

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - Council Offices, Bradley Road, Trowbridge, BA14 0RD
Date: Wednesday 9 May 2012
Time: 6.00 pm

Please direct any enquiries on this Agenda to Marie Gondlach (Democratic Services Officer), of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713597 or email marie.gondlach@wiltshire.gov.uk

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

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

Membership:

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

Substitutes:

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

AGENDA

Part I

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

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** (*Pages 1 - 12*)

To approve the minutes of the last meeting held on 28 March 2012 (copy attached.)

3. **Chairman's Announcements**

4. **Declarations of Interest**

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

5. **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

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

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Wednesday 2 May 2012. Please contact the officer named on the front of this agenda for

further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6. **Planning Applications** (*Pages 13 - 14*)

To consider and determine the following planning applications:

- 6.a **W/11/02689/FUL - Former Bowyers Site, Stallard Street, Trowbridge, Wiltshire - Demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site** (*Pages 15 - 58*)

- 6.b **W/11/03225/FUL - Holt Joinery, The Midlands, Holt, Wiltshire, BA14 6RG - Demolition of existing building and erection of new dwelling** (*Pages 59 - 74*)

- 6.c **W/11/03226/CAC - Holt Joinery, The Midlands, Holt, Wiltshire, BA14 6RG - Demolition of existing building** (*Pages 75 - 80*)

7. **Urgent Items**

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

Part II

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

None.

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 28 MARCH 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD.

Present:

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

Also Present:

Cllr Malcolm Hewson and Cllr Francis Morland

27 Apologies for Absence

Apologies for absence were received from Cllr Mark Griffiths.

28 Minutes of the Previous Meeting

The minutes of the meeting held on 7 March 2012 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 7 March 2012.

29 Chairman's Announcements

The Chairman reminded members of the committee that the National Planning Policy Framework had been published the day before the meeting, and he anticipated that a seminar would be organised.

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

30 Declarations of Interest

There were no Declarations of Interest.

31 **Public Participation and Councillors' Questions**

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

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

32 **Planning Applications**

The late list referred to in these minutes is attached for information.

The Committee considered the following applications:

32.a W/11/02971/FUL - Erection of terrace of 6 dwellings with car parking, enclosures and associated development (resubmission of W/10/03791/FUL). - Car Park Mill Lane Bradford On Avon Wiltshire

Public Participation:

- Mr Peter Leach, Mayor of Bradford on Avon, spoke in objection to the application.
- Mr Stephen Green, agent, spoke in support of the application.
- Mr Colin Johns, representative of Bradford on Avon Town Council, spoke in objection to the application.

The Area Development Manager introduced the report which recommended approval for the application and in doing so he drew the committee's attention to the late list.

In responding to technical questions asked the Area Development Manager confirmed that a previous application by the same developer had been withdrawn and that the height of the development now being proposed had been lowered since the original application to address concerns.

Members of the public then had the opportunity to speak as detailed above.

Cllr Malcolm Hewson, Unitary Councillor for Bradford on Avon South, thanked members of the committee for attending the site visit prior to the meeting. Cllr Hewson, although understanding that the site would, likely, be developed for housing purposes, expressed his concerns about the application and its relationship with the rest of the town.

The Chairman relayed comments from Cllr Rosemary Brown, Unitary Councillor for Bradford on Avon North, which endorsed the comments of the Council's Economic Development Officer in opposing the application.

During the ensuing debate members of the committee could not be convinced that the character of the area would be affected by the proposed development. Although regret was expressed that there were no policies protecting the retention of car parkings it was accepted that the site in question would be likely to be developed for housing purposes. However given the proximity of the site to the river and historical centre of the town it was felt that an additional condition should be added to protect the possible archaeological value of the site.

It was therefore

Resolved:

That planning permission be GRANTED

For the following reason(s):

This proposed application would be an appropriate form of development within the Conservation Area and within the setting of Listed Buildings; and through negotiations, the revised scheme overcomes previous grounds for refusal; and any additional concerns can be overcome by planning conditions.

Subject to the following condition(s):

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

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

(a) the parking of vehicles of site operatives and visitors;

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

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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

POLICY: PPG24 - Planning and Noise and West Wiltshire District Plan 1st Alteration 2004 policy C38

- 4 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policies C18, C31a and C38.

- 5 The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 6 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

- 7 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

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

REASON: In the interests of highway safety.

- 9 No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 0.6 metres above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety

- 10 The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the car port(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: T10

- 12 Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the dwelling houses hereby approved have been brought into use. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preventing light pollution and nuisance

POLICY: West Wiltshire District Plan - 1st Alteration policies C35 and C38.

- 13 The development hereby permitted shall not be occupied until provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Details of such provision shall have first been submitted to and approved by the Local planning Authority.

REASON: In the interests of Highway safety.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1 Classes A-E of the Order, shall be carried out without the express planning permission of the Local Planning Authority.

REASON: In order to protect the amenity interests of neighbours and to safeguard the character of the Conservation Area and to enable the local planning authority to consider individually whether future additions and alterations should be granted.

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan - 1st Alteration policies C18, C31a and C38.

- 15 No development shall commence on site until details of the obscure glazing to be used throughout the scheme for all wc and bathroom windows have been submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall be installed as approved and prior to the first occupation of the development hereby approved and thereafter shall be maintained in accordance with the approved details.

REASON: In the interests of residential amenity and privacy.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 16 If, during development, any archaeological evidence on the site is found, the developer shall contact the local planning authority to identify whether any additional archaeological work may be necessary. In the event that any such unexpected archaeological evidence is identified, the developer shall cease work on that part of the site and allow access to it by the Local planning authority, or any archaeologist nominated by the local planning authority, to record any findings. Construction on that part of the site affected shall not recommence until the LPA have agreed that the on-site archaeological recording has been completed.

REASON: To ensure that any unexpected archaeological remains are recorded

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

LOCATION PLAN drawing no. 10056(L)001 Rev A received on 11.11.2011
BLOCK PLAN drawing no. 10056(L) 002 Rev H received on 09.02.2012
TOPOGRAPHIC PLAN drawing no. 10056(D)003 Rev A received on 11.11.2011

EAST ELEVATION drawing no. 10056(D)009 Rev E received on 11.11.2011

WEST ELEVATION drawing no. 10056(D)017 Rev G received on 11.11.2011

NORTH ELEVATION (UNITS 5 & 6) drawing no. 10056(L)010 Rev F received on 09.02.2012

SOUTH ELEVATION (UNITS 5 & 6) drawing no. 10056(L)011 Rev G received on 09.02.2012

FULL ELEVATIONS drawing no. 10056(D)018 Rev G received on 11.11.2011

SITE SECTIONS 1 / 2 drawing no. 10056(D)022 Rev D received on 11.11.2011

SITE SECTIONS 2 / 2 drawing no. 10056(D)023 Rev D received on 11.11.2011

CAR BARN PLAN drawing no. 10056(L)021 Rev E received on 11.11.2011

PORCH DETAIL PLAN drawing no. 10056(D)001 Rev C received on 09.02.2012

CONTEXT PLAN drawing no. 10056(L)014 Rev F received on 09.02.2012

GROUND / FIRST FLOOR PLANS drawing no. 10056(L)015 Rev F received on 09.02.2012

SECOND / ROOF PLANS drawing no. 10056(L)016 Rev E received on 09.02.2012

WINDOW DETAIL PLAN drawing no. 10056(D)002 Rev A received on 11.11.2011

BALCONY DETAIL PLAN drawing no. 10056(D)003 Rev A received on 11.11.2011

TREE CONSTRAINTS PLAN received on 11.11.2011

TREE PROTECTION ZONE BARRIER PLAN received on 11.11.2011

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

Informative(s):

- 1 The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried

out on any footway, footpath, carriageway, verge or other land forming part of the highway.

32.b W1102717FUL - Alterations and enlargement to existing garage to form residential studio - Tudor Cottage 14 High Street Bulkington Wiltshire SN10 1SJ

Public Participation:

- Mr Calum Ogilvie spoke in objection to the application.
- Mr David Stirling, agent, spoke in support of the application.
- Mr Phil Difford spoke in support of the application.
- Mrs Sally Oliphant, representing Bulkington Parish Council, spoke in objection to the application.

The Area Development Management introduced the report which recommended approval for the application. The late list informed members of the committee that a further objection had been received.

In responding to technical questions asked, the Area Development Manager clarified that this was not a conservation area. He further explained that Tudor Cottage was a listed building and that any building existing within its curtilage in 1948 would have also been listed. However as the detached garage had been erected in 2009 listed building consent was not required.

Members of the public then had the opportunity to speak as detailed above.

Members of the committee were concerned about the issues of overdevelopment of the site as well as the lack of direct access to the rear of the building. However their main concern, as highlighted by public speakers, was to ensure that the annexe could not be classed as a separate dwelling.

It was therefore

Resolved:

To delegate authority to the Director of Development to grant planning permission subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act, preventing the studio from being sold separately from Tudor Cottage.

For the following reason(s):

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

Subject to the following condition(s):

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

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

- 3 The existing parking area between the building and the High Street shall be retained at all times for off-street parking in connection with the residential use of the dwelling at Tudor Cottage and the annexe hereby approved.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 4 The building shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Tudor Cottage.

REASON: The creation of an independent dwelling in this location would give rise to additional planning considerations, including parking and amenity issues.

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan/s:

Drawing number 046 02 01 Rev 01 received on 07 February 2012

Drawing number 046 02 02 received on 11 October 2011

Drawing number 046 02 03 Rev 03 received on 07 February 2012

Drawing number 046 02 04 Rev 02 received on 07 February 2012

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

32.c W/12/00016/FUL - Single storey rear extension, front infill extension and side extension - 18 Little Parks Holt Wiltshire BA14 6QR

Public Participation:

- Mr John Smith spoke in objection to the application.

- Mr Ken Myzen spoke in objection to the application.
- Mrs Sandra Chruzcz, applicant, spoke in support of the application.

Councillor Roy While had to leave at this point.

The Area Development Manager introduced the report which recommended approval of the application. He also drew the committee's attention to the late list which explained that a plan had been received from the agent confirming that the existing access would not be widened and that the new parking area would be laid to gravel. This work could be done without the requirement for planning permission from the Council.

In responding to technical questions asked the Area Development Manager explained that Highways would object to the use of gravel only if it came up to the highway. In this case the gravelled area was an extension to the existing drive (tarmac) not reaching the highway, on the other hand meeting the requirement for a porous material to be used.

In responding to a question from members of the committee on a point raised by a public speaker it was explained that a technical error had meant that some of the letters informing interested parties of the applications to be considered by the Western Area Planning Committee at this meeting had been sent without postage. Where identified reimbursement of cost was being offered to those affected. The Area Development Manager offered apologies for any inconvenience this may have caused.

Members of the public then had the opportunity to speak as detailed above.

During the ensuing debate members of the committee felt that amendments to the proposed extension, as suggested by objectors as being in-keeping with existing extended dwellings on the estate, may potentially have more of an impact on neighbouring dwellings.

It was therefore

Resolved:

That planning permission be GRANTED

For the following reason(s):

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

Subject to the following condition(s):

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

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

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

Site Location Plan received on 5 January 2012

1407-01 P1 received on 5 January 2012

1407-02 P1 received on 5 January 2012

1407-03 P1 received on 5 January 2012

1407-04 P2 received on 3 February 2012

1407-05 P2 received on 3 February 2012

1407-06 P2 received on 3 February 2012

1407-07 P2 received on 3 February 2012

1407-08 P2 received on 3 February 2012

1407-09 P2 received on 3 February 2012

1407-10 P2 received on 3 February 2012

1407-11 P3 received on 19 March 2012

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

33 **Appeals Report**

Councillors John Knight and Pip Ridout had to leave at that point.

The Area Development Manager introduced his report which summarised the outcomes of decisions made by the Planning Inspectorate on appeals in the area covered by the Western Area Planning Committee in 2011.

Some Councillors and members of the committee could not be satisfied that the decision to withdraw opposition to the Slag Lane appeal had been the most cost effective and expressed their wishes to seek specialist legal advice or Counsel when similar situations arose in future. The Area Development Manager pointed out that the conclusions reached by the Inspector supported the decision to

withdraw the objection, he also reminded the committee that legal advice had been sought and that the Inspector had reached his decision due to the lack of substantive evidence to support the reason for refusal put forward by the Council.

The Area Development Manager, in response to questions asked, explained that the reasons and circumstances for appeals against decisions made under delegated decision (especially allowed appeals for decisions related to householder applications) were being reviewed by the Development team in a bid to address any issues.

The Committee thanked Cllr Jonathon Seed for his effort and hard work with regards to the appeal for the land adjacent to West Wiltshire Crematorium (APP/Y3940/A/11/2156159).

Resolved:

To note the Planning Appeals Report.

34 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 8.00 pm)

The Officer who has produced these minutes is Marie Gondlach (Democratic Services Officer), of Democratic Services, direct line 01225 713597, e-mail marie.gondlach@wiltshire.gov.uk

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

WESTERN AREA PLANNING COMMITTEE

9 May 2012

Planning Applications for Determination

Item No.	Application No.	Location	Unitary Councillor and Division	Parish	Recommendation
6.a	W/11/02689/FUL	Former Bowyers Site Stallard Street Trowbridge Wiltshire 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	Cllr John Knight Trowbridge Central	Trowbridge	Refusal
6.b	W/11/03225/FUL	Holt Joinery The Midlands Holt Wiltshire BA14 6RG Demolition of existing building and erection of new dwelling	Cllr Trevor Carbin Holt and Staverton	Holt	Approval
6.c	W/11/03226/CAC	Holt Joinery The Midlands Holt Wiltshire BA14 6RG Demolition of existing building	Cllr Trevor Carbin Holt and Staverton	Holt	Approval

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	09.05.2012		
Application Number	W/11/02689/FUL		
Site Address	Former Bowyers Site Stallard Street Trowbridge Wiltshire		
Proposal	Demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site comprising a cinema (Use Class D2), food and drink floorspace (Use A3/A4), and food superstore (Use Class A1), together with associated car parking, new access and landscaping		
Applicant	Optimisation Development Ltd		
Town/Parish Council	Trowbridge		
Electoral Division	Trowbridge Central	Unitary Member:	John Knight
Grid Ref	385201 158016		
Type of application	Full Plan		
Case Officer	Mrs Judith Dale	01225 770344 Ext 01225 770245 judith.dale@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

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

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

1. Purpose of Report

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

Neighbourhood Responses:

These are detailed in section 9 below

Town Council Response:

This is detailed in section 8 below

2. Report Summary

The main issues to consider are:

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

3. Site Description

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

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

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

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

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

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

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

4. Relevant Planning History

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

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

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

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

5. Pre-application consultations

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

- a pre-submission stakeholder presentation to the Transforming Trowbridge Board (18 July 2011)
- an introductory letter outlining the scheme to Trowbridge Town Councillors, Wiltshire Council’s Strategic Planning Committee members, Wiltshire Council’s Cabinet members, Andrew Murrison MP, local stakeholders and ‘business interest groups’ (August 2011)
- press releases to local radio and newspaper with features in the Wiltshire Times, reports on the Trowbridge People website, and reports on BBC Wiltshire and Heart Radio Wiltshire (July/August 2011)
- flyers delivered to over 7500 households in Trowbridge (August 2011)
- meeting with leader of Wiltshire Council (16 August 2011)
- advertisements in Wiltshire Gazette & Herald and Wiltshire Times publicising the forthcoming public exhibition (1 & 2 Sept 2011)
- two day public exhibition in St John’s Parish Centre (2 & 3 Sept 2011)
- creation of specific website and telephone helpline
- presentation to Trowbridge Area Board (8 Sept 2011)
- presentation to Trowbridge Town Council (6 Oct 2011)

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

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

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

6. Proposal

This is one of three applications relating to the redevelopment of this vacant brownfield site and is the substantive application; it is accompanied by W/11/02690/LBC for the proposed works to the various listed buildings and W/11/02691/CAC for the demolition of buildings within the Conservation Area which are proposed to be determined as delegated items in the light of the decision on this application.

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

In essence, the development involves the demolition of all the former factory buildings, outbuildings, structures and tanks with the exception of the historic buildings along the southern and eastern boundaries. A proposed cinema would then extend this group of buildings across the rear of the site to visually link with the supermarket in the north west corner with the central and frontage areas largely given over to access, parking and other transport elements of the scheme. The main open space in the form of a riverside park and walk is at the rear of the site, with other public areas largely focussed around the retained buildings.

In detail, the proposal includes the following elements:

- A foodstore of 7321 sq ms (gross)/3754 sq ms (sales) incorporating 218 parking spaces at lower ground level, a customer café at the rear of the store and staff facilities above; warehouse facilities are located adjacent to the railway line with a service yard to the rear. The proposed building is rectangular with a feature clock tower/entrance addressing the centre of the site with proposed materials including brick, horizontal composite cladding and vertical seam cladding.
- An 8 screen multiplex cinema located between the foodstore and the retained mill buildings with auditoria ranging in size from 82 to 332 seats to provide a total of 1436 seats. A glazed entrance in the south east corner provides most direct access to the adjacent restaurant uses and the brick and vertical seam construction is intended to reflect the scale and mass of that retained building and provide a visual link. Its blank rear elevation faces onto the riverside.
- The renovation and conversion of existing listed and heritage buildings to provide 9 separate restaurant/café/public house units (A3 & A4 uses)
 - i) 2-6 Bowyers Buildings – Retention of the front facade of this 3 storey brick building, demolition of the remainder and replacement with a 3 storey structure including a standing seam roof and a 'staggered' 2 storey flat roofed extension (5-14m deep) projecting towards the river. The space will be vertically subdivided to provide 4 restaurant units at ground and first floor levels (4000-4500 sq ft) with unit 6 occupying the whole of the second floor. External seating areas for nos 2-5 are proposed adjacent to the riverside walk; a small second floor terrace is proposed for unit 6.
 - ii) 7-8 Bowyers Buildings – Horizontal subdivision of this flat roofed 2 storey brick building adjoining the river to provide 2 cafes
 - iii) Innox House – Conversion of this 2 storey stone building to provide a restaurant with a separate private dining facility within the roof. A single storey circular extension is proposed at the eastern end to visually close the space to nos 7 & 8.
 - iv) Innox Mill (Grade II listed) – Conversion of this 3 storey brick mill building into a family pub/restaurant across its 3 floors
- A new, circular, low profiled building at the site entrance with a floor area of 209 sq ms and rear terrace seating facing into the site. Its design is currently illustrative only and its A3 use unspecified.
- The retention of nos 5-9 Stallard St, the reduction in height of the frontage retaining wall and laying out of private amenity space to serve these former dwellings. Specific uses for the buildings have not been identified.
- The provision of 524 on site car parking spaces (inc 33 no disabled) with 218 located under the supermarket and the remaining 306 as surface parking in the main central part of the site.
- A landscaped 'Riverside Park' adjacent to the River Biss together a number of smaller areas of open space within the site. These include

- i) Innox Square – a central courtyard space enclosed by the retained factory buildings and intended to act as a focal point to the various leisure uses on this part of the site
- ii) An L-shaped area linking the front of the cinema, Bowyers Buildings and Innox Mill
- iii) A small open space to the rear of the new A3 unit at the site entrance

- A riverside walk/cycle path around the north/east boundaries of the site linking Innox Road with Stallard St together with a more direct internal route through the central space

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

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

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

- the removal of the petrol filling station at the front of the site
- the retention of nos 7-9 Stallard St (listed and historic buildings) at the site frontage
- the provision of an additional A3 unit at the main entrance
- minor repositioning/re-orientation of the foodstore and cinema buildings towards the site frontage
- reconfiguration of the parking and internal circulation routes (both vehicular and pedestrian)
- minor alterations to the areas of public realm.

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

Planning Statement

Design and Access Statement

Design and Access Statement (Addendum – March)

Sustainability Statement

PPS4 Assessment

PPS4 Assessment (Addendum)

Economic Benefits Statement

Transport Assessment

Travel Plan

Statement of Community Engagement

Heritage Assessment

Flood Risk Assessment

Drainage Assessment

Phase II Geo-Environmental Factual and Interpretative Report

Review of Developers Geo-Environmental Engineering Design

Archaeology Assessment

Ecology Appraisal

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

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

7. Planning Policy

(i) Government Policy

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

(ii) Development Plan

Wiltshire Structure Plan 2016

DP1 Priorities for Sustainable Development

DP3 Development Strategy

DP5 Town Centres, District Centres and Employment Areas

DP9 Reuse of Land and Buildings

T1 Integrated Transport Plans

T4 Transport Interchanges

HE2 Other Sites of Archaeological or Historic Interest

HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan 1st Alteration 2004

C9 Rivers

C15 Archaeological Assessment

C17 Conservation Areas

C18 New Development in Conservation Areas

C19 Alterations in Conservation Areas

C28 Alterations and Extensions to Listed Buildings

C31a Design

C32 Landscaping

C38 Nuisance

R8 Greenspace Network

R11 Footpaths and Rights of Way

E4 Premises Outside Employment Policy Areas

E5 Loss of Employment Floorspace

T10 Car Parking

T10 Footpaths and Bridleways

SP3 Out of Centre Shopping

LE1 Leisure and Entertainment

U1a Foul Water Disposal

U2 Surface Water Disposal

(iii) Emerging Development Plan

Wiltshire Core Strategy Pre-Submission Document (WCS).

This has been prepared in the light of up to date evidence and in conformity with national guidance, has been the subject of public consultation (expired 2 April), is to be considered by the Council in June 2012 and is programmed for submission to the Secretary of State for Examination in July. Consequently it can be afforded weight in decision making. Relevant policies include:

Core Policy 1 – Settlement strategy

Core Policy 2 – Delivery strategy

Core Policy 3 – Infrastructure requirements

Core Policy 28 - Trowbridge central areas of opportunity

Core Policy 29 – Spatial Strategy: Trowbridge Community Area

Core Policy 36 - Economic regeneration

Core Policy 38 - Retail and leisure

Core Policy 41 - Sustainable construction and low carbon energy

Core Policy 50 - Biodiversity and geodiversity

Core Policy 52 - Green infrastructure

Core Policy 56 - Contaminated land

Core Policy 57 - Ensuring high quality design and place shaping

Core Policy 58 - Ensuring the conservation of the historic environment
Core Policy 60 - Sustainable Transport
Core Policy 61 - Transport and Development
Core Policy 62 - Development impacts on the transport network
Core Policy 63 - Transport strategies
Core Policy 67 - Flood risk

(iv) Supplementary Planning Guidance

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

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

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

8. Consultations

Trowbridge Town Council

(i) Original plans

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

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

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

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

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

5 Night time deliveries to be controlled.

(ii) Revised Plans

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

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

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

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

Wessex Water

(i) Original plans

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

(ii) Revised plans

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

Environment Agency

(i) Original Plans

- Notes that the site lies within Flood Zones 3 (high risk) and 2 (medium Risk).
- Comments that the development is contrary to the requirements and expectations of the R Biss Public Realm Design Guide SPD which highlights the site for ‘habitat creation - major intervention’ and shows development sited further back from the river with opportunities to cut into the existing piling, re-grade the banks and create a low flow channel. Supports the Ecologist’s comments in respect of biodiversity and failure to meet objectives of SPD and would support Council in refusing application on those grounds.
- Notes a required minimum distance of 4m from development to the river bank for maintenance
- In the event of other material considerations outweighing the adherence to SPD, permission should be subject to conditions requiring works being carried out in accordance with the submitted FRA and stated mitigation measures; no development to commence prior to approval of a surface water drainage scheme for the site; an Ecology and Landscape Management Plan to be submitted and approved; a scheme to deal with risks associated with contamination to be submitted and approved;

no infiltration of surface water drainage into the ground; no use of piling or penetrative foundations without express consent.

- In addition, informatives are recommended advising of the need to obtain Flood Defence Consent for works within 8m of the top of the bank of the R Biss and implementing safeguards for the prevention of pollution.

(ii) Revised Plans

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

English Heritage

(i) Original Plans

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

(ii) Revised Plans

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

Network Rail

(i) Original Plans

- Objects to proposal which includes land within ownership of Network Rail who is not willing to allow the use of this land.
- In event of civil matter being resolved, states a number of requirements for the safe operation of the railway and the protection of NR land. These include compliance with all covenants on land the subject of demarcation agreements; a 1.8m high trespass resistant fence; demolition of buildings in accordance with agreed method statement; no additional surface drainage onto NR land, culverts or drains; consultation on alteration to ground levels; new buildings sited at least 2m from the boundary fence to allow access for maintenance; ; design of buildings to take account of noise, vibration and airborne dust; lighting not to interfere with signalling apparatus; any new trees to be located not less than their mature height from site boundary; any scaffolding to be erected so that it could not fall on the railway.
- Would welcome the commitment of the Council to pooling planning obligations from development to mitigate the potential impact on the railway.

(ii) Revised Plans

- Formally withdraws its objection on the basis that Network Rail's land has been removed from the application site
- Notes that the potential vehicle links into the station area will be subject to further discussion and formal legal agreement with Network Rail will be needed before any development takes place at this location.

Spatial Planning Officer

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

(A) Comments received April 10

“1. Proposal

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

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

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

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

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

2. Planning Policy Considerations

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

National Planning Policy Framework

2.2 PPS4 has now been replaced by the National Planning Policy Framework (NPPF). Paragraphs 24 to 27 of the NPPF relate specifically to assessing applications for retail and leisure developments outside of town centres. The key planning policy considerations are similar to PPS4, in so far as, the application must satisfy the sequential test and would not have a significant adverse impact on a town centres vitality and viability or existing, committed and planned public and private sector investment. If either of these fails, then the application “should be refused” (paragraph 27).

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

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

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

Adopted Development Plan

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

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

2.8 Structure Plan Policy DP3, the Development Strategy:

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

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

2.10 Policy LE1 of the West Wiltshire District Plan seeks to sustain the vitality and viability of town centres outside normal shopping hours through the provision of leisure and entertainment facilities within, or if necessary on the edge of town centres. Paragraph 3.5.22 recognises the need for commercial leisure facilities including multiplex cinema and associated uses within the West Wiltshire towns. Trowbridge as a Strategic Service Centre provides the appropriate location to meet this need. Up to date evidence prepared to support the development of the Wiltshire Core Strategy confirms that the aims of these policies is still valid.

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

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

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

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

Emerging Development Plan

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

Wiltshire Core Strategy Pre-Submission Document (February 2012)

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

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

2.18 Strategic Objective 1 (delivering a thriving economy) of the emerging Core Strategy, makes specific reference to:

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

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

2.20 The Vision for Trowbridge (paragraph 5.148) states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Retail Considerations

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

Need

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

Sequential Approach

- In terms of the sequential approach, we consider the Innox Riverside site should be regarded as edge of centre in respect of existing policy, having regard to the currently defined primary shopping frontage. In these circumstances, as far as the retail element of the proposals is concerned...the only other site which warrants consideration is the Cradle Bridge (Peter Black) site.

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

Impact

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

3.2 GVA also make the following points:

- The WRS identified the potential of St Stephens Place site, which we identify as an edge-of-centre site. This concludes that the site has potential for town centre retail/leisure uses and residential development, but any scheme coming forward on this site will need to create direct linkages with Castle Place Shopping Centre. We concluded that if effectively integrated with the existing town centre offer, further convenience provision could be supported through clawback trade from out of centre foodstores surrounding the centre. We also concluded the St Stephens Place site is in need of regeneration and should remain a key priority for the Council to deliver the site over the planned period.
- Equally, it is evident that the Innox Riverside site is also in need of regeneration. Based on our review, this site offers greater potential as a commercially attractive location for a new foodstore. As far as the leisure elements of the two proposals are concerned, we do not consider there is a sound basis in PPS4 terms to differentiate between the two locations for potential leisure development, although the Council should consider the wider planning and policy merits of each proposal.

4. Conclusion

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

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

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

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

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

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

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

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

4.8 It is recognised that development of the site provides the opportunity to enhance the River Biss corridor and meet the aims of the design guidance and in turn Core Policy 28 of the emerging Wiltshire Core Strategy through securing a high quality of design. In considering the application, in line with the vision for Trowbridge, securing attractive cycle and pedestrian links along the River Biss

corridor to connect with other regeneration sites will also be important, as will links and connectivity with the town centre in line with advice from GVA and consistent with development plan policy.

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

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

(B) Comments received April 24

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

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

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

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

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

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

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

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

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

There is now clear evidence regarding the implementation of the St Stephen's Place permission and its deliverability, which was questioned by the applicant of this site; to grant planning permission would run counter to Core Policy 28. This requires the delivery of a sustainable mix of uses across the Central Area of Trowbridge. In addition to the fact that the proposed uses would in themselves be contrary to those set out in the Master Plan, as discussed above they would not only undermine the delivery of the uses on the St Stephen's Place site, already permitted in accordance with the uses identified in the Master Plan for this site, but would also fail to provide alternative complementary uses for sites promoted through the Master Plan, contrary to Core Policy 28 and Core Policy 29, the Spatial Strategy for Trowbridge. This would undermine the holistic planning of the Trowbridge Central Area through the Master Plan approach. As discussed previously, there is no evidence to justify that Trowbridge can support two leisure quarters anchored by multi screen cinemas.

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

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

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

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

Regeneration Officer

Views have been incorporated within the Spatial Planning response above

Highway Officer

(i) Original Plans

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

(ii) Revised Plans

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

(A) Comments received April 12

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

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

There are three significant issues. In turn;

(1) Traffic impact

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

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

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

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

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

(2) Relationship with the station

The position is unclear in this regard.

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

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

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

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

(3) Location of store

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

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

The proposal would result in a severe adverse impact on the local highway network, and for which no measures have been put forward by way of mitigation. As such the proposal is contrary to Policies E4C, E4D and E5(iii) of the West Wiltshire District Plan, and Core Policies 61 & 62 of the emerging Wiltshire Core Strategy.

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

The proposed location of the foodstore to the rear of the site would result in a car dominated development, causing inconvenience and conflict for bus users and pedestrians. As such the proposal

is contrary to Policies E4C, E4D and E5(iii) of the West Wiltshire District Plan, and Core Policy 61 of the emerging Wiltshire Core Strategy.”

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

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

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

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

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

Modelling that change shows a material improvement in network performance.

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

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

Rights of Way Officer

Footpath

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

Pedestrian cycle links

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

Subway

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

Contributions

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

Conservation Officer

(i) Original plans

Recommends refusal based on

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

(ii) Revised Plans

Revised recommendation of 'No objection' based on

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

Urban Design Officer

(i) Original plans

Recommends refusal based on

1. Building layout – fails to properly address Stallard St, the railway station and R Biss or integrate site into wider locality
2. Highways - overwhelming visual impact of entrance road and roundabouts with negative impact on character of area and feasibility of pedestrian links with retail centre
3. Parking - visual impact of parking area which covers one third of site and tarmaced area which covers almost half the site
4. Pedestrian routes and public spaces – public open spaces fail visually and functionally; riverside park too isolated and lacks surveillance; pedestrian routes are visually negative and require crossing several lanes of traffic; scheme turns its back on river corridor
5. Landscape and ecology – landscaping at edge of site will not reduce dominance of area of parking or enhance scheme; the width of the riverside walk simply complies with EA's minimum requirements; scheme fails to address ecological objectives of R Biss SPD
6. Architecture – lack of detailing to works to Innox Mill and House; scale and design of works to 2-6 Bowyers Buildings would have negative impact; proposed cinema makes no architectural statement or visual reference to building's importance and proposes blank elevations to river and public realm; foodstore is detached from development and service yard has negative impact on river; no improved relationship between 5/6 Stallard St and surroundings.
7. Sustainability – unclear whether majority of site meets sustainability policies.

(ii) Revised plans

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

Archaeologist

(i) Original plans

Advises that the site has been the subject of extensive study as part of previous applications on the site and has no objection in principle subject to a detailed historic building record and any remaining

archaeological potential being assessed by trial trenching. Conditions are recommended together with an informative that in the event of further work being required or archaeological potential discovered, this may have implications for the proposed development

(ii) Revised plans

No further comments or recommendations

Ecologist

(i) Original Plans

Protected Species

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

River Biss SPD

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

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

(ii) Revised plans

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

Scientific Officer

(i) Original Plans

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

(ii) Revised plans

No further comments

Drainage Officer

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

Environmental Health Officer

(i) Original Plans

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

(ii) Revised plans

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

Landscape Officer

(i) Original Plans

Recommends refusal based on

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

(ii) Revised Plans

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

Arts Development Officer

(i) Original plans

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

(ii) Revised plans

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

Amenity and Fleet Officer

Notes that while the proposed Public Open Space is not in an ideal location, it would lead into the Riverside Walk. While it has not been requested by the Council, would be prepared to adopt it

subject to a legal agreement and financial contribution but whatever arrangements are agreed, it should be retained in perpetuity.

Trowbridge Vision Board

(i) Original plans

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

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

(ii) Revised Plans

No further comment to make

Mid Wilts Economic Partnership

No comment received

9. Publicity

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

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

Summary of points raised:

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

(I) Third Party representations

39 letters of support generally covering the following points:

- much needed regeneration of vacant brownfield site
- site currently presents unattractive entrance to town
- Trowbridge needs a cinema; nearest cinema facilities a good distance away
- proposals overall better than comparable scheme at St Stephens Place
- cinema complex would rival facilities in Bath
- Cineworld offers better value to customers
- development on this site will 'kick start' development on other vacant sites within the town
- employment opportunities and job creation
- sustainability of the site adjoining the railway station
- plenty of car parking

- improved cycle and pedestrian routes to the town from residential areas
- potential improvement in traffic flows
- opportunity to retain and restore listed buildings
- provision of a safe riverside park
- opening up the River Biss for access
- provision of public open spaces within the site
- development will attract visitors and shoppers to the town
- provision of evening facilities and a night time economy
- improved restaurant and eating facilities
- increase in supermarket choice and competition with impact on prices
- additional petrol filling station to provide choice and reduce prices
- the scheme appears to be fully funded
- development would de-contaminate the site
- local opinion is in favour of the scheme
- there should be no further delay in approving the scheme.

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

8 letters of objection covering the following points:

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

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

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

(II) Petition

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

(III) Letters on behalf of other operators/developers

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

1 Development is contrary to emerging development plan policy (WCS) as the site is identified for a mix of residential development, including affordable housing, and business development.
- reference is made to 2 documents which support the WCS (a) the Wiltshire Retail Study which confirms that there is no capacity for additional food retail floorspace in Trowbridge; and (b) the Transforming Trowbridge Masterplan which notes highway constraints on the bridge; it is evident that much of the traffic using the proposed development will pass through this difficult highway arrangement

2 Development occupies an out of centre location and fails the sequential test for retail and leisure uses as there are sites within the Town Centre to accommodate these uses.
- reference is made to retail policies SP1, SP2 and SP3 and leisure policies LE1 and LE2 and the fact that St Stephens Place is allocated for retail and leisure uses.

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

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

(i) Original Plans

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

2. Permission for the ODL scheme would have a significantly adverse impact on the St Stephens Place development which 'is on an allocated site to be developed in accordance with the development plan contrary to PPS4 policy.'
- reference is made to the current application which seeks to undermine the credibility and viability of the LGP scheme; however, viability would be threatened if permission was granted for a competing 8 screen cinema complex on the site.

(ii) Revised Plans

- permission now been granted for the cinema and hotel development at St Stephens Place

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

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

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

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

- a good awareness of the historical context,
- the attempt to make good adverse effects of earlier road development
- the retention and reuse of the significant buildings
- the good architectural quality of the proposed buildings and appropriate scale and materials
- while the development would move the centre of gravity away from the present town centre, notes the opportunity created for increased pedestrian access to town centre and increased night time activity
- riverside walk and cycle path would increase links to residential development in Bradford Rd
- landscaping should take account of usage levels and may be better replaced with attractive paving
- possible screening of the Riverway trading estate from the path and riverside
- encouragement of rail use and proposals for rail/road integration.

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

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

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

- Public meeting – 96% of respondents in support
- Wiltshire Council website – strong support
- Editor to Wiltshire Times – received 10 letters in support
- Wiltshire Times website – 50 plus comments in support

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

10. Planning Considerations

10.1 Principle of development

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

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

10.2 Highway and access considerations

Both adopted and emerging policy make it clear that development on this site (as on any other) will not be acceptable if it gives rise to or exacerbates highway problems – E4, ‘the development makes adequate provision for carparking and access’; E5, ‘proposals do not give rise to, or continue, existing traffic or environmental problems’; LE1, ‘the traffic generated by the proposal can be accommodated safely on the local highway network’; Core policy 61, ‘the proposal is capable of being served by safe access to the highway network.

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

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

Importantly, para 32 states the following:

- ‘ All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure
 - safe and suitable access to the site can be achieved for all people; and

- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

(i) Traffic Impact

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

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

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

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

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

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

The current submission does not incorporate the adjoining station land or offer any other tested mitigation for consideration. Therefore, on the basis of the applicant's own evidence, the development would have a detrimental impact on the highway network but does not confirm how, or whether, this would be mitigated. As such, the application remains contrary to adopted and emerging policies LE1, E4, CP61, CP62 and the NPPF as detailed above.

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

(ii) Relationship with railway station

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- there is no certainty that the guaranteed alterations or linkages with the station can be delivered since they involve third party land, and

- inclusion of the relevant land will necessarily involve further revisions to the site layout which would need to be considered, consulted on and assessed.

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

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

(iii) Internal site layout

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

This assessment identifies a fundamental flaw in the site layout and a conflict with sustainable policy objectives referred to above. Concerns over the overall site layout and extent and location of parking were raised at the very start of the planning process, together with the limited accessibility to public transport facilities derived from the failure to integrate the adjoining station land within the development site. While this particular matter remains outstanding, the scheme remains very car dominant and contrary to emerging CP61 which requires development to give consideration to all transport users in a hierarchy which places pedestrians, cyclists, and public transport users above the demand of the private car.

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

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

(iv) Pedestrian/cycle connectivity

Following on from the above, there is an associated concern regarding the general linkages both within the site and to the wider area. The D&A Statement notes that the site is ideally located to be accessed on foot and that 'the development seeks to take advantage of the site's sustainable location by enhancing the pedestrian and cycle links between the train station, retail centre and northern areas'; the revised D&A statement refers to 'direct, safe, and obstruction free passage'. These objectives are clearly in line with the emerging Trowbridge Area Strategy to 'improve pedestrian linkages' and 'provide an attractive and important pedestrian corridor connecting different parts of the town centre'; they are also consistent with CP28 which requires 'strong pedestrian and sustainable travel linkages' as part of any new development within the town's central area.

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

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

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

Concerns have been raised over the existing subway under the railway which is currently a focus for anti-social behaviour. A request has therefore been made for a contribution towards a package of improvements which include lighting; the lowering of land on the east side of the subway to enable the narrow passageway in that area to be removed and the land opened up to improve visibility, create a safer environment and provide more space for pedestrian/cycle interaction at this point; gradient alterations to link with Innox Path and the upgrading of Innox Path itself. This has been rejected by the applicant who comments that it 'is already spending hundreds of thousands of pounds by creating a new riverside walk, a number of alternative pedestrian routes through the site (compared to the unattractive route at the moment) and an extensive public realm area.'

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

Connectivity concerns have also been raised with regard to the proposed links to the town centre across Stallard St/Wicker Hill. This is one of the major traffic routes into/out of the town and is already notoriously difficult for pedestrians. The scale, design and siting of the site entrance is likely to further discourage pedestrian crossing at this point and reduce the likelihood of linked trips into the town centre. This issue has been continually raised by many contributors and since it is a fundamental objective in the emerging vision for the development of the site, must be regarded as a major weakness.

In determining whether this aspect of the scheme is sufficiently unacceptable to warrant a specific refusal, the Spatial Planning Officer comments that the development does not integrate well with the

town centre although neither the Rights of Way nor Urban Design Officers raise a formal objection. It is a consideration that aspects of this could be addressed by a financial contribution from the developer (Innox Path) and further information/work to improve links to the town centre secured by a Grampian condition (internal links/Stallard St) but whether these ultimately deliver a scheme which fits with the wider vision for the site remains doubtful. Members may wish to consider this in their overall deliberations.

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

10.3 Urban Design considerations

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

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

The stated principle design objectives are to:

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

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

This has culminated in a scheme as described in section 6 above – the clearance of the site with the exception of the historic buildings in the south and east sectors which are to be restored and largely converted to leisure uses; a proposed cinema which functionally links with these uses but which visually links with the new foodstore in the north west corner adjacent to the railway station; a feature gateway building at the site entrance; the central and front areas largely given over to parking, access and other transport elements of the scheme; a riverside park, walkway and cycle path alongside the Biss; linked open spaces and pedestrian routes through the site to connect into existing routes and the surrounding area.

As an urban design solution, the proposal, as now revised, largely meets the applicant's stated objectives, but to a lesser extent, those of the policy aspirations for the site. It is clear from the comments of the Urban Design, Highway, Conservation and Landscape Officers and the Ecologist that the original scheme was unsatisfactory in several areas including the site layout, the relationship

of buildings to the wider public realm, the impact on the riverside, the loss of important heritage assets, the dominance of the site with surface carparking and traffic matters, the quality of the public spaces and the general missed opportunity which the redevelopment of this landmark site at the entrance to the town presents. The importance of these elements had been made known to the applicant at the very start of the planning process and throughout the initial consultation period and it is only on receipt of the revised scheme that the wider aspirations for the successful redevelopment of the site have begun to be addressed.

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

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

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

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

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

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

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

- The overall connectivity of the site to the surrounding areas as detailed in 10.2 above.
- The extent of the improvements to the Biss corridor in either landscape or ecological terms; this is dealt with more fully in section 10.5.
- The quality of the open space within the site both visually and functionally. While the revisions have resulted in some improvement, usable spaces are still largely marginalised due to the location and extent of the surface carparking and position of buildings. While it may be a deliberate design

concept that 'the proposed buildings sit around the edge of the central landscaped spaceto ensure that the site is open and welcoming', the reality is that this central area is fundamentally a carpark with pedestrian routes crossing the space and token tree planting to break up the 'good quality surface finishes'. The benefits of undercroft parking are to some extent offset by these 218 spaces being unavailable outside of the supermarket opening hours which places a demand for additional surface parking within the main central area.

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

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

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

10.4 Impact on heritage assets and environment

(i) Conservation Area

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

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

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

(ii) Listed and traditional buildings

The same policy framework would clearly support the retention of both the listed buildings (5-8 Stallard St and Innox Mill) and the number of historic and traditional buildings within the site considered to be heritage assets (9 Stallard St, Innox Place and the Bowyers Buildings).

This would also extend to the conversion of the buildings to provide viable and appropriate uses, refurbishment of the fabric as necessary, removal of those elements which are considered detrimental to the character of those buildings, sensitive extension (Innox Place) and rebuild (Bowyers Buildings). As referred to previously, there is some concern over the scale and mass of the rear extension to the retained frontage of these buildings but this must be considered against the overall enhancement of the entire group of traditional buildings.

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

(iii) Archaeology

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

As with the former PPS5, the NPPF advises an evaluation is carried out 'proportionate to the asset's importance' and this is proposed as a pre-commencement condition together with an informative advising that this may have subsequent implications on the development as a whole.

In the light of the above, it is considered that the proposal would have an overall positive impact on the heritage environment.

10.5 Ecological considerations and impact on River Biss

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

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

The applicant's response is as follows:

- incorporation of works within the river would have required a revision to the FRA and this was not raised at pre-application stage
- the consultation response from the EA suggests that it would support a refusal of the application for failure to meet the objectives of the SPD when it cannot be certain that these 'aspirations' can actually be met
- the SPD is 'an aspiration' with the required works untested

- the proposed development delivers a significant betterment to the river edge while the riverside park is actually beyond what is expected by the SPD
- the proposed layout would not prejudice any future works to the river bank but due to the site levels and position of heritage buildings, this would necessarily be limited to the area adjacent to the riverside park
- in the event that permission was to be granted for the development, the applicant would be 'willing to commit to funding a study into the potential to cut into the river bank associated with the scheme'

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

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

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

10.6 Flooding and drainage

(i) Flooding

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

(ii) Drainage

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

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

10.7 Site Contamination

Investigations show that potentially contaminative sources including a meat processing plant, former dye works, timber yard, saw mill, and oil and grease works have been present on this site and that

contamination is present within the ground. However, no objection is raised in principle to the redevelopment proposals by either the Council's Scientific Officer or the Environment Agency subject to an appropriate condition requiring further investigation, remediation and validation.

10.8 Impact on surrounding residential amenity

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

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

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

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

10.9 Contributions and Commitments

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

- a commitment to fund a study into works within the River Biss (see 10.5)
- a contribution of up to £100K towards the cost of improvements to the railway station, together with a 'Letter of Undertaking and Memorandum of Understanding' supporting the applicant's commitment to collaborate with network rail and Wiltshire Council to deliver those improvements (see 10.2)

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

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

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

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

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

10.10 Conclusion and Recommendation

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

- The application site occupies a pivotal position at the entrance to the town and its redevelopment must be seen as a priority.
- Its successful redevelopment is fundamental in achieving the aims and objectives of the emerging Core strategy as it applies to Trowbridge.
- There are a number of significant constraints within and around the site which limit the number of viable solutions which can be delivered
- The current application represents a viable and funded scheme which the applicant assures is capable of immediate delivery.

Within that context, it is almost certain that the number of schemes coming forward will be limited and that if this application is refused, there is no certainty when another commercially viable development will present itself. The regeneration of this site is therefore important in isolation but also makes it clear that 'Trowbridge is open for business'.

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

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

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

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

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

The spatial planning assessment reaches a number of conclusions:

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

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

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

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

It is an important point that the NPPF states very clearly that the purpose of the planning system is to contribute to the achievement of sustainable development. This requires the policies in paragraphs 18 to 219 of the document to be considered as a whole and a balance of considerations (economic, social and environmental) to be taken into account in planning for, and making decisions on, proposed development.

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

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

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

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

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

Members should also be aware that this recommendation takes full account of the latest advice in the NPPF which advises in para 30 that 'development should only be prevented or refused on transport grounds where the residual cumulative effects are severe'; also, that local planning authorities 'should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations' (para 203). The highway assessment of this proposal concludes that the overall highway impact will be severe and that in the absence of a tested mitigation package there is no certainty that this can be addressed; the policy case notes the importance of an integrated transport approach as part of the wider regeneration of the town. Under these circumstances, a refusal on transport grounds is appropriate; conditions or planning obligations which cannot secure either would not.

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

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

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

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

Recommendation: Refusal

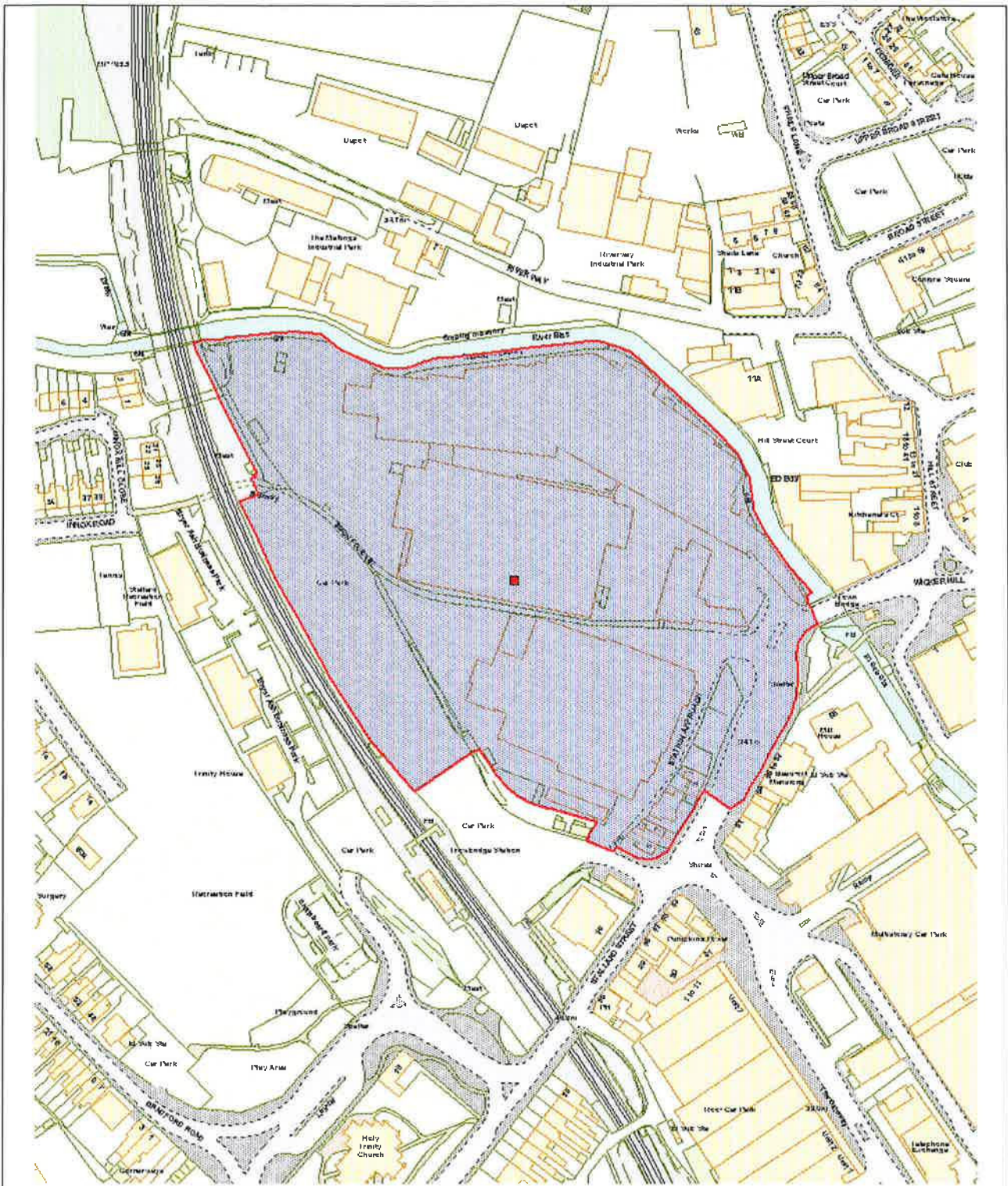
For the following reason(s):

- 1 The proposed development would be likely to have a significant adverse impact on the holistic planning of the Central Area of Trowbridge and undermine the sustainable development of the town contrary to policies LE1, SP3 and E5 of the West Wiltshire District Plan 1st Alteration

2004, Core Policies 28, 29, 38, 61 and 62 of the emerging Wiltshire Core Strategy and policies and objectives within the National Planning Policy Framework.

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

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



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	09.05.2012		
Application Number	W/11/03225/FUL		
Site Address	Holt Joinery The Midlands Holt Wiltshire BA14 6RG		
Proposal	Demolition of existing building and erection of new dwelling		
Applicant	Holt Joinery		
Town/Parish Council	Holt		
Electoral Division	Holt And Staverton	Unitary Member:	Trevor Carbin
Grid Ref	386102 161940		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Environmental/highway impact
- * Loss of Industrial unit and relationship to nearby Area of Opportunity

1. Purpose of Report

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

Neighbourhood Responses - 4 letters of objection received.

Parish Council Response - Objects (as detailed within section 7 below).

2. Report Summary

The main issues to consider are:

Principle of the Development
 Impact on Conservation Area / Listed Building
 Design, Scale and Detailing
 Loss of Employment Premises/Local Available Supply of Employment Land/Premises
 Impact on Immediate Surroundings / Neighbours
 Impact on Ecological Interests
 Impact on Highway Interests

3. Site Description

The application site is located within Holt's defined Conservation Area and Village Policy Limits. The site amounts to about 0.2 hectares and is occupied by a single-storey single-skin un-insulated, concrete block built joinery workshop with a corrugated asbestos roof.

It is located opposite JT Beaven's Tannery site at the Midlands and a Grade II Listed Building, which is identified as an Area of Opportunity in the adopted West Wiltshire District Plan. The site adjoins the village hall car park and a former canteen building (which is known as Mio Mosaico) as well as being sited in front of a motor vehicle repair workshop (with its access located along the north-eastern site boundary). The existing building is set back about 12 metres from the public highway.

4. Relevant Planning History

88/01872/FUL - Light Industrial Unit - Permission 24.01.1989

5. Proposal

This application seeks detailed permission to erect one 4-bed dwellinghouse with a footprint of 81 square metres on the site of the existing joinery workshop, which is identified for demolition, and is covered by a separate application reference W/11/03226/CAC, a report on which is set out elsewhere in this agenda.

Within the accompanying Design and Access Statement the proposed dwellinghouse would match the style and appearance of the Lions Orchard development and the proposed 5.2 metre eaves height and 8.7 metre ridge height would reflect the height of the listed building opposite.

The applicant proposes to use red brick in a stretch bond and stone quoins under a slate roof, with stone heads and cills around the windows to further reflect the character of the immediate surroundings.

The applicant does not propose to remove the existing tree at the site frontage, and proposes to provide a porous parking area adjacent to the tree, to enhance its longevity.

In support of the application the following statements have been submitted:

- A Design and Access Statement (including a heritage assessment)
- A Noise Assessment
- Analysis on the supply of locally available employment land and premises
- A Surveyors Report
- An Asbestos Survey; and
- A Contaminated Land Risk Assessment

6. Planning Policy

Wiltshire & Swindon Structure Plan
DP1 - Sustainable Development; DP7 - Housing in Towns and Main Settlements; DP9 - Reuse of Land and Buildings
HE7 - Conservation Areas and Listed Buildings

West Wiltshire District Plan - 1st Alteration
C17 - Conservation Areas; C18 - New Development in Conservation Areas; C21 - Planning Permission in Conservation Areas; C22 - Demolition in Conservation Areas
C31a - Design; C32 - Landscaping; C37 - Contaminated Land; C38 - Nuisance; C40 - Tree Planting
H17 - Village Policy Limits; H24 - New Housing Design; E5 - Loss of Employment Floor Space; T10 - Car Parking
U1a - Foul Water Disposal; U2 - Surface Water Disposal

The Emerging Wiltshire Core Strategy
Core Policy 45 - Meeting Wiltshire's Housing Needs; Core Policy 50 - Biodiversity and Geodiversity
Core Policy 51 - Landscape; Core Policy 56 - Contaminated Land; Core Policy 57 - Ensuring high quality design and place shaping; Core Policy 58 - Ensuring the conservation of the historic environment

Government Policy
NPPF - The National Planning Policy Framework

7. Consultations

Holt Parish Council - Objects to this application on the following grounds:

Whilst not in the Area of Opportunity, this industrial unit is within the area which is the subject of a major consultative planning process which will lead to a regeneration development master plan in the next few months. It would be desirable to include this property within the master plan. The old canteen site which stands between this site and the Lions Orchard residential development will be considered as part of the master plan.

The proposed 3 storey building will sit directly in front of the Grade 2 listed frontage of the Beaven's Factory site which will form the centre piece of the development of the Area of Opportunity. In the absence of a carefully devised master plan to determine an appropriate new pattern of uses for the wider site it is considered that this proposal fails to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Council has a further duty to consider whether proposals will have an adverse effect on the setting of the listed buildings immediately opposite the site. The Midlands is one of the oldest parts of Holt with medieval origins. It has developed both as an industrial area and as part of Holts history as a former Spa. The very special character of this part of the Village will be undermined by the nature and quality of the proposed building. The proposal is in conflict with policy C18 of the Local Plan.

The proposed dwelling is a few metres from a busy motor workshop. A noise evaluation should be undertaken to examine the potential disturbance to the quiet enjoyment of future residents of the proposed house.

The main door into the proposed dwelling opens directly onto the busy access road to the motor workshop. This would appear to be dangerous as the exit is blind to the road and there is no designated footway.

The proposed parking spaces are close to the dangerous blind bend in the road and are detrimental to the street scene.

Loss of this site to industrial use further impacts on the ratio of housing to workspace in the Village. The Design and Access Statement says that the joinery will move to a new site to the West of the Village. We are not aware of any suitable industrial accommodation to the West of the village. We do not believe that the release of this land from its established employment use is justified.

Conservation Officer - The demolition of the existing building is of no consequence to the Conservation Area. The building is not attractive or historic, but it is an industrial building in this historically industrial area. Therefore, whilst it does not perhaps add much character to the Conservation Area, it is at least functionally in keeping with the surrounding area. Its removal would not actively harm the Conservation Area.

The proposed new building would be similar in style to the recent development at Lions Orchard. The scale of the proposed building does not pose any heritage based objection, as tall buildings are a feature of the street scene in this part of the Conservation Area. The proposed materials are acceptable, although a planning condition requiring samples materials should be attached to any permission.

The west facing gable would be the most relevant in terms of the impact on the listed building. Providing high quality bricks and natural stone are used, there would be no design based objection; and the setting of the listed building(s) at the old tannery site would not be harmed.

Highways - No highway objection is raised subject to a planning condition.

Council's Spatial Planning Team - The current strategic and local planning policy for Holt is provided by the Wiltshire and Swindon Structure Plan 2016 and the West Wiltshire District Plan First Alteration (June 2004). The majority of the policies in the Structure Plan and District Plan have been saved.

With regards to future planning policy, the Wiltshire Core Strategy Pre-Submission Document has Cabinet approval, and the deadline for public consultations passed on 2 April.

The key policy issues are considered to be whether the application meets the requirements of policy E5 of the District Plan (Loss of Employment Floor space), and whether development at the site would prejudice the comprehensive redevelopment of the area, particularly in relation to the Area of Opportunity identified by policy C41D of the District Plan.

In relation to policy E5, the proposals involve the loss of B2 employment floor space, and the applicant will therefore need to demonstrate that the criteria set out in this policy will be met. It is noted that the case officer has requested a supporting statement to demonstrate how the application meets the criterion that "there is an adequate supply and mix of genuinely available land and premises elsewhere in the locality for employment uses".

Concerns have been raised that piecemeal development outside but in close proximity to the defined Area of Opportunity could undermine the comprehensive redevelopment of the area. It is duly noted that Holt Parish Council have objected to the application, and have cited this as part of their reasoning to oppose the application. It is nevertheless important to stress that whilst the preparation of a comprehensive master plan for the area is supported, and it is recognised that it may be appropriate to include properties outside the Area of Opportunity within this master planning process, until the master plan has been completed and has Council support, it would be inappropriate to object to this current application. In the past, Government advice to local planning authorities has stressed that applications should not be refused solely on the grounds of prematurity.

The West Wiltshire District Plan defines the Area of Opportunity (which does not include the application site), and indicates that limited development within defined Village Policy Limits will be permitted provided that certain criteria are met (Policy H17).

In terms of future planning policy, the Wiltshire Core Strategy (WCS) Submission Document does not propose to change the area designated as the Area of Opportunity.

Policy Recommendation: The applicant needs to demonstrate compliance with policy E5 of the West Wiltshire District Plan. There are no spatial planning policy objections to this proposal providing that the requirements of policy E5 are met.

Tree and Landscape Officer - The tree/vegetation located at the site frontage would most likely need to be removed. That said, subject to a condition requiring a robust, appropriate replacement tree and landscaping maintenance, no objection is raised.

Ecologist - The building proposed for demolition is constructed of concrete blocks with an asbestos roof, it is well-sealed, currently in use, and as such offers negligible roosting potential for bats. The rest of the site comprises an area of hardstanding with negligible opportunities for any protected species. I have no objection to the proposed plans.

Wessex Water - No objection, subject to an informative.

Environment Agency - No comments as the proposed development falls outside the remit of the Agency.

Housing Services - Confirmed that the proposed development does not trigger any affordable housing requirement, and therefore no s.106 contribution is necessary.

Environmental / Public Protection Team - No objection subject to conditions.

The proposed development is located next to an existing and active vehicle repair workshop and the noise from this source has been fully considered. The submitted acoustic report indicates that the predicted and the calculated noise levels both internally and externally would be acceptable within the proposed development and as such no environmental protection based objections are raised against this application.

Contaminated Land Officer - No objection subject to conditions.

The following documents have been reviewed:

- 1) The Desk Top Study and Site Walkover Survey provided by Soil Environment Services, dated July 2011.
- 2) The preliminary risk assessment provided by Soil Environment Services, dated July 2011.
- 3) The Landmark historic land use information held by Wiltshire Council.
- 4) The historic mapping information held by Wiltshire Council. (landmark sourced).
- 5) The Planning history held on the Uniform database maintained by Planning.

The report includes the site information provided by Groundsure and this tallies with the information held on the Council systems. The report concludes that based on the historic maps and the site walkover there are no plausible contaminant linkages which justify any further site investigation. The report makes an assumption that the site was probably not subject to any contaminative uses that because the mapping data shows the site as undeveloped until 1972. It also assumes that any contamination on, or arising from adjacent sites would be tackled as part of their own redevelopment.

I am less sanguine in assuming that there is no contamination in the soils based on the limited information currently available. The site is adjacent to a number of industrial/commercial uses and on this basis, additional site investigations are considered necessary to ensure that the interests of future occupants are protected.

The applicant should undertake some additional work to ensure that the site is suitable for the proposed use. The desk study has identified that the risk of significant contamination is probably low and consequently, the matter can be addressed relatively simply and cheaply by a limited intrusive site investigation. This investigation will either validate the assumptions and conclusions of the initial report or, should any contamination be identified, allow a suitable scheme of remediation / mitigation to be implemented.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification. Expiry date: 13.01.2012

Summary of points raised: 4 letters of objection received raising the following points:

Objections raised regarding the loss of the employment floor space / business in the village.

Any residential development would conflict with the use of the adjoining car park and the nearby motor vehicle workshop. Both of which, generate noise and disturbance. It is also submitted that having a side door on the proposed house would reduce security to the vehicle workshop premises, especially at night (as at present the site is securely gated). Consequently, the proposals would have a massive impact on the ability to operate the motor vehicle workshop business. If approved, the side door should be relocated to the southern elevation. Any windows on the north-eastern elevation should be obscure glazed to prevent overlooking or loss of privacy.

The proposed house would be about 10 metres from the main doors of the motor vehicle workshop. Traffic noise and vibration from large service and delivery vehicles do not seem to have been considered by the applicants.

The site/joinery workshop may have proved useful for light industrial use, but not in a domestic setting. The site is constrained by being located close to a blind bend with no useful pavement.

Noise abatement measures should be employed to deflect noise intrusion.

It would be inappropriate and possibly premature to allow this development which may jeopardise the success of redeveloping the Tannery site, which is subject to consultations with the Parish Council.

Detrimental to neighbouring interests through increased overlooking and loss of light.

The proposed 3-storey dwelling would be of an inappropriate scale and height. The Lions Orchard terrace (which is a close neighbour to the site), steps down in height and was designed and built with careful consideration given to the tannery site and its buildings. A bungalow would not be objectionable.

The choice of materials would not be suitable. Its height would compete with the listed building(s) opposite; and would consequently, detract the interest from the protected building(s). The 3-storey dwelling would result in a loss of sense of space.

No need for more housing in the village. Several properties have been marketed but are proving difficult to sell and the proposed dwelling would not likely be for first time buyers. The proposal would not readily be adaptable for the elderly or disabled.

Limited drainage options for soakaways and flooding concerns along the Midlands and adjacent lanes (due to high water table).

The space in front of the workshop is routinely used by people who work nearby. It is also used by visitors accessing the Courts property and the glove factory. The loss of car parking space would result in car parking displacement along the Midlands, bringing further congestion to an already busy road.

How will building contractors access the site safely without causing road hazards?

The proposals are based on the applicant wishing to maximise the value of the site at the expense of neighbours. If the existing building is to be demolished, the site would be better used as a car park.

These proposals are making life stressful.

9. Planning Considerations

Principle of the Development

The recently published NPPF places an importance on the planning system to deliver a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas and the provision of a sufficient quantity of housing taking into account need and demand and seeking to improve choice. Making efficient and sustainable use of land is still an over-arching planning requirement; and, it is recognised that the form and density of a site's surroundings are material considerations.

Paragraph 49 of the NPPF makes it explicitly clear that "housing applications should be considered in the context of the presumption in favour of sustainable development". In this particular case, the redevelopment of the site could well act as a catalyst for the much larger redevelopment of the Old Tannery site. Notwithstanding the necessary caveat of determining each application on its own merits, after careful consideration, it is submitted that through removing the potentially noisy and "bad neighbour" joinery workshop land use, this development proposal could well enhance the appeal of redeveloping the Tannery site. With respect to the NPPF, this application is considered to be a sustainable form of development located close to existing village services and amenities.

As part of their objection, it is noted that the Parish Council has publicised the fact that there is a major ongoing planning consultation taking place within Holt relative to the potential publication of a regeneration development master plan, centred at J T Beaven's Tannery site at the Midlands (which is identified in the adopted District Plan as an Area of Opportunity). Whilst any such master plan may include the joinery workshop site, it is important to stress that Wiltshire Council's planning team have not been party to the stated consultation process, and indeed it is essential to appreciate that the joinery site is not within the same ownership and control as the Old Tannery site. The Council must take great care whenever an argument of prematurity is raised as a reason to object to a development proposal. In this particular case, there is insufficient evidence presented to demonstrate how the proposed development might compromise any future redevelopment of the site opposite. If anything, the replacement of the potentially noisy, poorly designed, inefficient, old joinery workshop building

with an appropriately designed and detailed dwellinghouse might well enhance development interest and the appeal of regenerating the Area of Opportunity at the Midlands.

In Policy H17, the Council outlines clear design, layout and siting requirements to ensure that new proposals are in keeping with the character, appearance and distinctive spatial form of the surroundings. District Plan Policy H24 advises that new housing should face onto, with windows and doors overlooking, the street or other public areas. Whilst offering some innovative design opportunities in new developments, the policy also states that details, materials and finishes should complement the local characteristics.

West Wiltshire District Plan Policy C31a states that all new development, residential or otherwise, is required to respect or enhance the townscape features and views, existing patterns of movement, activity and permeability and historic layout and spatial characteristics. Policy C38 further states that new development will not be permitted if neighbouring amenities and privacy values are significantly detrimentally affected.

Impact on Conservation Area/ Listed Building

Whilst PPS5 was revoked by the Government on 27 March following the publication of the NPPF, it is important to stress that Section 66 & 72 of the Planning (Listed Building and Conservation Area) Act 1990 remains relevant in terms of highlighting that the Local Planning Authority has a duty to pay special attention to the desirability of preserving and enhancing the setting of a building or buildings of special architectural or historic importance and character or appearance of the Conservation Area. It is also important to stress that the NPPF still identifies the need to conserve heritage assets in a manner appropriate to their significance.

The Courts have further ruled that planning decisions in respect to development proposals affecting Conservation Areas must place high priority to the objective of "preserving or enhancing the character or appearance of the area". District Plan Policy C22 expressly states that demolition consent will only be granted providing the demolition itself and any redevelopment proposals are acceptable and would not adversely affect the character and appearance of the Conservation Area.

The existing building identified for demolition has no historic or architectural merit and its loss would not be detrimental to the special and protected character of the area. It is accepted that the existing building has served its purposes and it no longer complies with the requirements and legislation, modern businesses need to satisfy. The single skin concrete block building has limited future commercial potential given that it has experienced subsidence, with large cracks evident in the floor slab and walls. Moreover, it does not make a positive contribution in visual terms to the Conservation Area. On this basis, officers do not agree with the Parish Council's view that the "very special character of this part of the Village will be undermined".

The new NPPF expressly states that in cases such as this, there is a "desirability for new development to make a positive contribution to local character and distinctiveness". The proposed demolition raises no objection and the proposed new building and the regeneration of this site would bring about an enhancement to the character of the immediate surroundings and also to the wider Conservation Area.

It is also material to mention that the occupier of the premises is the applicant; and a commercial decision has been made to relocate elsewhere within the locality. In economic terms, it has been demonstrated through the submission of a Comparable Valuation Report, that the residential value of the site exceeds the existing value by about £20,000 (based on a 2011 survey), which is considered to be a modest enhancement.

Design, Scale and Detailing

Along with adopted District Plan Policy C31a, Paragraph 56 of the NPPF outlines the fact that "the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". In this particular case, the density of the development is comparable with neighbouring properties at Lions Orchard. The proposed scale and form of

development has been informed by the three storey Grade II Listed Building with its red brick stretcher bond opposite the site; and the three storey terraced residential properties at Lions Orchard with roof dormers and stone facade set between quoins.

The proposed west and south facing elevations would provide appealing and public facing facades in accordance with the policy requirements set by District Plan Policy H17. No habitable room windows are proposed for the north facing elevation in order to protect residential amenities and to avoid window-window conflicts and potential harm caused by overlooking. The north facing windows proposed on the first floor level would serve a corridor and en-suite (which would be obscure glazed). The proposed south facing dormer windows overlook only the car park, and no residential amenities would be detrimentally affected. In the interests of protecting future residential amenity and privacy, a planning condition is necessary to remove permitted development rights for additional wall openings and dormer windows.

District Plan Policy C22 states that in cases where buildings are identified for demolition, there is an expectation that the old building materials shall be re-used, but this caveat only applies where it is considered appropriate to do so. In this particular case, the asbestos roof and concrete block walls are not recommended for re-use. Therefore, in this case, new, appropriate building materials shall be used. To ensure that a high standard of building material is used, a planning condition is necessary requiring submission of samples prior to the commencement of works on site.

Loss of Employment Premises/Local Available Supply of Employment Land/Premises

It is necessary to stress that the Courts have ruled in the past (which coincidentally related to a site at the other end of the Midlands) that in order to properly consider the local supply of employment land and premises, the relevant study area should extend to a 3 mile radius. It is further stressed that there is no planning justification to deviate from this ruling. To satisfy this requirement, the applicant's agent has provided a robust (but not exhaustive) list of available and marketed employment premises including Trowbridge, Melksham and Bradford on Avon employment land availability.

As per the requirements of adopted District Plan Policy E5, the applicant's agent has demonstrated that there is an adequate supply and mix of genuinely locally available employment land and premises for the joinery business to be relocated. Such opportunities of course may well exist for any future mixed use redevelopment of the old Tannery site located opposite, and would thus retain this village business. Alternatively, opportunities may exist within the Midlands Industrial Estate, and genuinely available sites exist at Bowerhill's Industrial Estate and the White Horse Business Park.

On the basis of the above, officers strongly assert that there is no planning justification to refuse this application on the loss of the joinery business.

Impact on Immediate Neighbours

Following on from the above section, it is important to recognise that the existing joinery business operates without any restriction in terms of hours of operation which can generate significant noise levels. Indeed concerns about noise emanating from these premises formed a material planning reason to refuse a residential development application (reference w/10/02784/FUL refers) in October 2010. It is argued therefore that a proposal to remove this potential noise nuisance would benefit the area's amenities.

The Council's public protection team are fully satisfied with the submitted acoustic report, and it is recognised that the applicant proposes to erect an acoustic fence along the rear north-eastern and south-eastern boundaries, shared with the motor repair premises to help mitigate against noise and disturbance emanating from the motor repair business premises. The proposed Jacksons acoustic timber fence barrier system is certified to British Standard, and it can reduce noise levels by as much as 32 decibels in laboratory conditions, whilst maintaining an attractive and natural façade which is appropriate to the site context. A planning condition requiring the submission of exact details is necessary, but the principle and the benefits of such a barrier are accepted.

Moreover, the Council must accept that the principle of having neighbouring residential properties located close to the motor repairs premises was established when the Lions Orchard development

was given permission in 2003 (outline application 01/02074/OUT) and 2004 (the reserved matters application 03/02225/REM) On the basis of the above, and especially with the Council's public protection team being fully satisfied with the submitted acoustic survey and impacts, officers do not raise any policy reasons to refuse this windfall development proposal.

Impact on Ecological Interests

The Council's Ecologist has confirmed that there are no ecology based grounds to object to this application.

Impact on Highway Interests

The Council's Highways Authority raises no objection to this application, subject to a planning condition requiring the consolidation of the proposed parking area for three cars.

Conclusion

The joinery workshop building has no architectural or historic merit to justify its retention. Whilst it serves an employment function, its dated and structurally unsound condition and appearance detracts from the character and appearance of the protected Conservation Area; and consequently, the proposed demolition is acceptable. The applicant has been able to demonstrate that there is sufficient alternative and genuinely available local employment land and buildings to relocate the business. The demolition of the joinery workshop shall remove a noise generator and potential nuisance from the immediate locality. The design and detailing of the replacement dwellinghouse reflects the character of surrounding residential properties, and it respects the protected status of the Conservation Area and the Grade II Listed Building opposite and with appropriate planning conditions, this proposed one house windfall development is recommended for permission.

Recommendation: Permission

For the following reason(s):

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

Subject to the following condition(s):

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

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

POLICY: The National Planning Policy Framework and West Wiltshire District Plan 1st Alteration 2004 Policies C17, C18, C31a and C38

- 3 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 4 The dwellinghouse hereby approved shall not be occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: T10

- 5 No development, other than works necessary to allow an intrusive site investigation, shall commence on site until the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) a site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's 'Model Procedures for the Management of Land Contamination CLR11' and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (ii) If the report submitted pursuant to step (i) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

POLICY-The National Planning Framework and West Wiltshire District Plan Policy C37.

- 6 If, during development, any archaeological evidence on the site is found, the developer shall contact the local planning authority to identify whether any additional archaeological work may be necessary. In the event that any such unexpected archaeological evidence is identified, the developer shall cease work on that part of the site and allow access to it by the Local planning authority, or any archaeologist nominated by the local planning authority, to record any findings. Construction on that part of the site affected shall not recommence until the LPA have agreed that the on-site archaeological recording has been completed.

REASON: To ensure that any unexpected archaeological remains are recorded.

- 7 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policies C18, C31a and C38.

- 8 No development shall commence on site until exact details of the proposed Jacksons Acoustic fence and gate to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details before the dwelling is first occupied.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - policies C17, C18, C31a and C38.

- 9 No demolition site clearance or development shall commence on site until an arboricultural statement and tree protection plan of all relevant details above and below ground have been submitted to and approved in writing by the Local Planning Authority (LPA).

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approval shall be carried out in accordance BS3998: 1989 British Standard for Tree Work or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No equipment, machinery or materials shall be brought on to site for the purpose of development, until a scheme showing the exact position of protective fencing to enclose all retained trees and hedgerows beyond the outer edge of overhang of their branches in accordance with British Standard 5837: 2005: Tree in Relation to Construction, has been submitted and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority.

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

No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land].

REASON: To prevent trees being retained on or adjacent to the site from being damaged during the construction works and in the interest of visual amenity.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

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

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

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings (including dormers) other than those shown on the approved plans, shall be inserted in the northern elevation of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

- 12 No development shall commence on site until details of the obscure glazing to be used in the window(s) in the north elevation has been submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall be installed as approved and prior to the first occupation of the development hereby approved and thereafter shall be maintained in accordance with the approved details.

REASON: In the interests of residential amenity and privacy.

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

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

LOCATION PLAN received on 08.12.2011

SITE LAYOUT PLAN – Drawing No. LPC/2975/2A received on 27.01.2012

GROUND, FIRST AND SECOND FLOOR PLANS & SECTION – Drawing No. LPC/2975/3B received 23.02.2012

ELEVATIONS – Drawing No. LPC/2975/4A received on 27.01.2012

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

Informative(s):

- 1 The removal and disposal of asbestos must be carried out in a controlled manner in line with regulations. Advice should be sought from the HSE with regard to this matter.
- 2 New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk/developerservices

From 1st April 2012 all sewer connections serving more than a single dwelling will required a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from our New Connections Team by telephoning 01225526222 for Water Supply and 01225 526333 for Waste Water.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development.

No surface water connections will be permitted to the foul sewer system.

SI05a Public Sewers

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

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

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

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	09.05.2012		
Application Number	W/11/03226/CAC		
Site Address	Holt Joinery The Midlands Holt Wiltshire BA14 6RG		
Proposal	Demolition of existing building		
Applicant	Holt Joinery		
Town/Parish Council	Holt		
Electoral Division	Holt And Staverton	Unitary Member:	Trevor Carbin
Grid Ref	386102 161940		
Type of application	Conservation Area Consent		
Case Officer	Mr Kenny Green	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Environmental/highway impact
- * Loss of Industrial unit. Relationship to nearby area of opportunity

1. Purpose of Report

To consider the above application and to recommend that conservation area consent be granted.

Neighbourhood Responses - 4 letters of objection received.

Parish Council Response - Objects (but points raised relate to the planning matters concerning the associated planning application).

2. Report Summary

The main issue(s) to consider are:

The impact upon the character and appearance of the conservation area through demolishing the existing single storey concrete block built joinery workshop building.

3. Site Description

The application site is located within Holt's defined Conservation Area and Village Policy Limits. The site amounts to about 0.2 hectares and is occupied by a single storey single-skin un-insulated, concrete block built joinery workshop with a corrugated asbestos roof.

It is located opposite J T Beaven's Tannery site at the Midlands and a Grade II Listed Building, which is identified as an Area of Opportunity in the adopted West Wiltshire District Plan. The site adjoins the village hall car park and a former canteen building (Mio Mosaico) as well as being sited in front of a motor vehicle workshop (with its access located along the north-eastern boundary). The existing building is set back about 12 metres from the public highway.

4. Relevant Planning History

88/01872/FUL - Light Industrial Unit - Permission 24.01.1989

5. Proposal

The proposal seeks Conservation Area Consent for the complete demolition of the 118 square metre single storey joinery building, which was built in the late 1920s. (Consent to undertake such works is sought in association with a detailed planning application (reference w/11/03225/FUL) to facilitate the erection of one dwellinghouse with a footprint of 81 square metres).

6. Planning Policy

West Wiltshire District Plan - 1st Alteration

C17 - Conservation Areas

C22 - Demolition in Conservation Areas

Government Policy

NPPF - The National Planning Policy Framework

7. Consultations

Town/ Parish Council - Object to this application on the following grounds:

Whilst not in the Area of Opportunity, this industrial unit is within the area which is the subject of a major consultative planning process which will lead to a regeneration development master plan in the next few months. It would be desirable to include this property within the master plan. The old canteen site which stands between this site and the Lions Orchard residential development will be considered as part of the master plan.

The proposed 3 storey building will sit directly in front of the Grade 2 listed frontage of the Beaven's Factory site which will form the centre piece of the development of the Area of Opportunity. In the absence of a carefully devised master plan to determine an appropriate new pattern of uses for the wider site it is considered that this proposal fails to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Council has a further duty to consider whether proposals will have an adverse effect on the setting of the listed buildings immediately opposite the site. The Midlands is one of the oldest parts of Holt with medieval origins. It has developed both as an industrial area and as part of Holts history as a former Spa. The very special character of this part of the Village will be undermined by the nature and quality of the proposed building. We therefore believe that the proposal is in conflict with policy C18 of the Local Plan.

The proposed dwelling is a few metres from a busy motor workshop. A noise evaluation should be undertaken to examine the potential disturbance to the quiet enjoyment of future residents of the proposed house.

The main door into the proposed dwelling opens directly onto the busy access road to the motor workshop. This would appear to be dangerous as the exit is blind to the road and there is no designated footway.

The proposed parking spaces are close to the dangerous blind bend in the road and are detrimental to the street scene.

Loss of this site to industrial use further impacts on the ratio of housing to workspace in the Village. The Design and Access Statement says that the joinery will move to a new site to the West of the Village. We are not aware of any suitable industrial accommodation to the West of the village. We do not believe that the release of this land from its established employment use is justified.

Conservation Officer - The demolition of the existing building is of no consequence to the Conservation Area. The building is not attractive or historic, but it is an industrial building in this historically industrial area. Therefore, whilst it does not perhaps add much character to the Conservation Area, it is at least functionally in keeping with the surrounding area. Its removal would not actively harm the Conservation Area.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification. Expiry date: 13 January 2012

Four letters of objection were received, but the comments relate to the proposed new development and not to the demolition of the building itself. The comments are therefore set out in the associated report on the planning application.

9. Planning Considerations

The impact upon the character and appearance of the conservation area through demolishing the existing single storey concrete block built joinery workshop building

The sole issue in this application is the impact on the character and appearance of the conservation area resulting from the demolition of the building.

Whilst PPS5 was revoked by the Government on 27 March following the publication of the NPPF, it is important to stress that Section 66 & 72 of the Planning (Listed Building and Conservation Area) Act 1990 remains relevant in terms of highlighting that the Local Planning Authority has a duty to pay special attention to the desirability of preserving and enhancing the setting of a building or buildings of special architectural or historic importance and character or appearance of the Conservation Area. It is also important to stress that the NPPF still identifies the need to conserve heritage assets in a manner appropriate to their significance.

District Plan Policy C22 states that demolition consent will be granted providing the demolition itself and any redevelopment proposals are acceptable and would not adversely affect the character and appearance of the Conservation Area.

The existing building identified for demolition has no historic or architectural merit and its loss would not be detrimental to the special and protected character of the area. It is accepted that the existing building has served its purposes as it no longer complies with the requirements and legislation modern businesses need to satisfy. The single skin concrete block building does not make a positive contribution in visual terms to the Conservation Area and regardless of the decision on the associated planning application, the demolition of this building is unobjectionable as it makes no positive contribution to the character and appearance of the area and there are no good reasons for seeking to retain it.

The points raised by the Parish Council relate more to the planning application; and consequently, the matters are addressed in the report on that application, W/11/03225/FUL.

Conclusion

The joinery workshop building has no architectural or historic merit to justify its retention. Whilst it serves an employment function, its dated and structurally unsound condition and appearance detracts from the character and appearance of the protected Conservation Area; and consequently, the proposed demolition is acceptable. In addition to the above, it is duly noted that there has been no substantive objection raised by either the Parish Council or third parties to the proposed demolition itself.

Recommendation: Consent

For the following reason(s):

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

- 1 The works for which conservation area consent is hereby granted shall be begun within 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 No demolition shall be undertaken on site until such time as a detailed schedule of the demolition works has first been submitted to and approved in writing by the Local planning Authority; such details to include:

- (a) timing of demolition works;
- (b) the parking of vehicles of site operatives and visitors;
- (c) loading and unloading of plant and materials;
- (d) wheel washing facilities;
- (e) measures to control the emission of dust and dirt during demolition;

and such works shall be implemented fully in accordance with such approved details unless otherwise agreed in writing by the Local Planning Authority.

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

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 - Policies C17 and C22.

- 3 The building shall not be demolished before a contract for the carrying out of the works of redevelopment of the site has been entered into, and planning permission has been granted for the redevelopment for which the contract provides.

REASON: To ensure that the character and appearance of the conservation area is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 & C18

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

LOCATION PLAN received on 08.12.2011

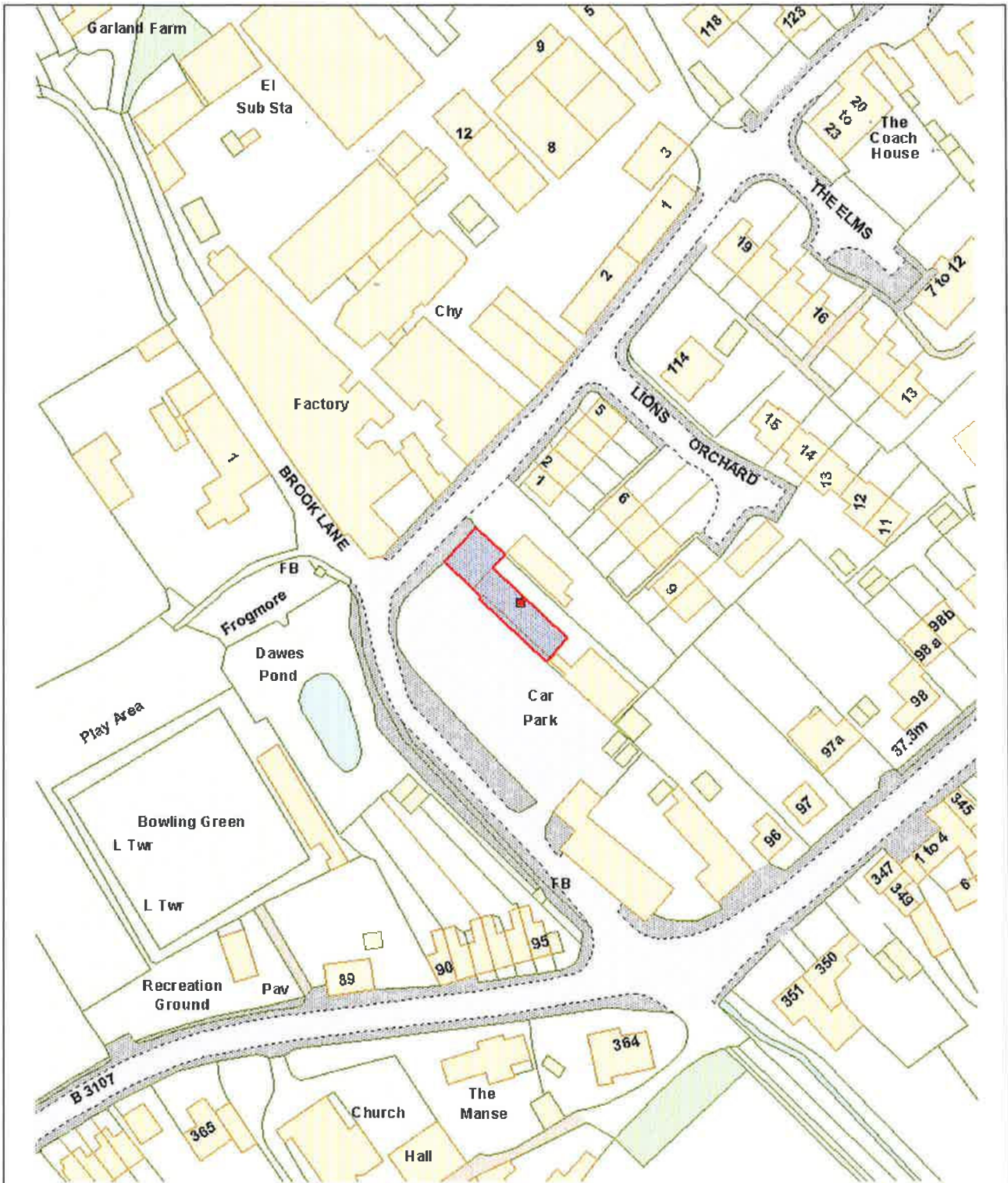
SITE LAYOUT PLAN – Drawing No. LPC/2975/2A received on 27.01.2012

GROUND, FIRST AND SECOND FLOOR PLANS & SECTION – Drawing No. LPC/2975/3B received 23.02.2012

ELEVATIONS – Drawing No. LPC/2975/4A received on 27.01.2012

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

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



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