

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	19 September 2018
Application Number	18/04602/FUL
Site Address	Trowbridge Retail Park, 235 Bradley Road, Trowbridge BA14 0RQ
Proposal	Proposed Coffee Shop unit with external seating area, and associated alterations to car parking and landscaping
Applicant	Threadneedle Property Unit Trust
Town/Parish Council	Trowbridge
Electoral Division	Trowbridge Drynham – Cllr Graham Payne
Grid Ref	385585 155976
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Graham Payne for the elected members to consider the visual impact upon the surrounding area, the relationship to adjoining properties, car parking and environmental/highway impacts. Cllr Payne also identifies that there would be a loss of car parking in what is a very busy retail park and the loss of amenity to houses opposite the site by way of overwhelming the site landscaping.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposed development against the policies of the development plan and other material considerations and to consider the recommendation that planning permission should be granted subject to conditions.

2. Report Summary

The key issues in considering the applications are as follows:

- Principle of the development.
- Highways and parking
- Impact on character and appearance of the area.
- Residential amenity

Trowbridge Town Council objects to the proposed development for the reasons set out within section 7 of this report. Section 8 summarises the letters of representation the LPA has received which comprises 6 letters of objection and 2 expressing support.

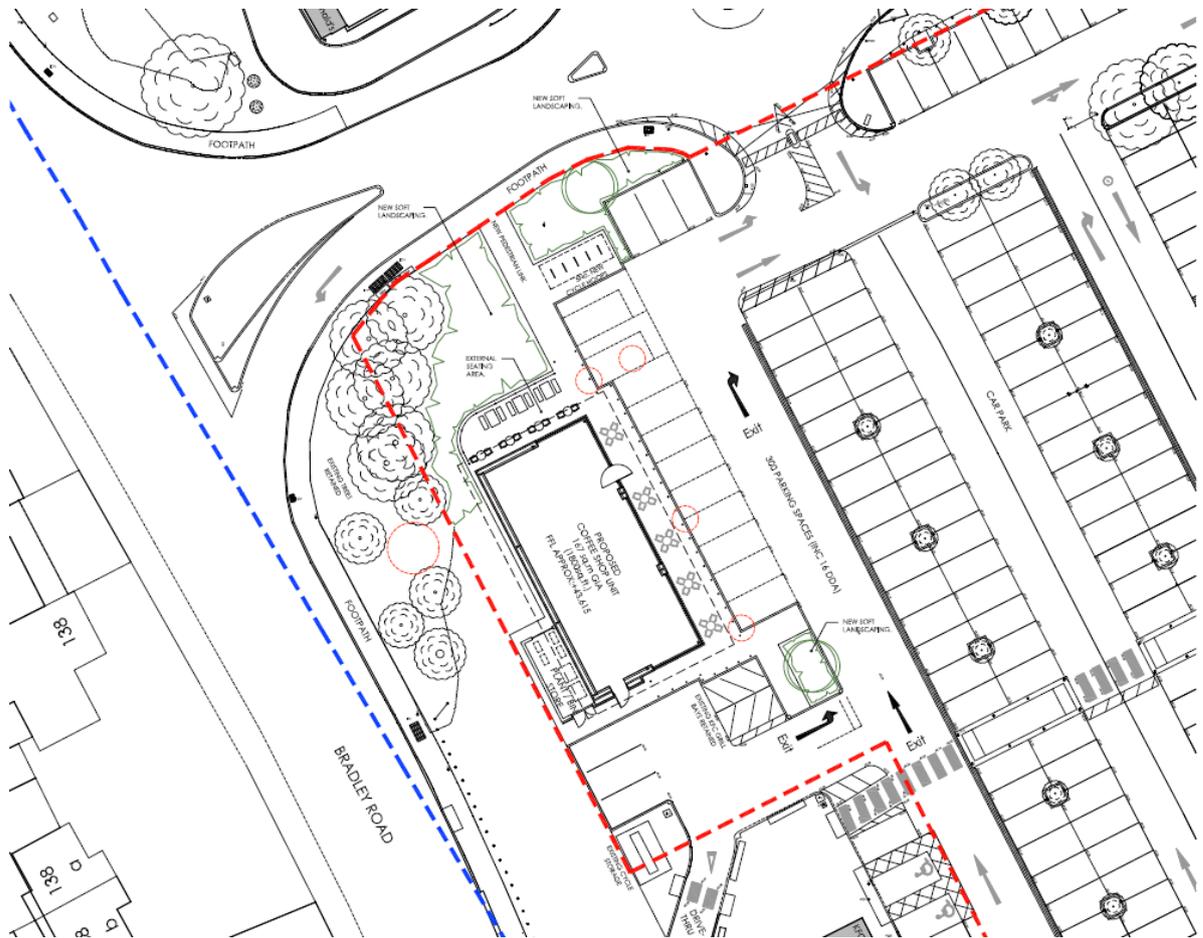
North Bradley Parish Council was also consulted for this application and they raised no objection.

3. Site Description

The application site forms part of the Trowbridge Retail Park which offers a wide retail offer and is located on the eastern side of Bradley Road (A363) – which is one the town's main arterial routes into and out of the Town. Properties within the immediate/neighbouring area comprise A1 retail, A3 cafes and A5 take away as well as residential. The site is located about 1.5 miles from the town centre and the insert plans on the following page illustrates the site location.



The yellow coloured site area shown in the upper right insert represents the site location area where the proposed coffee shop would be located. The plan below shows the site's context in more detail:



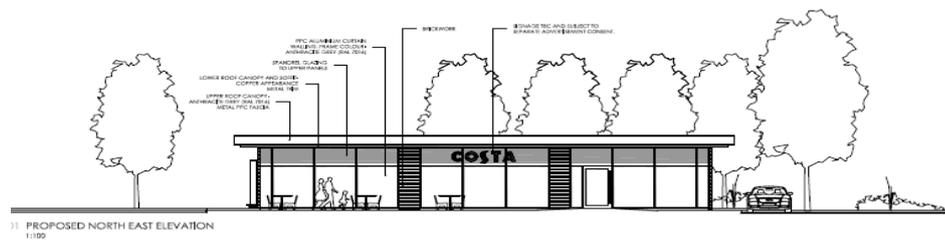
4. Planning History

The retail park is long established and there have been numerous planning applications over a number of years. Whilst no applications have been submitted to develop this specific part of the retail car park, an application for a coffee shop on the neighbouring Spitfire Retail Park (which is adjacent to the Trowbridge Retail Park) was refused in 2016 (16/10725/FUL) on the grounds of

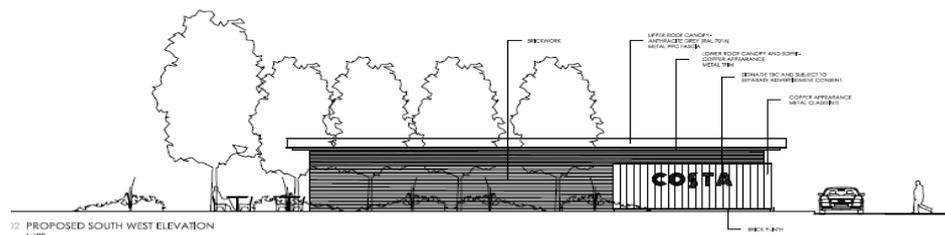
loss of parking spaces (unlike this application, there was no proposal to replace them). An appeal was lodged but was withdrawn before determination by the Inspectorate. The McDonalds restaurant, which is located about 35m away within the Spitfire Retail Park was granted approval in 1996 (under W/96/00586/FUL) and a KFC (A3 Use Class) restaurant is located a similar distance to the south of the application site – which was approved on appeal following the Council’s refusal of application W/10/00947/FUL for an A3/A5 restaurant with a drive-through facility – with the appeal allowed under ref: APP/Y3940/A/10/2142004.

5. The Proposal

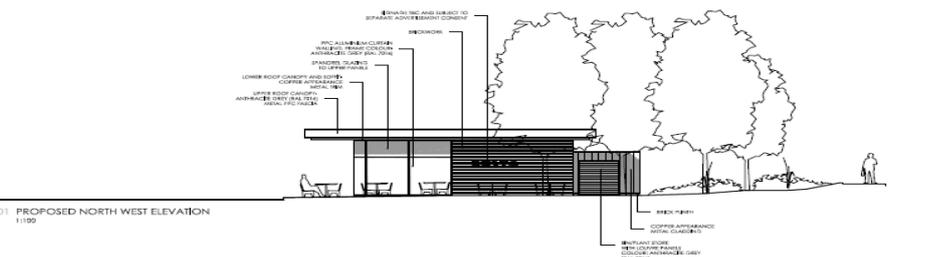
The proposed 4m high coffee shop (which would extend to 167m²) would be operated as a Costa Coffee franchise. The proposed use falls within the defined Class A3 use – which is pursuant to the sale of food and drink for consumption on the premises with an ancillary element of sales of sandwiches or other cold food and drinks for consumption off the premises as well as the ancillary sale of coffee beans, cups and other related products. No kitchen facilities are proposed with only the toasting of pre-prepared sandwiches being the proposed extent of the on-site food preparation. The operator expects to create 12 jobs in a mix of full time and part time positions should permission be granted. The following insert illustrate the proposed new building.



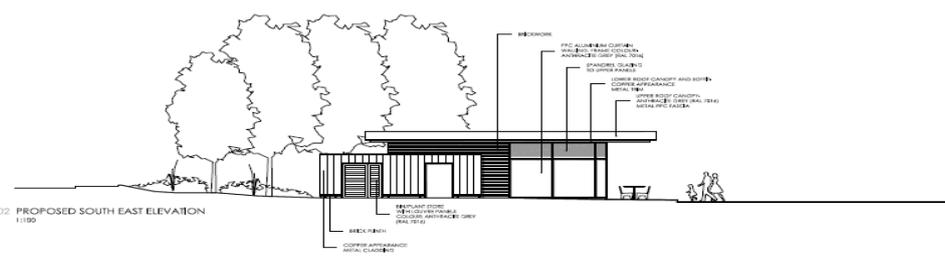
11 PROPOSED NORTH EAST ELEVATION
1:100



12 PROPOSED SOUTH WEST ELEVATION
1:100



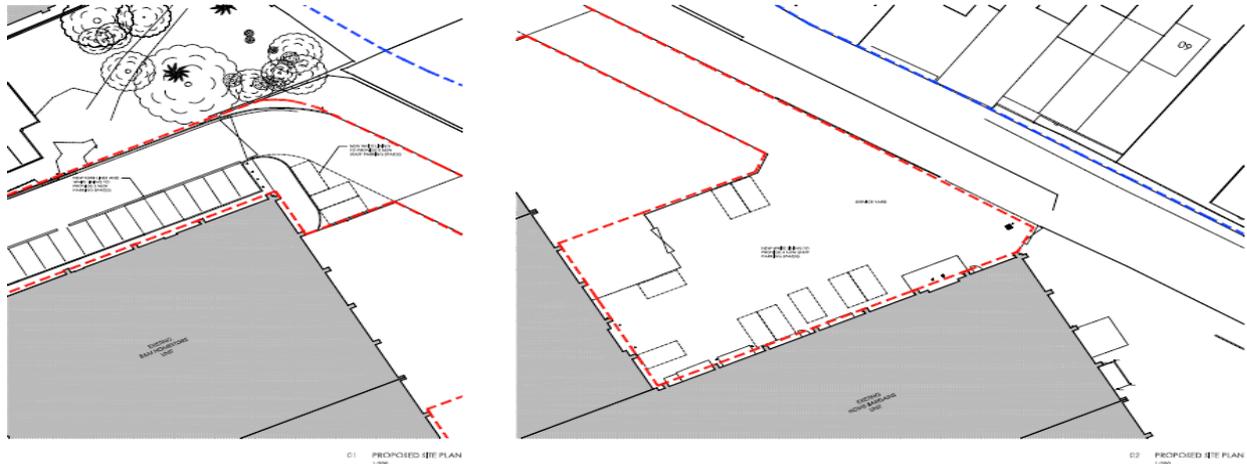
01 PROPOSED NORTH WEST ELEVATION
1:100



02 PROPOSED SOUTH EAST ELEVATION
1:100

The proposal would result in the loss of 42 of the 314 existing spaces, although the application proposes to provide 28 replacement spaces, including 12 new dedicated staff parking spaces

within the service yard to the rear of the 'B&M Home' and 'Dreams' store units – which the insert plan below illustrates. The revised total car parking provision for the retail park, allowing for the proposed development would be 300, resulting in an overall net reduction of 14 car parking spaces.



The site would be accessed from the existing entrance to the Retail Park along Bradley Road. A pedestrian link would be provided from the proposed development to the existing pedestrian footpath.

As illustrated above and in the artist's impression below, the building would be of contemporary appearance and of modern materials. Elevations facing onto the retail park would be extensively glazed, with a mixture of brick, timber cladding and aluminium/pressed steel detailing. The Bradley Road-facing elevation would be largely of brick with metal clad detailing. The building would be of flat—roof construction and of low profile, at 4m in height. Standard "Costa" branding would apply, but where required, would be the subject of a separate advertising consent application.





The site viewed from the northern approach (Trowbridge Town side)



The site viewed from the southern approach (N Bradley side)



Application site viewed from within the retail park

6. Planning Policy

Wiltshire Core Strategy: CP38 Retail & Leisure; CP57 Ensuring high quality design and place shaping – Nuisance; and, CP61 Transport and New Development.

The (2018) National Planning Policy Framework: especially Chapter 6: Building a strong, competitive economy and Chapter 12: Achieving well-designed places

Planning Practice Guidance

7. Summary of Consultation Responses

Trowbridge Town Council: Objects on the basis that the proposed alternative parking and delivery arrangements are unsuitable for the safe movement of traffic and pedestrians in an area which already experiences significant traffic capacity issues.

North Bradley Parish Council: No objection.

Wiltshire Council Highway officer: No objections: The application is supported by a Transport Assessment which provides evidence of available unoccupied parking spaces and argues that the proposed new facility itself is unlikely to have a material impact to justify a highway refusal recommendation.

Wiltshire Council Environmental Health officer: No objections: The application is supported by an acoustic report which demonstrates that the proposed installation of external plant would have no impact on the surrounding residential properties. With regard to opening hours it is noted that the applicant wishes to open at 6am which does have the potential to cause a loss to residential amenity created by additional vehicle movements of customers. If the applicant was granted permission to be open for business at 6am, it would likely lead to the other existing eating establishments on the retail park requesting the same, which would lead to further cumulative effects to residential amenity. McDonalds opens at 07:30 and a 07:30 opening time should be imposed for the proposed coffee shop premises.

Wiltshire Council Tree Officer: No objections and concurs with the arboricultural report submitted by Barrel Tree Consultancy ref 17337-AA2-CA dated 9 May 2018.

Wessex Water: No objections but advised that the proposed strategy of routing surface water drainage to the sewer is not acceptable. Due to the risk of sewer flooding in the area, no rainwater connection to the foul network would be permissible with respect to this new development. The applicant's contractor would need to consider instead a point of discharge to an appropriate watercourse or public surface water system if soakaways are not suitable.

8. Publicity

The application was subject to the display of a site notice and individually posted out neighbour notification letters. Following this public notification, eight representations were received.

Two letters of support were received stating that that the proposed coffee shop would be welcome, and the two supporters argue that the facility and would be a great asset to the retail park. Traffic levels will increase once the residential development at the former district council office site is constructed and it is difficult to argue that a coffee shop at this site would result in significant additional parking and traffic problems.

Six letters of objection were also received raising the following concerns:

- Another Coffee shop in Trowbridge is not needed;
- Parking and traffic problems would worsen;
- Concern about additional anti-social behaviour issues;
- Increased noise and litter;
- The opening hours from 6 am are unacceptable;
- There is no mains sewer;
- Impact on the Grade II listed building opposite; and
- Loss of light.

9. Planning Considerations

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

9.1 The Principle of Development - The proposal is for a proposed coffee shop with associated development and landscaping including tree planting at an existing retail park. As noted above, a recent application submitted under ref: 16/10725/FUL assessed the principle of a similar proposal (for a café of less than 200m²) from the perspective of adopted WCS Core Policy 38 (Retail & Leisure) and it was concluded that the principle was policy compliant. The Policy establishes a requirement for a retail impact assessment (RIA) for out of centre proposals in excess of 200m² gross, and that a sequential approach should be adopted. New proposed retail developments under this threshold are considered too small to raise vitality and viability concerns with respect to the town centre. The proposed coffee shop, at 167m², is below the adopted policy threshold and a retail impact assessment/sequential approach is therefore not required and the principle of development is accepted.

9.1.1 It should be noted that the proposal was subject to a pre-application enquiry in late 2017, and the applicant has taken on board officer recommendations (which included the commissioning and submission of a transport assessment to support this application); and, the application submission is also supported by an arboricultural survey, tree protection plan and acoustic impact survey which have been carefully appraised and found to be acceptable.

9.2 Highway Considerations - A key consideration for this application relates to the highway impacts and the consequential reduced parking provision. The application is supported by a Transport Assessment (TA) which the highway officer has fully considered. The purpose of the TA is to establish the transport impacts of the proposed development. The report uses the same trip generation methodology which was agreed by the Council for a proposed 168m² Costa Coffee Shop unit at the Bath Road Retail Park in Chippenham (under application ref: 15/06322/FUL). The Assessment considers the accessibility of the site to sustainable modes of transport, the prevailing highway situation, car parking provision and use (including surveys), queuing on the highway network, collision data and the impacts of the proposal.

9.2.1 A key consideration pursuant to the application is that that the proposed form of development is not considered to be a trip attractor. It is accepted that coffee shop units in this type of context generally draw trade from existing staff and customers already visiting the retail park or via passing trade by users on the adjacent highway.

9.2.2 The TA reviewed the car park accumulation assessment and reported on an 'extreme case' based on surveys conducted on Good Friday and Easter Saturday when it was calculated that the car park had an occupancy rate of 88%, with a reserve capacity of 36 parking spaces. The traffic impacts of the proposed development were assessed using trip modelling and found that the proposed development would not create a severe residual impact on the operation of the local highway network. Paragraph 109 as set out within the recently revised NPPF states that:

street scene or to the setting of the Grade II listed building across the road. It is therefore considered that the proposal accords with Core Policy 47 as it relates to design and place-shaping.

9.3 Neighbouring Amenity - Key considerations in this regard relate to potential noise nuisance, odours and visual amenity. The Council's public protection team were consulted on this application and they carefully appraised the submitted Acoustic Impact Assessment. The assessment is found to be satisfactory and it is reported that the installation of the external plant, comprising two Mitsubishi PLA-RP100BA heat pumps, to be located within a dedicated bin-store/plant enclosure on the street-facing elevation, would result in no detrimental impact to the surrounding residential properties.

9.3.1 Concern is however reported in relation to the applicant's proposed opening hours (starting at 06:00). This is considered a wholly reasonable concern since, although Bradley Road is a busy thoroughfare, the potential for disturbance at that early hour created by road traffic would be low. The applicant duly re-considered these concerns during the course of the application and agreed to accede to the officer recommendation to restrict the opening times of 07:30 - 20:00 Monday to Saturday (including bank holidays) and 08:00 - 18:00 on Sundays. It is noted that a condition imposed by the Inspector in Appeal APP/Y3940/A/10/2142004 (KFC) provided for seven-day-a-week opening from 07:30 to 23:00. However, the applicant has agreed to shorter opening times and officers are supportive of this amended element of the application.

9.3.2 There would be no food preparation kitchen associated to the proposed coffee shop, with on-site food processing being limited to the toasting of sandwiches. The issue of odour concerns emanating from extraction units therefore is not considered to be a substantive reason to refuse the application.

9.3.3 The issue of visual amenity is discussed above. Given the setting within which the building would sit, along with the existing backdrop of the carpark and the large massing of the retail units, it is not considered that there would be any substantive harmful visual amenity issues to justify a refusal of planning permission. However, the proposed landscaping scheme should be secured by condition.

9.4 Other Matters - Wessex Water's comments on surface drainage is duly noted, however, no additional areas of hardstanding or additional surface area would be created by this development. The existing drainage arrangements for the retail carpark would remain in place. Any new drainage proposals would need to satisfy building regulations and agreement with Wessex Water. The applicant has subsequently submitted a drainage statement confirming that there is no proposed surface water drainage connection to the foul network and further details of surface water drainage will be agreed with WW as referred to under the Informative.

This application site falls outside of the Trowbridge Retail charging zone for the purposes of CIL; and, is consequently not CIL liable development.

10. Conclusion (The Planning Balance) - It is considered that the proposal would accord with the requirements of CP57 in relation to visual impacts and amenity. The Council's highway officer is satisfied with the findings of the traffic assessment and the public protection officer is satisfied that the development, subject to a condition restricting the opening hours, would not demonstrably harm residential amenity; and, officers duly submit that although the development would result in the loss of 14 car parking spaces, following a review of how the car park is used, it would not result in demonstrable harm to justify refusing planning permission; and as a consequence, the application is recommended for approval.

RECOMMENDATION: Approval, subject to the following conditions:

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

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

- 2 The use hereby permitted, including servicing, shall only take place between the hours 07:30 - 20:00 Monday to Saturday (including bank holidays) and 08:00 - 18:00 Sundays.

REASON: In the interests of neighbouring amenity and to be synchronised with the other nearby takeaway food/restaurant outlet.

- 3 All the landscape and tree planting, seeding and turfing comprised in the approved details of landscaping (as shown on Plan Number 14838A -L01A REV B) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All on-site construction works shall also be carried out in accordance with the protection measures shown on the approved "Tree Protection Plan" submitted on 29 May 2018.

REASON: In the interests of visual amenity.

- 4 No part of the development hereby approved shall be brought into use until the parking provision shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. The parking 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.

- 5 External plant shall not exceed the sound power levels of each of the example heat pump units evaluated in the assessment contained in the submitted document "Acoustic Impact Assessment: Trowbridge Retail Park, Bradley Road , Trowbridge (Hawkins Environmental, 9th May 2018)."

REASON: In the interests of neighbouring amenity.

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

14838A-100 B Site Location Plan Registered on 29 May 2018

14838A-101 B Existing Block Plan Registered on 29 May 2018

14838A-102 B Proposed Block Plan Registered on 29 May 2018

14838A-103 B Proposed Site Plan 1 Registered on 29 May 2018

14838A-104 B Proposed Site Plan 2 Registered on 29 May 2018

14838A-105 A Proposed GA and Roof Plans Registered on 29 May 2018

14838A-106 B Proposed Elevations 1 of 2 Registered on 29 May 2018

14838A-107 A Proposed Elevations 2 of 2 Registered on 29 May 2018

14838A -L01A REV B Proposed Landscape Plan-Received on 3 September 2018

Tree protection plan Registered on 29 May 2018

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