identified.
- A condition to ensure piling and other foundation methodologies using penetrative methods is not carried out other than with the written consent of the local planning authority.

These conditions are reasonable and necessary to ensure the protection of the water environment (River Biss) from pollution in line with paragraph 170 of the National Planning Policy Framework.

The Ecological Technical Note submitted by Engin confirms the presence of Japanese knotweed on the site. In light of this, the EA request a condition to manage the spreading of this invasive non-native species, noting that it is an offence to allow the spread of Japanese knotweed in the wild (Wildlife & Countryside Act, 1981 as amended). This condition is required for the aforementioned reason.

The EA note that the Landscape strategy (by Greenhalgh and dated August 2021) does not detail whether there will be any modifications to the riverbank itself. The riverbank currently consist of concrete walls, sheet piling & capping beams. Improvements to the river including removal of sheet piles, installation of coir rolls and planting of aquatic marginal plants has been approved previously on the site and this is something the EA wish to see here. As such, they recommend a condition is placed on any approval requiring the submission of a detailed management plan for the enhancement of the River Biss and its corridor to improve the biodiversity value of the river and its corridor, and contribute to biodiversity net gain. This request is reasonable and necessary.

To help reduce abstraction pressure on water resources and riverine ecosystems as well as contribute towards climate change resilience by minimising the impacts of drought, the EA suggest a water efficiency condition be applied to the permissions. The site is within Wessex Water's remit which is known to be a seriously water stressed area. In light of this and in the interests of sustainable development and climate change adaptation, this condition is necessary.

To ensure the prevention of pollution to the water environment (River Biss) during the course of construction, the EA have requested the submission a Construction Environmental Management Plan (CEMP). This can be left to condition. Noting that there is likely to be other consultees requesting this e.g., ecology, public protection and highways, the condition suggested by the EA will need to be amended to cover the concerns raised by other parties. This makes better sense than having a separate CEMP for each issue.

The Council's Public Protection team have no objection to the development provided the following elements are covered by condition to ensure appropriate levels of an environment free from obtrusive noise and other forms of pollution:

1. Prior to use commencing of any individual unit in The Brewery, The Dyehouse, Innox Mills, Innox Place, and Block A (convenience store) an assessment of the acoustic impact arising from (including mitigation) required to operate the use and any externally mounted plant needs to be carried out and submitted to the LPA for approval.
2. Prior to use commencing of any individual unit which requires mechanical air extraction or ventilation in The Brewery, The Dyehouse, Innox Mills, Innox Place and Block A (convenience store) a scheme of works for the control and dispersal of any atmospheric emissions, including odours, fumes, smoke & other particulates shall be submitted to and approved in writing by the Local Planning Authority.
3. Opening hours shall be restricted to 07:00 – 23:00 Monday to Sunday (including Bank Holidays) for units within The Brewery, The Dyehouse, Innox Mills, Innox Place, and Block A (convenience store).
4. Deliveries and collections shall be restricted to 08:00 – 21:00 Monday to Sunday (including Bank Holidays) at The Brewery, The Dyehouse, Innox Mills, Innox Place, and Block A (convenience store) no deliveries or collections shall take place outside of these hours.
5. No development shall commence on site until an Acoustic Design Scheme for the protection of the proposed dwellings from road traffic noise, railway noise and ground borne vibration is submitted to and approved in writing by the Local Planning Authority.
6. The submission and approval of a construction management statement (CMS).
7. The submission and approval of a ground contamination report.

The above conditions are reasonable and necessary to make the development acceptable in planning terms. However, it is noted that some of the conditions would need altering slightly to fit the phasing of the development etc.

In respect of condition 3, it is noted that some operators on the site may wish to operate later than 23:00hrs e.g., bars and restaurants. It is, therefore, recommended that this condition is altered to require a schedule of operating hours to be submitted to and agreed with the LPA prior to the occupation of any non-residential use on the site. This allows later hours to be considered on an individual basis by the LPA in consultation with Public Protection.

In respect of condition 6, the requirement set out by public protection can be added to the CEMP condition covering EA, Ecology and Highways issues.

Regarding condition 7, the reason for this will be added to the condition already requested by the EA. This will ensure the condition is designed to cover more than the control of polluted waters.

It is noted that the EHO has missed off The Old Chapel Building which is also intended for commercial use, as well as the commercial aspects within the outline proposals. This will need to be governed by the same conditions as The Brewery, The Dyehouse, Innox Mills, Innox Place, and Block A.

With the above conditions in place, the application would not have any unacceptable impact upon the amenities of the area – including existing and future occupants of this part of the town.

9.11 Ecological Impact

The River Biss and the railway corridor are both located within the yellow medium risk zone of the Trowbridge Bat Mitigation Strategy (TBMS). The yellow medium risk zone represents the areas where habitat has been shown to be of importance, or is highly likely to be of importance, for bats associated with the Bath and Bradford-on-Avon Bat SAC (Bechstein's, greater horseshoe and / or lesser horseshoe bats). Impacts will arise on individual sites and in combination with other sites as a result of loss and/degradation of habitat such as this which is of importance to the qualifying bats. The application site is also located within the greater horseshoe Core Buffer Zone. An Appropriate Assessment is therefore necessary to consider any potential significant effects on the Bath and Bradford on Avon Bat SAC due to the potential degradation of this habitat.

In addition to this, the Bat surveys have recorded bat roosts for lesser horseshoe (qualifying feature of the Bath and Bradford on-Avon Bat SAC), in the former factory buildings, close to the river. Results have indicated that the buildings (notably, the Cloth Mill) are inhabited by horseshoe bats all year round, and therefore of high conservation significance. Common pipistrelle bats have also been recorded roosting under roof tiles.

As the Cloth Mill is proposed to be demolished an artificial roost has been designed in an adjacent building (The Brewery). Bat boxes would also be incorporated on structures at appropriate locations around the site to mitigate for crevice dwelling species like common pipistrelle recorded on site and enhance biodiversity post-development. The Council's Ecologist has stated that the construction of both the artificial roost and installation of bat boxes must take place prior to demolition – this can be secured via planning condition.

Scrub and rough grassland in the northwest corner are physically well-connected with the railway corridor, which links to the surrounding countryside. In the survey of this area reptiles (notably slow worms) were recorded. The Council's Ecologist requested that sufficient alternative habitat is created to mitigate for the loss of the habitat on site. This has been achieved through providing a buffer zone along the railway corridor to incorporate reptiles. They have recommended that the mitigation strategy must be prepared prior to the commencement of the development and that it can be incorporated into the CEMP.

The Appropriate Assessment has been completed and Natural England consulted, and they concur with the conclusion that subject to the mitigation identified being secured, an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC can be avoided.

The above conclusions are drawn with the following conditions in mind:

- that the development is carried out in accordance with the Parameters Plan (PP) Drawing no. 128-005. P1 (Greenhalgh, 21.12.2023)
- that the replacement bat roost in Building D takes place prior to the commencement of demolition of the existing roost.
- The lesser horseshoe and common pipistrelle bat roost will be incorporated into the development in accordance with Bat Mitigation Proposal Drwg. No. 1249.4.FBW.05 (Keep Architecture, 26/07/2021) and Appendix 4 Artificial Briefing Note of the Ecological Mitigation Strategy (Engain, 13th October 2021) or as otherwise specified in a relevant European Protected Species Licence superseding this permission.
- Submission and approval of a CEMP prior to commencement of development
- Submission and approval of a Reptile Mitigation and Translocation Strategy prior to commencement of development
- Submission and approval of a LEMP prior to commencement of development

- No external lighting to be installed unless details are first agreed with the LPA
- Submission and approval of a scheme for the removal of the Japanese Knotweed on the banks of the River Biss.

The requested conditions are reasonable and necessary to make the development acceptable in planning terms and to ensure the ongoing maintenance and management of the site for the benefit of ecology.

Overall, with these conditions and s106 in place, and the positive recommendation on the AA, it can be concluded that the development can proceed without unacceptable harm to protected species or priority habitats.

9.13 Highways / Rights of Way

Traffic Impacts associated with the development –

The Highways Officer's (LHA's/HO's) position on this is set out clearly in their consultation response. It is the HO's opinion that the development would have a severe impact on what is already a congested traffic network through the introduction of additional vehicles. In the absence of a suitable mitigation package to offset these additional movements, the HO has recommended that the application be refused (refusal reason 1 in their consultation response) on the grounds that:

".... the proposals present an additional traffic impact upon a highway network subject to continuing congestion thereby exacerbating existing highway vehicle capacity, reducing the attractiveness of walking and cycling routes as a result of congestion, increasing severance and reducing the reliability of local bus service provision in conflict with Core Strategy Policy 60, 61 and 62 and National Planning Policy Framework paragraph 111."

In reaching that conclusion, The HO has referred to paragraph 104 of the Framework which states that:

'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated'.

It is the opinion of the LHA that this development, by virtue of its location and through the use of previously used transport infrastructure (Station Approach), has the potential to radically alter the congested nature of the localised network to secure betterment - but, that the application has not sought to do this.

Further to the above suggested reason for refusal, the LHA assert that the application should also be refused (refusal reason 2 in their consultation response) on the grounds that the:

"...planning submission makes selective consideration of the Local Highway Network omitting key junctions and infrastructure that directly influence local highway operation. The assessment of proposals is therefore considered insufficient to determine the suitability of the highway network to accommodate additional development and contrary to Core Strategy Policy 60, 61 and 62."

With regards the above, the absence of the Bythesea Road/The Shires junction within the applications Transport Assessment (TA) undermines the technical acceptability of the TA, which seeks to determine the impact of the development on the localised network.

The current submission does not incorporate the adjoining station land or offer any other tested mitigation for consideration that would reduce the traffic impacts of the development. Therefore, in the absence of mitigation, the Highways Officer remains of the view that the scheme conflicts with Core Policies 60, 61 and 62 of the WCS.

It is the view of the applicant's Transport Consultant that development is always permissible in situations where congestion is already present, even if the capacity of the network has been reached. It has also been suggested by the applicants that the previously approved use on the site, which also did not provide the station access, would have generated a greater quantum of vehicular movements as it proposed a large supermarket with ancillary leisure uses. Accordingly, the consultant does not see the need for the comprehensive suite of mitigation that is set out by the Highways Officer in their response.

Delivery of the Railway Station Access to provide site mitigation for transport impacts –

The location of the application site adjacent to the railway station provides an opportunity to deliver improved access to the station via the proposed development. A consequence of this would be the ability to close the current station access on Stallard Street which would allow for highways improvement works to take place (these being the consolidation of the existing controlled pedestrian crossings on Bythesea Road and Stallard Street (both north and south) into a single signal-controlled junction, following the removal of the mini roundabout).

To this end, the Highways Officer has requested access is provided through the development to the Station Car Park via planning condition with obligations sought (£60,000) to enable the access works to be delivered. The highways enhancement works referred to above can only be delivered once the alternative station access is in place. To deliver the enhancements the LHA request a commuted sum of £450,000 be paid to the Council by the developer. The need for the highway enhancement is established through acknowledgment of existing congestion, accommodation of development traffic and the avoidance of rat-running/displacement. Such works would provide the necessary mitigation measures to address the increased traffic use arising from the development on Stallard Street and the wider network.

In the absence of securing the monies and obligations for this work, the Highways Officer has recommended a further refusal reason (refusal reason 3 in their consultation response) stating the following:

“The illustrative masterplan makes no consideration of vehicular access to the Railway Station thereby preventing any realistic mitigation to traffic movements on the local highway network and fails to maximise connectivity to a major transport hub, contrary to Core Strategy Policy 60, 61 and 62.”

The applicant's position is that the delivery in full of the station access and highway improvement works is not necessary and/or reasonable given their views on the proposals impact. However, that is not to say that the applicant is unwilling to provide any of the above requirements. The Access and Land Use Parameters Plan (see Figure 7 above) shows a potential future access point into the Station Car Park from the development site. The Plan is annotated stating that *“the adopted road to be provided to site boundary to facilitate direct primary access to the Station Car Park in the event that the Council delivers the closure of Station Approach.”* It is also shown on the other parameter plan (see figure 6) with the same annotation and hatched in blue.

The road is to be provided right up to the boundary with no parcel of land in between which helps to prevent any form of ransom strip being created. Tracking was also submitted to demonstrate its suitability for rail replacement buses etc. The applicant considers that providing the access up to the boundary is a proportionate and reasonable response to the proposal's impact and allows the concerns of Wiltshire Highways to be delivered at a future date. It is of note that Network rail have no objections to the delivery of such an access subject to a third party covering the costs of the works and any legal agreements.

The parameter plan only secures the alignment, width and length of the road, not the details. To this end, if the application is to be approved a condition would be required to cover the details in line with that recommended by the Highways Officer in their response. The road would also need to be constructed in full upon occupation of a certain number of dwellings to avoid this part of the proposal simply not coming forward (as there is currently no requirement in legislation for a development to be finished – only a time limit on when it must commence). As a belt and braces approach, the s106 can cover the delivery of this access road as well, in line with the rail station access road obligation set out by the LHA in their response. It would also need to cover the issue of preventing any ransom strip.

Furthermore, it is clear that viability is affecting the delivery of this development and that the provision of the full set of obligations and works required by the Wiltshire Highways is something the applicants are claiming simply cannot be realised. The issue and relevance of viability is considered later in this report – and should be read alongside this section.

In light of the above, it is accepted that some element of the required mitigation work is being delivered by the applicant albeit well short of what the Highways Officer considers necessary to mitigate the full impacts of the development proposals. The harm identified here needs to be considered on the planning balance. However, it must be born in mind that this scheme is not without significant viability concerns and the applicant has asserted that s106 obligations as set out in the Highways Officer response cannot be met as a result. The commercial viability of the scheme will also need to be considered alongside this harm.

Site Sustainability and Sustainable Travel Options –

This is an edge of town centre location and, as such, the site is in close proximity to a range of local services and facilities with the site itself proposing to add to the current offerings. The current and proposed pedestrian and cycle infrastructure offers in principle, reasonable walking and cycling opportunities. However, the finer details would need to be controlled to ensure, amongst other things that the routes are designed to accommodate all abilities, with change of level, including steep ramps or steps avoided unless agreed with the authority. To this end, the condition suggested by the Highways Officer to submit a walking and cycling movement framework plan prior to commencement of development is considered reasonable and necessary. As an example, it is noted that there are level changes between the site and station with steps currently in situ which would need to be designed out to accommodate all abilities.

The site is also very accessible by public transport services being located next to the train station, a number of bus stops and a short distance from taxi ranks which further add to the sustainability credentials of the site.

In addition to pedestrian and cycle demands, in accordance with national and local direction, the details supporting the site should establish an EV charging strategy to maximise the use of sustainable private vehicles where active and public transport modes cannot accommodate necessary trips. The condition suggested by the LHA would address EV delivery on the site.

In addition, the LHA have requested that a specification plan be submitted for a Mobility Hub as part of a planning condition. This Hub would include as a minimum, real-time information for bus and rail transit, cycle parking including electric cycle charging points, electric vehicle fast and rapid charging points and car share parking bays. The delivery of such a Hub would further help to maximise the use of sustainable travel modes in compliance with Core Strategy Policy 60, 61 and 62 and therefore, this condition is also considered necessary and reasonable.

A Travel Plan is also required to be submitted to the LPA for approval for both the residential element of the scheme and the commercial. The scheme should signpost and encourage new residents and employees towards sustainable travel modes. The obligation suggested by the Highways Officer would cater for this, albeit without monetary commitments due to the aforementioned viability concerns.

Subject to the conditions above, there would be sufficient opportunities and signposting for future occupants to travel via sustainable modes as opposed to the private car as one should expect with a development of this nature.

Vehicular Access and Stallard Street Works –

The site access for vehicular traffic is as detailed in figure 15 below. It is the only vehicular access proposed into the site and is located more or less at the point of the existing vehicular access point. There are no objections to the principle of providing the access in this location and the layout shown above has been accepted. This is on the proviso that the full design and construction details of the proposed vehicular access are provided to the LPA as part of a planning condition for approval prior to commencement and, that those details are adhered to during construction and maintained thereafter. This condition is necessary to ensure a safe and sufficient vehicular access is provided in the interests of highway safety and in compliance with Core Strategy Policy 60, 61 and 62.

The access drawings also detail works to Stallard Street which include:

- Bus stop and shelter reconfiguration on eastern side of Stallard Street;
- Bus stop shelter provision on western side;
- Additional footway provision/widening;
- The provision of a delivery bay; and,
- The provision of a ghost turning lane

Naturally some of these works are required to facilitate the development but the additional footway and bus stop shelter would provide some public realm improvements to this part of Stallard Street that would weigh positively in the planning balance. That said, it is noted the Highways Officer has some concerns that the developer has not fully addressed the necessary highway improvements works in this part of the town to enhance walking and cycling connectivity with the site, to reduce site severance with routes to the Town Centre and to enhance public transport infrastructure. The HO has requested this is addressed as part of the 'River Biss Public Realm Design Guide' SPD and current planning policy.

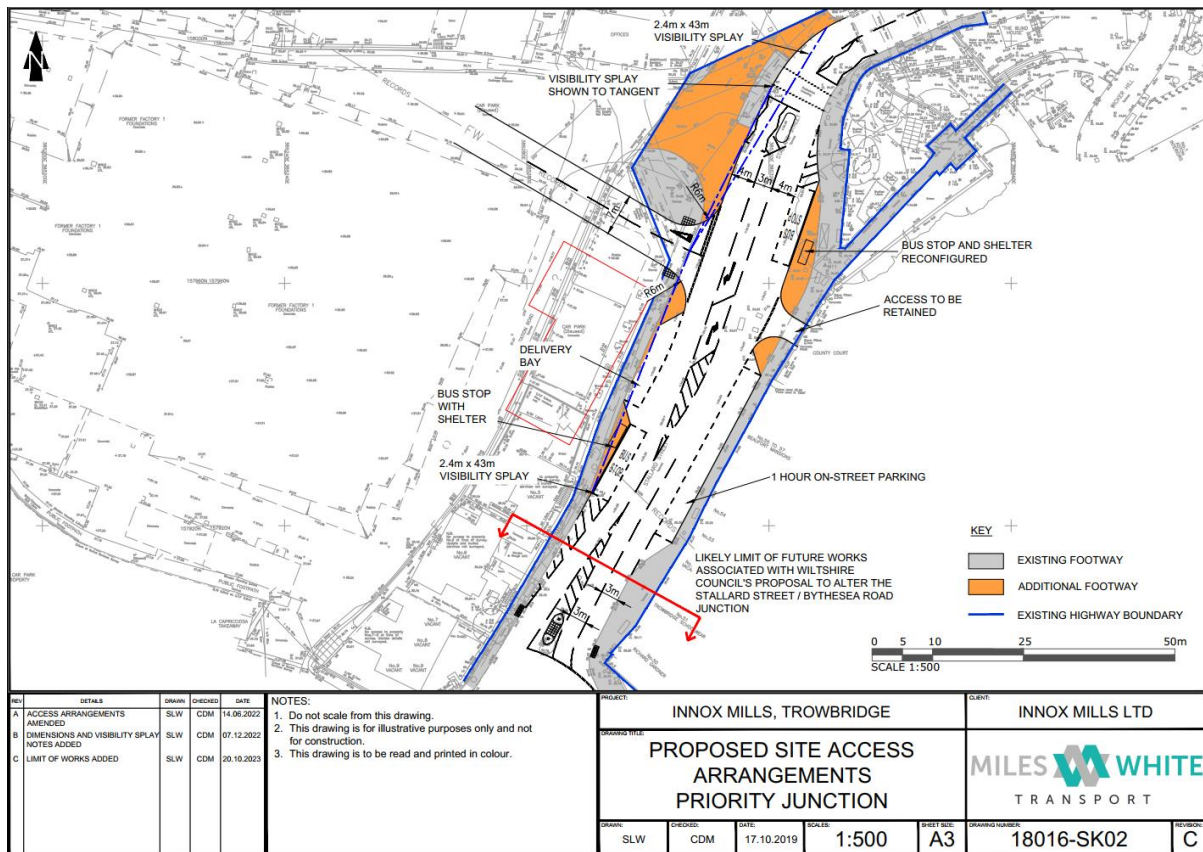


Figure 15 – Site Access Arrangements

Without such works, the HO has suggested a final reason for refusal (reason for refusal 5 in their consultation response). It states that:

“The proposals make limited consideration for necessary public realm improvements to enhance walking and cycling connectivity with the site, reduction of site severance with routes to the Town Centre and enhancement of public transport infrastructure contrary to Core Strategy Policy 61 and 61.”

Construction Impacts –

Finally, the construction of the development and build out of the site would need to be closely monitored and secured, in order to avoid materially detrimental impact upon the local highway network and use of the Railway Station. The LHA request a CMS condition to control construction works. The requirements set out by the LHA can be incorporated into the wider CEMP condition already proposed by other consultees.

9.14 Financial Viability / Developer Contributions

Core Policy 3 (Infrastructure Provision) states that all new development should provide for the necessary infrastructure requirements arising from the proposal – these are what are normally the s106 matters. However, the policy also states that where there maybe issues around viability, then an independent viability assessment should be undertaken. On this assessment the policy specifically states the following –

.... If the viability assessment adequately demonstrates that development proposals are unable to fund the full range of infrastructure requirements, then the council will –

- i. prioritise seeking developer contributions
- ii. use an appropriate mechanism to defer part of the developer contributions requirement to a later date

Core Policy 43 states that on sites of 5 or more dwellings, affordable housing (AH) provision of at least 30% will need to be delivered. As the site is clearly over this threshold of 5 dwellings, AH should be provided. It is noted however that Core Policy 43 also states that:

“The provision of affordable housing may vary on a site-by-site basis taking into account evidence of local need, mix of affordable housing proposed and, where appropriate, the viability of the development.”

Regarding viability of development in general, the RICS guidance entitled Financial Viability in Planning (2012) defines the term as:

‘An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate Site Value for the landowner and a market risk adjusted return to the developer in delivering that project.’

The viability guidance in the national Planning Practice Guidance makes clear that the residual value generated by a development must be above the estimated benchmark land value (BLV) for comparable land in the local market for the site to be considered viable.

To accompany this application, a Viability Report has been submitted by Knight Frank. This has set out the abnormal costs that are relevant to the site (see table 3 below).

Abnormal Item	Cost
Demolition/Site Clearance	£750,000
Gas membrane	£350,000
600mm capping layer	£1,500,000
Contamination remediation	£500,000
Raising ground levels	£300,000
HV main diversion	£600,000
FW sewer diversion	£465,000
Allowance for existing services	£100,000
Knotweed removal	£50,000
Reinforce substructure (culvert)	£50,000
Bat roost	£10,000
TOTAL	£4,675,000

Table 3 – Abnormal Costs

It is largely due to these abnormal costs that the scheme’s viability is jeopardised by the additional costs of affordable housing and other policy requirement contributions such as education, highways, and public open space. The viability report concludes in section 7 that:

“7.1 Our appraisals clearly demonstrate that when a policy level of affordable housing is provided on site, development is made unviable, as a competitive return to the landowner cannot be provided.

7.2 Furthermore, when a nil affordable housing scenario is applied the scheme value still fails to exceed the BLV. We are therefore of the view that the scheme as presented is not viable with the inclusion of affordable housing.”

In accordance with Core Policy 3 the viability report has been independently reviewed, and the review has reached a broadly similar conclusion stating:

“Following the above testing work it is my considered conclusion that the revised proposed development is unable to support any planning policy requirements.”

In addition to the above, the applicant’s valuer has provided a spreadsheet to demonstrate the impact of 4 different scenarios with a nil provision of affordable housing. These are:

1. No financial s.106 contributions
2. The applicant’s proposed s.106 contribution of £50,000.00
3. The total cumulative requested s.106 contribution package: £2,674,610.00
4. The total cumulative requested s.106 contribution package less the education contributions: £785,704.00

Under all scenarios the proposal has been found to fall below the benchmark land value (BLV).

Accordingly, it is the view of officers that the application should be determined on the basis of there being no affordable housing provision and largely without any of the other contributions that have been requested by consultees. Of course, it follows that without providing affordable housing or policy required contributions the scheme will conflict with a number of Core Strategy policies. However, these conflicts must be considered in the context of the overarching Core Policy 3 (Infrastructure Provision) which, as explained above, does allow for reduced, or even no, infrastructure provision where there is non-viability.

In light of the significant impact viability has had on the ability to deliver the necessary infrastructure and AH associated with the proposal, and with regard to Core Policy 3, the Council’s viability assessors have stated that later review of the viability of the scheme would be prudent stating that:

“... a review clause might be appropriate as a condition of the permission, in line with paragraph 009 of the PPG Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities’ ability to seek compliance with relevant policies over the lifetime of the project.”

This can be built into the s106 legal agreement to enable a review of the scheme’s viability post permission. Notably, this would look at the abnormal costs identified in Table 3 to see if the actual costs were as high as the estimates, and it would also take account of any changes in the property market. Should a lower cost figure be reached for say site clearance and remediation than was estimated, then a mechanism such as an overage clause can ensure that money is provided to the LPA to deliver infrastructure in any event - e.g. off-site AH provision or highways works.

Despite the conclusions of the viability report, it should be noted that the scheme is still delivering a substantial package of benefits/contributions to the town and these will also need to be weighed in the planning balance alongside the policy conflicts referred to in this section. These benefits include, but are not limited to the following:

- Certainty of regeneration of a brownfield site that has been derelict for over a decade, offering a mixed-use development with public open space and public realm improvements.
- A package of s278 highways works to Stallard Street to deliver highway safety and public realm improvements.

- Safeguarding of a route into the Station Car Park to enable the existing Station Approach to be closed off (works to be carried out by the Council at a future date, tbc) improving traffic flows and highway safety in this part of the town as well offsetting the impacts of the development.
- The restoration of heritage assets on the site and their long-term safeguarding through allowing appropriate new uses.

The above benefits – and notably the regeneration of a long term, derelict site – must be weighed against the inability of the proposal to deliver infrastructure and related contributions. Even without the infrastructure and related contributions the site would still deliver significant benefits for Trowbridge and act as a catalyst for further re-development schemes and investments in the town. These benefits will not otherwise materialise if the contributions are insisted upon and/or the application is refused for this reason as the resulting non-viability and uncertainty would prevent the development from happening and so the status quo would remain – that is, a derelict and unsightly site positioned in a key area with an uncertain prospect for the future.

Furthermore, it would not be the first brownfield site to be granted consent with no policy required contributions. A local example of where this has happened is Kingston Mills in Bradford on Avon which had similar contaminated land issues that required significant expenditure on remediation, and which so resulted in no affordable housing delivered through s106 (although see further comment below concerning Homes England separate funding of affordable housing).

9.15 Community Infrastructure Levy (CIL)

The new dwellings would be liable for CIL in any event. The site would fall under charging zone 2 where the sum equates to £55 per square metre of residential floor space created. Floor space calculations can only be provided at detailed design stage and thus CIL calculations would happen at reserved matters stage.

10. S106 Obligations

This section of the report must be read with due regard to the matters addressed in paragraph 9.14 above. The confirmed non-viability of the proposed development if expected to provide affordable housing and other infrastructure financial contributions is a material consideration to be weighed on the planning balance.

Core Policy 3 advises that ‘All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework. These are:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The infrastructure items listed below are those that are relevant to the application site and have been raised by consultees as necessary in order to mitigate the impact of the proposed scheme.

Affordable Housing

CP43 states that on sites of 5 or more dwellings affordable housing provision of at least 30% will be needed to be provided and transferred to a Registered Provider. CP45 also requires affordable dwellings to address local housing need and to incorporate a range of different types, tenures, sizes of homes in order to create a balanced community. CP46 requires in suitable locations, new housing to meet the needs of vulnerable people.

A scheme of this size would generate the need to provide 76 AH units at nil subsidy. However, in light of the conclusions of paragraph 9.14, AH cannot be delivered on site at nil subsidy and therefore it is concluded that this is cannot required in the s106.

This said, it should be noted that the housing delivery partner that the applicant is working with is likely to deliver as much as 50% of the homes as grant funded AH. Noting that this is a brownfield site, it would be potentially eligible for funding from Homes England which would mean that there could in any event be AH on site, albeit not as a requirement of the s106. A comparative example of where this has happened is the Kingston Mill development in Bradford on Avon where through grant funding by Homes England the scheme did end up delivering 30% AH.

Recreation and Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 98 of the NPPF. Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport/recreation provision an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhanced open spaces, to be delivered through s106.

The proposal generates a public open space (POS) requirement of 8,487.5m² with 430.11m² of this as equipped play area, all of which should be secured in perpetuity. As this cannot all be provided on site, the shortfall of 1760.2m² should be made up as an off-site contribution of £61,378.17 (1760.2m² x £34.87 (cost of provision per m²)) towards Stallard Recreation Field. A leisure contribution of £57,348.00 is also required for the upgrade of Stallard Recreation Field.

In light of the conclusions of paragraphs 9.14, no recreation or leisure contributions can be sought. However, a management company is still required to maintain the onsite POS that is proposed, and this will need to be included in the s106.

Education

The NPPF (paragraph 95) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. In order to ensure this, Core Policy 3 lists the provision of education as a priority 1 theme where it is required due to the impacts of a development proposal.

Early Years - A contribution of £385,484 is required to go towards the funding of 22 pre-school places within the area. The Early Years Officer has advised that the existing Early Years provision will not be able to support the needs of additional families requiring Early Years and childcare in this area as they are all operating at high capacity.

Primary School – This development would result in a need for 51 primary school places. This translates to a total financial contribution of £956,658 (51 x £18,758) which would be used towards expanding the local Primary Schools.

Secondary School – There is currently no spare capacity at a secondary level in the Trowbridge area (Clarendon, John of Gaunt and St Augustine’s RC Schools). The proposal would generate a need for 36 places at a cost of £22,940. A total contribution of £825,840 would therefore be required which will be put towards the provision of a new secondary school to serve Trowbridge.

Again, in light of the conclusions of paragraphs 9.14, no education contributions can be sought from this development.

However, it should be noted the Department for Education (DfE) have produced guidance for securing developer contributions towards education in August 2023 which addresses viability issues with new development. It sets out that in circumstances where development viability is so poor that planning obligations cannot be secured, there is a potential safeguard in place to fund school places. This is referred to in the document as Basic Need Funding.

Refuse

The Wiltshire Core Strategy at para 4.41 Core Policy CP3 identifies sustainable waste management facilities as essential components of daily life and therefore critical to delivering our strategic goal of building more resilient communities. Waste management is listed as place shaping infrastructure under priority theme 1 of Core Policy 3 of the WCS.

A contribution of £32,306 (see Waste and Collection: Guidance for Developers for how this has been costed out) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development.

However, in light of the conclusions of paragraphs 9.14, no waste and recycling contributions are being sought from this development.

Public Art

An indicative public art contribution figure (based on £300 per dwelling) for the applicant to deliver the integration of public art for this site would be £76,500 for up to 255 dwellings.

In view of the conclusions of section 9.14, no public art contribution can be sought for this development. However, the DAS sets out some of the ways the proposal can reflect the history of the site – e.g. through the use of teasel art work in benches and by laying block paving in weaving patterns to reflect the former mill industries that operated on the site. It is therefore considered that a scheme could be delivered via condition rather than a financial contribution with measures such as those examples referred to above being provided as the scheme of public art.

Highways

WCS Core Policy 61 states that, where appropriate, contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives. CP 63 identifies transport strategies for Wiltshire’s Principal Settlements which seek to achieve a major shift to sustainable transport by helping to reduce reliance on the private car and by improving sustainable transport alternatives. Part of the funding for these strategies is to be derived from developer contributions. Such requirements are also listed under Core Policy 3 as infrastructure priority theme 1. Accordingly, the following planning obligations are sought by the LHA:

- £60,000 or lesser sum thereafter agreed, for the completion of road infrastructure between on-site roads and the Railway Station Car Park facility.
- The requirement to enter into a Highway Dedication agreement (Section 38 Highway Act 1980) with the Local Highway Authority to dedicate constructed roads and footways connecting the site vehicular access to the Railway Station Car Park.
- £50,000 towards the design development of a scheme of works to remove Stallard Street/Bythesea Road roundabout and consolidation of pedestrian crossing facilities into a single signal controlled junction facility.
- A Contribution of £400,000 to the Highway Authority for the construction and completion of the Highway Enhancement works.
- Provision of Green Travel Vouchers at a minimum of £300 per dwelling to encourage more sustainable travel choices.
- £1000 cycle map contribution to provide printed cycle maps for inclusion in travel packs for each dwelling as associated with the Travel Plan.
- A Travel Plan Monitoring Contribution of £7000 to be paid upon first occupation

A more detailed explanation of the contributions and trigger points is detailed in the LHA consultation response.

Such contributions are considered necessary to mitigate the impacts of the development on the surrounding highways network, to encourage more sustainable travel movements to and from the development, to deliver highway improvements to the town and provide better connectivity to Trowbridge Train Station.

In the context of the conclusions of section 9.14, the applicant is unable - due to the viability issue - to provide the highways works commuted sums. However, the applicant is agreeable to provide a link and access (and/or the land for these) within the site as far as the Station car park. It is noted the Highways Officer details an obligation to enter into a Highway Dedication agreement (Section 38 Highway Act 1980) with the Local Highway Authority to dedicate constructed roads and footways connecting the site vehicular access to within 2m of the site boundary with the Railway Station Car Park. And that:

“The road shall be complete to at least base course before any occupation of any dwelling served from the road and fully complete prior to the occupation of the last dwelling to be occupied that provides frontage to the road. The dedication Agreement shall also include the dedication of intervening land between the constructed road and the boundary and the landowner/developer (as appropriate) shall provide unfettered access to the land to the Highway Authority from commencement of development for purposes of extending the constructed or planned road.”

In order to safeguard the delivery of this road, it is important to ensure that the land required would be transferred to the Council at nil cost. With this safeguarding measure built into the s106, the Council would not be at risk of being ransomed to create the access over the land.

This obligation does not refer to a commuted sum and is necessary to ensure the delivery of the access road which when implemented would mitigate the impact of the development. It is therefore considered reasonable for this element to be part of the s106.

Review Mechanism

This is necessary given the abnormal costs affecting the site which have led to the viability issues. The review of viability would need to occur prior to the occupation of the 200th dwelling

to determine whether the actual abnormal costs are less than the initial estimates and to take into account any changes in market conditions.

If the abnormal costs are less than those estimated or market conditions improve, then the applicant would need to agree with the Council that surplus funds would be used against any of the s106 requests that have been identified in this report e.g., to provide off-site leisure contributions, or provide some of the highways commuted sums.

11. Conclusion (The Planning Balance)

At the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11d of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

With regards to the above, the plan is not up-to date in all aspects as the Council finds itself without a 5YRHLS and so paragraph 11d is engaged. But notwithstanding this, the proposal is considered to accord with the development plan when taken as whole.

In relation to the first bullet point of paragraph 11d, it has not been found that the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the application.

In light of the above, the second bullet point of paragraph 11d is engaged which means that, any harm identified must be significant and demonstrable if it is to be considered grounds to refuse the application.

In order to reach a recommendation on the application, it is clear from this report that the following applies:

- The application site occupies an important position in the town and its redevelopment should be seen as a priority.
- Successful redevelopment of the site is fundamental in achieving the aims and objectives set out in Core Policy 28 of the WCS.
- There are a number of significant constraints within and around the site which limit the number of viable options.
- The current application represents a viable and funded scheme which the applicant assures is capable of delivery.

With this in mind, it is clear that the fundamental need to develop this site is a consideration to be given substantial weight on the planning balance, and that the constraints mean that opportunities to achieve this are limited; this is evident from the planning history. In this background, the following benefits and harms are noted.

The benefits

Regeneration of a derelict brownfield site adjacent to the town centre –

This is a comprehensive proposal to redevelop the site providing not just housing but commercial floor space, new public open space alongside the River Biss and additional pedestrian and cycle connections to the wider network. It would see the heritage assets on the site restored and their long-term vitality and viability safeguarded. The regeneration of the site would remove an eyesore from the town and undoubtedly act as a catalyst for further regeneration proposals in Trowbridge. The proposal is considered to be a significant improvement over the previously proposed for the site. This point should be afforded substantial weight.

Provision of market housing to address 5YRHLS shortfall –

Given the lack of a 5YRHLS within the county and the widely acknowledged nationwide housing crisis, the provision of 255 dwellings is a consideration to be given significant weight. The development would make a very important contribution to the Council's housing land supply.

Economic growth and expenditure –

The NPPF at paragraph 81 states that “*significant weight should be placed on the need to support economic growth and productivity...*” The scheme would see significant investment in this part of Trowbridge with notably new commercial floor space, which when occupied would provide jobs and economic expenditure in the town, and encourage regeneration and growth in other areas.

There would also be a boost to the economy through the provision of associated construction jobs with a development of this scale. The construction industry has been highlighted by the government as one of the key areas for growth post pandemic and more generally. Positive weight can also be attributed to the economic expenditure from future occupants of the development within the local economy. These economic benefits should be afforded significant weight.

The ‘harms’

As noted above, any harm identified would need to be both significant and demonstrable in order to justify refusing the planning application.

Certain detailed policies of the Core Strategy are not complied with because they require financial contributions or obligations that the development is unable to meet for viability reasons. The obligations/contributions are required to mitigate the full impacts of the development. The policies are as follows:

- Core Policy 3 – the development does not provide the infrastructure required to mitigate the impacts of the development (e.g. those referred to in Section 10 of this report), although the application has demonstrated the non-viability as required by this policy.
- Core Policy 43 – Affordable Housing - not providing 30% of the dwellings as affordable.
- Core Policy 52 – Green Infrastructure – not making the full provision for accessible open spaces in accordance with the requirements of the adopted Wiltshire Open Space Standards.
- Core Policy 60 & 61 - Transport and new development – not providing contributions towards sustainable transport improvements to encourage the use of sustainable transport alternatives.
- Core Policy 60 & 61 – Development impacts on the transport network – not providing the mitigation measures to offset any adverse impacts on the transport network during the operational stage of the development.

Ordinarily, this conflict should be afforded significant weight. Notably the impacts upon the local highway network as a result of the extra vehicles born out of the proposal. However, Core Policy 3 caters for this scenario and requires an 'open book' viability assessment which has been carried out and which concludes that the development would be unviable with affordable house and other developer contributions.

In light of Core Policy 3 allowing for contributions not being met in full if there are viability concerns, the conflict with the policies identified above can be given less weight. The scheme simply would not be deliverable if they were to be insisted upon. The site would then in all probability remain derelict and the benefits the scheme would deliver would not be realised. This is arguably a worse outcome.

Furthermore, it should be noted that the site may deliver affordable housing by other grant funding (a realistic prospect that has played out at other sites e.g., Kingston Mill). Open space is provided on site, albeit it is falling short of the full policy requirements by a relatively modest amount. The provision of the access up to the Station Car Park boundary coupled with the s278 works on Stallard Street would provide a small proportion of the mitigation package required to offset the impacts of the development on the highway network. It is also relevant that funding can potentially be secured from the DfE to fund new school places where viability is preventing a developer from addressing such costs directly with the LPA.

Additionally, through the detailed design process at REM stage, the use of appropriately worded planning conditions, and via the s106 obligations outlined in Section 10, some further mitigation of impacts is possible.

Neutral

It is noted that lack of identified harm against other policies of the WCS is not a benefit of the scheme but would be a neutral aspect of it. The lack of technical land use objections and the conformity with other policies of the development plan are therefore neutral on the balance.

Conclusion

It is considered that the substantial benefits of revitalising a site that has been a derelict eyesore for years outweighs its inability to delivery all the desired/required mitigation. Notably the following benefits -

- the regeneration of the site;
- the safeguarding of heritage assets;
- economic growth and expenditure; and,
- the provision of market housing.

In the context of paragraph 11d)ii it is, therefore, concluded that the harm identified, does not significantly or demonstrably outweigh the benefits that this development would deliver.

It is recommended that the hybrid application for full and outline planning permission and the associated listed building consent application is, therefore, approved subject first to the satisfactory completion of a s106 legal agreement containing the obligations identified in section 10 of this report and subject to planning conditions.

RECOMMENDATION:

That the Head of Development Management be authorised to grant planning permission and listed building consent subject to first completion of a planning obligation/Section 106 agreement covering the matters set out in this report and as summarised below, and subject also to the planning conditions listed further below.

Planning Obligations

- Securing a review of the viability of the scheme prior to occupation of the 200th dwelling
- Safeguarding the provision of the Station Car Park link road and access to ensure no ransom strip is formed and that any land required to facilities it is transferred to the Council at nil cost.
- The setting up of a management company to manage all the public open space and strategic landscaping within the site as well as ensuring it is managed in accordance with the approved LEMP details.

Full and Outline Planning Conditions

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

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

- 2 With regard to those elements of the application in outline form, no development shall commence on those parts of the site until details of the following (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site.

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

REASON: The application was made in part for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 With regard to those elements of the application in outline form, an application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

Location, demolition and application type plans:

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249/E/003
- Dwg Ref: Boundaries for the Application: 12149.E.002

Parameter Plans:

- Dwg Ref: Phasing Parameter Plan: 1249-P-005
- Dwg Ref: Parameter Plan: 128-005-P3
- Dwg Ref: Land Use Parameter Plan: 1249-P-003
- Dwg Ref: Height Parameter Plan: 1249-P-004

Access and Drainage Plans:

- Dwg Ref: Proposed Stallard Street Access: 18016-SK02 Rev C
- Dwg Ref: Proposed Drainage Plan: 13310-CRH-XX-XX-DR-C-5050-P

Innox Mills Building:

- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan
- Dwg Ref: 1249.2.IMW.03 Innox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Innox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Innox Mills Works Elevations

Innox Place Building:

- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan
- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations

The Brewery and Dyehouse Buildings:

- Dwg Ref: 1249.4.FBW.01 Factories Building Works Ground Floor Plan
- Dwg Ref: 1249.4.FBW.02 Factories Building Works First Floor Plan
- Dwg Ref: 1249.4.FBW.03 Factories Building Works Second Floor Plan
- Dwg Ref: 1249.4.FBW.04 Factories Building Works Elevations
- Dwg Ref: 1249.4.FBW.05 Bat Mitigation Proposal

The Cloth Factory Building:

- Dwg Ref: 1249.5.CFW.01 Cloth Factory Existing Ground Floor Plan
- Dwg Ref: 1249.5.CFW.02 Cloth Factory Existing First Floor Plan
- Dwg Ref: 1249.5.CFW.03 Cloth Factory Existing Second Floor Plan
- Dwg Ref: 1249.5.CFW.04 Cloth Factory Existing Elevations

The Gateway Building:

- Dwg Ref: 1249.HT.BlockA 100 Gateway Building – Lower GND Floor Plan
- Dwg Ref: 1249.HT.BlockA 101 Gateway Building – Upper GND Floor Plan
- Dwg Ref: 1249.HT.BlockA 102 Gateway Building First Floor Plan
- Dwg Ref: 1249.HT.BlockA 103 Gateway Building Second Floor Plan
- Dwg Ref: 1249.HT.BlockA 104 Gateway Building Third Floor Plan
- Dwg Ref: 1249.HT.BlockA 200 - Gateway Building Front Elevation
- Dwg Ref: 1249.HT.BlockA 201 - Gateway Building Rear Elevation
- Dwg Ref: 1249.HT.BlockA 202 - Gateway Building Side Elevations
- Dwg Ref: 1249.HT.BlockA 203 - Gateway Building Stallard Street Elevation

The Old Chapel Building:

- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

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

- 6 Those elements of the application subject to the outline application shall be carried out in general accordance with the design and layout principles in the following:

Dwg Ref: Inox Mills Design and Access Statement (August 2021)

Dwg Ref: 1249.P001 Illustrative Masterplan

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

- 7 The development hereby permitted shall make provision for the following:

(a) Up to 255 dwellings;

(b) Up to 4078 sqm of commercial space;

(c) Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 6,727.3 sq m of general public open space and at least 430.11 sq m of equipped play space.

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate the above broadly in accordance with the Illustrative Masterplan (no. 1249.P.001) and the Parameter Plan (128-005).

Prior to commencement of the development, a programme, or phasing plan (in accordance with drawing No. 1249.P.005 – Phasing Parameter Plan), for the delivery and completion of the dwellings, the commercial space and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings, the commercial space and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

REASON: To ensure the creation of a sustainable development which is in character with its surroundings and in accordance with the terms of the planning application.

- 8 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

a. all previous uses

b. potential contaminants associated with those uses

c. a conceptual model of the site indicating sources, pathways and receptors

d. potentially unacceptable risks arising from contamination at the site

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

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON

To ensure 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.

- 9 Prior to any phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 11 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 12 Piling and other foundation methodologies using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 13 No development shall commence until a management plan for the treatment and monitoring of Japanese knotweed on the site has been submitted and approved by the LPA. The plan shall be submitted as agreed.

REASON

It is an offence to allow the spread of Japanese knotweed in the wild (Wildlife & Countryside Act, 1981 as amended).

- 14 No development shall commence until a detailed management plan for the enhancement of the River Biss and its corridor is submitted and approved by the Local Planning Authority, in consultation with the Environment Agency. This shall include the provision of an 8m wide buffer strip alongside all banks of the river within the site. The management plan shall be implemented as agreed.

REASON

To improve the biodiversity value of the river and its corridor, and contribute to biodiversity net gain.

- 15 No development approved by this permission shall be commenced until plans and cross-sections, to demonstrate that finished floor levels across the site are set to at least 300mm above the 100yr 35% climate change flood level, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans shall be fully implemented in any timescales agreed.

REASON

To reduce the risk of flooding to people and property.

- 16 There shall be no development or ground raising on existing land within the flood zone 3 35%cc outline as per the submitted model outputs. If ground raising or re-profiling is necessary no development approved by this permission shall be commenced until an updated flood risk model and detailed plans are submitted to, and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans and ground treatment shall be implemented as agreed.

REASON

To ensure flood risk is not increased.

INFORMATIVE - Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 17 No development approved by this permission shall be commenced until plans, drawings and cross-sections showing a vehicular access point, including a suitable ramp down to the River Biss channel, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The approved plans/drawings/cross-sections shall be implemented as agreed.

REASON

To allow the Environment Agency to safely maintain the River Biss channel in order to prevent any increase in flood risk to the development site and surrounding areas.

INFORMATIVE

- Access must be for Environment Agency vehicles via a road through the development and must be available/accessible 24 hours a day, every day of the year
- Access must be at least 5 metres wide
- The ramp gradient must have a 1 in 12 slope
- Surfacing must be grasscrete down to below-normal river level
- Edge protection fencing must be provided
- Access to the river channel should be for use by the Environment Agency only. We would prefer it to be gated off and locked with our padlock.

We would encourage the developer to work with our Asset Performance team on the details of the design at an early stage. The developer should first email Sustainable Places on swx.sp@environment-agency.gov.uk to arrange contact.

- 18 The dwellings shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change in the interests of sustainability, and to use natural resources prudently in accordance with the National Planning Policy Framework.

INFORMATIVE

The development should include water-efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

- 19 The development hereby permitted shall be carried out in accordance with the Parameters Plan (PP) Drawing no. 128-005. P1 (Greenhalgh, 21.12.2023). This document will form the basis for the site layout and will not be altered at Reserved

Matters without detailed justification based on additional habitat and wildlife species surveys.

REASON: To protect the ecology on the site

- 20 As Building E will be demolished under an EPS Mitigation Licence, an artificial roost has been designed into an adjacent building (Building D). This replacement bat roost in Building D which is located within the River Biss 15m buffer zone will take place prior to the commencement of demolition of the existing roost.

The lesser horseshoe and common pipistrelle bat roost will be incorporated into the development in accordance with Bat Mitigation Proposal Drwg. No. 1249.4.FBW.05 (Keep Architecture, 26/07/2021) and Appendix 4 Artificial Briefing Note of the Ecological Mitigation Strategy (Engain, 13th October 2021) or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development

- 21 The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
 - ii. A description of management responsibilities;
 - iii. A description of the construction programme;
 - iv. Site working hours and a named person for residents to contact including telephone number;
 - v. Detailed Site logistics arrangements;
 - vi. Details regarding parking, deliveries, and storage;
 - vii. Details regarding dust mitigation;
 - viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
 - ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
 - x. Details of how surface water quantity and quality will be managed throughout construction;
 - xi. Details of the safeguarding measures to deal with the following pollution risks:
 - the use of plant and machinery
 - wheel washing and vehicle wash-down and disposal of resultant dirty water
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes
 - xii. Details of safeguarding measures to highway safety to include:
 - A Traffic Management Plan (including signage drawing(s))
 - Routing Plan and vehicle log and means to submit log to the Highway Authority upon request
 - Details of temporary/permanent Traffic Regulation Orders

- pre-condition photo survey - Highway dilapidation survey
- Number (daily/weekly) and size of delivery vehicles.
- Number of staff vehicle movements.

xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
- Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of TBMS zones A and B and predevelopment provision of hedgerow mitigation/ translocation along Firs Hill A361.
- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
- Method statement to include pollution prevention measures for construction of causeway over Lambrok Stream to minimise harm to the watercourse and protected and notable species.
- Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
- Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

There shall be no burning undertaken on site at any time.

Construction and demolition hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and in compliance with Core Strategy Policy 62.

INFORMATIVE: PRE CONDITION SURVEY

A photographic pre-condition highway survey to be carried out and copies of pre and post condition survey to be supplied to WC.

The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

- 22 Prior to the commencement of development, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment

works, a Reptile Mitigation and Translocation Strategy shall be submitted to the local planning authority for approval.

REASON: To protect the ecology on the site.

- 23 Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long-term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring the success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON:

To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

- 24 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy (adopted February 2020) are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON:

In the interests of the amenities of the area, the appearance of the heritage assets on the site, and to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

- 25 Prior to the commencement of development the buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref:

1249.P.001) shall be made wind and water tight with protection in place to prevent damage during construction.

REASON: To prevent further decay of the heritage assets on the site.

26 The buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref: 1249.P.001) shall be fitted out to a standard capable of occupation in accordance with the following timetable:

- prior to occupation of the 50th dwelling for Innox Place
- prior to occupation of the 100th dwelling for the Brewery
- prior to occupation of the 150th dwelling for the Dye House
- prior to occupation of the 200th Dwelling for Innox Mills

REASON: To ensure the heritage benefits associated with the application are delivered alongside the outline planning consent in the interests of securing the vitality and viability of the heritage assets in the long term.

27 No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) above ground floor slab level until details and samples of the new materials 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 the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

28 No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until a sample wall panel/s for all new brick work, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

29 No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until large-scale details of architectural features including parapets, windows, (including elevations and sections of the windows, head, sill and window reveal details), external doors, vents and extracts, rainwater goods have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

30

No new signage or wayfinding shall be erected on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until details 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 the visual amenities of the area, preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal, and in the interests of sustainable development.

31 No development on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) shall commence 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 detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development in the interest of visual amenity and the character and appearance of the area.

INFORMATIVE:

The central spine road on the parameter plan (128-005) is situated over a Wessex Water easement. It is shown with limited to no tree planting as a result. There are a number of ways to successfully integrate tree planting into utility wayleaves which use industry standard best practice. The Trees and Design Action Group (<https://www.tdag.org.uk/>) is a cross industry organisation that provides detailed guidance on the design of tree pits and tree trenches to successfully integrate them into the urban realm. Of particular use would be their guidance on 'trees in hardscape' (https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_tihl.pdf) along with 'Trees in the Townscape' (https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_treestownscape2021.pdf).

The Local Planning Authority would expect any detailed landscaping plans to consider tree planting within this easement in line with the advice above, unless it is demonstrated not to be feasible in consultation with Wessex Water.

32 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following:

- a) the first occupation of the building(s) of a particular phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)); or,
- b) the completion of each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005));

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 for each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) shall be carried out in accordance with the approved details prior to the occupation of any part of that phase 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 in the interest of visual amenity and the character and appearance of the area.

- 33 Prior to the commencement of development, a scheme for the delivery of public art across the site shall be submitted to and approved in writing by the local planning authority. The scheme can comprise but is not limited to, bespoke street furniture, hard surfacing materials and boundary treatments and/or stand-alone art installations, and should be reflective of the history of the site (as indicated in section 7.4 of the Design and Access Statement). The scheme shall also include a programme for delivery which should be set out to ensure public art is delivered in line with each phase of the development. The development shall be carried out in accordance with the approved scheme and programme for delivery.

REASON: To ensure an integrated approach to the delivery of public art across the site in the interests of good design and place-shaping, to enable harmonious treatment of the public realm and to respect the character and setting of the heritage assets on the site.

- 34 No development shall commence on site until a final drainage strategy incorporating sustainable drainage details has been submitted to and approved in writing by the Local Planning Authority. No phase of the development (as set out on the phasing parameters plan ref: 1249.P.005) shall be first occupied until the means of drainage for that phase has been constructed in accordance with the approved strategy.

REASON: To ensure that surface water runoff from the site can be adequately drained with no flooding on site for a 1 in 100 year plus climate change rainfall event and that the flood risk from all sources will be managed without increasing flood risk to the development itself or elsewhere.

- 35 With regards to those elements of the application in full form, no development shall commence until a plan is provided demonstrating overland exceedance flow routes overlaid onto the finalised development masterplan. The plan shall include topographical and finished floor levels in order to demonstrate that overland exceedance will be safely managed on-site.

REASON: To minimise the risk to people and property during high return period storm events.

- 36 With regards to the elements of the application proposed in full form, no development shall commence until the applicant has submitted calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment / pollution control for those parking bays that drain to the storage tank and are not designated as permeable paving.

REASON: Based on the masterplans submitted, it appears that some of the proposed parking throughout the development will not be drained via permeable paving and

this matter is required to be agreed prior to the commencement of development to prevent pollution of the receiving watercourse.

37

Notwithstanding the diversion details of the Strategic Wessex Water Sewers crossing the site that are shown on the Proposed Drainage Strategy (ref: 13310-CRH XX-XX-DR-C-5050-P5), no development shall commence until an alternative diversion route, strategy and timetable for implementation is submitted to and agreed in writing by the Local Planning Authority. The details shall include the provisions for access to the infrastructure for maintenance and repair purposes. Development shall be carried out in accordance with the agreed details, strategy and timetable.

REASON: To ensure Wessex Water's existing customers are protected from a loss of service and sewer flooding, to ensure Wessex Water have suitable access arrangements to maintain their infrastructure on site, and to ensure there is no pollution to the River Biss.

38

Prior to use commencing in any non-residential building an assessment of the acoustic impact arising from the operation of the use and any externally mounted plant shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- be undertaken in accordance with BS 4142: 2014+A1:2019; and,
- include a scheme of attenuation measures to demonstrate the rated level of noise shall be -5dB (LAeq) below typical background (LA90) level at the nearest noise sensitive location.

If the precise detail of the scheme, such as specific use or plant specifications, is not known, then likely worst-case scenarios with respect to noise impact on residential premises should be assumed. Development shall be carried out in accordance with the approved details prior to the use commencing.

Background levels are to be taken as a LA90 1 hour and the ambient noise levels shall be expressed as a LAeq 1 hour during the daytime (0700 – 2300) and shall be expressed as an LA90 and LAeq 5 minutes during the night (2300 – 0700) at the boundary of the nearest residential noise-sensitive receptor.

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.

39

Prior to use commencing in any non-residential building that requires mechanical air extraction or ventilation systems, a scheme of works for the control and dispersal of any atmospheric emissions from them, including odours, fumes, smoke & other particulates, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development.

The scheme must include full technical details and a risk assessment in accordance with Appendix 2 and 3 respectively of the EMAQ "Control of odour and noise from commercial kitchen exhaust systems" Guidance (Gibson, 2018).

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.

INFORMATIVE:

In discharging this condition we recommend the applicant ensures that the ventilation system discharges vertically at a height of at least 1m above the heights of any nearby sensitive buildings or uses and not less than 1m above the eaves.

- 40 Prior to occupation of the first non-residential building, a schedule of opening hours for each commercial unit on the site shall be submitted to and approved in writing by the Local Planning Authority. The non-residential uses on the site shall be operated in accordance with the approved schedule of opening hours.

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.

- 41 Deliveries and collections for all non-residential uses on the site shall be restricted to 08:00 – 21:00 Monday to Sunday (including Bank Holidays). No deliveries or collections shall take place outside of these hours.

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.

- 42 No development shall commence on site until an Acoustic Design Scheme for the protection of the proposed dwellings from road traffic noise, railway noise and ground borne vibration is submitted to and approved in writing by the Local Planning Authority. The Acoustic Design Scheme shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise New Residential Development (May 2017 or later versions)) to achieve the following noise limits:

- a) bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an LAmax,F of 45dB
- b) living rooms and dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
- c) external noise levels within private external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300)

The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained. For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. Should windows need to be closed to meet the noise criteria above full details of the ventilation scheme will be included with the assessment.

A post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to the LPA to a timetable as detailed within the approved Acoustic Design Scheme to confirm compliance with the approved scheme and approved in writing by the LPA. Any additional steps required to achieve compliance shall be taken, as necessary. The report shall provide evidence that the approved Acoustic Design Scheme has been fully implemented.

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.

INFORMATIVE:

A good acoustic design process should be followed to ensure that the internal noise criteria are achieved with windows open. Using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. When relying on closed windows to meet the internal guide values, there needs to be an appropriate method of ventilation that does not compromise the façade insulation or the resulting internal ambient noise level.

- 43 Notwithstanding the submitted details, no works shall commence on site until details of the Railway Station access road have been submitted to and approved by the Local Planning Authority. The road shall be no less than 6.5m wide with segregated footway/cycleway provision as necessary in broad compliance with the 'main road' detail within the submitted masterplan. The details shall include full construction and geometric details including vehicle swept path analysis for a 11.3m refuse truck and Coach Rail Replacement. Prior to occupation of the first dwelling unit served from the road, the road shall be completed in all respects with the approved details up to the site boundary with the railway station and maintained as such thereafter.

REASON: To ensure satisfactory and safe vehicular access is provided to the railway station in the interests of highway safety, highway capacity enhancement and in compliance with Core Strategy Policy 60, 61 and 62.

- 44 Prior to commencement of development full design and construction details of the proposed vehicular access shall be provided to and approved by the local planning authority. Prior to first occupation, the access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

REASON: To ensure a safe and sufficient vehicular access is provided in the interests of highway safety and in compliance with Core Strategy Policy 60, 61 and 62.

- 45 Prior to commencement of works a walking and cycling movement framework plan shall be submitted to and approved by the Local Planning Authority. The walking and cycling movement framework plan shall include full details of route design, construction and material treatment, with all cycle and pedestrian routes complying with current national and local guidance as appropriate. The walking and cycling movement framework plan shall consider the treatment, alignment and diversion as necessary of on-site Public Rights of Way and any necessary connectivity works to external networks, including the railway station. All routes shall be designed to accommodate all abilities, with change of level, including steep ramps or steps avoided unless agreed by the Local Planning Authority. The walking and cycling movement routes, as identified in the approved plan, shall be completed in all respects in accordance with the approved plan and maintained as such thereafter.

REASON: To ensure safe and convenient walking and cycling routes to the site are provided in the interests of highway safety and sustainability in compliance with Core Strategy Policy 60, 61 and 62.

- 46 Notwithstanding the submitted detail, no works shall commence on site until a strategy for Electric Vehicle charging points has been submitted to and approved by the Local Planning Authority. The strategy shall seek to avoid delivering dwellings that may not be directly served by a charging point. Prior to first occupation of each

individual dwelling unit allocated a charging point, the dwellings charging point shall be made operational and ready for use.

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

- 47 Prior to commencement of development a phasing and specification plan for a Mobility Hub shall be submitted to and approved by the Local Planning Authority. The Mobility Hub shall include as a minimum real time information for bus and rail transit, cycle parking including electric cycle charging points, electric vehicle fast and rapid charging points and car share parking bay. The Mobility Hub shall be completed in all respects in accordance with the approved specification and delivered in full in accordance with the approved phasing plan.

REASON: to ensure that a Mobility Hub is delivered in a timely manner to maximise the use of sustainable travel modes in compliance with Core Strategy Policy 60, 61 and 62.

- 48 Prior to first occupation of the first residential dwelling, a Residential Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by residents and these shall include but not be exclusive to Green Travel Vouchers, travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. Survey methods shall include but not be exclusive to the provision of Permanent Automated Traffic Counters at the vehicle access and pedestrian cycle counters at pedestrian and cyclist access points. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

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

- 49 Prior to first occupation of the first employment unit, an Employment Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by employees of the site and these shall include travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

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

Listed Building Consent Conditions

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249/E/003
- Dwg Ref: Boundaries for the Application: 12149.E.002

- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan
- Dwg Ref: 1249.2.IMW.03 Innox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Innox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Innox Mills Works Elevations

- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan
- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations

- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

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

This page is intentionally left blank



1:3,000



385197E 158008N m

© Crown Copyright and Database Rights 2023 Ordnance Survey Licence No 100049050

This page is intentionally left blank