

# AGENDA

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**Meeting:** Strategic Planning Committee

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

**Date:** Wednesday 17 April 2024

**Time:** 10.30 am

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## **Membership**

Cllr Howard Greenman (Chairman)

Cllr Christopher Newbury (Vice-Chairman)

Cllr Ernie Clark

Cllr Adrian Foster

Cllr Sarah Gibson

Cllr Carole King

Cllr Pip Ridout

Cllr Jonathon Seed

Cllr James Sheppard

Cllr Elizabeth Threlfall

Cllr Robert Yuill

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## **Substitutes:**

Cllr Helen Belcher OBE

Cllr Steve Bucknell

Cllr Clare Cape

Cllr Ruth Hopkinson

Cllr George Jeans

Cllr Dr Nick Murry

Cllr Andrew Oliver

Cllr Stewart Palmen

Cllr Nic Puntis

Cllr Bridget Wayman

Cllr Stuart Wheeler

Cllr Graham Wright

Cllr Tamara Reay

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## **Public Participation**

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

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

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

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

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

# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 38*)

To approve and sign as a correct record the minutes of the meeting held on 6 March 2024.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

### **Statements**

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

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

Members of the public and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer

slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the meetings.

## **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 10 April 2024 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 12 April 2024.

Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

### **6 Planning Appeals and Updates (Pages 39 - 40)**

To receive details of completed and pending appeals, and any other updates as appropriate.

## **Planning Applications**

To consider and determine the following planning applications.

### **7 PL/2022/04875: Salisbury Retail Park, Salisbury ('Asda') (Pages 41 - 90)**

Proposed commercial development comprising a Use Class E foodstore (including the sale of non-food goods) and 'drive thru' coffee shop unit; petrol filling station; provision of open space / landscaping including a new pedestrian and cycle link between London Road and Green Lane; access, parking, and associated infrastructure and development.

### **8 PL/2023/06725: Longleaze Lane, Melksham (Pages 91 - 128)**

Construction of elderly care home (Use Class C2) with associated access works, landscaping and drainage. Improvements to site access and Longleaze Lane/Snowberry Lane junction.

### **9 PL/2021/08064: Inox Mills, Stallard Street, Trowbridge (Pages 129 - 242)**

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

(i) Outline planning application: the erection of up to 284 dwellings, erection of a convenience store (Class E), erection of up to 872 sqm of new commercial

floor space (Class E); and associated access, public realm; and landscaping works.

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

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

*This application was previously considered on 29 November 2023. The recommendation before the Committee is from Pages 132-149 of the agenda.*

10 **18/10035/OUT: Land South of Church Lane, Upper Studley, Trowbridge**  
(Pages 243 - 292)

Outline application for residential development of 55 houses including creation of new access from Frome Road and removal/demolition of all existing buildings (all matters aside from access reserved).

*This application was previously considered on 22 February 2023. The recommendation before the Committee is from Pages 246-253 of the agenda.*

11 **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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## Strategic Planning Committee

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### MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 6 MARCH 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Howard Greenman (Chairman), Cllr Adrian Foster, Cllr Carole King, Cllr Jonathon Seed, Cllr Elizabeth Threlfall, Cllr Robert Yuill, Cllr Stewart Palmen (Substitute) and Cllr Bridget Wayman (Substitute)

#### **Also Present:**

Cllr Richard Britton, Cllr Bill Parks, Cllr Horace Prickett, Cllr David Vigar, Cllr Suzanne Wickham and Cllr Gordon King

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#### 9 **Apologies**

Apologies were received from Cllrs Ernie Clark, Sarah Gibson, Christopher Newbury, Pip Ridout, and James Sheppard.

Cllr Ridout was substituted by Cllr Bridget Wayman.

Cllr Gibson was substituted by Cllr Stewart Palmen.

#### 10 **Minutes of the Previous Meeting**

The minutes of the meeting held on 10 January 2024 were presented for consideration, and it was,

#### **Resolved:**

**To approve and sign the minutes as a true and correct record.**

#### 11 **Declarations of Interest**

Cllr Carole King made a non-disclosable declaration of interest in respect of application PL/2021/09013 by virtue of a member of her husband's family was married to someone who currently farmed on the opposite side of the road to the site. It was confirmed that this interest did not preclude Cllr King from taking part in the debate and vote with an open mind.

Cllr Stewart Palmen declared an Other Registerable Interest in respect of application 20/09659/FUL, by virtue of being a trustee of St. James' Trust, the landowner. Cllr Palmen withdrew from the meeting in his capacity as a councillor for the entirety of the item and did not participate in discussion or vote on the application.

Cllr Elizabeth Threlfall made a non-disclosable declaration of interest in respect of application PL/2021/03749 by virtue of having worked with the agent for the applicant on an unconnected Neighbourhood Plan (Brinkworth). It was confirmed this minor connection would not prevent her participating or voting on the item.

12 **Chairman's Announcements**

There were no announcements.

13 **Public Participation**

The procedure for public participation was noted.

A statement from Chris Beaver was received in relation to application 20/09659/FUL, as detailed under Minute 19.

14 **Planning Appeals and Updates**

The Chairman and the Head of Development Management provided information as set out further in the committee reports for each application on the agenda, explaining why the items had been brought back to the Committee following previous considerations in 2023.

This was as a result of changes to the National Planning Policy Framework announced in December 2023, which was a material consideration for those applications which had not yet had decisions formally issued. Legal advice had been received confirming the need to reconsider the applications in light of the changed circumstances, and a recent appeal decision for application PL/2022/09397 in Semington was regarded as supporting the council's position. The full implications of the changes, including impact on the planning balance and in some cases amended officer recommendations, were set out in each report.

At the beginning of item PL/2021/09013 a query was raised regarding the likelihood of the council facing costs being upheld in relation to any of the items on the agenda, if a different decision was reached from the first consideration. It was stated that the council was following appropriate processes in response to new material considerations, and following receipt of legal advice, and that it was not expected that this would be assessed as unreasonable.

During the meeting it was also noted that the committee presentations included at Agenda Supplement 1 incorrectly listed the recommendations for the first four applications, as set out for Minutes 15-18, to be approval with conditions, when these were in fact recommended for refusal.



15 **PL/2021/09013: Land West of Westbury Road, Warminster**

Public Participation

Andrew Lee spoke in objection to the application.

Dr Tony Grieg spoke in objection to the application.

Ian Tinsley spoke in objection to the application.

Chris Marsh, Agent, spoke in support of the application.

Cllr Phil Keeble, Warminster Town Council, spoke in objection to the application.

David Cox, Senior Planning Officer, presented a report which recommended that the Planning Inspectorate be advised that had Wiltshire Council remained the deciding authority it would have refused permission for an outline application for the erection of up to 205 dwellings, community hub, public open space, access, infrastructure and associated works.

The background to the application including its initial approval by the Committee on 1 November 2023 subject to the signing of a s.106 legal agreement was detailed, along with revisions to the National Planning Policy Framework (NPPF) and the impact on the planning balance and other material considerations which had led to a change in recommendation from the officers.

Details were also provided of late and additional representations received. Key issues included the principle of the development, and housing delivery policies.

Members of the Committee had the opportunity to ask technical questions of the officer. It was confirmed that as the application was the subject of an appeal against non-determination, the Committee was being asked to confirm the determination it would have made, not to determine the application itself. Issues were also raised in relation to sewage, and that officers did not consider landscape impact objections would be a suitable reason for refusal.

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

The Local Unitary Member, Cllr Bill Parks, then spoke in objection to the application.

On the motion of Cllr Jonathan Seed, seconded by Cllr Elizabeth Threlfall, it was then without further discussion,

**Resolved:**

**That the Planning Inspectorate be advised that had Wiltshire Council remained the deciding authority for this application then it would have refused planning permission for the following reasons:**

**1. Principle of Development**

**Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the County, and in doing so identifies four tiers of settlement**

- Principal Settlement, Market Town, Local Service Centre, and Large and Small Village. Within the Settlement Strategy Warminster is defined as a Large Village. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined boundaries, or 'limits of development'. Beyond the limits of development is countryside. The application site lies beyond / outside the limits of development of Warminster, and so is in the countryside.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development of those settlements with defined limits there is a presumption in favour of sustainable development; but outside the defined limits – that is, in the countryside – other in circumstances as permitted by other policies of the Plan, development will not be permitted, and that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and Neighbourhood Plans.

Core Policy 31 of the Wiltshire Core Strategy sets out the 'Spatial Strategy' for the Warminster Community Area in which the site lies. It states that development in the Warminster Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

The proposal is for outline planning permission to erect up to 205 dwellings, etc. on the application site, which is in the countryside. Under Core Policies 1, 2 and 31, this does not comply with the Settlement and Delivery Strategies as a matter of principle. The Strategies are designed to ensure new developments satisfy the fundamental principles of sustainability, and so it follows that where a proposal such as this fails to comply with them then it will be unsustainable in this overarching context. The application site is not identified for development in a Site Allocations Development Plan Document, and it is not allocated in a Neighbourhood Plan document. Furthermore, there are no material considerations or exceptional circumstances, including set out in other policies of the Plan, which override the core policy's position. The proposal is, therefore, contrary to Core Policies 1, 2 and 31 of the Wiltshire Core Strategy, Policy 1 of the Warminster Neighbourhood Plan and paragraphs 2, 7-15, 47 and 180(b) of the National Planning Policy Framework (NPPF), comprising unsustainable development.

## **2. Lack of a signed Legal Agreement**

The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, and the National Planning Policy Framework, specifically the central social and environment sustainable development objectives enshrined within paragraph 8.

**Informative to Applicant:**

**Reason for refusal 2 relates to the failure of the applicant to secure affordable housing and other financial contributions for the site. In the event of an appeal it may be possible to address this through a suitably worded Planning Obligation.**

*It was requested it be noted that the decision to refuse permission was unanimous.*

16 **PL/2021/03749: Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury**

Public Participation

Francis Morland spoke in objection to the application.

David Jenkins spoke in objection to the application.

Jemma Shorrocks, Agent, spoke in support of the application.

Cllr John Masson, Heywood Parish Council, spoke in objection to the application.

Gen Collins, Senior Planning Officer, presented a report which recommended that permission be refused for a residential development (use class C3) for up to 145 homes, community orchard, children's play areas (LEAP), tree planting, habitat creation and ecology buffers and mitigation; site drainage and associated infrastructure. All matters reserved except for access.

The background to the application was explained to be the same as set out for the application at Minute 15, having received initial approval by the Committee on 1 November 2023 subject to the signing of a s.106 legal agreement, with revisions to the National Planning Policy Framework (NPPF) and the impact on the planning balance and other material considerations leading to a change in recommendation from the officers.

Details were also provided of late and additional representations received, including disagreement on behalf of the Applicant on the council's legal advice regarding the impact of the NPPF revisions. Key issues included the principle of the development and the council's settlement and delivery strategies.

Members of the Committee had the opportunity to ask technical questions of the officer. It was confirmed that Highways officers had not amended their lack of technical objection to the application, and that conditions would be able to address any highways concerns.

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

The Local Unitary Member, Cllr Suzanne Wickham, then spoke in objection to the application.

In relation to comments on behalf of the Applicant the officer confirmed that the council's advice was that reference to an appeal decision in Chichester was not applicable to Wiltshire, and that its position remained as set out in the report in respect of a requirement to demonstrate a four-year housing land supply only.

On the motion of Cllr Bridget Wayman, seconded by Cllr Carole King, it was then without further discussion,

**Resolved:**

**That planning permission be refused for the following reasons:**

**1. Principle of Development**

**Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the County, and in doing so identifies four tiers of settlement - Principal Settlement, Market Town, Local Service Centre, and Large and Small Village. Within the Settlement Strategy Westbury is defined as a Market Town. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined boundaries, or 'limits of development'. Beyond the limits of development is countryside. The application site lies beyond / outside the limits of development of Westbury, and so is in the countryside.**

**Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development of those settlements with defined limits there is a presumption in favour of sustainable development; but outside the defined limits – that is, in the countryside – other in circumstances as permitted by other policies of the Plan, development will not be permitted, and that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and Neighbourhood Plans.**

**Core Policy 32 of the Wiltshire Core Strategy sets out the 'Spatial Strategy' for the Westbury Community Area in which the site lies. It states that development in the Westbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.**

**The proposal is for outline planning permission to erect up to 145 dwellings, etc. on the application site, which is in the countryside. Under Core Policies 1, 2 and 32, this does not comply with the Settlement and Delivery Strategies as a matter of principle. The Strategies are designed to ensure new developments satisfy the fundamental principles of sustainability, and so it follows that where a proposal such as this fails to comply with them then it will be unsustainable in this overarching context. The application site is not identified for development in a Site Allocations Development Plan Document, and it is not allocated in a Neighbourhood Plan document. Furthermore, there are no material considerations or**

exceptional circumstances, including set out in other policies of the Plan, which override the core policy's position. The proposal is, therefore, contrary to Core Policies 1, 2 and 32 of the Wiltshire Core Strategy and paragraphs 2, 7-15, 47 and 180(b) of the National Planning Policy Framework (NPPF), comprising unsustainable development.

## **2. Lack of a signed Legal Agreement**

The proposed development fails to provide and/or secure adequate provision for necessary onsite and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, and the National Planning Policy Framework, specifically the central social and environment sustainable development objectives enshrined within paragraph 8.

### **Informative to Applicant:**

**Reason for refusal 2 relates to the failure of the applicant to secure affordable housing and other financial contributions for the site. In the event of an appeal it may be possible to address this through a suitably worded Planning Obligation.**

*It was requested it be noted that the decision to refuse permission was unanimous.*

## **17 PL/2022/08155: Land to the West of Semington Road, Melksham**

### **Public Participation**

Cllr John Glover, Chairman of Melksham Without Parish Council, spoke in objection to the application.

Mark Gay spoke in support of the application.

Jon Price spoke in support of the application.

Cllr Richard Wood, Chairman of Planning, Melksham Without Parish Council, spoke in objection to the application.

Ruaridh O'Donoghue, Senior Planning Officer, presented a report which recommended that permission be refused for outline planning permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved.

The background to the application was explained to be the similar as the previous items at Minutes 15-16, having received initial approval by the Committee on 29 November 2023 subject to the signing of a s.106 legal agreement, with revisions to the National Planning Policy Framework (NPPF) and the impact on the planning balance and other material considerations leading to a change in recommendation from the officers.

Key issues included the principle of development, the site being outside the limits of development, sustainability of the site and affordable housing provision.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought and provided on the site adjacent to the application which had received permission following an appeal, and which had also been outside the limits of development, although that had been during a period where the council had been required to but unable to demonstrate a five-year housing land supply.

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

The Local Unitary Member, Cllr Jonathan Seed, then spoke in objection to the application.

During debate a point of order was raised regarding Local Member participation in debates and votes. It was confirmed there was no legal or procedural issues with such participation in itself. Other issues raised in debate included the benefits of affordable housing, particularly larger dwellings which were affordable, and the isolation of the site from local amenities.

Following discussion, and on the motion of Cllr Bridget Wayman, seconded by Cllr Howard Greenman, it was then,

**Resolved:**

**That planning permission be refused for the following reasons:**

**1. Principle of Development**

**Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the County, and in doing so identifies four tiers of settlement - Principal Settlement, Market Town, Local Service Centre, and Large and Small Village. Within the Settlement Strategy Melksham is defined as a Large Village. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined boundaries, or 'limits of development'. Beyond the limits of development is countryside. The application site lies beyond / outside the limits of development of Melksham, and so is in the countryside.**

**Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development of those settlements with defined limits there is a presumption in favour of sustainable development; but outside the defined limits – that is, in the countryside – other in circumstances as permitted by other policies of the Plan, development will not be permitted, and that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and Neighbourhood Plans.**

**Core Policy 15 of the Wiltshire Core Strategy sets out the 'Spatial Strategy' for the Melksham Community Area in which the site lies. It states that development in the Melksham Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.**

**The proposal is for outline planning permission to erect up to 53 dwellings, etc. on the application site, which is in the countryside. Under Core Policies 1, 2 and 15, this does not comply with the Settlement and Delivery Strategies as a matter of principle. The Strategies are designed to ensure new developments satisfy the fundamental principles of sustainability, and so it follows that where a proposal such as this fails to comply with them then it will be unsustainable in this overarching context. The application site is not identified for development in a Site Allocations Development Plan Document, and it is not allocated in a Neighbourhood Plan document. Furthermore, there are no material considerations or exceptional circumstances, including set out in other policies of the Plan, which override the core policy's position. The proposal is, therefore, contrary to Core Policies 1, 2 and 15 of the Wiltshire Core Strategy, Policies 1 and 6 of the Melksham Neighbourhood Plan and paragraphs 2, 7-15, 47 and 180(b) of the National Planning Policy Framework (NPPF), comprising unsustainable development.**

## **2. Lack of a signed Legal Agreement**

**The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, and the National Planning Policy Framework, specifically the central social and environment sustainable development objectives enshrined within paragraph 8.**

**Informative to Applicant:**

**Reason for refusal 2 relates to the failure of the applicant to secure affordable housing and other financial contributions for the site. In the event of an appeal it may be possible to address this through a suitably worded Planning Obligation.**

## **18 PL/2022/09532: Land at Romsey Road, Whiteparish, Salisbury**

### **Public Participation**

Ivor Ellis spoke in objection to the application.

Gemma Ward spoke in objection to the application.

Aaron Smith spoke in support of the application.

Matt Smith spoke in support of the application.

Lynda King, Senior Planning Officer, presented a report which recommended that permission be refused for outline application (all matters reserved except external access) for residential development of up to 25 dwellings with access to Romsey Road, parking, open space, landscaping and drainage

The background to the application was explained to be the similar as the previous items at Minutes 15-17, having received initial approval by the Committee on 16 August 2023 subject to the signing of a s.106 legal agreement, with revisions to the National Planning Policy Framework (NPPF) and the impact on the planning balance and other material considerations leading to a change in recommendation from the officers.

Key issues included the principle of development, the site being outside the limits of development, scale of the application, and stated positive impact on local education provision.

Members of the Committee had the opportunity to ask technical questions of the officer. In response to queries it was confirmed Whiteparish was designated as a large village, and that no housing sites within the settlement boundary were included in the emerging Local Plan. Details were also sought on pedestrian access to the site, planning policies for new development in villages, grading of the agricultural land that would be lost and its size, and that it was for the Committee to determine how much weight to give to the material considerations, with Members noting the site, whilst outside the limits of development, was bordered on two sides by that limit and other properties.

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

The Local Unitary Member, Cllr Richard Britton, then spoke in support of the application, noting the community benefits of the application listed in the report.

The Committee noted the changed position with the NPPF, but that weight could also be given to other material considerations as appropriate. The previously approved conditions and legal agreement terms were raised.

Following a brief discussion, and on the motion of Cllr Adrian Foster, seconded by Cllr Stewart Palmen, it was then,

**Resolved:**

**To grant planning permission, subject to the prior completion of a S106 Agreement in respect of the Heads of Terms referred to within the committee report for 16 August 2023, and subject to the following conditions:**

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

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



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

The scale of the development;  
The layout of the development;  
The external appearance of the development;  
The landscaping of the site;

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

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

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

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

- 4) Approved plans

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

- Site Location Plan – drawing no. P22-1712\_DE\_001\_A\_01, received on 12 Dec ember 2022
- Proposed Access Arrangement- drawing no. 1294-008, received on 12 December 2022
- Land Use Plan- drawing no. P22-1712\_DE\_004\_B\_01, received on 12 December 2022.

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

- 5) No development above slab level shall commence on site until the exact 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:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/ the

**matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.**

- 6) No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being.**

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

- 7) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:**

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

**REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.**

- 8) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or**

diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

- 9) No development shall commence within the redline boundary marked on Pegasus Group Drawing: P22-1712\_DE\_001\_A-01, dated 09/08/2022 until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

**REASON:** To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

- 10) Details of the surface water drainage scheme, (including sustainable drainage details), the foul water drainage scheme and timetables for their implementation shall be submitted to the local planning authority for approval with or before the submission of reserved matters. No development shall commence until those schemes have been approved in writing by the local planning authority, and the surface water drainage scheme and the foul water drainage scheme shall then be implemented in accordance with the approved schemes and timetables, and thereafter retained.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 11) Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds and reptiles.
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

The CEMP shall also address the following:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

**REASON:** To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological

consultant where applicable, and the development is carried out in such a way as to not cause a nuisance to local residents.

- 12) Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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

- 13) No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

**REASON:** to avoid illumination of habitat used by bats.

- 14) The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage).

Within 3 months of each phase being completed and the housing being brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

**REASON:** To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

- 15) No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 59 metres to the west and 59 metres to the east from the centre of the access in accordance with the approved plans (ref: 1294-008). Such splays shall thereafter be permanently maintained free from obstruction to

vision above a height of 900mm above the level of the adjacent carriageway.

**REASON:** In the interests of highway safety.

- 16) Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

**REASON:** To ensure that the highway is not inundated with private water.

- 17) No development shall commence until full construction details of the proposed 2m wide footway across the site frontage together with dropped kerbs and tactile paving, street lighting and drainage, has been submitted to and approved by the Local Planning Authority; the footway and associated work shall be constructed in accordance with the approved details prior to first occupation of the development.

**REASON:** In the interests of highway safety.

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

**REASON:** In the interests of the amenities of local residents.

- 19) Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

**REASON:** In the interests of the amenities of local residents.

- 20) Prior to commencement of development an acoustic report shall be submitted to the LPA for approval in writing prior to implementation. The report shall demonstrate that the internal and external amenity standards of BS8233:2014 Guidance on sound insulation and noise reduction for buildings (or any subsequent version) and WHO Guidelines for Community Noise (1999) can be achieved within the development. The report must include full details of any scheme of mitigation required to achieve this which, if approved, must be implemented in full and maintained in that way in perpetuity.

**General:** In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 (or any subsequent version) and demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 (table 4) of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB LAmax between the hours of 23:00 and 07:00.

**REASON:** In the interests of the amenities of local residents and the occupiers of the new dwellings.

**21) No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:**

- i. The movement of construction vehicles;**
- ii. The cutting or other processing of building materials on site;**
- iii. Wheel washing and vehicle wash down facilities;**
- iv. The transportation and storage of waste and building materials;**
- v. The recycling of waste materials (if any)**
- vi. The loading and unloading of equipment and materials**
- vii. The location and use of generators and temporary site accommodation**
- viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts.**

**The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.**

**REASON: In the interests of the amenities of local residents.**

**22) Concurrent with the reserved matters application a Sustainable Energy Strategy (SES) shall be submitted for the approval in writing by the local planning authority. The SES shall set out the measures to deliver sustainable construction and climate change adaption, and include an implementation schedule and any approved infrastructure shall be provided in accordance with the approved schedule.**

**REASON: To ensure that the development is carried out to the prevailing sustainable construction and climate change adaption principles.**

**23) For the avoidance of doubt, the number of dwellings to be developed on the site shall not exceed 25 in number.**

**REASON: To ensure that the development is carried out in accordance with the principles considered at the Outline stage.**

#### **Informative Notes**

**1) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the XXXX.**

**2) The development hereby approved will be subject to the Community Infrastructure Levy. Wiltshire Council has now adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a charge that local authorities can place on new development in their area. The money**

generated through CIL will contribute to the funding of infrastructure to support growth.

More information and the charging schedule for CIL can be found using the following link:

<http://www.wiltshire.gov.uk/planninganddevelopment/dmcommunityinfrastructurelevy.htm>

- 3) The programme of archaeological work required by Condition 9 will comprise:
  - i. an initial phase of exploratory archaeological investigation (a field evaluation) prior to the commencement of development to establish if there are any areas of archaeological interest that will be impacted by the proposed development
  - ii. Further archaeological investigation of any areas of archaeological interest, either prior to the commencement of, or during, development
  - iii. A programme of post-fieldwork assessment, analysis, reporting and publication commensurate with the significance of the archaeological results.
  
- 4) A water efficiency calculation will be needed to discharge condition 14. For guidance on how to do this and what is required, please refer to the following document: 'The Building Regulations 2010 – Sanitation, hot water safety and water efficiency', Appendix A (p36-44).  
  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/504207/BR\\_PDF\\_AD\\_G\\_2015\\_with\\_2016\\_amendments.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf)
  
- 5) There is a low risk that great crested newts may occur at the development site. Great crested newts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a great crested newt mitigation licence if an offence is likely. For all construction and ground clearance works it is advised to follow advice from an independent ecologist.
  
- 6) The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance



note GN08-18 “Bats and artificial lighting in the UK”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

- 7) The applicant will be required to enter into a S278 (Highways Act) legal agreement with Wiltshire Council for the footway work and bellmouth.
- 8) The layout for the Reserved Matters application shall closely follow that set out on the Illustrative Masterplan (drawing no. P22-1712\_DE\_003\_B\_01).

*It was requested it be noted that the decision to approve permission was unanimous.*

19 **20/09659/FUL: Land off Frome Road, Upper Studley, Trowbridge**

Public Participation

David Goodship read a statement in objection to the application on behalf of Chris Beaver, Agent, spoke in support of the application under Minute 13.

Ruaridh O’Donoghue, Senior Planning Officer, presented a report which recommended that permission be granted for erection of 50 dwellings and associated access and landscaping works subject to the signing of a s.106 legal agreement.

The background to the application was explained to be the same as set out for the application at Minutes 15-18, having received initial approval by the Committee on 22 February 2023 subject to the signing of a s.106 legal agreement, with revisions to the National Planning Policy Framework (NPPF) and the impact on the planning balance and other material considerations.

It was explained that the s.106 agreement had been very near completion at the time of the changes to the NPPF, and that officers considered that the changes did not materially affect the application, noting it was for an allocated housing site, with no other technical objections or relevant material considerations. The recommendation was therefore unchanged from the initial consideration.

Other key issues included the requirements of the Trowbridge Bat Mitigation Strategy, with it stated that offsite contributions had been agreed to mitigate for any net loss of biodiversity on the site.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on access to the site, the level of affordable housing being 30% in accordance with policy, and that the application had been brought back despite the unchanged recommendation following legal advice due to the change to at least one significant material consideration.

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

The Local Unitary Member, Cllr David Vigar, then spoke in objection to the application. He raised concerns regarding lack of onsite mitigation for biodiversity, compliance with the bat mitigation strategy, and the need for the site given changes to the NPPF. The adjacent Unitary Member, Cllr Horace Prickett, also spoke in objection to the application.

The officer responded to comments raised stating no objections had been raised on ecological grounds by the council or Natural England in respect of biodiversity and bat mitigation, which was not regarded as an unresolved issue, which was able to be offsite in nature. The site remained an allocated housing site, and if housing did not come forward this would have an impact on future calculations of the housing land supply.

On the motion of Cllr Elizabeth Threlfall, seconded by Cllr Bridget Wayman, and following a comment regarding the buffer zone to the south of the site and the biodiversity mitigation, it was then.

### **Resolved:**

**That the Head of Development Management continues to be authorised to grant planning permission, subject to completion of the planning obligation/Section 106 agreement currently in preparation covering the matters set out below, and subject also to planning conditions listed below.**

### **S.106 matters**

- **Affordable housing – 30% provision of 15 No. affordable units on site split between 6 No. shared ownership units and 9 No. affordable rented units. Mix and tenure of Affordable Housing as agreed by exchange of email on 3rd May 2022.**
  
- **Education**
  - **Early Years Contribution – 7 places totalling [£122,654] with timing of payment of contribution TBA [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]**
  - **Primary Education Contribution – 14 places totalling [£262,612] with timing of payment of contribution TBA. [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]**
  - **Secondary Education Contribution – 10 places totalling [£229,400] with timing of payment of contribution TBA. [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]**
    - **All payment is required in full, upon or prior to commencement of development. Phasing of payments is not applicable here, and in view of that, no bond is required. All contributions are to be subject to indexation**

to the BCIS All In Tender Price Index from date of completion of agreement until payment.

- The Council require 10 years from the date of receipt of the contributions by the Council, in which to spend/commit in accordance with the S106, before they qualify to be returned.
  - Since the abolition of the CIL pooling limit for S106s the Council does not quote the names of individual schools.
  - A 30% discount is applied to the affordable housing element of an application. This is applied as a reduction to the number of AH units proposed/approved, as part of the process of calculating the number of places generated by the development from the qualifying properties. It is therefore reflected in the standard formulae.
- Open space - A leisure contribution of £11,800 towards an upgrade of Woodmarsh Recreation Ground.
  - Biodiversity - Biodiversity Contribution towards Trowbridge Bat Mitigation Strategy – £777.62 x 50 = £38,881.

Off-site biodiversity to include planting on local receptor site to deliver off-site biodiversity net gain. Details of scheme planting and subsequent maintenance regime to be agreed by the Council prior to first occupation of the development.  
£232,537 BNG contribution.

- Highways -
  - A contribution of £28,374 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.
  - Bus stop shelter – White Row Park - £11,429
- Waste Collection Services - £5,050
- Public Art Provision - £15,000 based on £300/dwelling.

**Conditions:**

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

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

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

### **Design and Planning:**

- **721\_B\_Design and Access Statement\_A3**
- **721-01\_\_Location Plan\_A3**
- **721-06\_C\_Planning Layout\_A2**
- **721-07\_B\_Building Height Key Plan\_A2**
- **721-08\_B\_Affordable Housing Key Plan\_A2**
- **721-09\_A\_Boundaries & Enclosures Key Plan\_A2**
- **721-10\_B\_External Material Finishes Key Plan\_A2**
- **721-11-01\_B\_Site Sections\_A1**
- **721-11-02\_A\_Site Sections\_A1**
- **721-12\_B\_Street Scene\_A0**
- **721-100\_B\_External Materials Schedule\_A3**

### **House Types/ Garages:**

- **721-30-01\_\_AT2 & CR3\_A3**
- **721-30-02\_\_AT2 & CR3\_A3**
- **721-30-03\_\_AT2 & CR3\_A3**
- **721-31-01\_\_SP2\_A3**
- **721-31-02\_\_SP2\_A3**
- **721-32-01\_\_HN3\_A3**
- **721-32-02\_\_HN3\_A3**
- **721-33-01\_\_HO3\_A3**
- **721-33-02\_\_HO3\_A3**
- **721-33-03\_\_HO3 DA\_A3**
- **721-33-04\_\_HO3 DA\_A3**
- **721-34-01\_\_CR3\_A3**
- **721-34-02\_\_CR3\_A3**
- **721-35-01\_\_TH3\_A3**
- **721-35-02\_\_TH3\_A3**
- **721-36-01\_\_HA4\_A3**
- **721-36-02\_\_HA4\_A3**
- **721-37-01\_\_SH4\_A3**
- **721-37-02\_\_SH4\_A3**
- **721-38-01\_\_PB4\_A3**
- **721-38-02\_\_PB4\_A3**
- **721-39-01\_A\_1B2P 50 & 2B3P 61 & 4B6P 108\_A3**
- **721-39-02\_A\_1B2P 50 & 2B3P 61 & 4B6P 108\_A3**
- **721-40-01\_A\_1B2P 50 & 2B3P 61\_A3**
- **721-40-02\_A\_1B2P 50 & 2B3P 61\_A3**
- **721-41-01\_A\_2B4P 68\_A3**
- **721-41-02\_A\_2B4P 68\_A3**
- **721-42-01\_\_3B5P 83\_A3**
- **721-42-02\_\_3B5P 83\_A3**
- **721-43-01\_A\_Garages\_A3**

- 721-43-02\_A\_Garages\_A3

**Engineering:**

- 721-ER-01 Rev E Drainage Strategy Report (June 2022)
- 721-101 Rev D - S38 Layout
- 721-102 Rev E - S104 Layout
- 721-106 Rev D - Parking Allocation Plan
- 721-107-1 Rev F - Impermeable Areas
- 721-107-2 Rev E - Gully Catchment
- 721-107-3 Rev F - Flood Routing Plan
- 721-111-1 Rev B - S38 Long Sections (Sheet 1)
- 721-111-2 Rev B - S38 Long Sections (Sheet 2)
- 721-114 Rev - SuDS Sections
- 721-121 - 1 Rev - Adoptable Highway Construction Details - Sheet 1
- 721-121 - 2 Rev A Adoptable Highway Construction Details – Sheet 2
- 721-121 - 3 Rev - Adoptable Highway Construction Details - Sheet 3
- 721-122 - 1 Rev B - Drainage Details - Sheet 1
- 721-122 - 2 Rev A - Drainage Details - Sheet 2
- 721-122 - 3 Rev A - Drainage Details - Sheet 3
- 721-131-1 Rev D - Swept Path Analysis (Sheet 1)
- 721-131-2 Rev D - Swept Path Analysis (Sheet 2)
- 721-131-3 Rev D - Swept Path Analysis (Sheet 3)
- 721-131-4 Rev D - Swept Path Analysis (Sheet 4)
- 721-131-5 Rev D - Swept Path Analysis (Sheet 5)
- 721-131-6 Rev B - Swept Path Analysis (Sheet 6)
- 721-141-1 Rev E - External Works Layout (Sheet 1)
- 721-141-2 Rev E - External Works Layout (Sheet 2)
- 721-141-3 Rev E - External Works Layout (Sheet 3)
- 721-142-1 Rev E - Drainage and Levels (Sheet 1)
- 721-142-2 Rev E - Drainage and Levels (Sheet 2)
- 721-142-3 Rev D - Drainage and Levels (Sheet 3)
- 721-143-1 Rev D - Finished Levels (Sheet 1)
- 721-143-2 Rev D - Finished Levels (Sheet 2)
- 721-143-3 Rev D - Finished Levels (Sheet 3)
- 721-151 Rev A - External Works Details - Walls, Fences and Railings
- 721-152 - External Works Details - Property Threshold
- 721-152 - 1 Rev A External Works Details - Property Threshold - M4(1)
- 721-152 - 2 Rev - External Works Details - Property Threshold - M4(2)
- 721-153 Rev - External Works Details - Retaining Walls
- 721-154-3 Rev - External Works Details - Domestic Drainage
- 721-155 Rev - External Works Details - Drives, Kerbs & Pavers
- 721-181 Rev D Remediation Plan (LABC) (1\_500)

## **Supporting Information:**

### **Landscape -**

- **721\_\_Landscape Visual Appraisal\_A4**
- **161-801\_E Illustrative Landscape Plan**
- **161-ID-G101\_F Landscape Strategy**
- **161-001\_M Landscape Plan**
- **161-201\_G Planting Plan 1 of 3**
- **161-202\_G Planting Plan 1 of 3**
- **161-203\_G Planting Plan 1 of 3**
- **161-401 Trees in soft under 20cm girth**
- **721\_B\_Landscape Planting Schedules\_A1**
- **721\_A Landscape Management Plan\_A1**
- **721\_\_Landscape Cumulative Impact Assessment\_A4**
- **161-TECH NOTE-001\_Landscape Cumulative\_v2**
- **161-804\_C Coordinated Strategy Masterplan**
- **161-805\_C Coordinated Strategy Supporting Diagrams**

### **Arboriculture -**

- **721\_\_AIA+AMS+TPP\_A4 (Arboricultural Implications Assessment/ Arboricultural Method Statement/ Tree Protection Plan) (July 2022)**

### **Urban Design -**

- **721\_\_Building for a Healthy Life Assesment\_A4**

### **Ecology -**

- **721\_\_Extended Phase 1 Ecological Survey Report\_A4**
- **EMP (Ecological Mitigation Plan) (May 2022)**
- **CEMP\_Biodiversity\_Upper Studley\_v6.0 (Construction Ecological Management Plan)**
- **EclA\_Upper Studley\_v6.0 (Ecological Impact Assessment)**
- **LEMP\_Upper Studley\_v6.0 (Landscape Ecological Management Plan)**
- **Upper Studley\_Defra Metric v2.0 (February 2022)**
- **Upper Studley\_Defra Metric v2.0\_No Offsite (February 2022)**
- **HRA\_Upper Studley\_v1.0**
- **Masterplan\_Ecology\_H2.4-H2.5-H2.6\_v4.0 (May 2022)**
- **721-16\_\_The Grove Illustrative Landscape Enhancements\_A3**

### **Lighting -**

- **721\_\_Lighting Impact Assessment\_A4 (February 2022)**
- **721\_\_Street Lighting Calculation MF0.87**
- **721\_\_Street Lighting Calculation MF1**
- **721\_\_Street Lighting Strategy Summary MF0.87**
- **721\_\_Street Lighting Strategy Summary MF1**

**Drainage -**

- **SRT-BWB-EWE-XX-RP-EN-0001\_S2\_P2.0\_FRA (Flood Risk Assessment)**
- **SRT-BWB-EWE-XX-RP-EN-0002\_HMSN\_S2\_P1.00 (Hydraulic Modelling Summary Note)**
- **SRT-BWB-HDG-XX-RP-CD-0001\_S2\_P1.0\_SDS (Sustainable Drainage Statement)**
- **CRM.1791.001.GE.R.001.B – final (Geo-Environmental Report)**

**Archaeology -**

- **Historic Environment Desk Based Assessment\_A4**
- **Heritage Cumulative Impact Assessment\_A4**
- **Written Scheme of Investigation\_A4 (June 2022)**
- **Archaeological Evaluation Summary**

**Acoustic -**

- **M2201 Frome Road R01b - Noise Assessment**

**Highways -**

- **721\_\_Transport Statement\_A4 (February 2022)**

**Planning -**

- **721\_\_Planning Statement\_A4**
- **721\_\_Application Form\_A4**
- **721\_\_CIL Form 1 - Additional Information\_A4**
- **721\_\_Notice Served\_A4**

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

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

- **the parking of vehicles of site operatives and visitors;**
- **loading and unloading of plant and materials;**
- **storage of plant and materials used in constructing the development;**
- **the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- **wheel washing facilities;**
- **measures to control the emission of dust and dirt during construction;**

- a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- measures for the protection of the natural environment.
- hours of construction, including deliveries;
- pre-condition photo survey - Highway dilapidation survey
- Routing plan
- Traffic Management Plan (including signage drawing(s))
- Number (daily/weekly) and size of delivery vehicles.
- Number of staff vehicle movements.
- Details of temporary/permanent Traffic Regulation Orders
- Phases plan

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 and in compliance with Core Strategy Policy 62.

- 4) Notwithstanding the submitted details, no development shall take place on-site until details of the estate roads, footways, footpaths (including surfacing of public footpaths), verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for the provision of such works, have been submitted to and approved by the Local Planning Authority. The development of a phase shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

**REASON:** To ensure that the site highway and transport infrastructure is constructed in a satisfactory manner.

- 5) No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate a standard of a maximum of 110 litres per person per day is applied for all



residential development. The scheme shall be implemented in accordance with the agreed details.

**REASON:** This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments enables more growth with the same water resources.

- 6) The development shall be implemented in accordance with the foul drainage detailed design in accordance with the Drainage Strategy Rev D received on 17th June 2022 and associated list of drawings (below) received 2nd December 2022. No dwelling shall be first occupied until the associated approved sewerage details have been fully implemented in accordance with the approved plans and related programme.

List of drawings;

- 721-102 Rev E S104 Layout
- 721-142-1 Rev E Drainage and Levels - Sheet 1
- 721-142-2 Rev E Drainage and Levels - Sheet 2
- 721-142-3 Rev D Drainage and Levels - Sheet 3

**REASON:** To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 7) The development shall be carried out in accordance with the submitted flood risk assessment, dated December 2017 (ref: SRT-BWB-EWE-XX-RP-EN-0001\_FRA, version P2) and the mitigation measures it details, including ground floor finished floor are set at 41.03m above Ordnance Datum (AOD). These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

**REASON:** To reduce the risk of flooding to the proposed development and future occupants.

- 8) The soft and hard landscaping for the development shall be implemented in accordance with Landscape Plan 161-001-M and Planting Plans 161-201-G & 161-202-G & 161-203-G received on 27th May 2022.

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

- 9) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be

**maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

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

- 10) No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development until the tree protection measures outlined in Appendix 2 of the Arboricultural Implications Assessment and Tree Protection Method Statement by Tree Maintenance Limited and dated August 2020 have 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.**

**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. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.**

**If any retained 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 fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows 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.**

**[In this condition “retained tree” 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].

**REASON:** To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and biodiversity.

**11) Natural play areas for the development shall be implemented in accordance with Landscape Plan 161-001-M and 161-ID-G101\_F Landscape Strategy received on 27th May 2022.**

**REASON:** To ensure that the play area is provided in a timely manner in the interests of the amenity of future residents.

**12) Following completion of the dwellings and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all integral bat roosting and integral swift brick features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.**

**REASON:** to demonstrate compliance with Wiltshire CP50, NPPF and BS 42020:2013.

**13) The development will be carried out in strict accordance with the following documents:**

- **Ecological Impact Assessment. Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022 Amended November 2022).**
- **Lighting Impact Assessment. (Illume Design, 22/02/2022).**
- **Construction Environmental Management Plan: Biodiversity Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, March 2022).**
- **Landscape and Ecological Management Plan: Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022).**
- **Ecological Mitigation Plan. (Clarkson and Woods, 16/05/2022).**

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

**14) The development shall be implemented in accordance with the site-specific CEMP\_Biodiversity\_Upper Studley\_v6.0 (Construction Environmental Management Plan) received on 27th May 2022. All approved features noted on the plan at Pages 29 & 30 shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter. An ECoW will be appointed.**

**REASON: to protect protected species and existing retained habitat for the duration of the construction process and to maintain and enhance biodiversity in accordance with Wiltshire CP50, NPPF, and BS 42020:2013.**

- 15)The approved Landscape and Ecological Management Plan: Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022) shall be implemented in full and for the lifetime of the development in accordance with the approved details.**

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

- 16)The development shall be implemented in accordance with the external lighting details contained within 721\_\_Lighting Impact Assessment\_A4 received 17th March 2022 and 721\_\_Street Lighting Strategy MF0.87 & 721\_\_Street Lighting Strategy MF1 received 30th October 2020. The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.**

**REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.**

- 17)On completion of the required remedial works specified in Chapter 7.6 of the Geo-Environmental Report submitted as part of the application, 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.**

- 18)Prior to first occupation all works shall be completed in accordance with approved drawing 18048-GA03. Illustrated visibility splays serving each access shall be maintained free of any obstruction exceeding 900mm above the adjacent nearside carriageway level. The access provision and associated visibility splays shall be maintained as such thereafter.**

**REASON: In the interests of highway safety and in compliance with Core Strategy Policy 60 and 61.**

- 19)Notwithstanding the works detail illustrated on drawing 18048-GA03, revised details of footway/cycleway infrastructure between the site access and Old Brick Fields shall be submitted to and approved by the Local**

**Planning Authority. The details shall include footway/cycleway infrastructure that maximises the width of appropriate surfacing available within Highway extents, with an absolute minimum of 2m and wherever possible complying with LTN 1/20. Where an absolute minimum of 2m width cannot be achieved a scheme of mitigation shall be provided that may include pedestrian crossing facilities of Frome Road and or carriageway narrowing or realignment. Prior to first occupation of the development, the footway and associated works shall be completed in all respects in accordance with the approved details and maintained as such thereafter.**

**REASON: To provide safe and convenient access to surrounding settlement in the interests of highway safety and Core Strategy Policy 61 and 62.**

**20)The footpath and cycle provisions shall be implemented in accordance with drawings 721-141-1 Rev E External Works Layout - Sheet 1, 721-141-2 Rev E External Works Layout - Sheet 2, and 721-141-3 Rev E External Works Layout - Sheet 3 all received on 2nd December 2022. The approved details shall be maintained as such in perpetuity.**

**REASON: In pursuit of sustainable transport objectives.**

**21)No dwelling shall be occupied until the parking space(s) together with the access thereto (including from the Frome Road), have been provided in accordance with the approved plans. They shall be maintained as such in perpetuity.**

**REASON: In the interests of highway safety and the amenity of future occupants.**

**22)Prior to occupation, each dwelling shall have their boundary details implemented in accordance with 721-141-1 Rev E External Works Layout - Sheet 1, 721-141-2 Rev E External Works Layout - Sheet 2 & 721-141-3 Rev E External Works Layout - Sheet 3 received on 2nd December 2022 and 721-151 Rev A - External Works Details - Walls, Fences and Railings received 27th May 2022. The approved boundary conditions shall be retained and maintained as such at all times thereafter.**

**REASON: To prevent loss of privacy to new properties and overlooking from existing properties on Spring Meadows, which are elevated above the site.**

**23)Prior to occupation, each dwelling shall have their waste collection details implemented in accordance with the list of drawings (below) received 2nd December 2022. The approved details shall be maintained as such in perpetuity.**

**List of drawings:**

- 721-141-1 Rev E External Works Layout - Sheet 1
- 721-141-2 Rev E External Works Layout - Sheet 2
- 721-141-3 Rev E External Works Layout - Sheet 3
- 721-131-1 Rev D - Swept Path Analysis (Sheet 1)
- 721-131-2 Rev D - Swept Path Analysis (Sheet 2)

**REASON:** To ensure that waste collections will function in accordance with the requirements of policies CP3 and WCS6.

**24)No burning of waste or other materials shall take place on the development site during the construction phase of the development.**

**REASON:** In the interests of the amenities of surrounding occupiers during the construction of the development.

*It was requested it be noted that the decision to approve permission was unanimous.*

20 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 2.05 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

Press enquiries to Communications, direct line 01225 713114 or email [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)

**Wiltshire Council  
Strategic Planning Committee  
17<sup>th</sup> April 2024**

Planning Appeals Received between 23/02/2023 and 05/04/2024 relating to Decisions made at Strategic Committee

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2021/09013	Land West of Westbury Road, Land West of Westbury Road, Warminster	Warminster	Erection of up to 205 no. dwellings, community hub, public open space, access, infrastructure and associated works, with all other matters reserved	SPC	Inquiry	Refuse	28/02/2024	No

Planning Appeals Decided between 23/02/2023 and 05/04/2024 relating to Decisions made at Strategic Committee.

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
20/00379/OUT	Land South of Trowbridge, Wiltshire	North Bradley/ Southwick	Outline planning permission with all matters reserved except access for the erection of up to 180 residential dwellings (Use Class C3); site servicing; laying out of open space and associated planting; creation of new roads, accesses and paths; installation of services; and drainage infrastructure.	SPC	Inquiry	Approve with Conditions	Allowed with Conditions	20/03/2024	Appellant applied for Costs - <b>REFUSED</b>

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## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	17 April 2024
<b>Application Number</b>	PL/2022/04875
<b>Site Address</b>	Land at Salisbury Retail Park, London Road, Salisbury, SP1 3YX
<b>Proposal</b>	Proposed commercial development comprising a Use Class E foodstore (including the sale of non-food goods) and 'drive thru' coffee shop unit; petrol filling station; provision of open space / landscaping including a new pedestrian and cycle link between London Road and Green Lane; access, parking, and associated infrastructure and development.
<b>Applicant</b>	Asda Stores Ltd
<b>Town/Parish Council</b>	SALISBURY CP and LAVERSTOCK & FORD CP
<b>Ward</b>	SALISBURY MILFORD – Cllr Charles McGrath LAVERSTOCK – Cllr Ian McLennan
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Richard Hughes

### Reason for the application being considered by Committee

The application has been called to committee by Councillor McGrath due to the scale of development, the environmental/highway impact, and concern around the loss of biodiversity at the site and noise and light pollution affecting nearby Bishopdown Farm/Riverdown Park.

#### 1. Purpose of Report

To consider the application and the recommendation that planning permission be APPROVED subject first to referral to Secretary of State (for possible call-in for his determination) and subject to conditions and a suitable S106 legal agreement.

#### 2. Report Summary

Salisbury City Council: Object due to various issues.

Laverstock and Ford Parish Council: No objections but various comments and issues raised.

Third parties: 159 responses, raising various issue and objections, but also including many in support of the scheme.

#### 3. Site Description

The application site lies on the north-eastern edge of Salisbury in the Bishopdown/Hampton Park area of the city, adjacent to Pearce Way and the A30 London Road. It extends to 3.54ha. The land is of an open, overgrown character.



Vehicular access into the site is proposed from the roundabout at the junction of the A30 and Pearce Way, at which point some limited development has already taken place, being preliminary ground works associated with an access that was intended to serve a previously approved retail park scheme in the 1990's.

The site is bounded to the west by Green Lane, a right of way that separates it from residential properties to the west on the Bishopdown Farm estate. To the north-east on the other side of Pearce Way is a hotel and an associated pub-restaurant, while to the south-east running down London Road is a car dealership. Further south along London Road are additional commercial premises, including a health & fitness centre and a residential car home, and a petrol filling station containing a small M&S Simply Food, as well as a park & ride facility that is accessed off the St Thomas Way/London Road roundabout just south of the site. An Aldi supermarket is located adjacent to the park & ride.

To the south-west the site abuts the rear gardens of Bishopdown Cottages, a small terrace of houses. Land to the north of Pearce Way has been developed for new housing in recent years including a large Country Park.

Within the Bishopdown/Hampton Park estate is located a local retail/food shop.

#### 4. Planning History

The site in question and the immediate surrounding area have a long and complex planning history. However, in relation to the site subject of this application, the following previous applications are considered to be of most relevance:

- 14/04756/FUL Site 1 - Full application for Class A1 foodstore (amended scheme) with associated petrol filling station and car parking, access and landscape works. (The store would have had 4,937sq m gross floorspace (2,323sq m net); and 274 car parking spaces 274 spaces). Site 2 - Outline application (all matters but access reserved) on 5083sq m site, for provision of ecological mitigation, as well as public open space, incorporating a pedestrian and cycle link between Green Lane and London Road. Approved 2017. (Referred to in this report as the "2014 retail consent")
- S/2012/0905 Material amendment application - to alter internal layout of retail units approved as part of planning permission S/2011/1723. Approved.
- S/2011/1723 Application to vary Condition 1 of extant planning permission S/2007/1460 (8 unit retail warehouse development providing 8,361m<sup>2</sup> of retail floorspace on the ground floor with 4,182m<sup>2</sup> of retail floorspace at mezzanine level, together with associated car parking, cycle parking, servicing, access and landscaping) to extend time limit for implementation. Approved.
- S/2007/1460 8 unit retail warehouse development providing 8,361m<sup>2</sup> of retail floorspace on the ground floor with 4,182m<sup>2</sup> of retail floorspace at mezzanine level, together with associated car parking, cycle parking, servicing, access and landscaping. Approved at appeal.
- S/2002/2117 Erection of a mixed use development comprising a 4812 metres squared gross (2787 m squared net) foodstore (class a1) with coffee shop separate colleague & customer car parks service yard & vehicular & pedestrian access together with 1254m squared gross (930m squared net) of office accommodation (b1) & a 890m squared retail parade (a1) & associated landscaping. Withdrawn.
- S/1998/0373 Reserved matters approval associated with outline consent S/1994/0632 Approved 1998. (Note: Members should note that following this approval and the discharge of conditions, works commenced on site, thus keeping the permission alive in perpetuity)
- S/1994/0632 Outline planning permission for a bulky goods retail units (8361sqm) and a garden centre, together with cap parking, and access off London Road. Approved, subject to a legal agreement related to various highway measures. (Members should note that a bulky goods retail condition was imposed). (Note: Members should note that following this approval and the discharge of conditions, works commenced on site, thus keeping the permission alive in perpetuity).
- S/1991/1664 Outline application - construction of a motor traders park together with the construction of a new roundabout and the realignment of the A30 london road. Approved. (Note: Members should note that whilst the motor traders park was never developed, the new roundabout and associated highway works were commenced, leading to the road arrangement at the site today).

Notwithstanding the above planning history related to the specific site, the following consents are also referenced to in this report:

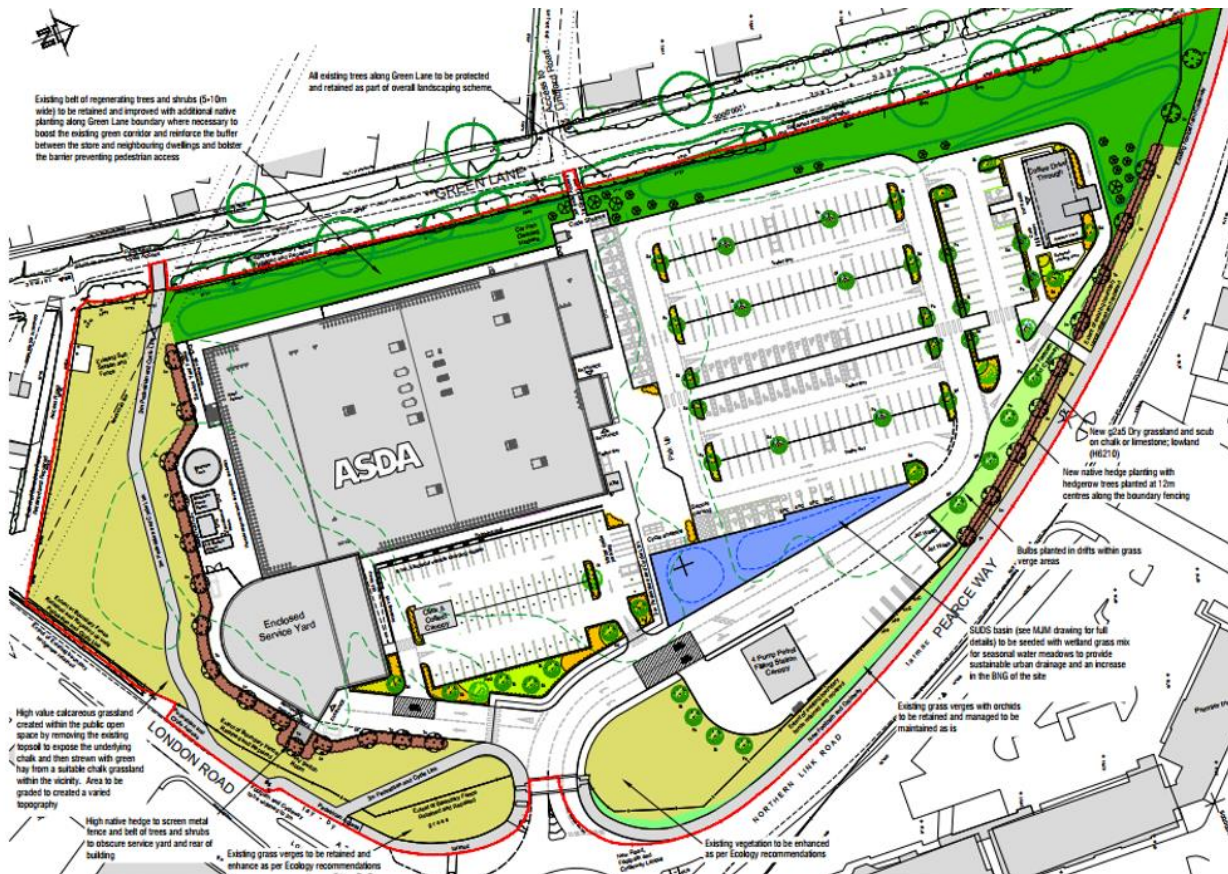
14/05997/FUL ALDI food retail store, London Road, Salisbury.

14/12175/FUL 65 bed hotel with drive thru restaurant with associated parking, access and landscaping.

## 5. The Proposal

The proposal is for a commercial development comprising the following:

- 4657sqm foodstore (including the sale of non-food goods). A revised vehicular access off London Road roundabout, with associated parking areas (a total of 279 spaces including 8 EV charging spaces), and associated infrastructure, including landscaping, drainage, and biodiversity features.
- A 171sqm drive through coffee shop unit – located to the north of the large retail units, within the proposed car parking for 27 vehicles.
- A petrol filling station, located to the east of the proposed access to the site adjacent London Road.
- Provision of open space / landscaping/biodiversity area to the immediate south of the foodstore building, which includes a new pedestrian and cycle link between London Road and Green Lane.



Current scheme layout

The proposal was adjusted and amended following the various consultation comments submitted, and the previously proposed petrol station shop has been removed from the proposal, and additional planting, biodiversity landscaping and drainage mitigation measures included. The application also now includes off-site biodiversity mitigation measures at the adjacent Country Park.

Furthermore, as a result of comments from the WC Highways officer, some adjustments improvements have been made to the access arrangements and pathways around and through the site.

The application did not require an Environmental Impact Assessment, but has been submitted with a variety of reports, including:

- Retail assessment
- Design and access statement
- Landscape proposals design report
- Tree reports
- Statement of community consultation
- Transport Assessment and Travel Plan
- Energy and sustainability reports
- Ecology and lighting reports
- Noise and Air Quality
- Flood Risk Assessment

(Members should note that the detailed elevations and other plans related to this scheme also show the likely location and appearance of several advertisements associated with the retail store. Such advertisements would require a separate advertisement consent application in due course, and cannot be determined through this current planning application).

## **6. Planning Policy**

Environment Act 2021/Levelling Up Regeneration Act (LURA) 2023

NPPF December 2023– Given the scale of this application, much of this guidance is relevant to this application. The most relevant sections and policies are referred to throughout the following report.

NPPG – Overall design, environmental impacts, bio-diversity, amenities, flooding, retail.  
National Design Guide/Code.

Wiltshire Core Strategy - The most relevant policies of this document are as follows:

- CP1 & 2 – Spatial and settlement strategies
- CP3 – Infrastructure
- CP20 – Salisbury strategy
- CP 21 – Maltings and central car park
- CP41 & 42 – Sustainable construction and renewable energy
- CP36 –Economic regeneration
- CP38 – Retail and leisure
- CP50, 51, 52 –Landscape infrastructure and biodiversity
- CP55 – Air Quality
- CP56 - Contamination
- CP57 – Design and amenity
- CP58 – Conservation of the historic environment
- CP60/61 - Transport and Development
- CP67 – Flood Risk
- CP69 – River Avon SAC

Maltings and Central Car Park Masterplan 2019

Wiltshire Housing Site Allocations Plan - Appendix A: South Wiltshire HMA Amended Settlement Boundaries (adopted Feb 2020)

The Wiltshire Retail & Town Centres Study 2020

Adopted Central Area Framework

Wiltshire Draft Local Plan

Wiltshire Design Guide

Emerging Salisbury City Neighbourhood Plan

Laverstock and Ford Neighbourhood Plan

## **7. Summary of consultation responses**

WC Highways – No objections subject to a number of S106 contributions and suitable conditions (see highways section of Planning Considerations section for more details).

WC Archaeology – No objections subject to a watching brief being conditioned.

WC Drainage – Subject to conditions, no objections.

WC Public Art – Provision of public art required in line with Council policy and strategy.

WC Ecology – No objections to amended layout and additional information and off site mitigation, and subject to suitable conditions and a S106.

WC Landscape - No objections to amended showing additional landscaping/planting.

WC Urban Design – Amended plans have addressed concerns.

WC Open Space – No public open space needed as this is a retail application.

WC Conservation – No heritage-related concerns.

WC Public Protection – No objections subject to various conditions related to restricting trading and delivery hours, a noise disturbance and odour mitigation, and a request for a financial contribution towards mitigating air quality issues.

WC Waste – General advice about the overall design and operation on the store waste area.

WC Economic Development - Whilst Economic Development are hoping to encourage highly skilled jobs to the Salisbury area we fully appreciate that retail and associated employment provided by a store of this nature, particularly in view of the uncertain economic outlook, are also very valuable and will help the City to withstand any economic downturn that may materialise.

WC Spatial Planning - Policy and evidence generally aligns with the current proposal.

Natural England – No objections subject to suitable biodiversity mitigation.

Esso pipeline – No objections provided the pipeline is protected during development.

National Highways – No objections subject to suitable mitigation towards the Salisbury Transport Strategy.

## **8. Publicity**

### Salisbury City Council – Objection

*In view of the evidence on the severe negative environmental impact on the ecology on this site with its expanded developed footprint, SCC objects to this application because of a significant loss of a biodiverse site and biodiversity. SCC does not believe there is a need for another petrol station at this site given the close proximity to an existing provision and especially as petrol and diesel cars are to stop being sold in 2030. SCC is also concerned that points in our previous comments have not been addressed as outlined below:*

- *Reduce operating hours to 7am-10pm to protect the amenity of nearby residents. 24-hour operation not suitable in a residential area.*
- *Concern about extra impact of traffic cutting through to access the supermarket via the narrow road through Ford and potential increased problems due to HGVs at St Thomas's bridge.*
- *EV charging - at least 10 units required.*
- *Request raised banking or other measures to shield nearby houses from light pollution.*
- *Ecology surveys need updating and there is no detail of mitigation measures on or off-site or of net biodiversity gain. One site that could potentially benefit from this is the proposed solar farm at Petersfinger.*
- *Presence of bee orchids on road verge - this verge should be protected.*
- *Request installation of solar panels and water recycling.*
- *Coin-operated trolleys requested.*
- *Request a reduced speed limit on London Road from Aldi to St Thomas's bridge, to protect children crossing amid extra traffic.*
- *Due to considerable public interest, SCC requests that this application is decided in Salisbury rather than Trowbridge.*

### Laverstock and Ford Parish Council - Support with conditions

*That the planning meeting deciding this application be held in Salisbury due to significant local public interest and concerns.*

*Customer Access - Provision should be made for safe pedestrian and cycle access from the surrounding areas including Ford and Laverstock. This should include safe passage along Green Lane to Ford, widening of the pavement access on London Road and safety improvements to London Road from the Church Road junction to the application site. This may include pedestrian crossings, controlled traffic lights and resurfacing of Green Lane. In addition, a bus shelter should be provided at the London Road stop servicing the site to encourage the use of public transport.*

*Deliveries - Night time deliveries should be prohibited in this residential area. It is suggested that operational hours (including opening hours) should be limited to 7am – 10pm. This should include all services on the site.*

*Trolleys - A system that prevents trolleys from leaving the site should be required.*

*Security - The operator must undertake to provide adequate security measures to protect their own and neighbouring properties, and record and report any criminal or anti-social behavior on the entire site (both the store and car park). This should include the provision of CCTV and maintenance of records.*

*Parking - Parking should be managed to avoid all day parking and provide sufficient spaces for shoppers without impacting on surrounding roads.*

*Landscape Plan - The soft landscape plan should include only native species, including trees and other planting.*

*Flora and fauna - Bee Orchids currently present on the road verge must be protected. Full Environmental and Ecological Surveys should be carried out prior to any development commencing and their recommendations implemented, with particular concern to bats and bat routes. Any off-site bio-diversity net gain funds should be allocated to the Castle Hill Country Park which is in the immediate vicinity and used by many of the potential customers for this site.*

*Litter - The site operator must undertake to provide enough litter bins, emptied daily, to maintain a litter free site. An obligation to maintain the surrounding areas should also be included.*

*Noise and Light Pollution - Raised banks, or other appropriate measures, must be used to protect neighbouring properties including those on Monxton Close, Myrrfield Road, St Luke's Close and London Road. Neon signs/lights have been refused on previous applications in the immediate residential area. These should not be permitted at this application site.*

*Traffic - Due to the anticipated increase of traffic accessing and servicing the site, plus pedestrian and cycle use, a 30mph speed limit should be introduced in the vicinity to protect customer safety. We support the concerns already raised by Salisbury City Council about the impact of traffic cutting through the narrow Ford Road.*

*Climate change - To contribute to our ambitions to reduce carbon emissions and combat climate change, investment should be made into environmental measures at this site. This includes (but not limited to) at least 10 EV charging spaces for customers and delivery vehicles, solar panels on buildings, rain water harvesting and low carbon heating systems.*

Third party comments - 159 responses, including 64 in support, 23 no objection with comments/concerns, and 72 objecting, raising the following matters:

- Proposal would exacerbate traffic problems along London Road
- Access from Pearce Way onto roundabout will be difficult due to increased traffic
- Contrary to a number of aims of the Core Strategy and Laverstock NP
- Local shops will close down
- Height restriction on railway bridge
- Noise, dust, fume pollution concerns during construction
- 24 hour opening will increase noise and disturbance, opening hours need to be limited
- Drive through not needed
- Speed limit needs reducing to 30mph
- Bishopdown Cottages will be affected with more users and traffic conflicts
- Railway bridge area will be a bottleneck
- Area already well served by retail and petrol station in the area
- Concern about major incident affecting the Esso pipeline and petrol station
- Too much traffic and development in area, will increase local accidents
- Would adversely affect city centre retail trade and local shops
- Parking issues will spill into adjacent residential roads
- More supermarkets not needed
- Supermarket needed to west of city centre, not here
- Would adversely affect other roads which will be used as rat runs
- Loss of valuable open space and ecological land/protected species



- Adversely impact the amenities of adjacent housing due to noise and disturbance, light pollution
- Antisocial behaviour and litter in area and on Green Lane, including trolleys
- Scheme needs more sustainable design features
- Welcome ASDA store, will reduce trips to other ASDA stores (inc Andover)
- Will reduce traffic along Southampton Road
- Will benefit residents of Longhedge and Old Sarum
- Will give more shopping choice and fuel and food price competition
- Reduce traffic in area as local people will not need to drive to Southampton Road or elsewhere for shopping
- The unacceptable retail trading impact on the City Centre
- The fundamental prejudice to city centre regeneration of the Central Car Park Site
- The existence of a suitable city alternative and thus failure of the sequential test

Salisbury Area Greenspace Partnership - Objects for the following reasons:

- *The loss of a very biodiverse site with priority habitats including significant areas of scrub and emerging woodland as well as species-rich calcareous grassland that includes plants such as the Bee Orchid and large numbers of Pyramidal Orchids. It is important that the significant mature native hedgerow along the western boundary of the site with Green Lane which provides important habitat and connectivity for wildlife and amenity for users of the adjacent well used footpath and cycleway is maintained and safeguarded.*
- *The increase in the development footprint as compared with the previous scheme with the addition of a drive thru coffee shop unit, a shop unit at the petrol filling station and an additional 50 parking spaces is considered an unacceptable overdevelopment of this site. The proposed development and its construction would largely destroy the existing native biodiversity apart from the mature hedgerow which is largely to be retained and enhanced. The need for a petrol filling station only a short distance from an established station is questionable as is the addition of a shop unit to the PFS which takes up valuable space needed to extend hedge and tree planting along the entire length of Pearce Way to provide visual separation for the public and connectivity for wildlife.*
- *The proposed landscape scheme indicates an almost complete lack of tree planting within the car parking areas, most of it being confined to the periphery of the site. This is not in line with NPPF 2021 which states that, 'trees make an important contribution to the character and quality of urban environments and can help mitigate and adapt to climate change.' The parking layout needs to accommodate significantly more shade from tree cover to mitigate extreme summer temperatures and provide a more equable environment for users. The layout should also be designed to manage surface water run-off in a sustainable way making use of tree pits and planting areas to return it to the ground as close to the source as possible to avoid flooding, protect water quality and maintain high quality wildlife habitat.*
- *The efficacy of the current Ecological Report produced in June 22 following a site survey in November 2021 and a dormouse survey in April 2022 is questionable. The site survey comprised a single walkover in winter making it difficult to gain an overview of the ecology of the site and particularly flowering plants in the grassland habitats such as the concentration of Pyramidal Orchids on the roadside verge on the south side of the entrance to the site, which extend beyond the boundary fence onto the site itself, and Bee Orchids along the verge of Pearce Way on the north side.*
- *The Ecological Report is quite clearly incomplete in that it contains recommendations for further works needed to fully assess the ecological impacts of the proposals and to mitigate any potential adverse effects. These include undertaking a detailed habitat survey and*

*mapping. The purpose of this would be to establish whether Section 41 habitats are present on the site and assess their quality. The survey should be undertaken in May or June when flowering plants associated with calcareous grassland are most easily detected. Also surveys for invertebrates in June and August, reptiles between March and October, bats in spring, summer and autumn and birds. These would be used to inform what steps need to be taken for the enhancement of nature conservation and biodiversity on the site to mitigate any potential effects and to establish a baseline for calculating biodiversity net gain for in line with the Wiltshire Core Strategy.*

- *Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver a net gain. The National Planning Policy Framework (NPPF) also encourages applications to deliver measurable net gains (para 175 d) and the government has signalled its intention to bring forward legislation to require development to deliver 10% net biodiversity gain. At the current time therefore, SAGP would expect all applications to demonstrate no net loss of biodiversity and where appropriate to deliver a 10% net gain.*
- *The alignment of the pedestrian and cycle link across the site should be reconsidered to reduce the impact on the existing biodiversity by extending the path across the site in a direct line to connect with the existing footway along London Road. This would be in line with a longer-term proposal for creating an off-road pedestrian and cycle link to the schools at Laverstock on the eastern side of the railway by utilising the accommodation bridge below the railway on the other side of London Road. The existing footway on London Road should be widened to connect up with the existing pedestrian and cycle access adjoining the Hampton Park Roundabout. This would necessitate the replacement of the existing hedge further back onto the site and the omission of the direct pedestrian link to the site from London Road.*
- *The landscape proposals should also be amended to minimise the amount of intervention to the existing biodiverse areas other than for the introduction of appropriate selective management of the existing vegetation and minor adjustments to levels.*
- *A Construction Method Statement will be required describe how each element of the proposal is to be carried out and what measures are taken at each stage to ensure the protection of biodiversity both within the site and in the surrounding area, and where it is possible that an impact may occur off site as a result of on-site processes.*
- *Although the current layout takes into account feedback from its somewhat limited public consultation exercise in November 2021, there has been no attempt to address the issues raised by climate change which include more tree planting in the extensive area of tarmac car parking, the provision of green or more appropriately brown roofs in conjunction with PV panels, the provision of a greater number of electric vehicle charging points (currently only 4 nos.) and a fully resolved detailed SUDS scheme for dealing with storm water run-off.*

Cycling Opportunities Group (COGS) – No objection, subject to the access being designed to take account of pedestrian and cyclists, and more electric vehicles spaces being provided on site, including space for a car club vehicle. Some matters in the transport documents are incorrect or misleading. How will the travel plan and staff sustainable travel being monitored.

## **9. Planning Considerations**

### **9.1 Principle of development and planning policy**

The previously approved 2014 retail scheme on this site was considered by the Council to have met the aims of the National Planning Policy Framework (NPPF) at that time. The NPPF has been revised a number of times since, most recently in December 2023, but in general terms, the thrust of its policies relevant to this proposal remains the same. In particular, paragraph 8 of the NPPF

emphasizes that achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental. Paragraph 11 outlines the presumption in favour of sustainable development. Paragraph 38 encourages LPA's to work proactively with applicants, and seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 85 indicates that “significant weight” should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraphs 89 and 123 indicates that the use of previously developed land, and sites that are physically well-related to existing settlements should be encouraged.

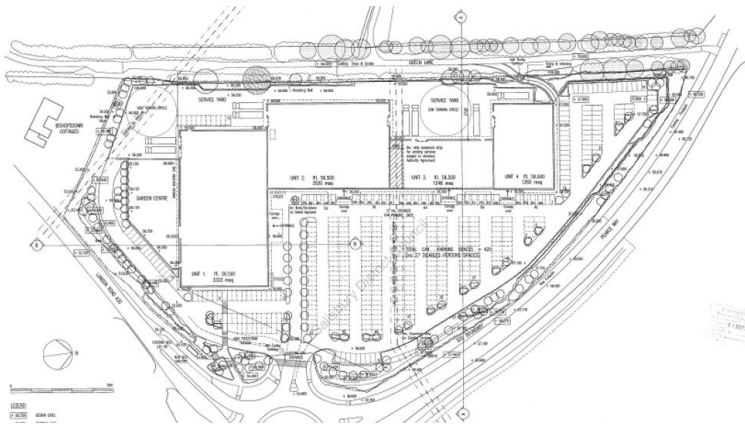
Core Policy 36 ('Economic Regeneration') of the Wiltshire Core Strategy supports regeneration opportunities and aims to maximise the re-use of previously developed land. The provision of economic development on previously developed land will therefore be supported. The economic impacts of the jobs arising from the proposal and associated construction employment opportunities are a material consideration and, as per the NPPF, should be given significant weight in the assessment of this proposal. The application estimates some 200 part-time and full-time employment positions being created by the proposal, with an average of 58 jobs per year through the construction phase. The applicants also state that a total Gross Value Added (GVA) of £5.5m would arise from these new jobs.

The application site is largely located within the Salisbury City area, but its northern end falls within Laverstock and Ford. The Salisbury Neighbourhood Plan is emerging at the time of writing (Regulation 14 stage), and there are currently no policies which relate directly to this site. The draft document does contain Policy 30, which is a general “major retail” policy which simply mirrors the aims of adopted WCS Policy 38. The Laverstock and Ford Neighbourhood Plan is adopted, but also makes no detailed reference to the application site.

The Wiltshire Design Guide is also now adopted. This mirrors the aims of central government's National Design Guide and Codes. This is now a material consideration to be given significant weight.

#### The previous planning history of the site

The site has been the subject of a number of applications for development for the last 30 years, including a planning permission for a bulky goods retail scheme which was approved in the mid 1990's with a start made (the creation of (the still existing) access arrangement off London Road), thus keeping the permission 'live' in law (see Planning History section of report). In theory, this enables that particular development to be continued at any time, although given how much time has passed since the consent and works started, it seems unlikely that such a historic proposal would now actually be built out in reality. The footprint of the building permitted was just above 8,000sqm, plus 420 car parking spaces – substantially larger than the current scheme being proposed.



Layout of 1990's extant scheme above

The land was subsequently allocated for bulky goods retail development in the 2003 Salisbury District Local Plan, and planning permission was later granted on appeal for a similar bulky goods retail scheme in 2009 (application ref S/2007/1460 refers). This permission was subsequently renewed by later applications for modifications to the scheme until April 2015. The site was then subject of the most recent planning consent for a retail store, petrol station and car park (referred to in this text as the "2014 retail consent"). This consent (se plan below) was not implemented and lapsed in 2020.



Layout of 2014 retail consent above

Whilst the site is no longer subject to the previous specific site allocation for a retail use in the adopted WCS (having been removed given that planning approval had been granted for such a usage on appeal in 2009), the site was more recently included within the settlement boundary as part of the WHSAP 2021 adjustments. This means that the site is acceptable for development in principle. As part of previous applications, the site has been treated as 'brownfield' (previously developed land) given the planning history and, notably, the extant consent.

As a result, the principle of development of the land would be difficult to refute, and its development for some form of large out of town retail use was considered to be acceptable up until recent years (the recent retail consent only lapsed in 2020). Therefore, whilst Members must consider this current retail application and its various impacts, the planning history and particularly the recent retail approval on the site are material considerations of significant weight.

## 9.2 Retail impact of the proposal and site selection

Third parties have raised concerns about the impact of a retail store on the vitality and viability of the city centre. However, a number of responses have also welcomed the proposal. These responses are summarised elsewhere in this report.

As a result of the 2014 approval, later applications for large scale retail schemes have been considered acceptable – certainly up to 2020 when the 2014 consent expired. Members, therefore, need to assess whether there have been any planning policy or other material changes which could result in this current application being considered differently.

The 2014 retail consent application was considered against the retail planning policies within the current WCS, and the NPPF (2012 version). The national Planning Practice Guidance (PPG) retail guidance post-dates the consent, being introduced in 2019. The NPPF has recently been amended in December 2023. This continues the ‘town centre first’ stance of previous guidance at Section 7, paragraph 90 onwards.

Paragraph 91 of the NPPF states:

*Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; **and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered** [emphasis added].*

Paragraph 92 of the NPPF continues:

*When considering edge of centre and out of centre proposals, preference should be given to accessible sites **which are well connected to the town centre**. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored [emphasis added].*

Paragraphs 94 & 95 conclude:

*94. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:*

*a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*

*b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).*

*95. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.*

The national Planning Practice Guidance (PPG) also addresses the above matters, and at para 14 it explains what the “impact” test is:

*The purpose of the test is to consider the impact over time of certain out of centre and edge of centre proposals on town centre vitality/viability and investment. The test relates to retail and leisure developments (not all main town centre uses) which are not in accordance with up to date plan policies and which would be located outside existing town centres. It is important that the impact is*

*assessed in relation to all town centres that may be affected, which are not necessarily just those closest to the proposal and may be in neighbouring authority areas.*

Paragraph 15 outlines what an application should consider in an impact test, namely:

- scale of proposals relative to town centres
- the existing viability and vitality of town centres
- cumulative effects of recent developments
- whether local town centres are vulnerable
- likely effects of development on any town centre strategy
- impact on any other planned investment

Paragraph 15 also indicates that where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include:

- the policy status of the investment (i.e. whether it is outlined in the Development Plan)
- the progress made towards securing the investment (for example if contracts are established)
- the extent to which an application is likely to undermine planned developments or investments based on the effects on current/forecast turnovers, operator demand and investor confidence

At Paragraph 18, the PPG sets out a checklist for applying the impact test and concludes that:

*A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example, in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.*

*Where evidence shows that there would be **no likely significant impact on a town centre from an edge of centre or out of centre proposal**, the local planning authority must then consider all other material considerations in determining the application, as it would for any other development [emphasis added].*

Core Policy 38 of the WCS and its supporting text remains as previously worded at the time the previous 2014 retail application was considered. This policy mirrors the retail advice in the NPPF above, and seeks to enhance the vitality and viability of the town centres in Wiltshire through policies promoting the regeneration of central areas and delivery of new growth at settlements to support the vitality of centres. The policy states that:

*All proposals for retail or leisure uses on sites not within a town centre in excess of 200 sq metres gross floorspace, including extension of existing units, must be accompanied by an impact assessment which meets the requirement of national guidance and established best practice, **and demonstrates that the proposal will not harm the vitality or viability of any nearby centres**. All such proposals must also comply with the sequential approach, as set out in national guidance, **to ensure that development is on the most central site available** [emphasis added].*

Draft policy 67 of the draft emerging Wiltshire Local Plan also mirrors the above policy stance.

So based on the NPPF, NPPG, and WCS retail policy aims, the Council must be satisfied that the proposed retail development would not harm the vitality or viability of any nearby centres, and is the most central site available.

## **9.21 Impact on the vitality and viability of the city centre**

### Previous 2014 retail scheme

A detailed retail study was submitted with the previously approved 2014 retail application, which assessed the likely impacts of the scheme, including the impact of the scheme in conjunction with other consented retail schemes. At that time, the Council commissioned an assessment of the applicant's retail report (undertaken by GVA Grimley). It concluded that the previous 2014 retail proposal would have an acceptable retail impact on the city centre and advised that conditions should be placed upon the approved store to control the amount of convenience and comparison goods floorspace, along with the total net sales area and the ability to sub-divide the unit into separate parts.

Consequently, the Council approved the 2014 scheme subject to a number of restrictive retail related conditions, to limit the retail impact of the scheme. That previous planning permission was eventually issued in 2017 following completion of the S106. The planning permission only lapsed in 2020.

### Current retail scheme and retail assessment

The applicants have submitted a detailed retail impact assessment with this current application. This highlights that the Wiltshire Retail & Town Centres Study 2020 in relation to Salisbury indicates that:

- The city centre is a healthy and attractive centre which is popular for both non-food and food shopping (the former in particular), with a wide catchment.
- Whilst there has been a shift in the balance between comparison and service uses over several years, the former of which has fallen, its strength and attractiveness means that the proportion of comparison goods retailers remains above the national average.
- The city centre's performance is helped by the presence of the cathedral and its generally attractive built environment.
- The Maltings site provides the best opportunity to enhance the health and attractiveness of the city centre.
- Identifies capacity of 2,502 sq. m (net) comparison goods floorspace to 2036, and 1,296sq. m of convenience floorspace over the same period. For food and beverage (former Class A3/4/5 uses), the Study identifies capacity for 4,832 sq. m of floorspace to 2036.

And in relation to Amesbury:

- The town centre is healthy and adapted to a changing retail landscape, but following the opening of out-of-centre stores, the town centre has not experienced any material decline.
- There has been a fall in vacancies and whilst having a limited catchment, it complements nearby Salisbury in serving South Wiltshire communities.

In line with the guidance in the PPG, the applicants have carried out a 'health check' on both centres and conclude that the centres are all vital and viable. Amesbury generally provides local facilities to serve the comparison and service needs of its residents, as well as providing a mixture of main and top-up convenience goods facilities, whilst Salisbury City Centre functions as a destination, with a greater range retail (including its function as a comparison goods destination) and service uses, as well as its cultural and tourist offer.

These health check findings have in turn informed the assessment of the potential impact effects. This concludes thus:

- The proposed convenience and comparison floorspace will have only minimal potential for impact on existing centres, with the levels of trade diversion certainly not at a level that could reasonably be classed as 'significantly adverse' on any of the centres health or overall attraction, with the greatest impact on Salisbury City Centre, being just 1.6%
- The scheme will not materially affect the trading position of the centres, which will continue to trade well and perform their respective role in the hierarchy in serving local residents. The proposed development will not impact on their wider service function or other attractions such as cultural and tourist facilities, which support their overall health.
- The provision of a single drive through coffee shop is not of a scale whereby it would be likely to materially compete with the centres.
- The proposed development will not materially alter either the number of visitors to centres, or their reasons to visit them. Residents will continue to visit the centres for their wider retail, service, leisure and associated facilities, and in the case of Salisbury its wider cultural and tourist function, which would not be impacted upon at all by the proposed development.
- In summary, the proposed development will not result in a significant adverse impact on the vitality and viability of the defined centres, and would not affect potential investment in the planned Maltings Central Car Park site.

The Council has undertaken its own retail assessment of this proposal, which concludes (summary):

- *Salisbury City Centre and Amesbury Town Centre are the main centres within the catchment area of the proposals that will be impacted by the application proposals.*
- *Both Salisbury City Centre and Amesbury Town Centre are performing well and it is on this basis that we form our opinion on retail impact.*
- *The only minor concern is the vacancy rate in Salisbury being slightly higher than the national average. However, Salisbury appears to have similar characteristics to other large centres in that the centre contains too much retail floorspace and too many small units that do not meet the needs of modern retailers in the current climate.*
- *The recycling of large vacant units within the town centre is a positive indicator of town centre health. Specifically, Primark has taken over the former BHS store. Everyman cinema has taken over the former Bingo unit, and Bradbeers have taken over the former Debenhams store.*

The Council's retail assessment goes on to state:

*... We are in broad agreement with the applicant's trade diversionary figures. It makes sense that the application proposals will divert a high proportion of trade from Tesco Extra, Southampton Road, Salisbury. Whilst it is not the closest foodstore to the application site, it is a large foodstore, which will compete with the application proposals on a like-for-like basis. Aldi, London Road, Salisbury and Waitrose, Churchill Way West, Salisbury are the closest foodstores in location terms to the application site and it is considered that a reasonable proportion of trade will be diverted from these foodstores. Lidl, Hatches Lane, Salisbury is close to the Tesco Extra foodstore and we agree that some trade will be diverted from the Lidl foodstore. Tesco Metro, Castle Street, Salisbury and Sainsbury's, The Maltings, Salisbury are other nearby foodstores that a limited amount of trade will be diverted from to the application proposals. The application site is located north of Salisbury,*



close to the A338, which leads to Amesbury to the north. We agree that some trade will be diverted from Tesco, London Road, Amesbury and Aldi, Salisbury Road, Amesbury, albeit, this will be minimal . . .

In terms of the likely impact on the city centre and in-centre investment, the Council's retail report states (summary):

*The applicant has considered the impact of the application proposals on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal...*

*The application proposals will not impact on the proposals for development of the wider site for a residential-led development (The Maltings). We are not aware of any other investment in Salisbury or Amesbury. As such, we are satisfied that the application proposals will not have a significant adverse impact on any existing, committed and planned public and private investment in Salisbury. Therefore, this element of the impact test is passed.*

The Council's retail assessment (secondary report April 2024) which related to third party concerns, reiterated the point that **"..we still consider that the application proposals will not have a significant adverse impact on Salisbury city centre.."**

## **9.22 Sequential test – site selection process**

In terms of the sequential test, the Council's retail report also assesses the applicant's own assessment of several city centre sites, namely, The Maltings city centre car park site, the Old Manor Hospital site, and several (at that point) vacant units in the city centre. The Council's retail assessment concludes that it agrees with the applicant's assessment that none of the reviewed sites are suitable or available for a number of different reasons.

Members should note that the previously vacant city centre units are now occupied by other uses, and the Old Manor site is now completed and built out for several hundred homes. It also contains two (now renovated) listed buildings and is located in a Conservation Area. Thus, in general terms, on heritage impact grounds alone, it may well have been unsuitable for the proposed retail development anyway.

With regards to the Maltings and Central Car Park site in Salisbury City Centre, third party comments have indicated that this site has not been properly considered by the applicants or the Council's retail assessor. However, policy CP21 of the WCS indicates that the strategy promotes the sensitive regeneration of a mixed-use retail led development on the Maltings and Central Car Park. The development template related to policy CP21 makes it clear that *"a single or few large retail outlets providing the whole of the floor area will not be appropriate to achieve the aims of the development and will not be permitted"*.

As part of the assessment of the previously approved 2014 retail store proposal, even though the Maltings site was considered sequentially preferable in terms of its more centralised location, the Council concluded that the London Road site was a preferable location for a large retail offering.

Furthermore, since the above decision by the Council, and whilst still forming part of the current adopted WCS, policy CP21 has been supplemented by the adoption of the Maltings Master Plan 2019, and subsequently the Central Area Framework (CAF) in 2020. There has also been the Council's retail study of 2020, as mentioned elsewhere in this report.

These documents update the Council's land use strategy for the Salisbury City Centre and its hinterland in light of the changing local and global economy during the last few years. The Maltings and Central Car Park site is now envisaged by the Masterplan and the CAF to be regenerated by a largely residential and leisure led developments, with smaller scale retail offerings. A large-scale retail development of this site is not envisaged by the updated planning policy, particularly as part of the site has recently been the subject of significant works to enhance the river corridor as part of

the River Park project. This latter project is intended to mitigate the impacts of flooding and climate change on the city centre area. Draft emerging Wiltshire Local Plan policy 33 also states that the development of the area (the Maltings / Central Car Park site) should include residential, small-scale retail, services and leisure.

Indeed, in response to third party concerns, the Council retail assessment report (secondary report April 2024) reiterates the view that the site is not available for the application proposals for several reasons, including, that the site is not being actively marketed; that the emerging Wiltshire Local Plan policy position is moving towards small scale retail and other proposals; and because Sainsbury's has entered into a 10 year lease on the site. They state that there is no suggestion that any other alternative sites are available beyond the Maltings site. The Council's retail assessment (2<sup>nd</sup> version) also clarifies that having considered the third party concerns in relation to the retail impacts of the proposal, **"we continue to be satisfied that the application proposals have passed the sequential and impact tests.."** and that there is **"..no retail planning reason to refuse the application.."**

Notwithstanding the retail study sites referred to above, it is also of benefit to highlight and discount other parts of the city as unsuitable for this proposal:

- Churchfields Industrial area - This is closer to the city centre than the chosen London Road site. However, the area is defined as a Principal Employment Area in the WCS, and referred to as that in the Central Area Framework. This is reinforced by the stance of draft Wiltshire Local Plan policy 34 and 65 which recognizes the importance of the area as an employment area, and not an area for large scale retail. The area is therefore not suitable for large scale retail development, and the LPA is not aware that any land in this area of a suitable size is currently available to the applicant.
- Southampton Road area – Whilst of a similar distance from the city centre, and served by the A36 road system, this area is defined as a Principal Employment Area in the WCS, and referred to as that in the Central Area Framework. This is reinforced by the stance of draft Wiltshire Local Plan policy 65 which recognizes the importance of the area as an employment area, and not an area for large scale retail. Whilst this area already has some retail units, including a LIDL and TESCO store, in policy terms the area is therefore not suitable for large scale retail development, and the LPA is not aware that any land or units in this area of a suitable size is currently available to the applicant. It is also the case that it is hoped that the retail scheme subject of this application may actual result in a reduction of traffic congestion along this A36 route due to some trade diversion from the existing out of town retail stores.

The Council's Spatial Planning policy officer has assessed both the applicants retail assessment and that of the Council, and concluded the following (summary):

*"It is suggested that the greatest effects on the city centre from this proposal will be upon the convenience sector. By far the main offer of the City Centre is comparison goods and services. The effect of changes to the City Centre convenience segment are, overall, deemed limited.*

*The Retail and Town Centre Study (2020) indicates that there is capacity at Salisbury for additional convenience goods retail floorspace, which approximately equates to a modest-sized foodstore...*

*....Consideration of a previous proposal on the London Road site by the landowner, in 2015, raised concerns of a significant adverse impact at 17% convenience trade diverted from the Centre by 2.2k m<sup>2</sup> of net floorspace. Impact concerns seemed allayed by a reduction to 1.4k m<sup>2</sup> and 10% diversion. The applicants for the current proposal forecast percentage trade diversion from the Centre at just 5%. It is recognised that there are likely to be methodological differences in approach.*

*The proposals are however of a similar scale, notwithstanding the fact that the relative importance of the city centre as an area for convenience retailing further declined when the nearby out of centre*

*Aldi outlet opened. Trade diversion is now therefore spread more widely and more thinly. In addition, the applicants, not unreasonably, single out the Aldi store, forecasting it to lose disproportionately more trade than other stores.*

*Without making too direct comparisons between current and previous assessments, an overall effect that would take impacts toward less than significant adverse are suggested, even were 5% diversion shown to be an under-estimate.*

*The Council commissioned Emery Planning to review the above assessment and the findings (letter of 6 October 2023) are broadly in line with those of the applicant.....Policy and a range of evidence generally align with the current proposal.”*

Notwithstanding the above, Members should also note that the previous similar 2014 retail proposal was referred to the Secretary of State on retail grounds, but the Secretary of State chose not to call the application, allowing the Council to approve the scheme as it intended. This suggests that the SoS considered the impact of the previous retail scheme acceptable.

### Impact of coffee ‘drive thru’

The Council Spatial Planning officers have commented as follows:

*“The proposal also incorporates a food/drink drive-thru facility, which would nominally be a main town centre use according to NPPF. It is our view that such a facility, located at an entrance location to Salisbury, would have little effect on city centre activity. The proposed drive-thru would primarily attract passing trade along the London Road. An appeal judgement from August 2016 concerning such uses - at a different peripheral Salisbury location - confirms that such operations are likely to have little impact upon relevant city centre trade.”*

The appeal to which the above refers was related to the Premier Inn and Mcdonalds drive through restaurant development on Southampton Road, Salisbury. In approving the scheme, the Inspector indicated that:

*18. The scale and nature of the proposed drive-thru restaurant are such that impact assessment is not required and the parties agree that this part of the proposal would not harm the vitality or viability of the city centre.*

The drive through subject of this application is 171 sqm in size, below the 200sqm referred to in policy CP38 as needing an impact assessment. Given the views of the Council’s spatial policy officer above, and the previous appeal decision referred to, it would be difficult to argue a case that the drive through would be likely to have an impact on the vitality and viability of the city centre.

### Restrictions on retail use

The previous 2014 retail consent was approved subject to a condition restricting the scope of the retail use on site. Since that was previously imposed, the Use Classes Order has been revised, with Class A1 retail uses being absorbed into Class E which is defined by the amended Use Classes Order as:

**a) Shop other than for the sale of hot food**

**b) Food and drink which is mostly consumed on the premises** [emphasis added]

c) the following kinds of services principally to visiting members of the public –

i. financial services

ii. professional services (other than medical services)

iii. any other services which it is appropriate to provide in a commercial, business or service locality

d) Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms)

e) Medical services not attached to the residence of the practitioner

- f) *Non-residential creche, day centre or nursery*
- g)
  - i) *office*
  - ii) *the research and development of products or processes or any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)*

With regards to the above, the proposed retail supermarket and drive-through fall under criterion a) and b). Thus, a suitable condition to restrict the usage of the site to those elements in Class E is recommended. Otherwise, without such a restriction, the site could potentially be used for a number of different uses for which it may not be suitable due to its locational characteristics.

Notwithstanding the above, following discussions with the Council's Public Protection officers and following third party concerns, a number of other restrictive conditions can be placed on this proposal which would limit its opening and operational hours, and limit the overall impacts of its operations on the surrounding area. The relevant conditions are discussed elsewhere in the relevant sections of this report.

### **9.23 Summary**

The third party concerns relating to the proposal and its retail impact have been taken into account. However, for the reasons outlined, the Maltings Central Car Park site is not considered suitable or available for this proposal, and other sites have also been discounted. The Council's currently adopted Wiltshire Core Strategy does not allocate any other sites for large scale retailing within Salisbury city centre or its hinterland. The draft Wiltshire Local Plan is also silent on this matter (in terms of allocations in the Salisbury area). By their very nature, Salisbury's historic tight-nit core, undulating landscape, and surrounded protected countryside and floodplains are considered to be inappropriate for large scale retail development, given the likely impacts on many sensitive receptors.

The London Road site the subject of this application has been previously considered suitable for large retail development, and is suitable and available to serve the applicant's proposal, with mitigation. There are no alternative suitable sites available to the applicant which are sequentially preferable (ie closer to the city centre).

As a result, given that a similar retail scheme has previously been approved on this site in recent years, and given that a further retail assessment has maintained the previous view that the impact on the city centre viability and vitality would be acceptable, a refusal of this scheme on the basis of the likely harm caused to the city centre retail activity would be difficult to justify. Consequently, officers consider that the proposal accords with the aims of the national retail policy, as well as the aims of local WCS retail Policy CP38.

### **9.3 Impact on highway systems around the site**

The A30 London Road (and hence the site) is accessed via the A36 road system. Numerous third-party objections have been received related to the impact of this proposed development on the highway system around the site, particularly on the already busy London Road route, and the smaller road system in the adjoining residential areas, including through Laverstock and Ford.

The NPPF indicates at paragraph 115 that:

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

*Paragraph 117 of the NPPF also indicates that:*

*All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.*

Reflecting the NPPF stance in Section 9 on such issues, Core Policy 61 (Transport and New Development) of the WCS indicates that:

*“New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.*

*As part of a required transport assessment, the following must be demonstrated:*

*i. That consideration has been given to the needs of all transport users (where relevant) according to the following hierarchy:*

- a. Visually impaired and other disabled people*
- b. Pedestrians*
- c. Cyclists.*
- d. Public transport.*
- e. Goods vehicles.*
- f. Powered two-wheelers.*
- g. Private cars.*

*ii. That the proposal is capable of being served by **safe access to the highway network***

*iii. That fit for purpose and safe loading/unloading facilities can be provided where these are required as part of the normal functioning of the development. Where appropriate, **contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives** and more sustainable freight movements.” [emphasis added]*

A detailed Transport Assessment was submitted with the application. This concludes:

*8.1.7 A Framework Travel Plan (FTP) has been developed which will focus on reducing single occupancy car journeys in favour of more sustainable forms of transport. Each operator will produce their own bespoke Travel Plan based upon their operational requirements and corporate strategies, each of which will follow the overarching aims of the FTP and be agreed with WC.*

*8.1.8 A robust trip analysis predicts the development will generate no new primary trips on the local highway network as shopping trips would occur anyway, irrespective of the new store. The development would generate pass-by vehicle trips in the order of 115 and 142 two-way in the weekday AM and PM peak hour periods respectively, and a total of 236 two-way vehicle trips in the weekend peak hour. In addition, the development will result in transferred vehicle trips, i.e. those shopping trips which would otherwise be destined towards other retail opportunities, totalling 112 and 171 two-way vehicle trips in the weekday AM and PM peak hours respectively, and a total of 375 two-way vehicle trips in the weekend peak hour.*

*8.1.9 The result of the traffic impact assessment concludes that there would be no material or severe impact on the operation of the local highway network. Further, the application site is already very well served by the existing sustainable transport network and access will be improved as a consequence of the proposals).*

*8.1.10 Consequently, it can reasonably be concluded that the development accords with local and national transport planning policies and is acceptable, therefore, in transport and highway safety terms.*

National Highways (formerly Highways England) has responded as follows to the application:

*National Highways primary concern is for the ongoing safe and efficient operation of the SRN which in this location comprises the A36 and its associated junctions. It is accepted that the A36 experiences congestion, particularly during network peak hours. It is in this context that our comments are made.*

*The application site benefits from an extant permission reference S/1994/0632 for a foodstore comprising 8361 sqm of retail floorspace. Revised proposals were subsequently approved under application 14/04756/FUL for 6030 sqm of retail floorspace. The current application seeks consent for 4657 sqm of retail floorspace, with ancillary facilities. National Highways offered no objection to the 2014 application, accepting that the impact of development on the A36 was unlikely to be severe, in line with prevailing policy at that time.*

*National Highways has considered the revised proposals and, whilst this does not imply acceptance of the assessment methodology presented by Systra in their Transport Assessment dated May 2022, we nonetheless remain of the view that given the type and location of development proposed it is unlikely to result in an unacceptable or severe impact in safety or capacity terms on the SRN.*

*However, given ongoing constraints across the highway network, we would expect Wiltshire Council to secure a robust travel plan and contributions as appropriate towards measures identified within the Salisbury Transport Strategy (STS) to support and encourage the take up of sustainable travel modes and thereby offset the impact of development on the SRN.*

***National Highways has no objection to application reference PL/2022/04875 but advises Wiltshire Council to secure robust travel plan measures and a proportionate developer contribution towards the delivery of the Salisbury Transport Strategy, to support and encourage the take up of sustainable travel modes.*** [emphasis added].

As a result of the above from National Highways, it is considered that it would be difficult to refuse the application on the basis of the impact of the proposal on the A36 trunk road system or its junction with London Road.

With regards to the impact of the scheme on London Road itself and the surrounding highway systems within residential areas, the Council's highways officer has also assessed the scheme, and has made the following comments:

*..... It is noted that a previous scheme for a similar development gained planning consent in 2017.*

*To meet with current local and national sustainable travel objectives, it is critical that the site delivers links to the wider network of cycleways and pedestrian routes together with access to public transport choices. The scheme includes improvements to the pedestrian and cycle links with a commitment to upgrade the existing infrastructure. This will be achieved through a combination of financial contributions for the surfacing of part of Green Lane and towards bus service improvements as well as identified highway improvement works upgrading footways to shared use cycleways and ensuring a continuous link is available to service the store.*

*Internally, car parking and cycle parking will be provided in accordance with the LTP parking and cycling strategies. Access off the Hampton Park Roundabout has previously been assessed as suitable, some alterations are needed to provide a two-lane exit onto the roundabout and an informal crossing of the access road.*

A number of third parties have raised similar concerns about the impacts of the development. These are shown below, along with WC Highways response to these matters:

1. A 30mph speed should be introduced along London Road –

*WC Highways advice: We received advice on this from our Traffic department who deal with requests for reduced speed limits, as follows:- the road meets the criteria for an Urban 40mph based upon the guidance contained in Circular 01/13. The road is a higher quality sub urban road, on the outskirts of the city and the development is served via defined access points with no direct frontage access.*

2. The development will make it difficult for vehicles to exit the Pearce Way junction with the due to the high level of traffic.

*WC Highways advice: The Transport Assessment has provided an analysis of each arm of the roundabout showing queue lengths, with figures forecast to 2031. The queue from the site onto the roundabout will be insignificant. It is likely there will be a queue from Pearce Way at peak times as a result of the proposed development but the queues will be similar to that predicted with the extant consent (a marginal increase at AM peak and a marginal decrease at PM peak).*

3. The restricted height of the railway arch will impede HGV lorries and cause congestion in the area

*WC Highways advice: The retail operator will manage their deliveries and routing to take into account restrictions such as weight and height limits.*

4. Traffic will use Ford Roman Road (and other surrounding roads) as a rat run

*WC Highways advice: There will be traffic using Ford Roman Road to access the ASDA store. However, there are existing supermarket trips on the network which will be redistributed as a result of the development, some roads will see a reduction as trips are diverted from other local supermarkets, generally the trips are existing but the destination is different.*

The Highway Authority has no objection to the proposal subject to appropriate conditions and S106 contributions, which are outlined elsewhere in this report. These requested S106 contributions towards mitigation of transport impacts address those requested by National Highways.

#### Access to the site via a linkage from Green Lane

As with the previous 2014 retail scheme, there have been third party concerns about a link being created from Green Lane into the site, adjacent to the retail store building. The provision of a link would be sensible in sustainability terms, creating an easy non-car way of accessing the site, which may encourage more people from the adjacent housing to leave their cars at home, and shop more sustainably. The Council WC Highways support such a link.

The negative side to providing such a link is that it may encourage users of the retail proposal to park within the adjacent housing area close to the site, and to walk through to the store. This point has been highlighted by a number of residents, as has the possible creation of anti-social behaviour, although limited justification for this is given.

As part of the previously approved 2014 retail scheme on this site, Members specifically opined on this point, and in approving the scheme, a pedestrian and cycleway was permitted from Green Lane into the site, giving direct access to the front of the retail store.

The current scheme also contains this linkage. It is therefore considered acceptable, as it was previously.

#### Additional footpath along Pearce Way

Currently, the footpath system around part of the site (north-east of the vehicular access to the site adjacent to Pearce Way) is incomplete. As part of the approved 2014 retail scheme, the proposal showed this area to be enhanced. The current scheme proposal would also complete the

footpath/cycleway in this area, improving the accessibility of the site. This is considered to be a positive improvement resulting from the proposal, as it was previously.

#### Access between Green Lane and London Road

As with the approved 2014 retail scheme, the proposal also provides for a footpath and cycleway on the planned open space adjacent the retail store site and Bishopdown Cottages. This will enhance linkages around the site, and improve upon the current footpath arrangement, given the narrow nature of part of the London Road pavement adjacent to Bishopdown Cottages. This is considered to be a positive improvement/public benefit resulting from the proposal.

As a consequence of the above highways comments, and given the planning history of the site which up until 2020 benefitted from a planning consent for a similarly retail scheme, it is considered that despite the local concerns related to traffic impact, it would be difficult to refuse the proposal on the impact of the proposal on the A36 trunk road system or the London Road A30 or associated road network around the site, provided a suitable S106 agreement is entered into and suitable conditions proposed, which would mitigate the identified highway impacts. The scheme would therefore comply with the aims of national planning policy, and local plan transport policies.

#### **9.4 Design, landscaping, and impact on surrounding landscape and area**

The site is located in a prominent location adjacent to the main A30 London Road. The site, and therefore any development on the site, will therefore be readily visible to users of the adjacent highway system, which acts as one of the main arterial and gateway roads serving the city centre and surrounding hinterland. Since the previous 2014 retail scheme was approved, the NPPF has been adjusted a number of times, and the latter versions have included a greater emphasis on general design matters, including the publication of a National Design Guide and Code. Section 12 of the NPPF now covers achieving well designed and beautiful places.

Paragraph 139 of the NPPF states that:

*Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

Core Policy 51 (landscape) relates to landscape impact, and indicates that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Similarly, Core Policy 57 of the WCS indicates that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

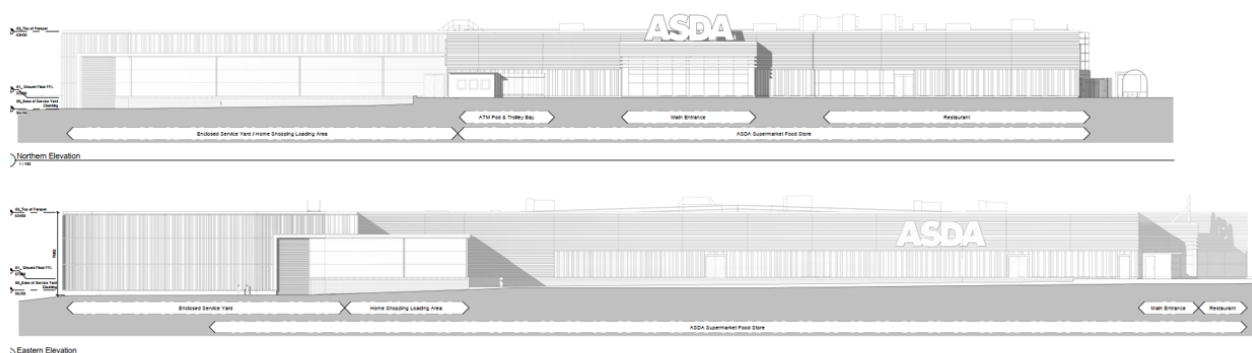
Furthermore, Core Policy 52 (Green Infrastructure) of the WCS is relevant, and indicates that where development is permitted developers will be required to:

- Retain and enhance existing on site green infrastructure



- Make provision for accessible open spaces in accordance with the requirements of the adopted Wiltshire Open Space Standards
- Put measures in place to ensure appropriate long-term management of any green infrastructure directly related to the development
- Provide appropriate contributions towards the delivery of the Wiltshire Green Infrastructure Strategy and
- Identify and provide opportunities to enhance and improve linkages between the natural and historic landscapes of Wiltshire.

The proposed scheme is, in terms of its scale, overall design and layout, very similar to the 2014 retail scheme approved previously. The current layout and some elevations are below:



Essentially a utilitarian building, both this scheme and the previously permitted 2014 retail scheme would have similar timber external materials to soften the overall bulk and scale of the building. Likewise, both schemes retain existing mature trees along Green Lane as a green backdrop and a screen, and both schemes involve a significant planting/landscaping scheme, which over time, will soften the appearance of the development. Officers remain of the opinion that, if this site is to be developed, what is required for this site in visual terms is a substantial landscaping scheme and a building which regresses into the background as best as it can, rather than a very beautiful yet prominent building.

Furthermore, since the submission of the application, the Council Wiltshire Design Guide is now adopted, and therefore this is now a material consideration of significant weight. Whilst much of the Design document relates to residential and similar scaled developments, and not to retail park style developments, it is considered that in general terms, the retail scheme achieves much of the aims of the design guidance, in terms of its blue and green infrastructure advice, as well as its advice

regards large scale and prominent community and other feature buildings, and its advice regards improving pedestrian and cycle linkages and connections. The Council's Urban Design officer has no objections to the scheme.

Members should also be reminded that this site has a history of consents for significant commercial development, including a still "extant" planning permission for a large retail warehouse scheme and car park (using the still -existing access off London Road). In the officers report for that previously consented retail development (the 2014 scheme), the following were listed as benefits and improvements of that retail scheme over the previous consented "extant" scheme from the 1990's:

- The overall bulk of the building would be smaller than the extant scheme - the previous extant "L" shaped bulky goods buildings would be significantly larger and thus more visible generally, with a long rear façade close to the Green Lane boundary.
- The proposed building would be located away from the western boundary with Green Lane, with the car parking to the north. This means that only a portion of the western facade of the building would be located adjacent to Green Lane and the associated protected trees, and as a result, would have less visual impact on Green Lane and the associated mature trees than the previous extant consent.
- Given that the service yards would no longer be directly abutting Green Lane as the "extant" approved scheme, there is likely to be less noise and general disturbance to housing located within close proximity to the west of the site.
- A previous approved 3 metre acoustic fence of significant length along the western edge of the site with Green lane is also no longer required in that location, meaning that mature trees and other planting can be retained.
- Furthermore, whilst the rear service yard of the building would face south towards the existing Bishopdown Cottages, the yard and any associated lighting and fencing and other disturbance would be separated from the cottages by a large area of retained open land. This land will perform several functions, including acting as a landscape buffer for the development, an ecological mitigation area for other land lost to the development, and also to provide a footpath and cycle link from Green Lane to London Road.
- The "extant" bulk goods warehousing consent would if constructed have resulted in the removal of all meaningful landscaping and ecology from much of the site. The revised retail scheme offers some meaningful ecological mitigation, as well as significant landscaping, as well as public access between Green Lane and London Road.

The current retail scheme subject of this application is very similar to the 2014 approved scheme, and therefore also contains the above improvements over and above the consented "extant " scheme. Notwithstanding, the current retail scheme is considered to improve upon the approved 2014 retail scheme in terms of the following:

- Firstly, whilst the 2014 retail scheme provided just on-site ecological land/open space to the south, plus on site landscaping, the current scheme will also mitigate its ecological impacts by providing off site bio diversity at the adjacent Hampton Park Country Park.
- Secondly, the current retail proposal enhances the drainage/flooding mitigation of the 2014 consent, with on-site sustainable drainage features, including permeable car parking materials and surface water scheme.
- Whereas the approved 2014 scheme had an open service area to the rear of the store, opposite the adjacent planned open space/ecological area pathway and the dwellings to the south, the service yard serving the revised retail scheme is now covered and to the eastern side of the store. This will limit the impact of that part of the building in terms of general noise and disturbance.

## Summary

Whilst it is acknowledged that the current visual appearance of the site would be transformed, the visual change in the site would reflect that already considered acceptable by a number of previous consents, in particular the approval of the similar previous 2014 retail consent - the two schemes are very similar in terms of overall design, materials and general scale and bulk. The Council's Urban design officer and the Landscape officer have no objections to the current scheme.

A refusal on the basis of the overall visual harm likely to result from the current scheme would therefore be difficult to justify. It is therefore considered that with suitable conditions to secure the aforementioned details and landscaping scheme, the proposal would accord with national guidance and local planning policies, in particular CP57 and the draft Wiltshire Design Guide.

## 9.5 Sustainable design issues

Paragraph 162 of the current NPPF indicates that when determining planning applications, local planning authorities should expect new development to:

- (a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- (b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Core Policy 41 of the Wiltshire Core Strategy indicates that for major, non-residential development:

*New development, .....will be encouraged to incorporate design measures to reduce energy demand. Development will be well insulated and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer. ... All non-residential development will be required to achieve the relevant BREEAM "Very Good" standards , rising to the relevant BREEAM "Excellent" standards from 2019. .... All proposals for major development will be required to submit a Sustainable Energy Strategy alongside the planning application outlining the low- carbon strategy for the proposal.*

BREEAM stands for "Building Research Establishment Environmental Assessment Methodology". The development has been accompanied by a Sustainable Construction report. This outlines the environmental credentials of the building, thus:

- Air Source Heat Pumps will be utilised on this scheme to provide space heating / cooling to the ancillary office spaces. These will provide highly efficient space heating and cooling, significantly bettering the minimum standards of the Non-domestic Building Services Compliance Guide.
- The sales floor packaged Air Handling Units will provide space heating via and integrated Air Source Heat Pumps within the Air Handling Units. This, coupled with Low Temperature Hot Water pre-heaters fed from waste heat generation will provide a highly efficient, low carbon solution to space heating within the sales floor.
- Photovoltaic panels have not been deemed necessary for this development to meet local and national legislation. Furthermore, the utilisation of waste heat recovery working in unison with Air Source Heat Pumps is deemed and more suited strategy to comply with legislation and achieve a significant carbon dioxide off-set.
- Heat recovery ventilation to pre-heat incoming fresh air.
- Separate sub-metering to allow for all energy consumed to be monitored and any discrepancies to be easily identified and fixed thus minimising wasted energy.

- Low energy lighting with suitable controls provided.
- Building energy management system (BEMS) to manage all systems effectively, ensuring their efficiencies are achieved and maintained.
- Natural daylighting thus, reducing dependency on electric lighting and the associated running costs and carbon emissions through natural contribution towards internal lighting requirements.
- Enhanced fabric efficiencies and thermal mass stabilise any temperature fluctuations within the building reducing heat gains and/or losses.

It is noted that several third-party comments relate to the overall design of the scheme and its apparent lack of sustainable features such as solar panels or a green roof. However, there are a number of different ways of designing a sustainable building and/or to make its operations more sustainable. Such explicit sustainable design features are not always required.

Officers have taken advice from the Council's climate change officer who has advised that a suitable condition as before can be imposed on this scheme. A similar but enhanced condition can now be imposed in relation to the "excellent" standard being achieved for the building.

Consequently, subject to a suitable planning condition, the suggested scheme is therefore considered to accord with National planning guidance, and adopted local planning policy CP41.

## **9.6 Archaeology and heritage assets**

Whilst the site is not located close to any significant heritage or cultural assets (Old Sarum SAM and Figsbury Ring SAM are some distance away to the north east and west), the site is located within an area where archaeological remains have been found in recent years and thus there is a high chance of finding archaeological deposits.

Core policy 57 & 58 of the WCS reflects the NPPF guidance which indicates that below ground archaeology needs to be sensitively handled.

The Council's Archaeologist has reiterated his previous advice that an archaeological condition can be imposed on any consent, which secures a watching brief and final report on any findings. This is consistent with the previous planning permission on this site.

Consequently, subject to a suitable planning condition as previously imposed, the suggested scheme will lead to less than substantial harm, and could lead to public benefits, as outlined elsewhere in this report. The scheme is therefore considered to accord with National planning guidance, and adopted Core Strategy policies.

## **9.7 Ecology and biodiversity impacts and mitigation**

Third party concerns have been expressed at the loss of the existing site due to its use as informal open space and as a home for wildlife.

The site is located on the eastern side of Salisbury, adjacent to residential and commercial developments. Part of the River Avon SSSI/SAC is located approximately 150m from the site (the river system). The development site comprises a mix of grassland, scrub and scrub woodland habitats. It is bounded on one its western side by Green Lane, containing a number of mature trees

some of which are formally protected. The site contains habitat suitable for notable invertebrate species and the adjacent lane is known to be of local value for bats.

Since the previous 2014 retail consent was approved by the Council, the Environment Act 2021 has come into law. This introduces the requirement on developments to provide at least 10 percent biodiversity net gain, over and above the existing situation on a particular development site. However, **Members should note that the government has recently clarified that this part of the legislation only applies to new applications submitted as from 12 February. The current application predates that, and thus the 10 percent requirement does not apply to this application.**

Paragraph 186 of the current NPPF indicates that when determining planning applications, local planning authorities should apply the following principles:

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and ....*

*d) .....opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

Similarly, Core Policy 50 (Biodiversity and geodiversity) of the WCS indicates that:

*“Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services. .... all development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services..”*

Core Policy 69 (Protection of the River Avon SAC) of the WCS also covers similar issues, and indicates that:

*“In order to avoid and reduce potential environmental effects on the River Avon SAC, development will need to incorporate measures during construction and operation to avoid and prevent pollution and mitigate potential disturbance effects; appropriate measures may include consideration of suitable buffer zones along watercourses, habitat enhancements and river access management measures...*

As part of the previous extant planning permission, only very limited biodiversity measures were included. The more recent 2014 retail consent contained an improved but still limited amount of biodiversity mitigation and replacement on site. This was mainly included on an area of retained open land to the south of the retail store development. (Members should note that this area of open space and a linking pathway was provided partly in response to a previous public consultation exercise carried out by the developer as part of the 2014 application).

A detailed ecological assessment has been submitted with this current application which concludes that:

- *The Site currently comprises a mosaic of woodland, scrub and grassland habitats that have developed through the natural succession of the site from the original grazing land. These*

*are not of significantly ecological value individually, and the woodland was of insufficient quality to be considered a Priority Habitat. However, the habitat resource of the Site as a whole is of some value. Higher value habitats including chalk grassland and the former hedgerow associated with an old lane are present at the margins of the Site. These have been taken into account during the design of the development and will be retained as far as is possible*

- *The habitats on the Site support assemblages of invertebrates and breeding birds and a small population of viviparous lizards is also present. Surveys were undertaken for badgers and dormice, but no evidence of their presence on the Site was found. The adjacent habitat is used by foraging and commuting bats, although habitats within the site itself are not of value for bats. In the absence of mitigation, the proposed development would result in the loss of lower value habitats on the Site, and this will have an adverse effect on invertebrates, breeding birds, reptiles and bats.*
- *However, through the implementation of mitigation measures, impacts to higher value habitats, the viviparous lizard population and off-site habitat for bats can be avoided. Habitat creation measures are proposed which will increase the extent of high conservation value calcareous grassland on the Site. This will compensate for the loss of lower value habitats to a degree and results in a positive impact on the invertebrate assemblage.*
- *A Biodiversity Net Gain calculation has been undertaken for the proposals, which would result in a decrease of 52.79% of the current biodiversity value of the Site. However, new hedgerow planting will result in a 100% increase in hedgerow units. Off-site habitat creation is required to completely mitigate the loss of habitats on the Site and to deliver Biodiversity Net Gain.*

The applicants have therefore worked with the Council's ecologist to produce a scheme which provides significant landscaping on the site which also provides a high quality biodiversity infrastructure.

This current revised scheme again provides the previously agreed and approved open space area to the south of the retail site. The habitat provided improves upon the quality of that it replaces in that part of the site.

Furthermore, the scheme would also now compensate for the loss of biodiversity on the existing site by replacing suitable habitat off-site, at the adjacent Riverdown Country Park. A plan showing the location of these off site areas at the Country Park is below:



Plan showing locations of off site biodiversity at adjacent Country Park

Members should note that this current application is not subject to mandatory Bio Diversity Net Gain, and that policy CP50 only currently requires that proposals demonstrate no net loss of functional habitat for biodiversity in the local area. By retaining boundary features within the site and enhancing areas of the nearby country park, this requirement is fulfilled. Indeed, the scheme as a whole demonstrates a net gain in excess of 10%.

This would represent a significant improvement in bio-diversity replacement terms compared to either the previously approved 2014 retail scheme, or the extant planning permission.

The Council's Ecologist has indicated her support for the scheme, as below (summary):

*The site does not lie within or immediately adjacent to any sites designated for nature conservation, however it does lie within the Hampshire River Avon SAC/SSSI Catchment, and within approximately 125m of the River Avon SAC/SSSI itself. This is a watercourse of international importance due to its character, geomorphology and the species it supports, and as such the LPA, as the relative Responsible Authority, is required to carry out an Appropriate Assessment under Section 63 of the Habitats Regulations, to determine whether or not the proposed development would result in significant adverse effects on the Conservation Objectives of the SAC.*

*A close inspection of maps and aerial photographs indicates that although the River Avon SAC/SSSI is only around 125m from the application site at its closest point, there is an established main road between the application site and the river, on the other side of which is a hotel (Premier Inn), with both the road and the hotel site having existing infrastructure to deal with surface water drainage. The application site proposal also includes a scheme for surface water drainage. To the south east of the application site runs the main line railway, set on an embankment or within cutting, again with existing drainage infrastructure, which effectively prevents surface water from the application site reaching the River Avon SAC/SSSI. It is therefore my opinion that the application site is isolated from the river by existing development as well as road and rail infrastructure, preventing any mechanism for effect on the SAC/SSSI from the development. As such, this proposal is screened out of Appropriate Assessment under the Habitat Regulations.*

*Residential development within the catchment will have the potential to impact on the SAC, alone or in combination with other developments, through discharge of phosphorus in wastewater. However employment sites/commercial developments are not included as they do not increase the nutrient levels within the catchment. There is therefore no trigger for mitigation of nutrients nor the requirement for further Habitats Regulation Assessment in this respect.*

*The Ecological Assessment Report by Encon Associates (Revision E) dated 20/12/23, is comprehensive and details a level of survey appropriate to the site and to the proposed development. No further survey is required. The surveys conducted identified relatively low ecological value across the main site area but higher value associated with the hedgerow and tree vegetation at the western edge of the site (Green Lane) and areas described in the UK Habitats list as dry grassland or scrub on chalk or limestone. One particular area of this habitat type occurs on the eastern boundary of the site, beyond the existing fence, within the existing road verge. It is noted as it supports pyramidal and bee orchids.*

*The surveys identified that the site does not contribute significantly to bat foraging resource in the local area, however the hedge and tree lines are established commuting routes for a number of bat species. Retention of these areas as a darkened corridor will enable continued use. A small population of viviparous lizards was found within the site, which may need to be translocated offsite to a suitable location. Detail provisioning this should be included in the Construction Environmental Method Statement (CEMP) that will be required by condition. The CEMP should also give suitable prescriptions for protection of nesting birds and grassland areas as indicated in the Ecology Assessment Report.*

*The hedgerow and tree standards at the western edge of the site, known as Green Lane, will be retained within the development design, within a 12m vegetation buffer. Trees will be protected during construction through marking out and implementing tree protection zones in line with BS 5837:12. Areas of higher quality grassland and some scrub areas will also be retained wherever possible. The road verge at the eastern edge of the site will be retained as far as possible, although a new pavement will be required along the edge of the road here, for highways safety purposes. This will result in a loss of 4347m<sup>2</sup> of road verge, however the highest quality areas will be retained and the current management by Wiltshire Council will continue. The ecology report recommends that the higher quality grassland areas will be marked out and fenced off during the construction period to prevent adverse impacts.*

*288m of new, local provenance native hedgerow and 150m<sup>2</sup> of wildflower grassland are proposed as part of the development and these will help to retain the functionality of the habitats for wildlife in the local area, and maintain connectivity between the site and surrounding habitat areas.*

*5865m<sup>2</sup> of calcareous grassland will be created in the southern part of the site, while existing grassland on the eastern side of the site will be enhanced. Public access will be provided across the southern area of grassland via a surfaced footpath, which is fundamental to enabling public passage across the area without detriment to the creation and establishment of the grassland. The areas of habitat to be retained or marked for enhancement within the site must be subject of a robust Construction Environmental Method Statement (CEMP) to ensure they are not damaged during construction.*

*Despite retention of some key habitat areas and creation of new habitat, some habitat of low conservation value will be lost within the site as a result of the proposed development. The volume that will be lost has been calculated using the Biodiversity Metric v. 3.1, which is a suitable method of habitat quantification. Wiltshire Core Policy 50 requires that there should be no nett loss of functional habitat for biodiversity within the local area. The retention of the hedgerow along Green Lane, within a 12m buffer, as well as some of the higher quality grassland, together with new hedgerow planting, creation of calcareous grassland and wildflower grassland will ensure that some functionality of the habitats within the site is maintained for the benefit of local wildlife populations. The deficit is proposed to be made up through offsite enhancement of habitat at the nearby Castle Hill Country Park.*



*Although this development is not strictly required to deliver Biodiversity Net Gain, as this did not become mandatory until 12th February 2024, the use of the BNG calculator has been useful in quantifying habitat loss and provision of compensatory habitat in the local area. Note that both NPPF and CP50 require that alongside no nett loss of habitat, there should be habitat gain. The Biodiversity Metric has been used to calculate the baseline habitats within an agreed area within the Country Park and the volume of habitat to be enhanced in order to achieve a position of no nett loss of functional habitat within the local area. The Castle Hill Country Park – ASDA Off-Site Management and Maintenance Plan, January 2024, to be implemented by The Land Trust, (document author Ecus) has been submitted and reviewed as suitable to achieve the intended habitat goals. A legal agreement will need to be set up between the developer and the landowner of the Country Park and this detail will need to be included in a S106 agreement to ensure delivery of the compensatory habitat creation and management.*

***I am satisfied that the retention of key habitat and planting of new habitat features within the site, together with the proposed creation and management of habitats at the nearby Castle Hill Country Park will ensure that the development is compliant with NPPF and with CP50, in that there will be no nett loss of functional habitat for biodiversity in the local area. The Biodiversity Metric indicates that there will be a gain in habitat units in excess of 10%.***

#### **Conclusion -**

***With the addition of the conditions detailed below, I am satisfied that the proposed development will not result in adverse impacts to protected habitats or species and will be in line with national and UK legislation and policy.***

***In addition to the conditions detailed below, please note that a Section 106 legal agreement will be required to secure the delivery of the off-site compensation and enhancement. The details of the additional agreement between the developer and the landowner or their agent must be included in the S106 to ensure that it becomes an enforceable element of any planning permission given [emphasis added].***

#### **Summary**

The Council's Ecologist now supports the biodiversity enhancements to the scheme and has indicated that it is unlikely that the scheme would adversely affect the SAC, given its distance from the river system, subject to suitable conditions controlling the works, including provisions within any legal agreement related to the future maintenance of the off-site land as areas for biodiversity mitigation. The officer has therefore concluded a positive Habitats Regulations Assessment.

Consequently, the current retail scheme improves on the previously consented schemes as it offers improved and replacement ecological mitigation on and off site. Consequently, subject to suitable planning conditions and S106, the scheme is therefore considered to accord with National planning guidance, and adopted local planning policies, in particular CP50 & 52, & 69. See section 8.9 below regards officer advice related to the open space matters.

### **9.8 Noise, light pollution, air quality, and general impact on amenity**

The application site is located very close to existing residential properties, including those located on the western side of Green Lane on the Bishopdown/Hampton Park housing estate, and the Bishopdown Cottages, a terrace of properties located to the south of the site. There has been concern expressed by various third parties and adjacent neighbours regarding the impact of the proposals in terms of general noise and disturbance with regards the operation of the store.

Policy CP57 of the WCS indicates that the aim of local policy is to protect residential amenity at point 7:

vii. Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).

Core Policy 55 (air quality) of the Wiltshire Core Strategy indicates that:

*“Development proposals which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. Mitigation measures should demonstrate how they will make a positive contribution to the aims of the Air Quality Strategy for Wiltshire and where relevant, the Wiltshire Air Quality Action Plan. Mitigation may include:*

- i. Landscaping, bunding or separation to increase distance from highways and junctions*
- ii. Possible traffic management or highway improvements to be agreed with the local authority*
- iii. Abatement technology and incorporating site layout / separation and other conditions in site planning*
- iv. Traffic routing, site management, site layout and phasing, and*
- v. Where appropriate, contributions will be sought toward the mitigation of the impact a development may have on levels of air pollutants.*

It is acknowledged that the establishment of a large supermarket and associated car park on this site is likely to result in a change to the amenities currently experienced by residents of housing close to the site. Levels of traffic noise and general disturbance will increase when compared to the current benign use of the land.

The applicants have submitted a number of reports, outlining the likely impacts of the development. The Council’s Public Protection team has had discussion with the applicant regarding the likely impacts of the development. Clarification of various noise emissions and similar factors have been discussed, and adjustments have been made to the proposal. Such restrictions would seem to help address many of the third party concerns regarding the impact of the proposal.

Suitable planning conditions are therefore suggested below to restrict the following:

- the retail store and the drive through coffee shop use would not be operational 24 hours a day
- restrictions on operational deliveries to the site
- Restrictions on use of jet wash
- A scheme to stop trolleys leaving the site
- A scheme of lighting to limit light spill into the surrounding area

This represents an improvement over the previously approved retail store scheme, which was permitted to trade 24 hours.

As a consequence, given that a number of the third party concerns can be mitigated via suitable conditions, and given that the current scheme is very similar in its impacts to the approved 2014 retail scheme, it would be difficult to justify a reason for a refusal of this current scheme on a basis that significantly more harm would be caused to surrounding residential amenities. Consequently, the suggested scheme is therefore considered to accord with National planning guidance, and adopted local planning policies.

## Air quality

The Public Protection officer has now stipulated that in terms of air quality, a financial contribution is required, towards the Council monitoring facilities in this area. This will be dealt with via the S106. The proposal would therefore accord with the aims of CP55.

## Light pollution

The scheme inherently involves the provision of lighting and columns to light the associated car parking, servicing, and circulation areas, as is common with such developments. The development therefore has the potential to increase lighting pollution in this area. A lighting strategy has been submitted with the application. The scheme would have numerous lighting apparatus around the site, including lamps on/around the external facade of the buildings, as well as lighting within the proposed car park, and around the perimeter, including lighting to the rear service yard, namely:

- The external lighting scheme has been developed to provide a safe and secure car park for customers and colleagues.
- The design and layout of the external lighting system will comply with Dark Skies criteria limiting upward lighting component.
- Luminaire selections have been made in accordance with ILE guidance taking account of local residential properties and protected species
- The external car park is designed to achieve 20 lux average illumination with a minimum of 7 lux. (A moon lit night, in the absence of any artificial light, would provide an illumination level of 1 Lux).
- The external lighting comprises LED lamps mounted on 8 metre columns.

The applicants lighting assessment also states that all areas of external lighting will be automatically timed and photocell controlled via an external lighting control panel, suitably zoned to meet the operational needs of the store, and to conserve energy use. Appropriate products have been chosen that will greatly reduce light and glare to and around site boundaries.

On the above basis, it is considered that the proposal has been designed in manner which would limit the amount of light pollution within the surrounding area, although it is acknowledged that compared to the existing situation, lighting pollution will increase significantly. Members should however consider that the site already benefits from an extant planning consent for large commercial built form which would not have fully considered lighting impacts in the detailed way this revised scheme has. Members should also be mindful that the Council approved a not dissimilar retail scheme a few years ago, which had very similar lighting proposals.

Thus, as the Council's Public Protection officers and Ecology officers have not objected to the proposed lighting scheme subject to further details which can be conditioned, it may be difficult to defend a reason for refusal based on the impact of light pollution. The proposal is therefore considered to accord with the aims of policy CP50/51/52/57 of the WCS.

## **9.9 Flooding and drainage matters**

The site is separated from the river system by the A30 London Road and Pearce Way, other housing and commercial development, and the main Salisbury to London railway line.

The previous 2014 retail development was considered acceptable on this site in flooding/drainage terms. Whilst the site and its environs remain as previously considered, since the previous retail scheme was considered and approved, the updated NPPF and NPPG indicate that inappropriate

development in areas at risk of all sources of flooding (including ground and surface water) should be avoided by directing development away from areas at highest risk, and promotes a sequential approach to assessing developments. The aim of the Sequential Test (flooding test) is to steer new development to areas with the lowest probability of flooding.

Core Policy 67 of the Wiltshire Core Strategy relation to Flood Risk also indicates that:

*“Development proposed in Flood Zones 2 and 3 as identified within the Strategic Flood Risk Assessment will need to refer to the Strategic Housing Land Availability Assessment when providing evidence to the local planning authority in order to apply the Sequential Test in line with the requirements of national policy and established best practice. All new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.”*

The site lies within Flood Zone 1, and hence, sequentially preferable in flooding terms. A flood risk assessment has been prepared to accompany a planning application, which was updated to cover all sources of flooding. This concludes that there is no significant risk of flooding from secondary sources such as groundwater, surface water flooding, sewers or from artificial water bodies.

The Environment Agency has not commented on this application as the Council’s Drainage team (as Land Drainage Authority) now has jurisdiction over such matters. The Council’s Drainage team has had detailed discussions with the applicants, and the scheme as originally submitted has been adjusted to improve the sustainable drainage systems on the site, including permeable parking areas, additional planting areas which will assist with both drainage matters and biodiversity, and also a physical SUDS drainage area. Subject to various conditions, the Council’s drainage officers do not object to the proposal.

Consequently, given that the site already benefits from an extant consent for a large scale commercial development, and recently had consent for a similar retail development, both of which did not contain such advanced drainage features, it is therefore considered that this revised scheme is an improvement/beneficial in drainage terms, and a refusal on flooding or drainage grounds would be difficult to justify, as the scheme would accord with the aims of the NPPF and local planning policies regards drainage and flooding.

#### **9.10 Loss of/provision of open space**

Like the previous 2014 retail consent on this site, the current plans show the southern part to be an area of open space and ecological biodiversity mitigation, which will also provide new a cycle and pedestrian route between London Road and Green Lane.

A number of third-party comments have raised concerns about the loss of the existing use of the existing site as informal open space, and dog walking area. Whilst such comments are understandable given the availability of the land for informal usage for over 20 years, the site is private land, and has never been formally allocated as public open space in any Development Plan. With the existence of existing public open space serving the housing development, including the Riverdown Country Park area, it is considered that it would be difficult to make a case that the area suffered from a lack of formal or informal open space. Notwithstanding this matter, the site already benefits from an “extant” planning permission for a bulk goods retail development which if fully implemented, would have removed the open character of the land and its biodiversity. Unlike housing development, new open space provision is not required by planning policy in association with retail development.

On the above basis, a refusal of this current scheme based on the loss of the existing site as open space, would be difficult to justify, particularly as the land provided would offer the multiple benefits of an improved linkage and ecological mitigation.

## 10.0 CIL/S106 contributions

The scheme would result in a number of impacts identified in the above report. However, it is considered that some of these impacts can be mitigated via provisions or contributions secured via a S106 legal agreement, and the scheme can offer potential public benefits, as explained below:

Public Art provision– Saved Policy D8 and adopted policy CP3 requires larger development to make a contribution towards the provision of public art within the South Wiltshire Area. Regards this particular site, the previous extant planning permission made a contribution towards public art, and these monies were transferred to the Council over 20 years ago following approval of the reserved matters application S/1998/373. The Council Public Art officer has indicated that no further contribution is required, and that the monies are earmarked for a city centre art project. The S106 will need to reflect this.

Air Quality mitigation measures – The Council's EHO has advised that they do not consider that a supermarket in this location will have a net adverse effect on AQ within the AQMAs. As such, they have requested a financial **contribution of £5200.00**, towards the implementation of AQ action plan measures within the Salisbury Centre, Wilton Road and London Road AQMAs. This accords with WCS CP55 . This matter needs to be included within any S106 Agreement.

Traffic/highways enhancement measures – In accordance with the comments of the Council's Highways officer, the following provisions are suggested should Members consider them appropriate in order to encourage modal shift and make the development more sustainable:

- Green Lane Improvements - A contribution of **£172,393 (May 2018 price) index linked** to the Salisbury Transport Strategy. The priority focus for this contribution will be for the delivery of Green Lane surfacing north of Pearce Way in the first instance, with additional measures to maximise walking and cycling along the route thereafter.
- Bus Contributions - A contribution of **£175k index linked** towards improvements to the public transport provision on the London Road corridor.

Offsite biodiversity mitigation, open space and new pathway – The proposal would result in the loss of a significant amount of existing biodiversity on site. Part of the site is retained as on-site replacement biodiversity habitat (the public open space area). The remainder will be provided off site, at the adjacent Riverdown Country Park. The S106 will also need to ensure that the ecological biodiversity compensation intended is carried out and maintained.

## 11.0 Consultation with Secretary of State

Should the Committee be minded to approve this application, under the terms of the Consultation Direction 2021 issued by Central Government, as the retail scheme is within close proximity to other retail development, either approved or built out in recent years, the LPA must consult the Secretary of State prior to issuing any decision. Members should note that a similar Direction was also in place when the previous ASDA scheme was considered. On that occasion the Secretary of State chose not to call-in the application for consideration, and the LPA subsequently approved the application.

## 12.0 CONCLUSION AND PLANNING BALANCE

The proposal has been the subject of a significant number of third-party concerns, including the likely traffic impact, the impact on the city centre and surrounding retail shops, and the impact on surrounding residential amenities. It is also the case that there have been a number of comments

in support of the scheme, in relation to customer choice and retail jobs, and the reduction in traffic elsewhere in Salisbury.

In general retail policy terms, whilst the site is not in a city centre location, the site has been the subject of a number of development proposals over the last 30 years, and the site benefits from an extant consent for bulky goods retail units and significant parking. Until 2020, it benefitted from a consent for a similar large scale retail store, the overall impacts of which would have been very similar to those of the current retail proposal. The site was also included in the settlement boundary in 2021. Hence the principle of large scale retail development on the site has been accepted previously. The current proposal must therefore be considered against this context.

It is considered that whilst the proposed retail scheme would divert some trade from Salisbury city centre, the overall level of retail impact on the vitality and viability of the city centre and any planned investment/developments or existing stores would not be significantly harmful. Furthermore, the Maltings/Central Car Park development site in Salisbury City Centre would not be suitable or available for the development proposed. There is considered to be no other sequentially preferable site closer to the city centre.

With regards the suitability of the chosen application site, the impact of a retail store on the site has been rigorously assessed.

There would be a loss of biodiversity on the existing site, but through mitigation the proposed scheme includes replacement biodiversity on part of the site, and also includes the provision of off-site biodiversity measures. This would result in a significant biodiversity betterment compared to the previously approved 2014 retail scheme for this site, and a net gain of 10 percent, thus also meeting newly introduced national targets. Thus balanced against the loss of biodiversity on the existing site, the replacement of improved biodiversity on and off the site can be given modest weight.

It is acknowledged that the proposal would result in a significant visual change compared to that resulting from the existing open and unbuilt character of the site. The general amenity of the area would also be affected by the noise and general disturbance created by the development of the site, compared to its existing character. The proposal is likely to result in an increase in traffic on the surrounding highway systems compared to the existing situation. However, these impacts would be similar to those likely to have resulted from the previous approved retail scheme on the site, and that previous scheme and its harms were considered acceptable by the Council. As the earlier planning consent only expired in 2020, and because the impacts of the scheme are considered to be very similar, this previous approval is a material consideration of significant weight. Similarly, the proposed scheme would be likely to result in similar amenity, and highway, access, and linkages impacts to the previously approved retail scheme for the site. Likewise, impact on other receptors (archaeology, drainage matters etc), would also be similar. The planning policy regime and the site and its surroundings also remain largely as they were when the previous retail scheme was approved.

The proposal would result in a number of public and other benefits:

- General economic and social benefits for the area
- Providing employment both during construction and post construction periods
- Enhance the facilities and services available to residents of the surrounding areas
- Improved competition in the Salisbury area between the larger retail stores which would benefit local consumers, but would also be likely to help alleviate the current traffic pressures around the A36 Southampton Road, caused partly by the existing large retail stores in that location.
- The proposal would also provide a new pathway between Green Lane and London Road, which would improve upon the quality and safety of the current London Road pavement, and thus have public benefits for existing users, and future users of the highway system
- The existing partial footway along part of Pearce Way would also be enhanced
- Green Lane surfacing would also be enhanced

Taken together, these benefits can given significant weight, but must be weighed against any identified harms caused by the proposal.

To conclude, whilst the various concerns have been taken into account, it is considered that the proposal is acceptable, subject to suitable mitigation in the form of various restrictive conditions and a legal agreement. Therefore, the proposal is considered to be in line with national and local planning policies, as outlined in the report.

**RECOMMENDATION: THAT THE PLANNING APPLICATION BE APPROVED, SUBJECT TO:**

- i) REFERRAL TO THE SECRETARY OF STATE FOR HIS CONSIDERATION AS TO WHETHER THE APPLICATION SHOULD BE ‘CALL-IN’ FOR HIS DETERMINATION; AND**
- ii) A S106 LEGAL AGREEMENT BEING FIRST ENTERED INTO WITH RESPECT TO THE PROVISION OF THE FOLLOWING MITIGATION MEASURES:**

**A) Green lane improvements**

**A contribution of £172,393 (may 2018 price) index linked to the Salisbury transport strategy. The priority focus for this contribution will be for the delivery of green lane surfacing north of pearce way in the first instance, with additional measures to maximise walking and cycling along the route thereafter.**

**B) Bus contributions**

**A contribution of £175k index linked towards improvements to the public transport provision on the London Road corridor.**

**C) Public art**

**A scheme for the provision of public art utilising the financial contribution previously provided to the council as part of reserved matters permission s/1998/0373.**

**D) Off site biodiversity mitigation**

**A scheme to secure the off site ecological mitigation/biodiversity land at the adjacent Riverdown Park/Castle Hill site identified in the submitted Off-site Biodiversity Net Gain report Version 2 and the Management and Maintenance Plan Version 2, reference 22714**

**E) Air quality mitigation**

**A financial contribution of £5200 towards the implementation of Air Quality Action Plan measures within the Salisbury City Centre, Wilton Road and London Road Air Quality Management Areas**

**AND SUBJECT TO THE FOLLOWING CONDITIONS:**

- 01 The development hereby permitted shall begin no later than three years from the date of this decision.**

**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.**

- 02 Unless otherwise specified by the subsequent conditions, the development shall be carried out in accordance with the following approved plans and details:

Ref: 0000\_01 Rev P8- Location Plan  
Ref: 0000\_02 Rev P8- Existing Site Plan  
Ref: 0000\_04 Rev P20 Proposed site layout  
Ref: 0000\_05 Rev P6- Asda Store- Ground Floor Layout  
Ref: 0000\_06 Rev P7- Asda Store- Proposed Roof Plan  
Ref: 0000\_07 Rev P4- Proposed Site Sections  
Ref: 0000\_08 Rev P7- Asda Store- Elevations  
Ref: 0000\_09 Rev P5- Asda Store- Elevation Callouts  
Ref: 0000\_10 Rev P4- Click and Collect structure  
Ref: 0000\_30 Rev P3- Petrol Filling Station floor Plan  
Ref: 0000\_31 Rev P2- Petrol Filling Station Elevations  
Ref: 0000\_32 Rev P2- Petrol Filling Station Roof Plan  
Proposed Landscaping Scheme Drawing No. 04 Rev L

#### Biodiversity

Biodiversity Metric 3.1 V4  
Biodiversity Net Gain Plan Rev F. 5<sup>th</sup> December 2023.

#### Highways Plans - Proposed modifications to site access and Pearce Way:

Drawing 001 Rev A ( Site Plan showing all areas of works)  
Drawing 002 Viewport 01  
Drawing 003 Viewport 02  
Drawing 004 Viewport 03  
Drawing 005 Rev A Viewport 04

REASON: In order to ensure that the scheme is constructed in accordance with the details previous agreed.

### **Materials and landscaping**

- 03 No external materials or external facade works shall take place/be applied until full details or samples of the materials for the external elevations of the buildings and walling, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

No landscaping works shall take place until a scheme detailing the hard and soft landscaping has been submitted to and approved by the LPA. This should include details of surface materials; shrub and tree planting including details of tree pits confirming that such pits will be adequate to allow the trees to flourish; and details of times of planting, species and size. The landscaping shall be carried out and maintained in accordance with the approved scheme.

REASON: In the interest of visual amenity of the site and surrounding area.

### **Restrictions on operation of use**

- 04 The retail supermarket store shall not be open to the public (trading hours) other than between the hours of Monday to Saturday: 0700 hrs to 2300 hrs and Sunday: a maximum six-hour period between 0900hrs to 1700hrs



REASON: In the interests of amenity.

- 05 The drive-through coffee shop shall not be open to the public (trading hours) other than between the hours of Monday to Saturday: 0700 hrs to 2300 hrs and Sunday: 0900hrs to 2000hrs

REASON: In the interests of amenity.

- 06 Petrol filling station tanker deliveries will only take place between 0700hrs and 2100hrs Monday to Sunday. There shall be no tanker deliveries outside of these times.

REASON: In the interests of amenity.

- 07 The jet wash, air, water and vacuum units associated with the petrol filling station shall only operate between 0900hrs and 1800hrs Monday to Sunday. They shall not be operational outside of these times.

REASON: In the interests of amenity.

- 08 No deliveries shall be made to, or waste collections made from, the petrol filling station or coffee drive through hereby approved except between the hours of 0800hrs and 2100hrs Monday to Sunday.

REASON: In the interests of amenity.

- 09 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800hrs to 1800hrs Monday to Friday and 0800hrs to 1300hrs on Saturdays.

REASON: In the interests of the protection of amenity.

- 10 No development shall commence on site including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement/routing of construction vehicles;
- ii. Construction staff parking
- iii. The cutting or other processing of building materials on site;
- iv. Wheel washing and vehicle wash down facilities;
- v. The transportation and storage of waste and building materials;
- vi. The recycling of waste materials (if any)
- vii. The loading and unloading of equipment and materials
- viii. The location and use of generators and temporary site accommodation
- ix. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts
- x. Details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
  - a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing. This is particularly pertinent to the hedgerow, trees and buffer area along the western edge of the site and the southern and eastern areas set aside for grassland creation and enhancement.

- b. Working method statements for protected/priority species, such as nesting birds and reptiles.
- c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

The exact prescriptions of the CEMP should be drawn from the submitted Ecological Assessment Report by Encon Associates (Revision E) dated 20/12/23 and based on the Tree Survey Report and AIA Method Statement Rev B Dated 12/5/2022 By Encon.

The construction/demolition phase of the development will be carried out fully in accordance with the construction and environmental management plan at all times.

REASON: In the interests of the protection of amenity and to ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

11. Prior to the installation of any air extraction system which discharges air that is likely to be odorous, including from food or drink preparation rooms, a scheme of works for the control and dispersal of atmospheric emissions, and in particular odours has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

REASON: In the interests of the protection of amenity. In discharging this condition, the applicant should ensure that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves. We also recommend the applicant consults EMAQ ref "Control of odour and noise from commercial kitchen exhaust systems.

12. No building shall be occupied until an assessment of the acoustic impact arising from activities within the enclosed warehouse and any fixed plant associated with main supermarket, Petrol Filling Station shop and the Coffee Drive Through is undertaken in accordance with BS 4142: 2014 +A1:2019, and that assessment has been submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise shall not exceed background and is protective of local amenity.

The assessment is to be based on the background levels ( $L_{A90T}$ ) recorded in the predevelopment noise survey, as provided in Table 1 of the submitted Acoustic Consultancy Partnership Ltd report ref 11679, dated 16th May 2022.

The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The assessment shall provide confirmation of the as installed details, with calculated noise levels updated as necessary. The details as

approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

### **Customer trolleys**

13. Before the retail use hereby permitted first comes into operation, a scheme to restrict the removal of customer trolleys from the retail park site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

REASON: To limit the impact of the development on adjacent residential amenity

### **Landscape and Ecological Management Plan (LEMP)**

14. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

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

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

### **Lighting**

15. Notwithstanding the information and details within the submitted Lighting Statement by DDA dated 25<sup>th</sup> March 2022, prior to the installation of any lighting, a complete Lighting Strategy for the site, which contains lux contour plots demonstrating that light levels of 0.5 Lux or less can be achieved at the edges of key habitat features, together with location, type and model of all lighting units to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be carried out in accordance with the agreed scheme.

REASON: In the interests of conserving biodiversity.

### **Contamination**

16. In accordance with conclusions of the submitted Preliminary Risk Assessment report, (Preliminary Risk Assessment by DTS Raeburn Ltd November 2021), no development shall commence on site until a more detailed 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.

If the report submitted pursuant to above indicates that remedial works are required, full details must be 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: Core policy 56, To reduce the risks associated with land contamination

### **Retail use restrictions**

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the retail store shall be used solely for purposes within Class(es) E (a) retail and (b) food and drink, of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). There shall be no subdivision of the main retail unit (with the exception of the internal café/restaurant) hereby approved, or any additional internal floor space created (including any insertion of mezzanine floors) for the purposes of additional net retail sales area, not covered by this permission.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case and in order to limit the impact of the development on the vitality and viability of Salisbury city centre, including the planned Maltings and Central Car Park development.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted for the purposes of the creation of additional net retail sales floor area.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and in order to limit the impact of the development on the vitality and viability of Salisbury city centre, including the planned Maltings and Central Car Park development.

### **Highways and parking**

19. The main retail unit and the drive through unit shall not be occupied (open for trading) until the vehicular access has been amended as outlined on drawing ref: 'Proposed Modifications to Site Access and Pearce Way Viewpoint 04' drawing number: 005 Rev A. This includes widening of the lane to provide a two-lane entry onto Hampton Park Roundabout, provision of a traffic calmed pedestrian/cycleway crossing of the access and alterations to street lighting.

REASON: To ensure that adequate pedestrian and cycle routes are provided to the site in the interests of highway safety.

20. The main retail unit and the drive through unit shall not be occupied (open for trading) until the new shared use footway/cycleways on Pearce Way and London Road and the upgrade of the existing footways to shared use footway/cycleways on Pearce Way and London Road

as outlined on drawing ref: 'Proposed Site Layout' rev P20, together with associated lining and signing, and street lighting alterations over the entire site frontage are provided.

REASON: To ensure that adequate pedestrian and cycle routes are provided to the site in the interests of highway safety. Note the above details will need to be agreed as part of a separate S278 Agreement with the Council as Highway Authority.

21. The main retail unit and the drive through unit shall not be occupied (open for trading) until details of the direct pedestrian/cycle links from Green Lane into the western boundary of the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be first brought into use until the links have been completed in accordance with the approved details.

REASON: To ensure that adequate pedestrian and cycle routes are provided to the site in the interests of highway safety.

22. No part of the development of hereby permitted shall be first brought into use until the access, and turning areas, servicing area, internal pedestrian and cycle paths, parking spaces and cycle spaces have been completed in accordance with the details shown on the approved plans, including surfacing and demarcation of parking spaces. The areas shall be maintained for those purposes at all times thereafter.

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

23. Within 6 months of the development hereby approved opening for trading, a Full Travel Plan based on the submitted framework travel plan (ref GB01T21E36/002/V4 by Systra) shall be submitted to and approved in writing by the Local Planning Authority. The full travel plan when approved shall be implemented (including the appointment of a travel plan co-ordinator) from the date of approval.

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

## **Drainage**

24. Notwithstanding the details shown on the Proposed Schematic Drainage Option 03 – Infiltration and SUDS dated September 2022 by MJM ref 7163-MJM-01-00- DR-C-15204 Rev P03, no development shall take place regards the drainage scheme/works for the site, until a scheme for the discharge of surface and foul water from the buildings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall provide the following:

- Geotechnical factual and interpretive reports, including infiltration tests in accordance with British Research Establishment (BRE) Digest 365 – Soakaway Design.
- Demonstrate 20% betterment has been achieved on post-development discharge rates for both peak flow and volume on existing greenfield rates for all storm events between the 1 in 1 year and the 1 in 100 year return period storm events.
- Drawings which demonstrates mitigation of potential pollutants from the proposed petrol station, and calculations which demonstrate the drainage design provides a sufficient level of water treatment to prevent pollution of groundwater.
- Detailed cross and long section drawings or the proposed attenuation pond and its components.

- Detailed calculations for the attenuation pond, and demonstrate a freeboard has been applied.

and the drainage scheme shall be carried out and retained in accordance with the approved details.

REASON: To limit the impact of the scheme on the drainage system and surrounding natural habitats.

### **Archaeology**

25 No development shall take place within the application area until the applicant has secured and implemented a programme of archaeological field evaluation in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The results of the evaluation will inform the preparation of a mitigation strategy which will be submitted by the applicant and approved in writing by the Local Planning Authority prior to the commencement of the development. The mitigation strategy will provide for:

- i) A programme of site investigation and recording, or alternative appropriate mitigation, within any areas of archaeological interest. Development will not commence within any area of archaeological interest until the site investigation has been satisfactorily completed.
- ii) A programme of post investigation assessment, analysis, publication, dissemination and archiving. This part of the condition shall not be discharged until these elements of the programme have been fulfilled in accordance with the programme set out in the mitigation strategy or unless otherwise agreed in writing by the Local Planning Authority.

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

### **Sustainable design**

26. The main retail unit hereby permitted shall achieve a BREEAM ( Building Research Establish Environment Assessment Method) rating of 'Excellent'. Unless otherwise agreed in writing with the Local Planning Authority, the retail unit shall not be occupied until the post-construction state assessment and subsequent BREEAM Certificate certifying that 'excellent' status has been achieved has been submitted to and agreed in writing by Local Planning Authority.

REASON: In order to produce a scheme with a high level of sustainable design in accordance with adopted Wiltshire Core Strategy Policy CP41.

## **INFORMATIVES**

### **S106**

The development shall be carried out in accordance with the S106 dated \*\*\*\*

### **Highways**

The applicant will be required to enter into a S278 Agreement with the Highway Authority before commencement of the works identified in conditions above.

## Drainage

- If the applicant intends to offer SuDS features for adoption, their designs will need to be in accordance with Wessex Water's SuDS Adoption Guidance.
- The site is likely to be underlain by chalk. In chalk, or any other fill material prone to instability, soakaways should be sited in accordance with the chalk density in accordance with CIRIA C574 "Engineering in Chalk"; this may result in min 10m clearances being required from any building, road or structure foundations.
- The drainage strategy will need to consider the increased contamination risk to groundwater / surface waterbodies posed by the petrol forecourt, and propose suitable pollutant mitigation for this area of the site.
- The applicant is referred to Wiltshire Council's Surface Water Soakaway Guidance for the standards that must be met for planning approval and adoption of infiltration drainage features.
- The surface water disposal hierarchy is set out below (as per the Sewerage Sector Guidance, paragraph C.3.12):
  - Surface water runoff is collected for use.
  - Discharge into the ground via infiltration.
  - Discharge to a watercourse or other surface water body.
  - Discharge to surface water sewer or other drainage system, discharging to a watercourse or other surface water body.
  - Discharge to a combined sewer.

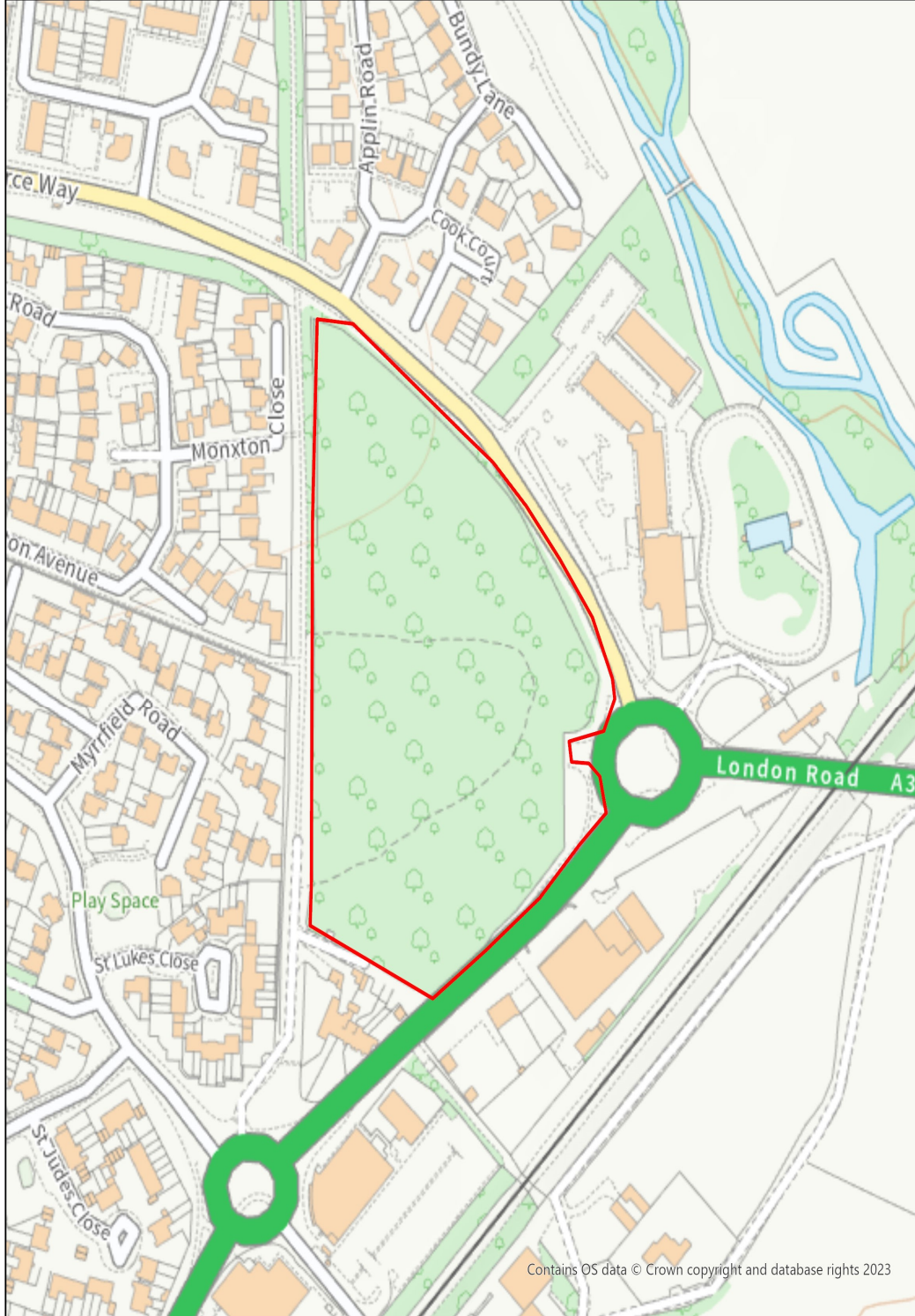
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**Wiltshire Council**

PL/2022/04875

Land at Salisbury Retail Park, London  
Road, Salisbury, SP1 3YX



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## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	17 April 2024
<b>Application Number</b>	PL/2023/06725
<b>Site Address</b>	Land at Longleaze Lane, Melksham
<b>Proposal</b>	Construction of elderly care home (Use Class C2) with associated access works, landscaping and drainage. Improvements to site access and Longleaze Lane/Snowberry Lane junction.
<b>Applicant</b>	Aspire LPP Ltd
<b>Town/Parish Council</b>	Melksham CP
<b>Electoral Division</b>	MELKSHAM - Cllr Mike Sankey
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Gen Collins

### Reason for the application being considered by Committee

The application is before the Strategic Planning Committee at the request of Cllr Sankey in view of concerns relating to the scale of development.

#### 1. Purpose of Report

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

#### 2. Report Summary

The main issues to be considered are:

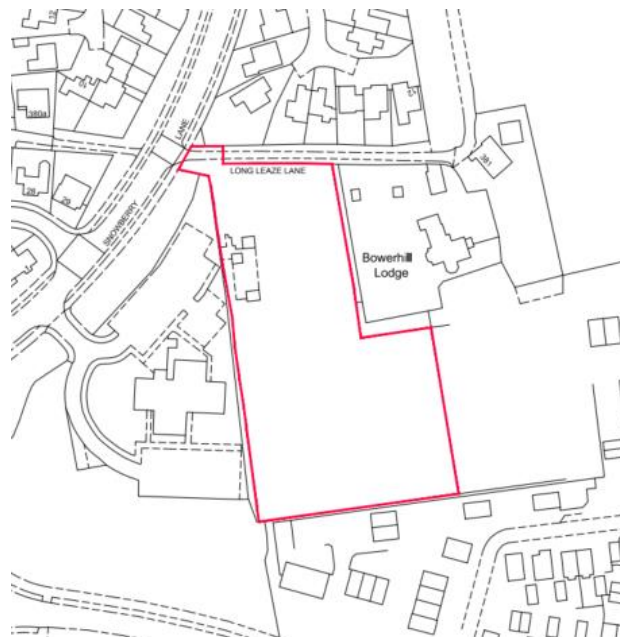
- Principle of development
- Design and Visual Amenity
- Impact on the significance of heritage assets
- Residential Amenity
- Ecology
- Highway Matters – including road safety /Parking
- Drainage S.106

The application has generated objections from Melksham Town Council within whose area the application site is situated and from Melksham Without Parish Council whose boundary abuts the site. In addition, 17 representations objecting to the proposal have been received from a number of third parties some of which are multiple representations by the same party.

### 3. Site Description

The site is approximately 0.67ha in area and is a blunt 'L' shape. The site is technically outside of, but abutting, the CP1 limits of development on the edge of Melksham where an urban extension has been granted permission and is at an advanced stage of delivery (see below – the bold black line indicates the existing settlement boundary).

The location is considered sustainable given the proximity to Melksham. To all intents and purposes the site reads as being within Melksham's limits given the advanced stage of the urban extension and built form that now surrounds the site.



**Location and context plans**

To the east of the site is Bowerhill Lodge – an established detached residential property set in a generous plot which is a non-designated heritage asset. Bowerhill Lodge Farmhouse a Grade II listed building is located some 140m to the north-east of the site and is separated from the site by Longleaze Lane, Bowerhill Lodge and the residential development of Saxifrage Bank. The site is situated circa 120 metres to the north-west of a Romano-British settlement site that was discovered and excavated ahead of construction in 2014-15. It is not within a Conservation Area.

The site is located within Flood Zone 1 and the Strategic Flood Risk Assessment shows no evidence of surface water flooding on site although there is some suggestion that there may be a slight risk of ground water flooding.

The site is accessed off Long Leaze Lane which itself is accessed from Snowberry Lane to the west and serves 5 existing dwellings. There are no Public Rights of Way on the site or in proximity. The site is classed as Grade 3 Agricultural Land and there are no sensitive landscape or ecological designations on the site although there have been confirmed sightings of Great Crested Newts in the vicinity at the adjacent site of Bowerhill Lodge in 2015.

The site has a generally flat topography. It comprises maintained agricultural paddock land and has a gated vehicular access on to Long Leaze Lane in the north-west corner. The northern boundary is formed by a hedge adjacent to Long Leaze Lane. The western boundary, shared with the Spa Medical Centre, is defined by a fence with some hedging and planting.

To the west of the site is the Spa Medical Centre. The medical centre is a two storey commercial building set adjacent to the southern half of the western boundary of the site. The southern boundary comprises a tall mature established Leylandii hedge with consented residential development on the other side which sits at a higher ground level.

The north-eastern boundary is shared with Bower Hill Lodge comprising retained gardens and an established tall hedge acting as boundary treatment. The south-eastern boundary edge comprises a wooden fence the other side of which is the residential garden area associated with Bowerhill Lodge beyond which is land approved for more residential development under the urban extension scheme.



View of the Site from the entrance at the northwest, looking southeast



Photo 2) View of the Site from midway down the western boundary, facing east



Photo 3) View of the Site from the southern boundary, looking north



Photo 4) View of the Site from the northeastern corner, looking southwest



Photo 5) Small modern structures along the western boundary of Site, in various states of disrepair



Photo 6) Line of conifers planted along the southern boundary of Site screens the Site from the new development to the south, but also any Designated Heritage Assets beyond

#### 4. Planning History

There is no planning history for the site itself however there are numerous permissions granted for a major residential extension of Melksham on land to the south, south-west and east of the proposed site. The key applications are set out below:

Reference	Description	Decision
14/10461/OUT	Outline application for up to 450 dwellings with associated access and engineering operations, land for extension of medical facilities or community facility, and extension to Eastern Relief Road from Thyme Road to The Spa.	Approved with conditions
18/04644/REM	Approval of Reserved Matters in Respect of Landscaping, Appearance, Layout and Scale for the Erection of 447 Dwellings, Car Parking Including Garages, Internal Access Roads, Public Open Space and Associated Infrastructure and Engineering Works Following Outline Permission 14/10461/OUT	Approved with conditions

Whilst not on the site, a recently approved appeal in Melksham on Land at Western Way (0.9km to the southwest of the site) is also of relevance as a material consideration:

Reference	Description	Decision
PL/2022/08504	Outline application (with all matters reserved except for access) for the erection of up to 210 residential dwellings (Class C3) and a 70 bed care home (Class C2) with associated access, landscaping and open space	Approved at appeal with conditions 27.04.23

The following 'live'/undetermined application relates to a site in proximity Land at Verbena Court (circa 1km to the northeast) which is for a similar sized care home and warrants consideration as a material consideration -

Reference	Description	Decision
PL/2023/06976	Construction of a care home (within Class C2), parking, access, hard and soft landscaping and other associated works.	Pending

## 5. The Proposal

This is an application for full planning permission which proposes the construction of a care home of 82 beds for mixed levels of care (residential, nursing and dementia) and associated infrastructure with access off Snowberry Lane and associated parking, landscaping and drainage.

The proposed site plan is shown below:



## 6. Planning Policy

### Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP15– Melksham Community Area
- CP41- Sustainable Construction Techniques and Low Carbon;
- CP43- Providing Affordable Homes;
- CP45 – Meeting Wiltshire’s Housing Needs
- CP46 – Meeting the needs of Wiltshire’s vulnerable and older people
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk

### Wiltshire Waste Core Strategy

WCS6 (Waste Audit)

### Joint Melksham Neighbourhood Plan 2020 -2026 Made July 2021

### Emerging Melksham Neighbourhood Plan 2 2020 -2038 (Draft)

### Saved Policies for the West Wiltshire District Local Plan (1<sup>st</sup> Alteration)

U1a Foul Water Disposal  
U2 Surface Water Disposal

### Other WC policy and guidance

- The Wiltshire Waste Core Strategy (adopted 2009)
- Policy WCS6 - Waste Reduction and Auditing
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy

### National Policy and Guidance

National Planning Policy Framework (NPPF) & National Planning Practice Guidance (NPPG)

Relevant NPPF sections include:

Section 8 – promoting healthy and safe communities

Section 11- making effective use of land

Section 12- achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change



National Design Guide (2021) & Wiltshire Design Guide

Manual for Streets 2 (2010)

## **7. Summary of consultation responses**

### Melksham Town Council - Objection

*Principle objection - The Town Council does not support this application and has concerns about the size and scale of the proposed build, possible drainage issues, heritage issues, ie, listed buildings in the surrounding area, and planting and screening. The Town Council would like to see something in place to ensure mature planting and screening are protected in perpetuity. Should planning officers be minded to approve this application the Town Council would ask for conditions to be put in place to address the above concerns.*

*Referred to Policy 6 Housing in Defined Settlements in Emerging Joint Melksham Neighbourhood Plan 2020-2038 which requires proposals for age restricted housing, extra-care communities and nursing homes will be supported only in the most sustainable locations, closely linked to local services and public transport. having to be in sustainable locations.*

### Melksham Without Parish Council – Objection

*Principle objection – Lack of genuine need for 3 care homes in Melksham*

*Councillor Holder noted the level of elderly care beds required in Melksham and Wiltshire as highlighted in documentation to support the application, noting if all 3 planning applications currently submitted for elderly care facilities in Melksham were approved, the number of beds available would far exceed those required for Melksham. He also expressed a concern at the commercial viability of 3 elderly care home facilities being provided at the same time and the possibility of no care home provider coming forward and the potential for developers to subsequently submit plans for housing on some or all of these sites instead.*

*Concerns raised about Highway safety and parking, design and overdevelopment of the site, lack of amenity space for residents, impact on healthcare facilities*

*Referred to Policy 6 Housing in Defined Settlements in Emerging Joint Melksham Neighbourhood Plan 2020-2038 which requires proposals for age restricted housing, extra-care communities and nursing homes will be supported only in the most sustainable locations, closely linked to local services and public transport having to be in sustainable locations.*

### Wiltshire Council Adult Social Care - No objection

On the basis that the applicant's data could not be contested as accurate for the whole market; any challenge from Wiltshire would be difficult as the focus from the provider and Wiltshire Council is different. There is a growing and definite need for residential and nursing care for people living with dementia. This is a growing demand and particularly for higher levels of support for those who present with complex needs. This demand would cover both those who are funded by Wiltshire Council and those who fund themselves.

Wiltshire Assistant County Archaeologist – No objection following detailed trial trenching report submitted.

Dorset & Wiltshire Fire and Rescue Service – No objection subject to building regulations.

Climate Team – No objection following design revisions to increase low carbon energy on site subject to this being conditioned.

Urban Design - Supports the application subject to high quality materials being included and materials details being conditioned

WC Lead Local Flood Authority – No objection, subject to conditions.

Wiltshire Council Affordable Housing – No objection and no requirement for AH because the proposal falls under C2 use and, from the information submitted by the applicant, that bedrooms with en-suites are being proposed rather than self-contained/independent apartments.

Wiltshire Council Highways – No objection, subject to condition.

Wiltshire Council Landscape Officer - No objection subject to condition.

Wiltshire Council Arboricultural Officer - No objection subject to condition requiring compliance with AIA and TPP.

Wiltshire Council Public Protection – No objection, subject to condition requiring lighting plan

Wiltshire Council Ecology – No objection, subject to conditions.

*On review of all the relevant documentation, no ecological objections to the scheme subject to:*

- *conditions to cover the following:*
  - *no external lighting without prior approval*
  - *Submission of a Habitat Management and Monitoring Plan (HMMP)*
  - *Submission of a Construction and Environmental Management Plan (CEMP)*
  - *details of the number, design and locations of bird and bat boxes*

The full response to all the matters considered by the WC Ecologist is available to view on the on-line application file.

NHS – No objection subject to contribution of £37,062 towards the capital cost of delivering additional primary care floorspace required to serve residents of the new development.

Salisbury & Wilton Swifts – No objection but request bird nesting bricks to be included.

Wessex Water – No objection.

Wiltshire Council Waste and Recycling – No comment.

## **8. Publicity**

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

application has been fully reconsulted on.

17 representations objecting to the proposal have been received from a number of third parties over the course of both consultations. Some of these are multiple representations by the same party. The concerns raised are summarised below –

#### Need

- Melksham has more than enough care homes already. There are a lot of new builds in the area and there hasn't been any progress on facilities to accommodate all these new homes. Entertainment, doctors, other facilities have a far greater need than an elderly care home.
- Whether there is a need for this facility in the area with another care home proposed at Verbena Court, Melksham which is located very near to this proposal.

#### Contrary to development plan

- The Melksham Development plan did not specifically identify a need for more residential care in Melksham; site lies outside of the Melksham boundary.

#### Drainage / Flooding

- Flooding is an issue at neighbouring properties especially since the adjacent new housing has been built.

#### Ecology / Environment

- The area is also abundant with the European protected species of Great Crested Newts. This development would not only disturb but destroy their natural habitat. There have been several sightings of this protected species and living so close to the proposed site it would be naïve to even suggest that this protected species were not prevalent within the proposed site.
- Foreclosing any future options for communal amenities, including parks and recreational areas, this development will complete the encirclement of Berkeley House and its grounds, to create a wildlife ghetto that contains an ever-decreasing number of protected species, at the same time placing further stress on the 150 year old oak trees, subject to TPO, that give the surrounding housing developments their marketing names (The Oaks, The Acorns etc). These grand old trees are increasingly stressed by new-build housing that has been built far to close their rootplates, and which has otherwise completely altered local waterflow and drainage. More specifically, the Ecological Assessment accompanying this planning application is inaccurate.
- There is a very large 50m x 35m pond on nearby property that is within 100m of the proposed development site, which does contain Great Crested Newts, and which has tested positive for GCN DNA during the course of other planning applications, with associated mitigation demanded by WC. The same pond is home to breeding pairs of kingfishers, mallards and moorhens. The pond was built with full planning permission in 2005 but is not referenced at all in the report and is not shown on the accompanying 'PLAN ECO1'. The pond that is plotted on that map is located to the south of the proposed development, my pond is to the east and no request has been received from Aspire LLP, or anyone else, to access the pond for assessment, testing or for any other purpose.
- There is a significant bat colony in a tree immediately to the north of the site with a

live badger set in amongst the roots of the same tree, at the same location.

- Dovecote cottage lies at the bottom of this half of Longleaze lane. There are surrounding listed buildings and a nearby pond containing protected wildlife.

#### Loss of Green Space / Conglomeration

- The land that is proposed for development, taken together with the neighbouring grounds of Berkeley House, a Grade 2 listed building situated 100m to the north of the proposed development, constitutes one of the last remaining areas of greenspace.

#### Design/Character of the Area

- The height of the building would be greater than those of the surrounding properties.
- The proposed building's size and design do not align with the character of the neighbourhood; it stands out significantly in terms of size and height compared to existing structures. This high-occupancy commercial building would be unsuitable and threatens the area's unique identity.
- The absence of solar panels, limited electric vehicle charging infrastructure, and a lack of emphasis on energy-efficient design are significant disappointments. These omissions represent missed opportunities to promote a more sustainable and eco-friendly future.

#### Location

- Whether the proposed site is the best location for this Care Home.

#### Infrastructure

- The existing local, already overstretched, infrastructure will find it impossible to cope with the needs from the new care home - e.g. the number of available health centres and dental surgeries.
- Concerns about the recruitment and retention of staff for the care facility, due to national shortages, add to the list of issues that need careful consideration.
- Melksham is a rapidly expanding town that has grown beyond the public amenities and commercial facilities available to properly support its residents, most of whom have to journey further afield to Trowbridge or Chippenham to make use of services that most towns of Melksham's size have more immediate access to. The land that is being developed would be far better used to provide services, public amenities or sporting facilities for the town's existing population, rather than further increasing its overall number of residents.

#### Pollution

- Concerns surround potential odours emanating from industrial kitchens located on the top floor and waste areas. Additionally, increased noise levels resulting from visits, ambulances, and delivery vehicles could disrupt the tranquillity of our community

#### Highways / Parking

- Highway safety
- Insufficient parking
- No public transport available

- The increase in traffic on Longleaze Lane, along with the possibility of continued speeding issues on Snowberry Lane, highlights substantial safety concerns. Inadequate pedestrian access and limited parking facilities further exacerbate these issues, posing risks to both residents and visitors alike. A change to the speed limits and additional pavements should have been included.
- The extra traffic caused by this development's vehicles accessing Snowberry Lane will impact on existing residents' ability to safely access Snowberry Lane which is extremely busy all of the time.
- A weight speed limit on Snowberry Lane should be a priority to stop the flow of very large lorries using it and at times of the day and night.
- If the parking at the proposed development is restricted to so few parking spaces we know that visitors/staff will park in Lavender Close as many do now to access the Spa medical centre as there are limited parking spaces available there. We also have a lot of parents parking in Lavender Close to pick children up from Oak Community School.
- A separate, though still adjacent means of accessing the new development during its construction and subsequently (using land purchased from the neighbouring Spa Medical Centre to create a greater frontage on Snowberry Lane) would be needed to minimise the risk of restricting access to Longleaze Lane, and any attendant traffic back-up with associated risk of accident or incident on Snowberry Lane.
- Access to our home is solely along Longleaze lane and can be confirmed in our legal documentation. The proposal states we have access via saxifrage bank. This is not correct.
- Traffic density has been figured and reduced secondary to the completion of the new Melksham eastern bypass. The bypass is still actually in consultation phase.
- It is stated that the primary mode of local residents for town access is predicted to be by foot , cycle and public transport in the near future. Footpaths, cycle lanes and buses are currently operating well in the local area ,yet there are still numerous traffic hold ups in the centre of town.
- Traffic is busy and dangerous at peak times around Longleaze lane entrance. Quoting low accident figures as assured safety in this area is only relevant over a specified time and increasing footfall and traffic flow will only increase the probability of such incidences. Large numbers of school children traverse the public footpath at the top of our lane twice daily and in smaller numbers throughout the day subject to lunchtimes and timetables. The footpath is well used by all members of the public.
- Movement of traffic across this area to access the proposed care home adds additional safety risks. Ambulances do have to move at speed.
- Having a care facility so near a busy road is unsafe. The proposal highlights many residents will be immobile but not all. Some residents may have dementia. During lucid phases such patients may present alongside exiting visitors and gain access to outside being a short distance from a busy road.
- Traffic flow in and out of the car park will be fairly continuous, staff, support services and those visiting. We note visiting is non restricted. Noise levels and carbon monoxide levels will obviously also increase as a result.
- There is a well-used post box opposite Longleaze lane. Folk parking on the road to access this post box invariably cause traffic obstructions in both directions.
- Limited public transport during shift changes means workers at the care facility, if not using their cars, will use taxis instead.

#### Neighbour Amenity

- Loss of privacy and overlooking.

- Reservations regarding the position of the bins and substation in relation to neighbouring properties.

#### Consultation

- Insufficient consultation with neighbours.

### **9. Planning Considerations & Assessment**

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

#### **9.1 Principle of Development**

##### Wiltshire Core Strategy 'Spatial Strategy'

In terms of assessing the relative merits of the proposal, the starting point is the development plan and specifically the Wiltshire Core Strategy (WCS). The WCS sets out a 'Settlement Strategy' and 'Delivery Strategy' for development across the County. Following the relatively recent changes to the NPPF on 20 December 2023, Wiltshire Council considers that it can now demonstrate a sufficient 4-year housing land supply, and as a result the development plan is considered robust with the main delivery and settlement strategy policies carrying substantial weight.

WCS Core Policy 1 addresses the Settlement Strategy and identifies four tiers of settlement – 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy, Melksham is defined as a market town. Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development.

Melksham and Bowerhill, where this site is located, is defined in Core Policies 1 and 15 as a Market Town, based on an assessment of its role and function. Market towns are defined as settlements that have the ability to support sustainable patterns of development through their current levels of facilities, services and employment opportunities, and have the potential for significant development that can improve self-containment.

WCS Core Policy 15 sets out the Council's sustainable plan-led approach to delivering development that responds to and reflects economic, social and environmental needs for the Melksham Community Area. Paragraph 5.82 of the supporting text to policy CP15 of the WCS outlines that the strategy for Melksham will be to ensure an appropriate and balanced mix of housing and employment growth is managed to provide contributions to the town centre improvement and delivery of enhanced services in the town and service provision, along with residential development as part of sustainable growth.

WCS Core Policy 2 addresses the Delivery Strategy. It sets out a presumption in favour of new residential development within the Limits of Development of the settlements – including Melksham – and further states that housing should not be permitted outside the limits except in the few circumstances explained at supporting paragraph 4.25.

Paragraph 4.25 confirms that one of these exception policies is specialist accommodation

provision to meet the needs of Wiltshire's vulnerable and older people to be assessed under Core Policy 46.

Core Policy 46 of the WCS seeks to address the issue of an ageing population, which is particularly important in Wiltshire, by ensuring that there is adequate provision of specialist accommodation, including residential, nursing and extra-care accommodation and facilities.

Notwithstanding that the site now 'reads' as being within the limits of development of Melksham, given that the site remains technically outside assessment is undertaken on this basis.

Policy CP46 supports the provision of sufficient new accommodation for Wiltshire's older people outside, but adjacent to, Market Towns, in exceptional circumstances, subject to certain criteria being met.

These criteria include:

- a genuine, and evidenced, need is justified;
- environmental and landscape considerations will not be compromised;
- facilities and services are accessible from the site;
- its scale and type is appropriate to the nature of the settlement and will respect the character and setting of that settlement.

Each of these is considered in turn –

#### A genuine and evidenced need is justified

WCS CP15 does not identify requirements or priorities for the provision for accommodation for the elderly or those in need of care in this respect. Further, the Melksham Neighbourhood Plan contains no evidence for or details assessing local identified need for Class C2 care homes.

Detailed needs assessments have been provided in support of the application both at submission and in a more recent update dated January 2024 by Healthcare property Consultants Ltd (HPC). The assessments contain data on the need for a new care home at this location. The catchment area for the latter assessment has been set at 5 miles from Melksham; the assessment take into account other planning applications for care homes.

The needs Assessment report states the following:

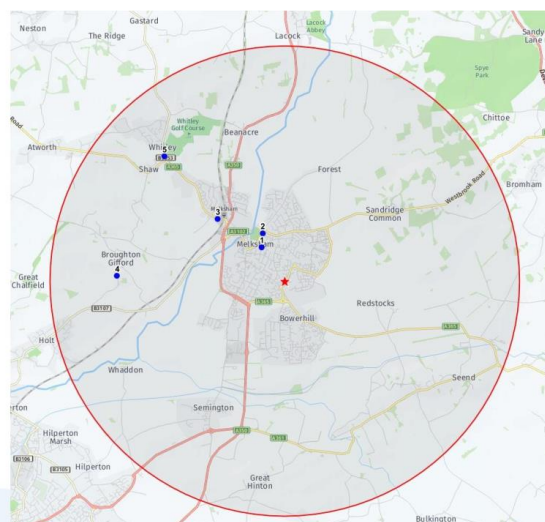
*The level of Outstanding Need is forecast to approach 200 ensuite bedrooms by 2030. However, this figure has the strong potential to rise further should care home attrition occur locally in the interim. Of the five Melksham care homes, one 50 year old facility is devoid of ensuite bedroom provision whilst two converted dwellings are so limited in size that economy of scale will become all but unachievable as operational costs continue to rise. This document illustrates the degree to which home closures have impacted the Wiltshire care home estate. The need therefore exists for additional care home development – not only to accommodate the rapidly rising elderly population but also offset potential care home closures.*

	2024 Total Elderly	2030 Total Elderly
<b>Demand</b>		
Statistical demand (incl. forecasts)	268	319
<b>Supply</b>		
Current supply of en suite bedrooms	124	124
<b>Outstanding Need</b>		
Under supply of Appropriate Accommodation	144	195
<b>Potential Supply Pipeline</b>		
Undeveloped consented ensuite beds (net)	77	77

Need for additional  
**195**  
Ensuite bedrooms by  
2030

**Table showing Need for carehomes within 5miles of Melksham based on census and up to date planning data as of Jan 2024 (source: HPC Ltd Needs assessment)**

Map Ref	Name	Provider	Nature of Environment	Distance (miles)
1	Brookside	Orders Of St. John Care Trust	Purpose Built 1960's / 70's	0.5
2	Alpine Villa	Alpine Villa Care Home Ltd	Converted & Extended Dwelling	0.7
3	Blenheim House	Berkley Care Blenheim Ltd	Modern Purpose Built	1.2
4	Old Parsonage	Roseville Care Homes (Melksham) Ltd	Converted & Extended Period Property	2.1
5	Mavern House	Mavern Care Limited	Converted & Extended Dwelling	2.3



**Supply and Demand catchment area**

The Assessment states that there is a quantifiable need for a new high quality care home at this location. The supply figures are accepted. The demand assessment has been based on the most recent Census data available and includes details regarding the basis and methodology of population growth estimates including where possible information relating to in and out-migration.

It is accepted that the population in the surrounding area in the elderly age range is growing with more frequent dementia diagnoses highly likely, and there is clearly a limited amount of existing care home supply that meets the required needs for caring for elderly people.

The report further states that –

*The development of two new care homes before 2030 will fail to meet the level of forecast*



*need due to population growth, never mind offset potential closures. The evidence points towards a need for the development of three care homes in the short term in order to both meet the requirements of the Care Act 2014 and, more importantly, the aspirations of the local elderly population.*

Adult Social care have been consulted and agree with the data source being reliable and accurate; the applicants data source is the same as that used by the Council.

Adult Social Care state in their formal consultation the following –

*“...the applicants data could not be contested as it accurate for the whole market; any challenge from Wiltshire would be difficult as the focus from the provider and Wiltshire Council is different... There is a growing and definite need for residential and nursing care for people living with dementia. This is a growing demand and particularly for higher levels of support for those who present with complex needs. This demand would cover both those who are funded by Wiltshire Council and those who fund themselves.”*

It is agreed, therefore, that there is a need for additional care beds, both in Melksham and also county wide. Adult Social Care have not provided detailed data as this is still being compiled and importantly this data only focuses on the need for public, Council provision and does not include the demand that also arises from the private sector; where people do not need Council assistance or funding.

Accordingly, in absence of any evidence to the contrary, it is accepted that this professional independent third party data evidence provided by the applicant does identify a genuine need for such provision in the area for this care home and the Council's own Adult Social Care Officers support this position.

#### The environment and landscape will not be compromised

In terms of the environment, the Council's Landscape Officer and Ecology Officers have been consulted. Both raise no objection to the scheme. Each matter is addressed in detail in the following technical sections and it is concluded that the environment and landscape will not be significantly compromised so as to justify refusal of this application.

#### Facilities and services will be accessible

The proposed plans in the context of the site's location in proximity to Melksham Market Town and the urban extension are considered to be both suitable for the location and accessible. The Highways Officer raises no objection and considers the location sustainable. More details on the highways considerations are set out below.

#### The scale and type is appropriate to the nature of the settlement and will respect the character of that settlement

This site is set in the context of the Melksham eastern urban extension within an area of established built form in close proximity to Melksham Market Town. The medical centre to the immediate west is 2 storey and Bowerhill Lodge is 2.5 to 3 storey. The submitted street sections show that the proposed development would be commensurate with the scale of these buildings, and as such at 2.5-3 storey the proposal would fit comfortably into the existing built form. The general design principles set out in the supporting submission, following some design amendments, have been thought through and are justified in relation to the context.

As such it is considered that the principle of the development would be acceptable in this location subject to the following technical considerations below.

## 9.2 Landscape and Design

### Landscape

Core Policy 51 of the adopted Wiltshire Core Strategy states “great weight will be afforded to conserving and enhancing landscapes and scenic beauty”.

The site is located in an area of established built urban form with a current urban extension being built out nearby with no specific landscape sensitivities or designations. The nearest AONBs are the North Wessex Downs approx 8km to the east and the Cotswolds AONB some 9km to the west. There is a Special Landscape Area approx 2km to the north-east of the site. This proposal would be visible from the bypass and the medical centre, however its proposed location between the medical centre and Bowerhill Lodge, set back from the main road and at maximum height of 2.5/3 storeys in the context of major urban residential development is likely to result in a limited impact in terms of landscape.

Indeed, the development will be read in the context of the new built form of the urban extension that surrounds it in this location from both near and longer views. As such it is considered that the proposal would not compromise the existing landscape of the locality, especially when the major residential development to the south and east is complete.



The proposal would not remove any trees and the application is supported by a tree survey and detailed landscaping proposals indicating additional tree planting and enhanced biodiversity, and this is welcomed. It will ensure that a verdant front boundary is maintained that will respect the wider character of the area.

There are features that would benefit the residential care home occupants. In particular, a small, raised bed allotment compatible with wheelchairs and fruit trees providing potential activities for residents along with a wheelchair accessible greenhouse. Other incidental interactive items along footpaths would bring residents out into the garden and encourage them to work their way around paths.

These matters can be secured by way of hard and soft landscaping details to be conditioned prior to commencement of works above ground slab level.

### Design

Core Policy 57 requires 'a high standard of design in all new developments. Of particular relevance is paragraph (iii) which requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting'.

The NPPF states at paragraph 131 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 states the following –

*Planning ... decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Core Policy 41 seeks to ensure that sustainable construction techniques and renewable energy is employed to ensure a scheme that is energy efficient and represents low carbon use in line with, and where possible, exceeding Building Regulations requirements.

Since the original submission the site plan and proposed plans have gone through various design iterations to address concerns regarding energy efficiency, sufficient parking, design and landscaping.

The proposal would provide a new 82 bed care home (Use Class C2) located in Longleaze Lane briefly comprising of:

- 82 bed care home with dedicated ensuites
- Community spaces including
- Main reception area
- Kitchen and Restaurant Café
- Lounges
- Dining Rooms
- Activity Areas

The proposal would be 3 storeys in height with materials consisting of brick, render and grey concrete roof tiles.



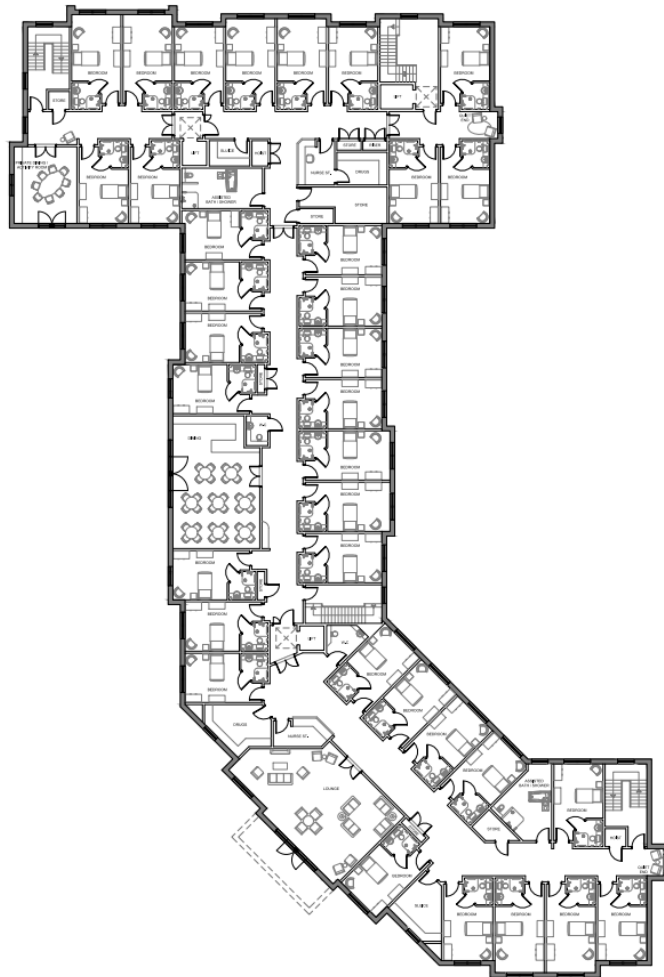
REAR (SOUTH) ELEVATION

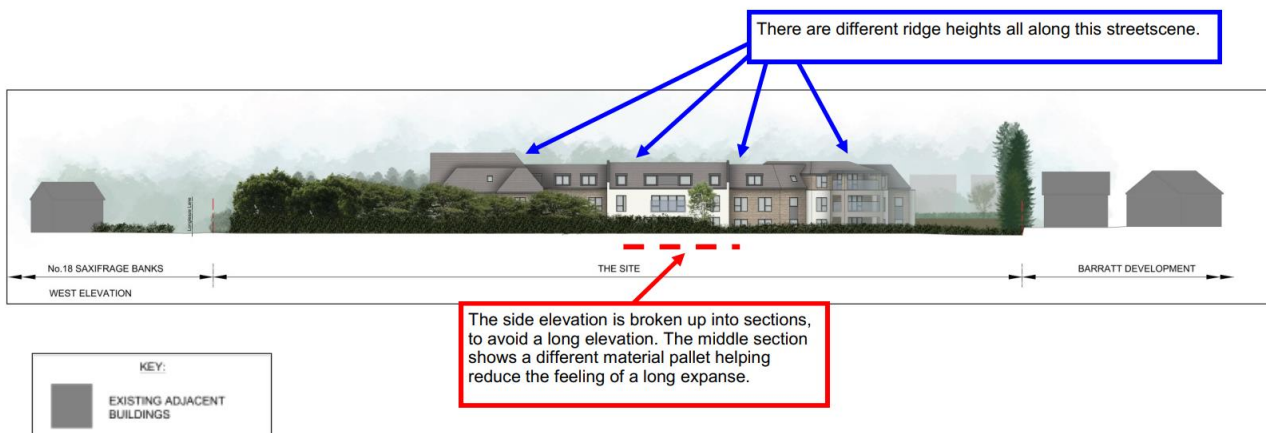


FRONT (NORTH) ELEVATION



SIDE (WEST) ELEVATION





The building design is well articulated with a varied roof line. This would ensure no unacceptable impacts on the well-landscaped street-scene to Longleaze Lane. The proposed height of the building is considered to be acceptable having regard to its context and as shown in the street section above. The building would sit comfortably on the site with generous separation maintained with the neighbouring dwellings and ample landscaped outdoor space available to the sides and rear of the building. It would, through careful use of materials and architectural proportions, reflect the character of the locality and remain of a scale consistent with its use, function and location. It would integrate well into the locality and street-scene. It would not appear as an institutional building but rather its character bridges the gap between the more commercial urban area and the new residential form of the urban extension so that it would not be out of place.

The WC Urban Design Officer, subject to requiring high quality materials, supports the proposal and raises no objection. A condition requiring details of high quality materials prior to commencement of works on site above ground slab level is recommended. Likewise, the Climate Change Officer raises no objection to the final design.

The application is supported by a sustainability statement which confirms that the proposal would meet BREEAM 'very good' and would exceed low carbon design requirements as set out in Building Regulations and CP41 for sustainable construction techniques and low carbon energy. The statement says that the final design would include the following:

- Use of roof mounted solar PV and ASHP
- Provision of cycle storage
- EV charging
- Water efficiency
- Whole life-cycle waste audit
- Travel Plan

In the event of approval a condition would be required to ensure that the development is in general accordance with the Sustainability Statement DAS, and a further condition requiring conformity with this to ensure a low carbon development is secured.

Accordingly, subject to the conditions outlined above, the proposed development is considered acceptable in terms of CP41 and CP57 of the WCS as well as provisions of the NPPF.

### 9.3 Residential Amenity

Core Policy 57 further states that applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

Having regard to neighbour amenity, matters relating to overlooking, privacy, light and overbearing have been carefully considered. Generous separation distances are provided which, coupled with retained landscaping to the side boundaries, would ensure no unacceptable loss of residential amenity.



As the above plan demonstrates, to the north-west, a building to building separation distance of in excess of 40 m is provided to No. 382. This generous separation distance, coupled with the scale and form of the building and high levels of boundary landscaping, would ensure that no loss of amenity would arise to the occupants of No. 382 in respect of light, outlook, and overbearing impacts, or related loss of privacy.

With regard to the development to the south, at the closest point the building is over 21m from the nearest dwelling. The elevation on the neighbouring residential dwelling is a side elevation with no primary windows. The closest distance between any primary windows is 42m. This generous degree of separation coupled with the boundary landscaping would ensure that no unacceptable adverse impact would arise to the south in respect of overlooking.

The proposal provides generous internal living accommodation for the future occupants of the care home and provides ample outdoor amenity space.

WC Public Protection Officers have been consulted. The main concern raised related to construction noise/dust and its impact on the residences in the vicinity. As such a Construction Environmental Management Plan is required by condition, to also include a commitment to standard hours of construction. The location of noisy plant on the site during the construction stage is also a potential issue, especially generators. Again, this could be controlled through a CEMP. Accordingly, WC Public Protection raise no objection.

An external lighting condition is also recommended in the event of planning permission being given.

Subject to these conditions the proposed development should not result in loss of light, loss of privacy or an overbearing impact on existing neighbours and on future occupiers of the development. The proposal would not result in harm to or have a detrimental impact on the existing levels of residential amenity currently enjoyed by adjacent occupiers, and would meet requirements of CP57 of the WCS.

#### **9.4 Highways / Rights of Way**

Paragraph 114 (b) of the NPPF requires that – *in assessing ... specific applications for development, it should be ensured that ... safe and suitable access to the site can be achieved for all users.*

Paragraph 115 of the NPPF states that – *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Paragraph 116 (c) of the NPPF also states that *...applications for development should create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles.... and respond to local character and design standards.*

CP57 (ix) of the WCS requires new development to ensure – *that the public realm including new roads and other rights of way are designed to create places of character which are legible, safe and accessible...* and CP57 (xiv) requires development to meet *"the requirements of CP61 (Transport and New Development).*

CP61(ii) of the Wiltshire Core Strategy requires new development to be – *capable of being served by safe access to the highway network" and within the supporting text for CP61, the Council recognises that it is critically important for good planning and safe highway interests for new development to benefit from a suitable connection to the highway "that is safe for all road users.*

CP62 of the Wiltshire Core Strategy states that – *Outside of built-up areas, proposals that involve a new direct access onto the national primary route network will not be permitted in order to assist with traffic flow and reduce risk.*

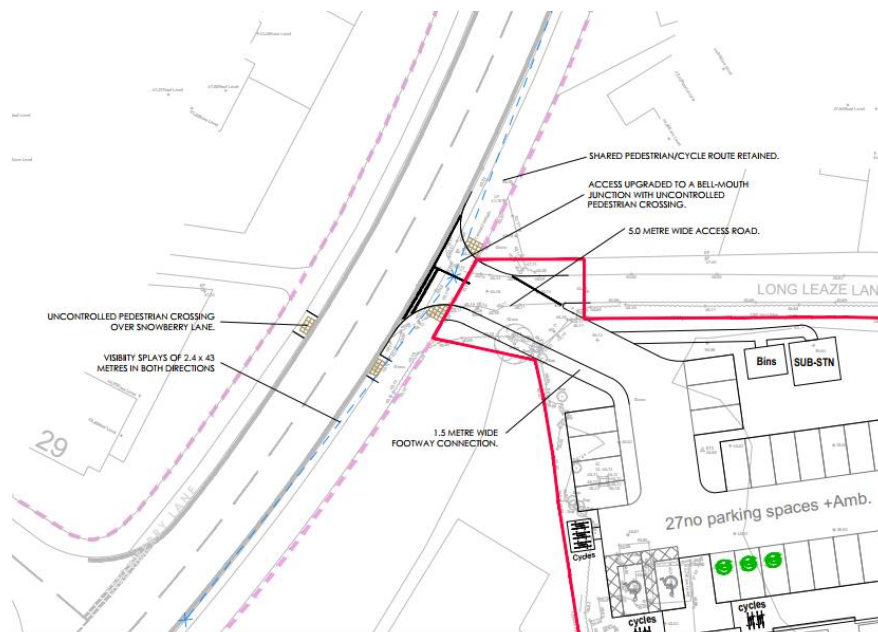
CP64 requires sufficient parking to be provided in new development in line with residential parking standards and requires a reduction in reliance on the use of the private car where



possible.

Access to the development would be from the existing private access road from Snowberry Lane, which would also be subject to improvements to accommodate the increase in traffic. The access has sufficient visibility in both directions, and also sufficient visibility for pedestrians and cyclists on the shared use path that it crosses. The width of the access would be improved to a minimum of 4.8m, with 5m corner radii. The access road does narrow in to the site to a minimum of 4.1m, but this narrowing is unlikely to result in vehicles waiting on the highway, and as the narrowing is over a short length it is not considered to present a safety issue.

It is also noted that the highway improvements proposed include a new informal tactile pedestrian crossing on Snowberry Lane. Whilst this crossing is welcomed, as there would undoubtedly be crossing demand generated by the proposed development, the form of the crossing has been amended so that it is similar to that located further North of Snowberry Lane, and would be provided with bollards and coloured anti-skid surfacing to further highlight the likelihood of people crossing in this location; this can be secured through condition in the event of permission being given. All the highway improvement works would require a formal technical submission under S.278 of the Highways Act 1980.



Within the site, 27 car parking spaces are proposed including two disabled spaces, plus an additional ambulance space. This is below the recommended provision detailed in Wiltshire's Car Parking Standards (at 35 spaces); however, the submitted Transport Statement includes a justification for such parking levels, including a parking accumulation assessment based on the trip data generated within TRICS. As Snowberry Lane also has 'No Waiting at Any Time' restrictions along both sides in the vicinity of the site, it is not anticipated that an overspill of parking would occur. The parking provision and layout is thus accepted.

The submission also includes a Staff/Visitor Travel Plan, which is considered an essential requirement. It is likely that the travel plan would have the effect of encouraging more staff than visitors to travel by sustainable modes, but targeting both groups is considered positive. There are options to travel sustainably locally, with good walking/cycling

infrastructure and nearby bus stops.

WC Highways are, therefore, satisfied that the overall proposal is unlikely to cause unacceptable harm in highway safety terms, and so the proposal cannot be considered to have a severe impact in terms of the NPPF. Therefore, no Highway objection is raised, subject to the conditions set out above. The proposal is considered to meet requirements of CP60, CP61 and CP64 of the WCS and provisions of the NPPF.

### 9.5 Heritage Impact

In respect of Listed buildings, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.

Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out policies concerning heritage and sustainable development and requires a balanced approach to decision making with harm weighed against the public benefits resulting from proposals.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance."

Historic England Advice Note 2 – Making changes to Heritage Assets illustrates the application of policies set out in the NPPF in determining applications for PP and LBC.

The red line boundary of the site itself does not include any designated heritage assets although there is archaeological potential for the site.

Following detailed pre-app advice the applicants have undertaken trial trenching on site and submitted a Heritage Statement. This has been considered by the Assistant County Archaeologist.

The statement sets out the results of the trial trenching, and references the remains of a post-medieval field boundary, along with some traces of 19th and 20th century activity. This largely confirms the results of an earlier geophysical survey conducted last year.

On the basis of these two pieces of work it is concluded that the site is of negligible archaeological potential and that the proposed development would have no impact upon any pre-modern, sub-surface features or deposits.

The proposed development, by virtue of its separation distance and the large amount of built form that has recently been erected in the immediate locality, is also considered to not result in any adverse impacts to the significance of known designated and non-designated heritage assets in the area, this in terms of their settings. The settings of these assets have already been significantly affected, and the proposed development would not result in any greater impacts which would justify a refusal decision. And in any event, in terms of public interest, there is clear benefit arising from providing additional care home beds.

No further mitigation work is recommended and there is no heritage objection raised; the

proposal meets the requirements of CP57 and CP58 of the WCS as well as provisions in Section 16 of the NPPF.

## **9.6 Flood Risk and Drainage**

The site is located fully within Flood Zone 1, with the lowest risk of fluvial flooding, however the site's susceptibility to ground water and surface water flooding has been considered in the proposed drainage strategy.

Policy CP67 (Flood Risk) states that all new development should include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The site is located within Flood Zone 1 and its development would not increase flood risk elsewhere, as demonstrated in the Flood Risk Assessment (FRA) and Drainage Strategy which accompanies the application.

A Surface Water Drainage Strategy has been prepared to demonstrate that a sustainable drainage solution can be provided for the proposed development. SuDS Management Trains will provide suitable treatment of run-off by removing pollutants prior to discharge. The Surface Water Drainage Strategy has been designed in accordance with current sustainable development best practice and meets the requirements of Wiltshire County Council (as the LLFA).

It is noted within the Flood Risk Assessment and Drainage Strategy, document ref 07040/FRA/0002, Rev P0, that infiltration is not viable on this site and therefore, the applicant is proposing to discharge surface water runoff from the site to the existing 450mm diameter public surface water sewer to the north of the site at 3.8l/s (QBar). Wessex Water have confirmed that this is acceptable although it is considered the maximum discharge rate they would accept for all storm events up to an including the 1 in 100 year event plus climate change.

Discharge from the site will be controlled to the site-specific greenfield QBar run-off rate. Attenuation storage will be provided in the form of rain gardens and geocellular tanks that are supplemented by a planted depression for exceedance management.

In terms of foul drainage Wessex Water have confirmed that they can accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis, Developers fund the cost of connecting to the nearest 'size for size' sewer. Capacity is available to accommodate domestic type foul flows from the proposed development, the nearest point of connection would be the 100mm diameter public foul sewer that crosses the site. The point of connection to the public network is by application and agreement with Wessex Water. An informative should be included on any grant of permission advising the applicant to contact Wessex water independently to secure the relevant license.

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

The LLFA's latest response recommends a number of conditions relating to specific drainage calculations, details for the rainwater attenuation and a Construction Management Plan incorporating pollution prevention measures during construction.

The information requested by them is reasonable and necessary to make the development acceptable in planning terms i.e., to ensure the scheme does not lead to increased flood risks elsewhere during both the construction and occupation phases of the development.

Accordingly, the proposed development - subject to conditions - would accord with CP67 of the WCS and the NPPF.

## **9.6 Ecology**

WCS Policy CP50 (Biodiversity and Geodiversity) states that development proposals must demonstrate how they protect the features of nature conservation and geological value as part of the design rationale. These features are expected to be retained and managed favourably in order to sustain their ecological value, connectivity and functionality long-term.

A full Ecological Impact Assessment (EclA) has been submitted as part of the application and extensive detailed discussions with the Council's senior ecologist have been undertaken.

The ecology surveys conducted in February 2023 found no evidence of protected species on site. No trees or buildings were identified as having potential to support bats. However, the hedgerows and trees were concluded to offer potential to support foraging and commuting routes for bats. It was noted that these would largely be retained as part of the proposals; however, a number of trees are to be removed for access purposes.

Proposals to increase biodiversity on site were put forward including the provision of bird and bat boxes. However, the number and locations of these have not been specified. Although the development is located between a new residential development and existing infrastructure, it is important to retain dark corridors to ensure continued commuting routes for wildlife. Artificial light at night can have a substantial adverse effect on biodiversity. Increases in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas.

A lighting plan has not been submitted in support of the application, but this can be a matter for a condition to demonstrate from an ecology perspective the retention of dark wildlife corridors. The WC Ecologist has stated that any new lighting should be for the purposes of safe access and security, and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

There is some anecdotal evidence of badgers being in the vicinity but no evidence of badger activity was identified on site through the surveys and there is no justification to request further survey work.

Concern was raised about Great Crested Newts in the locality with photographs being provided by a local resident. The Council ecologist reviewed the additional information and confirmed that no ponds exist within the red line boundary and therefore no ponds are proposed to be impacted by the scheme. As stated within the ecology reports submitted, habitats suitable to support GCN on site are the linear features/hedgerow boundaries which would be retained and enhanced as part of the proposal.

Although one pond has been identified to the south, there appears to be limited suitable connective habitat between the pond and the site which has further been severed by the housing development.

It is noted that a recent record for GCN has been submitted in an area to the north of the site. It is known that GCN exist within Melksham and historical populations have varied greatly in size and location due to the level of the water table. The most recent record from a local resident appears to be a single individual within terrestrial habitat outside of the red line boundary.

Access provision on site would require the removal of some vegetation. Therefore, as recommended by the ecological consultants, a Reasonable Avoidance Measures document would be drawn-up to ensure works are carried out to minimise impacts upon GCN. This would include details of phased clearance at a time of year when GCN are expected to be present in ponds rather than terrestrial habitat and a fingertip search for GCN prior to vegetation/topsoil removal, and in the unlikely event that GCN are found the LPA would be contacted to discuss how to proceed.

A biodiversity metric was undertaken in February 2023 in support of the application. An unlocked metric was submitted after an additional request was made. This is supported by a BNG Assessment Report. The BNG proposals are to continue to create neutral grassland of medium distinctiveness and the alteration of neutral grassland to modified grassland.

The Landscape proposals submitted in support of this application have the potential to improve the site for GCN providing additional terrestrial habitat,

The Ecology Officer recommends approval of the application subject to conditions including a CEMP which would include RAM's for GCN together with a Habitat Management and Maintenance Plan to ensure the long-term management of landscape and ecological features retained and created by the development. The HMMP would ensure the long term management of the site in accordance with the Landscape Scheme submitted which it is anticipated would be more beneficial to GCN than the current management.

Accordingly, the proposed development is considered acceptable in terms of CP50 of the WCS and provisions of the NPPF subject to the conditions set out above.

## **10. CIL and S106 contributions**

### CIL

The proposed development as a care home would be liable for CIL, and as it is within Charging Zone 2 this would be £55/sqm (plus indexation).

### S.106

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

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

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme. The Applicant has agreed to provide these:

#### Contributions towards NHS facilities

Concern has been raised in the representations that there is significant pressure on the local GP and health services.

National policy and guidance set out an expectation for development proposals that impact on local infrastructure to mitigate the impact.

Residential developments often have very significant impacts in terms of the need for additional healthcare provision for future residents, meaning that a planning obligation requiring that the development contributes to, or delivers, a new healthcare facility is often necessary.

Policy 3: Infrastructure Requirements of the Wiltshire Core Strategy states that all new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Healthcare facilities are identified as essential infrastructure, and as such afforded the highest priority. The cost of providing necessary infrastructure will be met through the appropriate use of planning obligations.

The Joint Melksham Neighbourhood Plan Policy 8 sets out similar provisions. The Wiltshire Infrastructure Delivery Plan 3/Appendix 1: Melksham Community Area notes that local primary healthcare facilities are already undersized for the number of current patients.

#### Existing Primary Care Capacity in the Local Area –

The proposed development is located to the south-east of the centre of Melksham, adjacent to the Spa Medical Centre. The ICB has identified that Bradford on Avon and Melksham Primary Care Network (PCN) sites Spa Medical Centre and Giffords Surgery are most likely to be impacted by the proposed development.

Given that the practices currently operate with an overall space deficit, to properly mitigate the impact of the proposed development a planning obligation is required to create the full amount of additional primary care floorspace needed to serve the new residents. It is important to note that care homes rely on health infrastructure in the local area and generally require additional primary care services. This additional level of primary care service provision is crucial to avoiding unnecessary hospital admissions, therefore local practices having the infrastructure capacity to accommodate the additional workforce and related resources needed to support care homes is key.

Detailed cost breakdown is set out in the public NHS consultation response. Based on the latest data on primary care capacity within the Bradford upon Avon and Melksham PCN, there is insufficient existing primary healthcare capacity locally to accommodate the 82 residents calculated to be generated by the proposed development.

Mitigation is therefore required in the form of a financial contribution of £37,062 towards the capital cost of delivering the additional primary care floorspace required to serve residents of the new development. The developer has agreed to this sum.

### **Conclusion (The Planning Balance)**

At the heart of the NPPF there is a presumption in favour of sustainable development, this requiring local planning authorities to approve development proposals that accord with the development plan without delay.

Whilst the proposed development lies outside of Melksham's settlement boundary it is to all intents and purposes part of the new urban extension and would be read as such, and in future be treated as such when development plan maps are updated. In the meantime, the site is still adjacent to the existing Limits of Development and meets all the required criteria set out in policy CP48 as an exception to the restriction of development outside settlements as set out in CP1 and CP2.

This report shows that there are no adverse impacts arising from the proposal on the wider landscape, archaeology, drainage, ecology, highways, and/or amenity. There are, however, benefits which include the provision of proper care for the elderly in the community, the provision of short term and long-term local jobs, the releasing of family homes to boost housing supply, the enhancement of GCN habitat, the inclusion of additional tree planting and the making of a contributions to off-site infrastructure through S106 contributions and CIL.

The proposal would relate well to the spatial form of Melksham and the eastern urban extension using existing road infrastructure and would offer accessible walking and/or cycling routes into the town and its services and facilities. The application site would also make s106 contributions to the local healthcare services and CIL payments.

### **RECOMMENDATION:**

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

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

Location Plan ref: ASP-CH-034-PL001A

Site Plan ref: ASP-CH-034-PL002C

Proposed Block Plan ref: ASP-CH-034-PL011B

Proposed First Floor Plan ref: ASP-CH-034-PL008B  
Proposed Ground Floor Plan ref: ASP-CH-034-PL007B  
Proposed Second Floor Plan ref: ASP-CH-034-PL009B  
Proposed Roof Plan ref: ASP-CH-034-PL010B  
Proposed North & West Elevations Plan 1 of 2 ref: ASP-CH-034-PL003C  
Proposed South & East Elevations Plan 2 of 2 ref: ASP-CH-034-PL004C  
Street Scene Plan 1 of 2 ref: ASP-CH-034-PL005A  
Arboricultural Impact Assessment ref: DAA AIA 02B  
Transport Statement ref: 2023-11-21 TS01 6804  
Sustainability Statement Rev 5  
Energy Statement Report 2315- Rev C  
BREEAM Pre-Assessment  
Travel Plan ref: 2023-11-21 TP02 6804  
Ecological Assessment and Biodiversity Net Gain. July 2023. Ecology Solutions;  
Briefing Note: Biodiversity Net Gain Assessment. July 2023. Ecology Solutions and;  
Briefing Note: Ecology Response. December 2023. Ecology Solutions  
Unlocked Metric V4  
Archaeological Evaluation Report ref: 282202

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

- 3 No above ground 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.

- 4 The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
  - ii. A description of management responsibilities;
  - iii. A description of the construction programme;
  - iv. A named person for residents to contact;
  - v. Detailed site logistics arrangements;
  - vi. Details regarding parking, deliveries, and storage;
  - vii. Details regarding noise and dust mitigation;
  - viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
  - ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
  - x. Details of how surface water quantity and quality will be managed throughout construction;
  - xi. Details of the safeguarding measures to deal with the following pollution risks:
    - the use of plant and machinery
    - wheel washing and vehicle wash-down and disposal of resultant dirty water
    - oils/chemicals and materials



- the use and routing of heavy plant and vehicles
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes
- xii. Details of safeguarding measures to highway safety to include:
- A Traffic Management Plan (including signage drawing(s))
  - Details of proposed temporary access improvements during the construction period
  - Routing Plan
  - Details of temporary/permanent Traffic Regulation Orders
  - pre-condition photo survey - Highway dilapidation survey
  - Number (daily/weekly) and size of delivery vehicles.
  - Number of staff vehicle movements.
- xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
  - A tree protection plan, showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations in compliance with the approved Arboricultural Report and tree protection plan, prepared by David Archer associates and dated July 2023
  - Working method statements for protected/priority species, such as nesting birds and reptiles.
  - Mitigation strategies already agreed with the local planning authority prior to determination, such as for GCN; this should comprise the preconstruction/construction related elements of strategies only.
  - Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site in relation to species and/or habitats.
  - Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
  - Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence

Development shall be carried out in strict accordance with the approved CEMP.

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

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

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

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

6 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

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

7 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

8 No development shall commence until the applicant has

- i) provided detailed calculations which demonstrates the post-development discharge rate achieves the required 20% betterment on greenfield rates for all storm events between the 1 in 1 year and the 1 in 100year return period storm events. The applicant proposes to use a flow control device, these can limit the discharge rate to 1l/s with appropriate maintenance. The applicant must outline the locations of the three catchment areas as per table 6-3 within the FRA with detailed drawing and calculations for each catchment area.
- ii) provide detailed drawing and calculations of each proposed rain garden; and
- iii) confirmed the outfall point from the attenuation crate system and the proposed connection point into the surface water sewer

to the Local Planning Authority and the Local planning Authority has approved the details in writing. The development shall be undertaken in accordance with these approved details.

REASON: To ensure adequate drainage of the site.

- 9 The development hereby approved shall not be brought into first use until the access improvements, including the pedestrian crossing on Snowberry Lane, all as generally shown on RGP drawing 'Proposed Access Arrangements' 2022/6804/002 Rev P6, have been completed in accordance with the approved details.

Reason: In the interests of highway safety.

- 10 No development shall commence until details of the number, design and locations of bird and bat boxes shall be submitted to the local authority for approval. These details should be clearly shown on a siteplan/elevations drawing. The approved details shall be implemented before occupation of the final works.

REASON: In the interests of biodiversity on site

- 11 No part of the development hereby permitted shall be first brought into use until the turning area & parking spaces [27] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

Reason: In the interests of highway safety.

- 12 No development shall commence above ground slab level until final details of solar PV panels and air source heat pump(s) has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

- 13 No development shall commence above ground slab level until a scheme for the provision of at least one 'rapid charging' point in an accessible parking area or bay shall be submitted to and improved in writing by the local planning authority. The rapid charging point shall be installed and be ready for use prior to the first occupation of the approved development. The rapid charging point shall thereafter be retained and shall remain operational at all times (other than when under-going reasonable maintenance).

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

- 14 Prior to occupation a lighting scheme must be submitted for the approval of the Local Planning Authority in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light. The scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone XX in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Before commencement of operation of the approved lighting scheme the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E2 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by

the Bat Conservation Trust and Institution of Lighting Professionals. . The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

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

- Briefing Note: Ecology Response. December 2023. Ecology Solutions

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

16 No development shall commence above ground slab level until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the Local Planning Authority. The HMMP will include long term BNG objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The HMMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The HMMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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

INFORMATIVES:

The developer/applicant will be expected to enter into a S278 Highways Legal Agreement with the Highway Authority before commencement of the highway/access works hereby approved. Submissions should be made to [highwaysdevelopment@wiltshire.gov.uk](mailto:highwaysdevelopment@wiltshire.gov.uk) with an anticipated approval time of 6-12 weeks.

GCN

There is a residual risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team ([ecologyconsultations@wiltshire.gov.uk](mailto:ecologyconsultations@wiltshire.gov.uk))

Bats

There is a low risk that bats may be encountered at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year.

Planning permission for development does not provide a defence against

prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact Natural England's Batline through the internet.

#### Nesting Birds

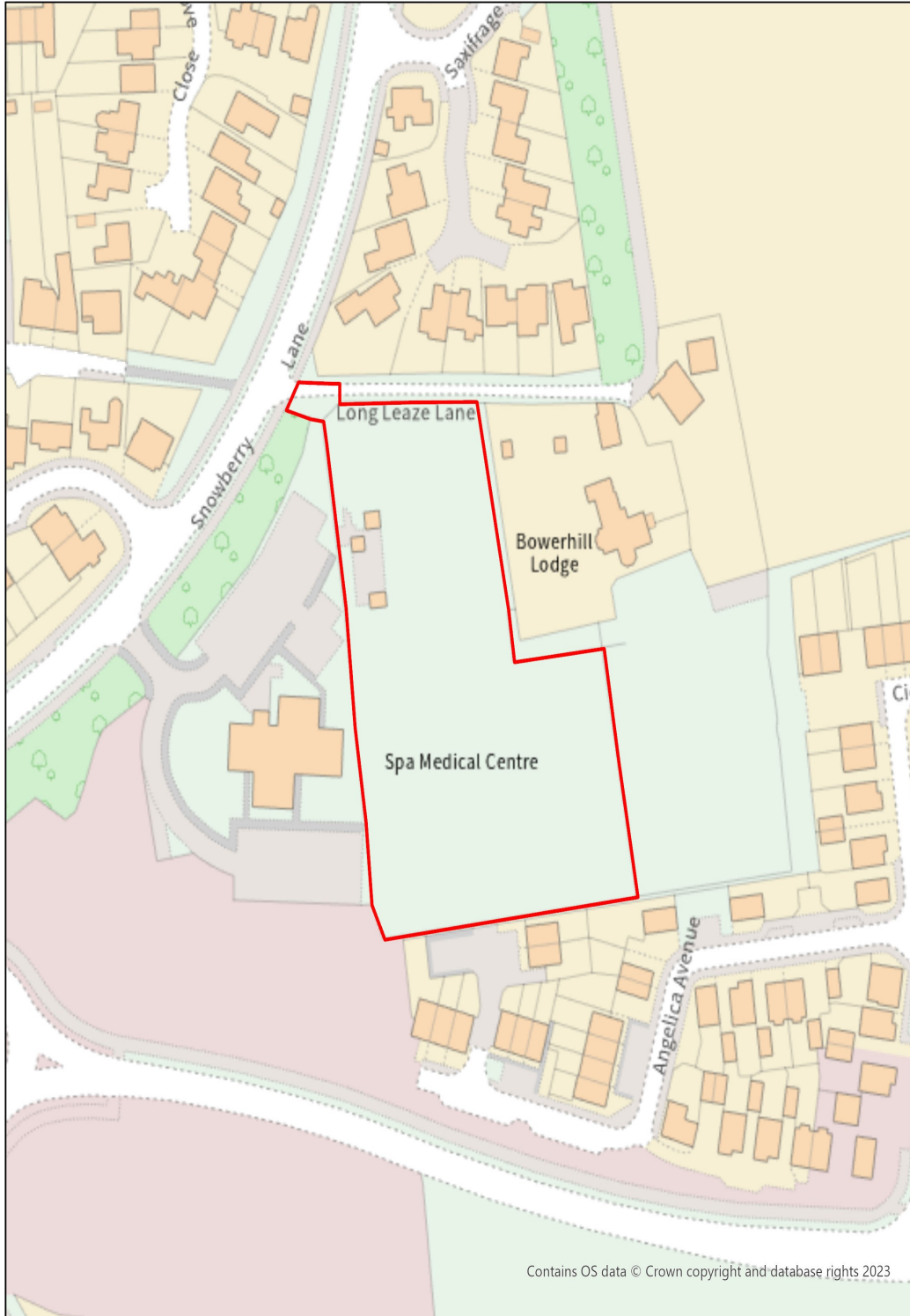
All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

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**Wiltshire Council**

PL/2023/06725

Land at Longleaze Lane, Melksham,  
Wilts, SN12 6QJ



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## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	17 April 2024
<b>Application Number</b>	PL/2021/08064
<b>Site Address</b>	Innox Mills, Stallard Street, Trowbridge, BA14 8HH
<b>Proposal</b>	<p>Hybrid (full and outline) planning application descriptions (i) &amp; (ii)</p> <p>(i) Outline planning application: the erection of up to 284 dwellings, erection of a convenience store (Class E), erection of up to 872 sqm of new commercial floor space (Class E); and associated access, public realm; and landscaping works.</p> <p>(ii) Full planning application: Erection of convenience store (333 sqm GIA) and 12 No. apartments, part demolition and external works to Innox Mills and change of use to Class E; external works and extension (180 sqm GIA ) to Innox Place and change of use to (Class E); external works to Dyehouse and Brewery for as bat mitigation and change of use to a dual use internal market/Class E; demolition of former Cloth Factory Building; and associated access, public realm and landscaping work in commercial courtyard and along the Stallard Street frontage.</p> <p>The listed building consent application proposes internal and external works and part demolition of Innox Mill; internal and external works, and extension to Innox Place. Although a separate application, the issues relevant to the impact upon the listed buildings (Innox Place and Innox Mill) are considered under this report.</p>
<b>Applicant</b>	Innox Mills Ltd
<b>Town/Parish Council</b>	TROWBRIDGE CP
<b>Electoral Division</b>	TROWBRIDGE CENTRAL (Cllr Stuart Palmen)
<b>Type of Application</b>	Outline, Full Planning and associated Listed Building Consent
<b>Case Officer</b>	Ruaridh O'Donoghue

### 1. Purpose of Report

The purpose of the report is to update the committee on changes that have occurred following publication of the revised NPPF in December 2023 that may have a material impact on this planning application, and to consider the recommendation that the application still be granted planning permission subject to completion of the legal agreement.

### 2. Background

On 29 November 2023 the Strategic Planning Committee resolved to grant planning permission for this application subject to the applicant first entering into a S106 legal agreement (committee report attached as Annex 1). Work commenced on the legal agreement, although it has not yet been completed and so the planning permission has not been given. In making its decision to approve subject to the legal agreement the Committee took account of all matters

relevant at the time. These included the development plan policies and national legislation/guidance.

In the broadest terms, planning law requires the local planning authority in dealing with a planning application to have regard to the development plan and all material considerations. Where the issuing of a decision is delayed between the point in time at which the authority resolves to make the decision and when the decision notice is actually issued, and if during this 'gap' the authority becomes aware of new, or changed, material considerations, then the relevant law requires the authority to have regard to these considerations before finally determining the application.

In December 2023 the government issued its revised National Planning Policy Framework (NPPF). This is a changed material consideration that must be taken into account in determining this planning application.

It is the opinion of officers that the changes to the NPPF do not materially affect the Committee's original decision for this particular application. However, as the Committee (and not officers) was the original 'decision maker', it is necessary for the Committee to consider the changes and then make the decision. For completeness, and so that the Committee has the full picture, the relevant NPPF changes are set out below. A detailed explanation as to why these changes do not affect the original decision follows on from this.

### **3. Housing land supply and delivery**

The December 2023 NPPF contains two important amended/new paragraphs concerning housing supply and delivery, as follows –

76. *Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:*

a) *their adopted plan is less than five years old; and*

b) *that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*

77. *In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over- supply can be addressed.*

Paragraph 226 referred to in paragraph 77 states the following –

226. *From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a*

*minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.*

For the purposes of the revised NPPF Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing. Previously, and at the time this application was being considered by the Committee a 5-year housing land supply was required to be demonstrated.

#### **4. Consequences for the 'planning balance'**

The Council's most recent Housing Land Supply Statement (published May 2023; base date April 2022) sets out the number of years supply against local housing need as 4.60 years. In subsequent appeals this figure has been reassessed to be 4.59 years. These figures exceed the 4-year threshold now relevant to Wiltshire, and for the planning balance this means that it is not 'tilted' by virtue of a lack of housing land supply.

That said, the tilted balance can still apply even with a sufficient housing land supply in situations where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (paragraph 11(d) NPPF). A recent appeal decision at Land off Pound Lane, Semington (ref: PL/2022/09397) considered this issue and concluded that the most important policies for determining that application (CP 1 and 2, and the area-based policy for Melksham (CP 14)) were not out of date and as such the titled balance was not engaged by virtue of this point.

The same conclusions can be drawn for this site and therefore, in terms of paragraph 11 of the NPPF, for decision making part 11(c) is now relevant i.e. it is a 'flat', or level, rather than titled, balance.

#### **5. Consequences of the changes to the NPPF in relation to this application**

As the site is located within the Limits of Development of Trowbridge, on brownfield land that is a draft allocation in the Wiltshire Local Plan Review, the changes within the NPPF should not affect or change the Committee's decision to approve this application for the following reasons:

- The site remains in principle a proposal that is supported by WCS Core Policies 1 and 2 as it lies within the Limits of Development of a Principal Settlement that is capable of accommodating this quantum of development.
- There remain no technical objections to the scheme against any of the WCS policies when read as a whole and, therefore, the scheme is considered to be in compliance with the development plan. Whilst it is noted that viability concerns were an issue that caused some conflict with development plan policy (owing to the lack of s106 obligations), CP3 of the WCS accounts for this and the position of the applicants was accepted.
- At the time the Committee considered its resolution to grant planning permission on this site the committee report did not identify any 'other material considerations' (e.g. policies within the NPPF) that were relevant to the recommendation to approve the application

that would now no longer be relevant in light of the changes.

As such, and for the above reasons, the issue of housing land supply was not a determinative factor for this case; or in other words, at the time of the Committee's decision in February 2023, the recommendation would have still been to approve regardless of whether the planning balance was flat or tilted. The Council's housing land supply position is therefore of lesser relevance to this application. Paragraph 11(c) of the NPPF applies; that is, to approve development proposals that accord with an up-to-date development plan without delay.

Although the planning balance is now flat, rather than titled, the conclusions contained within Chapter 11 of the original committee report (attached at Annex 1) remain valid. The scheme is considered to comply with the development plan when taken as a whole and would still be delivering the positive benefits that are identified in the original report – notably, in terms of regenerating a brownfield site that has been derelict for over a decade and delivering policy compliant market housing.

It should be noted that despite only needing to demonstrate 4-years' worth of housing land supply, this is still a matter that can be afforded significant positive weight (especially the delivery of affordable housing) – noting the Government's objective of significantly boosting the supply of homes. This is explained in paragraph 60 of the NPPF where it states:

*To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.*

## **6. Conclusion**

With due regard to the changes set out in the December 2023 NPPF, it is recommended that the application continues to be supported for the aforementioned reasons. Notably, the fact this is an WHSAP allocated site and so a case where the titled planning balance was not a determinative factor in the original recommendation to the Committee to grant planning permission.

### **RECOMMENDATION:**

**That the Head of Development Management continues to be authorised to grant planning permission and listed building consent, subject to first completion of the planning obligation / Section 106 agreement currently in preparation covering the matters set out below, and subject also to planning conditions listed below.**

### **Planning Obligations**

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

## Full and Outline Planning Conditions

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

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

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

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

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

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

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

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

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

Location, demolition and application type plans:

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

Parameter Plans:

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

Access and Drainage Plans:

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

Innox Mills Building:

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

Innox Place Building:

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

The Brewery and Dyehouse Buildings:

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

The Cloth Factory Building:

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

The Gateway Building:

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

The Old Chapel Building:

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

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

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

Dwg Ref: Innox Mills Design and Access Statement (August 2021)  
Dwg Ref: 1249.P001 Illustrative Masterplan

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

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

(a) Up to 255 dwellings;

(b) Up to 4078 sqm of commercial space;

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

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

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

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

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

1. A preliminary risk assessment which has identified:

- a. all previous uses
- b. potential contaminants associated with those uses
- c. a conceptual model of the site indicating sources, pathways and receptors
- d. potentially unacceptable risks arising from contamination at the site

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

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

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

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

REASON

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

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

REASON

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

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

REASON

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

- 11 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON

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

- 12 Piling and other foundation methodologies using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

REASON

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

- 13 No development shall commence until a management plan for the treatment and monitoring of Japanese knotweed on the site has been submitted and approved by the LPA. The plan shall be submitted as agreed.

REASON

It is an offence to allow the spread of Japanese knotweed in the wild (Wildlife & Countryside Act, 1981 as amended).



- 14 No development shall commence until a detailed management plan for the enhancement of the River Biss and its corridor is submitted and approved by the Local Planning Authority, in consultation with the Environment Agency. This shall include the provision of an 8m wide buffer strip alongside all banks of the river within the site. The management plan shall be implemented as agreed.

REASON

To improve the biodiversity value of the river and its corridor, and contribute to biodiversity net gain.

- 15 No development approved by this permission shall be commenced until plans and cross-sections, to demonstrate that finished floor levels across the site are set to at least 300mm above the 100yr 35% climate change flood level, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans shall be fully implemented in any timescales agreed.

REASON

To reduce the risk of flooding to people and property.

- 16 There shall be no development or ground raising on existing land within the flood zone 3 35%cc outline as per the submitted model outputs. If ground raising or re-profiling is necessary no development approved by this permission shall be commenced until an updated flood risk model and detailed plans are submitted to, and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans and ground treatment shall be implemented as agreed.

REASON

To ensure flood risk is not increased.

INFORMATIVE - Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 17 No development approved by this permission shall be commenced until plans, drawings and cross-sections showing a vehicular access point, including a suitable ramp down to the River Biss channel, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The approved plans/drawings/cross-sections shall be implemented as agreed.

#### REASON

To allow the Environment Agency to safely maintain the River Biss channel in order to prevent any increase in flood risk to the development site and surrounding areas.

#### INFORMATIVE

- Access must be for Environment Agency vehicles via a road through the development and must be available/accessible 24 hours a day, every day of the year
- Access must be at least 5 metres wide
- The ramp gradient must have a 1 in 12 slope
- Surfacing must be grasscrete down to below-normal river level
- Edge protection fencing must be provided
- Access to the river channel should be for use by the Environment Agency only. We would prefer it to be gated off and locked with our padlock.

We would encourage the developer to work with our Asset Performance team on the details of the design at an early stage. The developer should first email Sustainable Places on [swx.sp@environment-agency.gov.uk](mailto:swx.sp@environment-agency.gov.uk) to arrange contact.

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

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

#### INFORMATIVE

The development should include water-efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

- 19 The development hereby permitted shall be carried out in accordance with the Parameters Plan (PP) Drawing no. 128-005. P1 (Greenhalgh, 21.12.2023). This document will form the basis for the site layout and will not be altered at Reserved

Matters without detailed justification based on additional habitat and wildlife species surveys.

REASON: To protect the ecology on the site

- 20 As Building E will be demolished under an EPS Mitigation Licence, an artificial roost has been designed into an adjacent building (Building D). This replacement bat roost in Building D which is located within the River Biss 15m buffer zone will take place prior to the commencement of demolition of the existing roost.

The lesser horseshoe and common pipistrelle bat roost will be incorporated into the development in accordance with Bat Mitigation Proposal Drwg. No. 1249.4.FBW.05 (Keep Architecture, 26/07/2021) and Appendix 4 Artificial Briefing Note of the Ecological Mitigation Strategy (Engain, 13th October 2021) or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development

- 21 The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
  - ii. A description of management responsibilities;
  - iii. A description of the construction programme;
  - iv. Site working hours and a named person for residents to contact including telephone number;
  - v. Detailed Site logistics arrangements;
  - vi. Details regarding parking, deliveries, and storage;
  - vii. Details regarding dust mitigation;
  - viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
  - ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
  - x. Details of how surface water quantity and quality will be managed throughout construction;
  - xi. Details of the safeguarding measures to deal with the following pollution risks:
    - the use of plant and machinery
    - wheel washing and vehicle wash-down and disposal of resultant dirty water
    - oils/chemicals and materials
    - the use and routing of heavy plant and vehicles
    - the location and form of work and storage areas and compounds
    - the control and removal of spoil and wastes
  - xii. Details of safeguarding measures to highway safety to include:
    - A Traffic Management Plan (including signage drawing(s))
    - Routing Plan and vehicle log and means to submit log to the Highway Authority upon request
    - Details of temporary/permanent Traffic Regulation Orders

- pre-condition photo survey - Highway dilapidation survey
- Number (daily/weekly) and size of delivery vehicles.
- Number of staff vehicle movements.

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

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

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

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

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

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

**INFORMATIVE: PRE CONDITION SURVEY**

A photographic pre-condition highway survey to be carried out and copies of pre and post condition survey to be supplied to WC.

The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

- 22 Prior to the commencement of development, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment

works, a Reptile Mitigation and Translocation Strategy shall be submitted to the local planning authority for approval.

REASON: To protect the ecology on the site.

- 23 Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long-term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring the success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON:

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

- 24 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy (adopted February 2020) are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON:

In the interests of the amenities of the area, the appearance of the heritage assets on the site, and to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

- 25 Prior to the commencement of development the buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref:

1249.P.001) shall be made wind and water tight with protection in place to prevent damage during construction.

REASON: To prevent further decay of the heritage assets on the site.

26 The buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref: 1249.P.001) shall be fitted out to a standard capable of occupation in accordance with the following timetable:

- prior to occupation of the 50th dwelling for Innox Place
- prior to occupation of the 100th dwelling for the Brewery
- prior to occupation of the 150th dwelling for the Dye House
- prior to occupation of the 200th Dwelling for Innox Mills

REASON: To ensure the heritage benefits associated with the application are delivered alongside the outline planning consent in the interests of securing the vitality and viability of the heritage assets in the long term.

27 No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) above ground floor slab level until details and samples of the new materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

28 No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until a sample wall panel/s for all new brick work, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

29 No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until large-scale details of architectural features including parapets, windows, (including elevations and sections of the windows, head, sill and window reveal details), external doors, vents and extracts, rainwater goods have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

- 30 No new signage or wayfinding shall be erected on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until details have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area, preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal, and in the interests of sustainable development.

- 31 No development on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development in the interest of visual amenity and the character and appearance of the area.

INFORMATIVE:

The central spine road on the parameter plan (128-005) is situated over a Wessex Water easement. It is shown with limited to no tree planting as a result. There are a number of ways to successfully integrate tree planting into utility wayleaves which use industry standard best practice. The Trees and Design Action Group (<https://www.tdag.org.uk/>) is a cross industry organisation that provides detailed guidance on the design of tree pits and tree trenches to successfully integrate them into the urban realm. Of particular use would be their guidance on 'trees in hardscape' ([https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag\\_tihl.pdf](https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_tihl.pdf)) along with 'Trees in the Townscape' ([https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag\\_treestownscape2021.pdf](https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_treestownscape2021.pdf)).

The Local Planning Authority would expect any detailed landscaping plans to consider tree planting within this easement in line with the advice above, unless it is demonstrated not to be feasible in consultation with Wessex Water.

- 32 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following:

- a) the first occupation of the building(s) of a particular phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)); or,
- b) the completion of each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005));

whichever is the sooner.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased

shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping for each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) shall be carried out in accordance with the approved details prior to the occupation of any part of that phase or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development in the interest of visual amenity and the character and appearance of the area.

- 33 Prior to the commencement of development, a scheme for the delivery of public art across the site shall be submitted to and approved in writing by the local planning authority. The scheme can comprise but is not limited to, bespoke street furniture, hard surfacing materials and boundary treatments and/or stand-alone art installations, and should be reflective of the history of the site (as indicated in section 7.4 of the Design and Access Statement). The scheme shall also include a programme for delivery which should be set out to ensure public art is delivered in line with each phase of the development. The development shall be carried out in accordance with the approved scheme and programme for delivery.

REASON: To ensure an integrated approach to the delivery of public art across the site in the interests of good design and place-shaping, to enable harmonious treatment of the public realm and to respect the character and setting of the heritage assets on the site.

- 34 No development shall commence on site until a final drainage strategy incorporating sustainable drainage details has been submitted to and approved in writing by the Local Planning Authority. No phase of the development (as set out on the phasing parameters plan ref: 1249.P.005) shall be first occupied until the means of drainage for that phase has been constructed in accordance with the approved strategy.

REASON: To ensure that surface water runoff from the site can be adequately drained with no flooding on site for a 1 in 100 year plus climate change rainfall event and that the flood risk from all sources will be managed without increasing flood risk to the development itself or elsewhere.

- 35 With regards to those elements of the application in full form, no development shall commence until a plan is provided demonstrating overland exceedance flow routes overlaid onto the finalised development masterplan. The plan shall include topographical and finished floor levels in order to demonstrate that overland exceedance will be safely managed on-site.

REASON: To minimise the risk to people and property during high return period storm events.

- 36 With regards to the elements of the application proposed in full form, no development shall commence until the applicant has submitted calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment / pollution control for those parking bays that drain to the storage tank and are not designated as permeable paving.

REASON: Based on the masterplans submitted, it appears that some of the proposed parking throughout the development will not be drained via permeable paving and



this matter is required to be agreed prior to the commencement of development to prevent pollution of the receiving watercourse.

37

Notwithstanding the diversion details of the Strategic Wessex Water Sewers crossing the site that are shown on the Proposed Drainage Strategy (ref: 13310-CRH XX-XX-DR-C-5050-P5), no development shall commence until an alternative diversion route, strategy and timetable for implementation is submitted to and agreed in writing by the Local Planning Authority. The details shall include the provisions for access to the infrastructure for maintenance and repair purposes. Development shall be carried out in accordance with the agreed details, strategy and timetable.

REASON: To ensure Wessex Water's existing customers are protected from a loss of service and sewer flooding, to ensure Wessex Water have suitable access arrangements to maintain their infrastructure on site, and to ensure there is no pollution to the River Biss.

38

Prior to use commencing in any non-residential building an assessment of the acoustic impact arising from the operation of the use and any externally mounted plant shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- be undertaken in accordance with BS 4142: 2014+A1:2019; and,
- include a scheme of attenuation measures to demonstrate the rated level of noise shall be -5dB (LA<sub>eq</sub>) below typical background (LA<sub>90</sub>) level at the nearest noise sensitive location.

If the precise detail of the scheme, such as specific use or plant specifications, is not known, then likely worst-case scenarios with respect to noise impact on residential premises should be assumed. Development shall be carried out in accordance with the approved details prior to the use commencing.

Background levels are to be taken as a LA<sub>90</sub> 1 hour and the ambient noise levels shall be expressed as a LA<sub>eq</sub> 1 hour during the daytime (0700 – 2300) and shall be expressed as an LA<sub>90</sub> and LA<sub>eq</sub> 5 minutes during the night (2300 – 0700) at the boundary of the nearest residential noise-sensitive receptor.

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

39

Prior to use commencing in any non-residential building that requires mechanical air extraction or ventilation systems, a scheme of works for the control and dispersal of any atmospheric emissions from them, including odours, fumes, smoke & other particulates, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development.

The scheme must include full technical details and a risk assessment in accordance with Appendix 2 and 3 respectively of the EMAQ "Control of odour and noise from commercial kitchen exhaust systems" Guidance (Gibson, 2018).

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

**INFORMATIVE:**

In discharging this condition we recommend the applicant ensures that the ventilation system discharges vertically at a height of at least 1m above the heights of any nearby sensitive buildings or uses and not less than 1m above the eaves.

- 40 Prior to occupation of the first non-residential building, a schedule of opening hours for each commercial unit on the site shall be submitted to and approved in writing by the Local Planning Authority. The non-residential uses on the site shall be operated in accordance with the approved schedule of opening hours.

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

- 41 Deliveries and collections for all non-residential uses on the site shall be restricted to 08:00 – 21:00 Monday to Sunday (including Bank Holidays). No deliveries or collections shall take place outside of these hours.

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

- 42 No development shall commence on site until an Acoustic Design Scheme for the protection of the proposed dwellings from road traffic noise, railway noise and ground borne vibration is submitted to and approved in writing by the Local Planning Authority. The Acoustic Design Scheme shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise New Residential Development (May 2017 or later versions)) to achieve the following noise limits:

- a) bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an LAmax,F of 45dB
- b) living rooms and dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
- c) external noise levels within private external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300)

The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained. For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. Should windows need to be closed to meet the noise criteria above full details of the ventilation scheme will be included with the assessment.

A post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to the LPA to a timetable as detailed within the approved Acoustic Design Scheme to confirm compliance with the approved scheme and approved in writing by the LPA. Any additional steps required to achieve compliance shall be taken, as necessary. The report shall provide evidence that the approved Acoustic Design Scheme has been fully implemented.

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

**INFORMATIVE:**

A good acoustic design process should be followed to ensure that the internal noise criteria are achieved with windows open. Using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. When relying on closed windows to meet the internal guide values, there needs to be an appropriate method of ventilation that does not compromise the façade insulation or the resulting internal ambient noise level.

- 43 Notwithstanding the submitted details, no works shall commence on site until details of the Railway Station access road have been submitted to and approved by the Local Planning Authority. The road shall be no less than 6.5m wide with segregated footway/cycleway provision as necessary in broad compliance with the 'main road' detail within the submitted masterplan. The details shall include full construction and geometric details including vehicle swept path analysis for a 11.3m refuse truck and Coach Rail Replacement. Prior to occupation of the first dwelling unit served from the road, the road shall be completed in all respects with the approved details up to the site boundary with the railway station and maintained as such thereafter.

**REASON:** To ensure satisfactory and safe vehicular access is provided to the railway station in the interests of highway safety, highway capacity enhancement and in compliance with Core Strategy Policy 60, 61 and 62.

- 44 Prior to commencement of development full design and construction details of the proposed vehicular access shall be provided to and approved by the local planning authority. Prior to first occupation, the access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

**REASON:** To ensure a safe and sufficient vehicular access is provided in the interests of highway safety and in compliance with Core Strategy Policy 60, 61 and 62.

- 45 Prior to commencement of works a walking and cycling movement framework plan shall be submitted to and approved by the Local Planning Authority. The walking and cycling movement framework plan shall include full details of route design, construction and material treatment, with all cycle and pedestrian routes complying with current national and local guidance as appropriate. The walking and cycling movement framework plan shall consider the treatment, alignment and diversion as necessary of on-site Public Rights of Way and any necessary connectivity works to external networks, including the railway station. All routes shall be designed to accommodate all abilities, with change of level, including steep ramps or steps avoided unless agreed by the Local Planning Authority. The walking and cycling movement routes, as identified in the approved plan, shall be completed in all respects in accordance with the approved plan and maintained as such thereafter.

**REASON:** To ensure safe and convenient walking and cycling routes to the site are provided in the interests of highway safety and sustainability in compliance with Core Strategy Policy 60, 61 and 62.

- 46 Notwithstanding the submitted detail, no works shall commence on site until a strategy for Electric Vehicle charging points has been submitted to and approved by the Local Planning Authority. The strategy shall seek to avoid delivering dwellings that may not be directly served by a charging point. Prior to first occupation of each

individual dwelling unit allocated a charging point, the dwellings charging point shall be made operational and ready for use.

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

- 47 Prior to commencement of development a phasing and specification plan for a Mobility Hub shall be submitted to and approved by the Local Planning Authority. The Mobility Hub shall include as a minimum real time information for bus and rail transit, cycle parking including electric cycle charging points, electric vehicle fast and rapid charging points and car share parking bay. The Mobility Hub shall be completed in all respects in accordance with the approved specification and delivered in full in accordance with the approved phasing plan.

REASON: to ensure that a Mobility Hub is delivered in a timely manner to maximise the use of sustainable travel modes in compliance with Core Strategy Policy 60, 61 and 62.

- 48 Prior to first occupation of the first residential dwelling, a Residential Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by residents and these shall include but not be exclusive to Green Travel Vouchers, travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. Survey methods shall include but not be exclusive to the provision of Permanent Automated Traffic Counters at the vehicle access and pedestrian cycle counters at pedestrian and cyclist access points. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 49 Prior to first occupation of the first employment unit, an Employment Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by employees of the site and these shall include travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

## Listed Building Consent Conditions

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249/E/003
- Dwg Ref: Boundaries for the Application: 12149.E.002
  
- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan
- Dwg Ref: 1249.2.IMW.03 Innox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Innox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Innox Mills Works Elevations
  
- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan
- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations
  
- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

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

**Annex A: 29/11/2023 Committee report**

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## REPORT FOR STRATEGIC PLANNING COMMITTEE

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

**Reason for the application being considered by Committee**

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

## 1. Purpose of Report

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

## 2. Report Summary

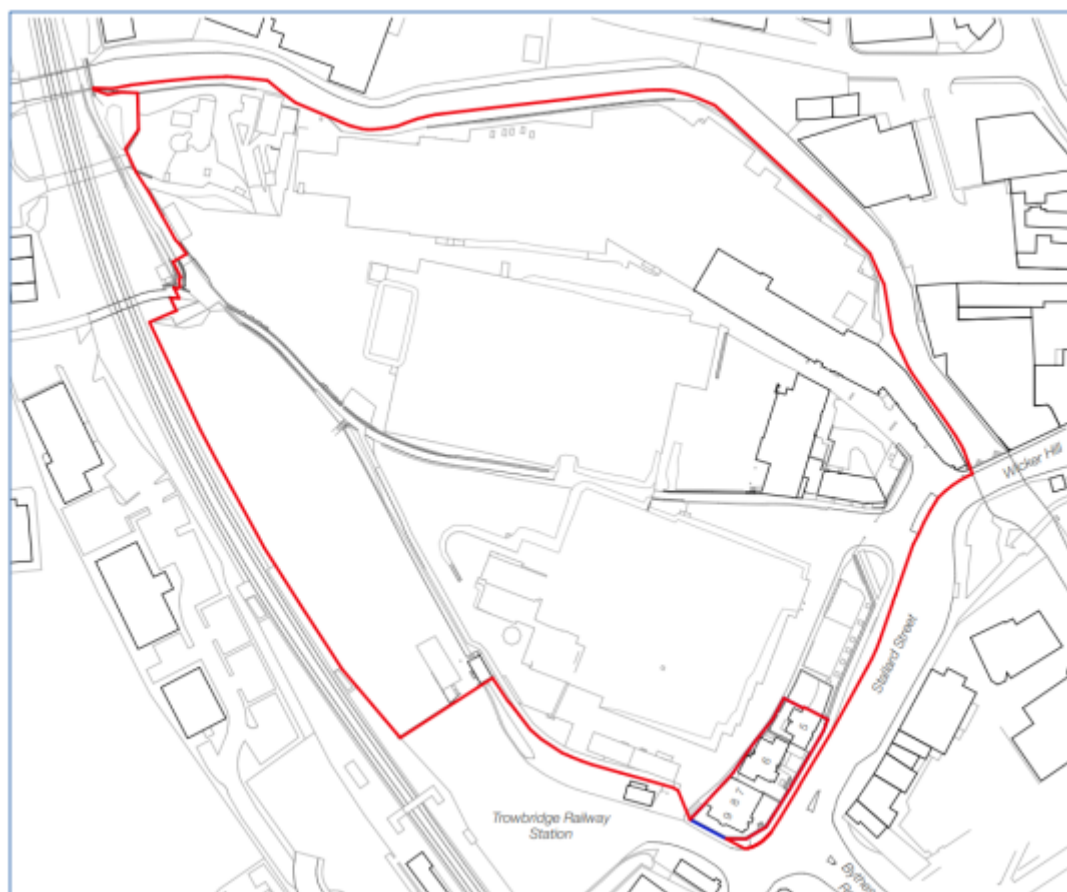
The main issues to be considered are:

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

## 3. Site Description and location

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





**Figure 1 – Site Local Plan**

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

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

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

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

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

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

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

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

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

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

#### **4. Planning History**

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

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

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

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

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

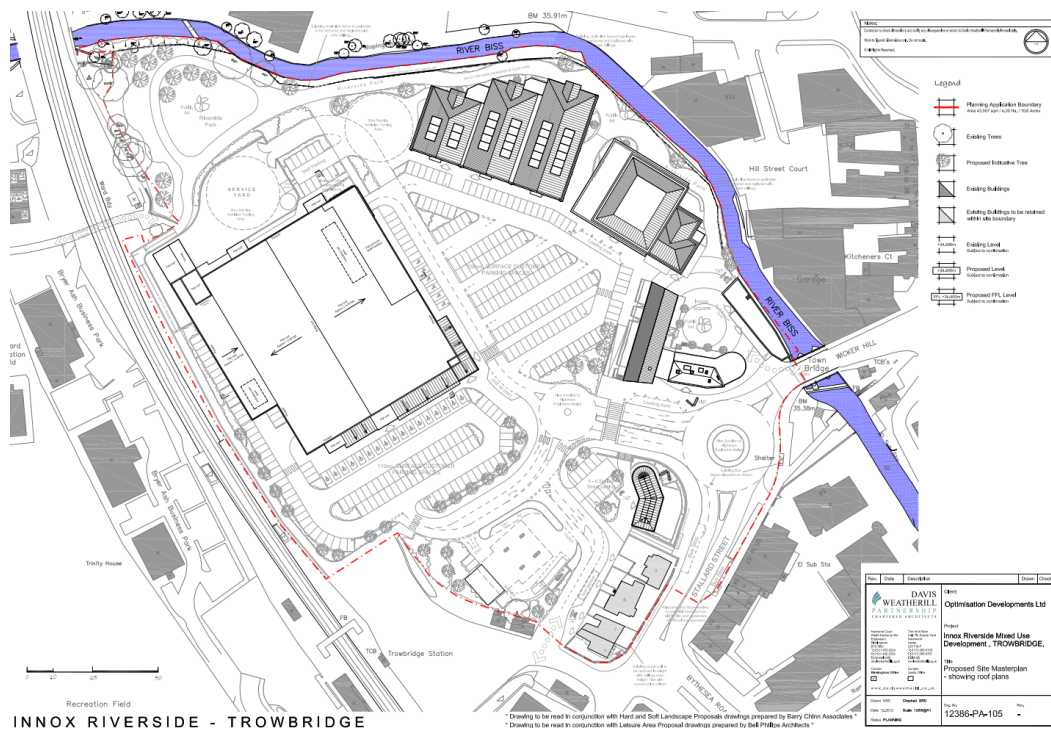


Figure 2 – Masterplan for W/12/02299/FUL

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

## 5. The Proposal

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

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

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

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

**Hybrid (full and outline) planning application descriptions:**

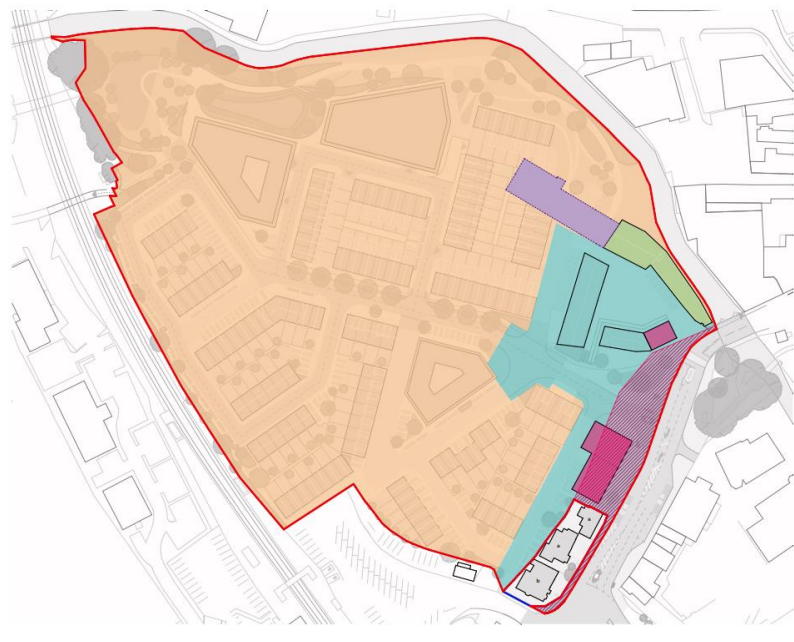
**Outline planning application:** the erection of up to 284 dwellings, erection of a convenience store (Class E), erection of up to 872 sqm of new commercial floor space (Class E); and associated access, public realm; and landscaping works. Scope of reserved matters to be included at the outline stage: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

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

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

**Key**

- Application Boundary
- Ownership Boundary
- Conservation Area
- Listed Building Consent
- Demolition
- Non-designated Heritage Assets
- Outline Application with all Matters Reserved Except Access
- Full Plans
- Full Plans Application (Proposed Buildings Within Setting of Listed Building and Within Conservation Area)
- 5 & 6 Stallard Street to be Subject of Standalone Planning and Listed Building Consent Application
- Internal and External Works Approved Under Planning Permission 20/08558/FUL and 20/08980/LBC



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

The application has been accompanied by the following documents:

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

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

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

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

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

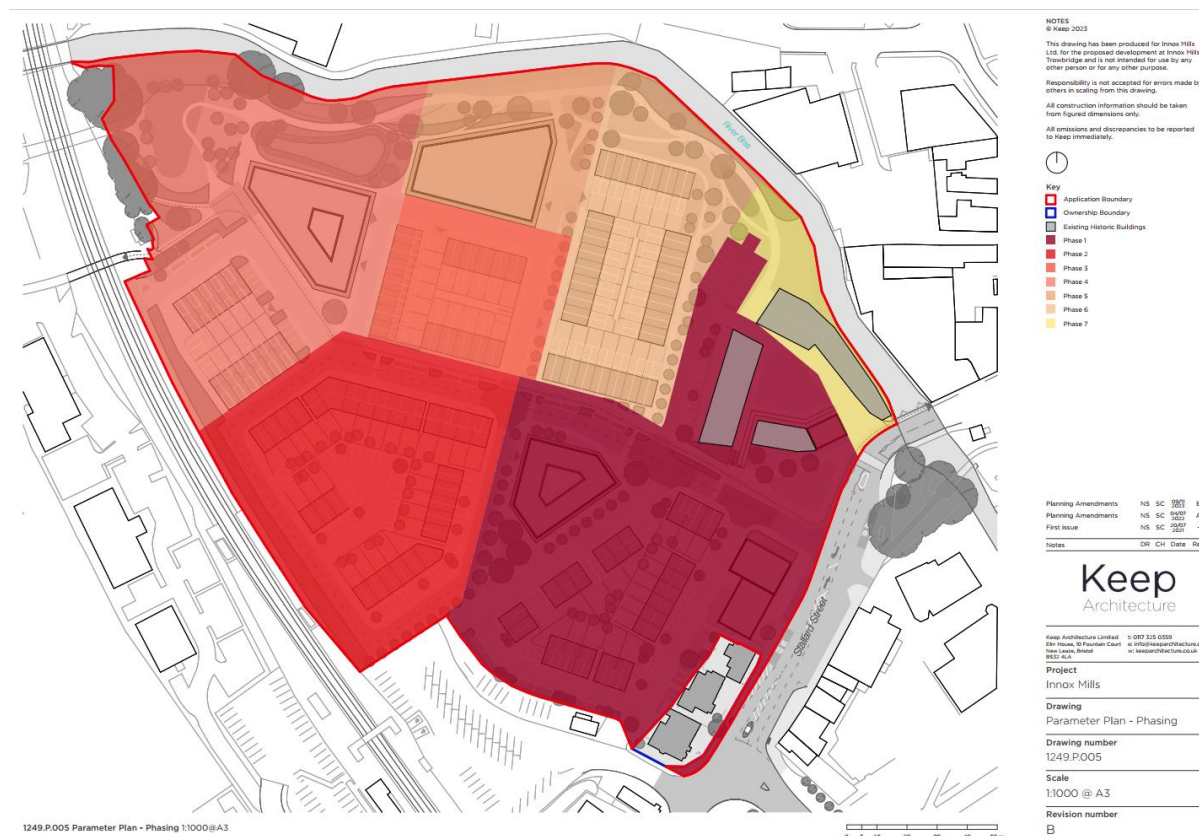


Figure 4 – Phasing Plan

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

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

Table 1 – Commercial Floor Space

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



Figure 5 – Illustrative Masterplan

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

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

the listed buildings on Stallard Street that lie to its southwest. It would comprise a convenience store at ground floor with 12 flats above.

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

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

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





Figure 6 – Parameter Plan

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

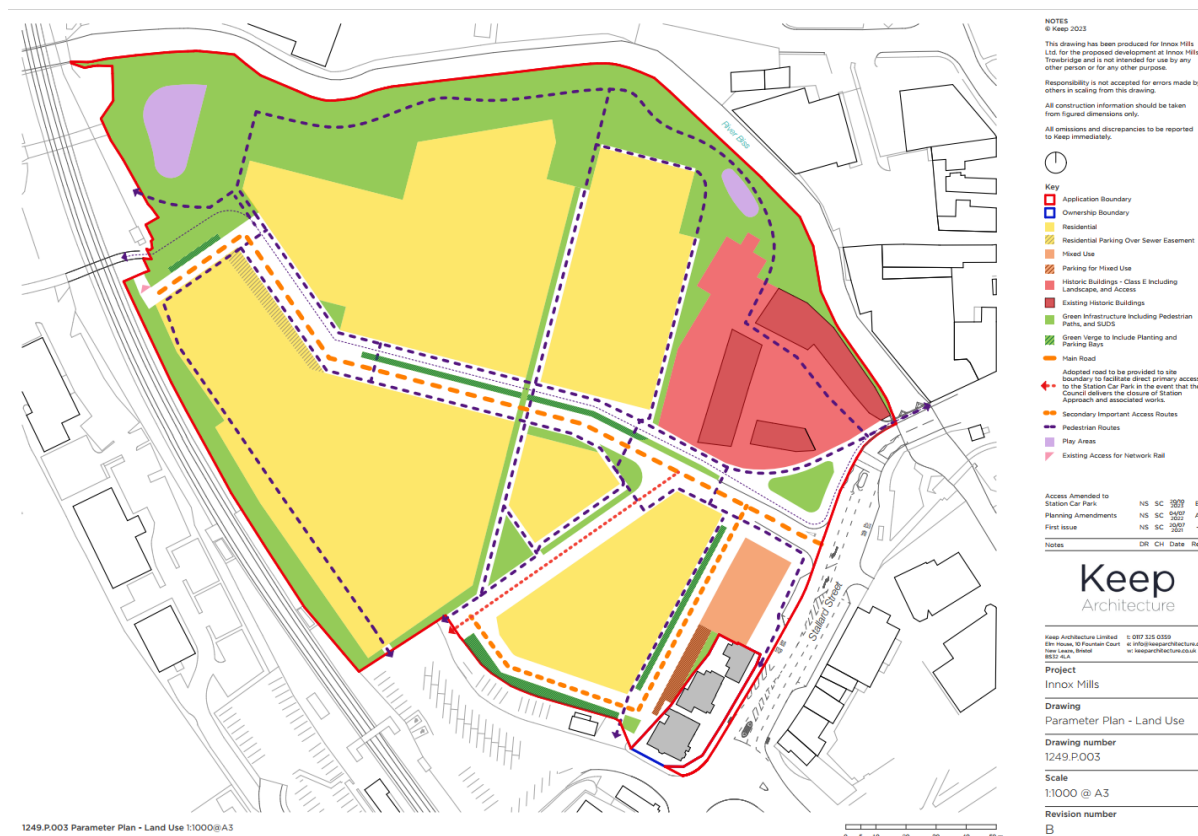
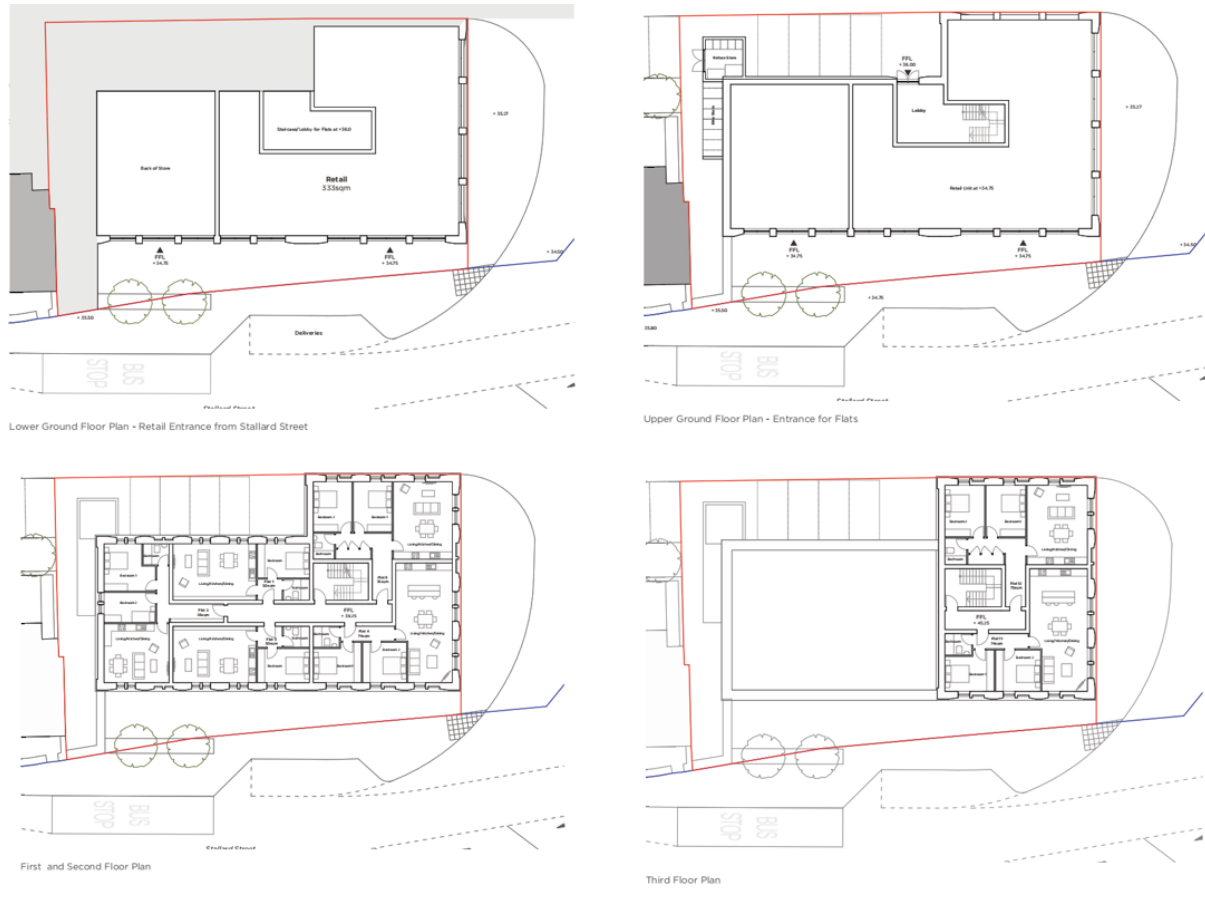


Figure 7 – Access and Land Use Parameters Plan

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

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



**Figure 8 – Gateway Building Floor Plans**

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

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

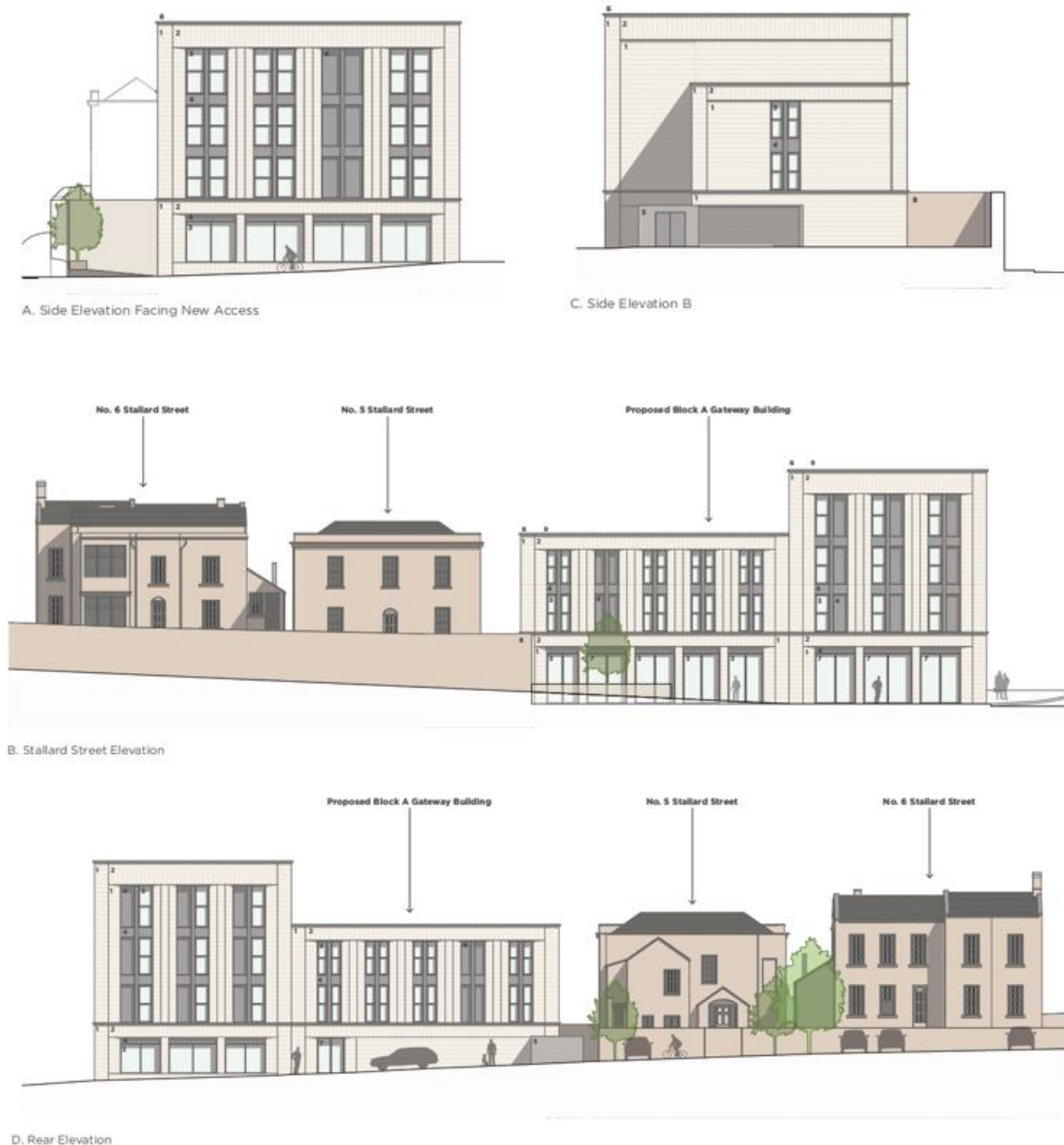
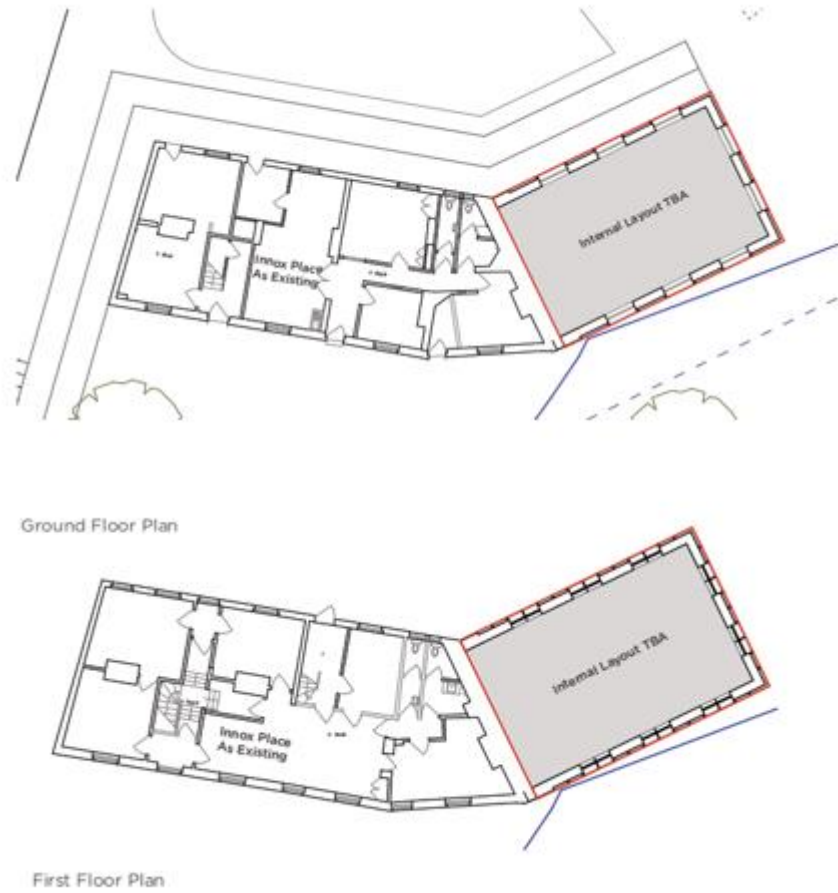


Figure 9 – Gateway Building Elevations

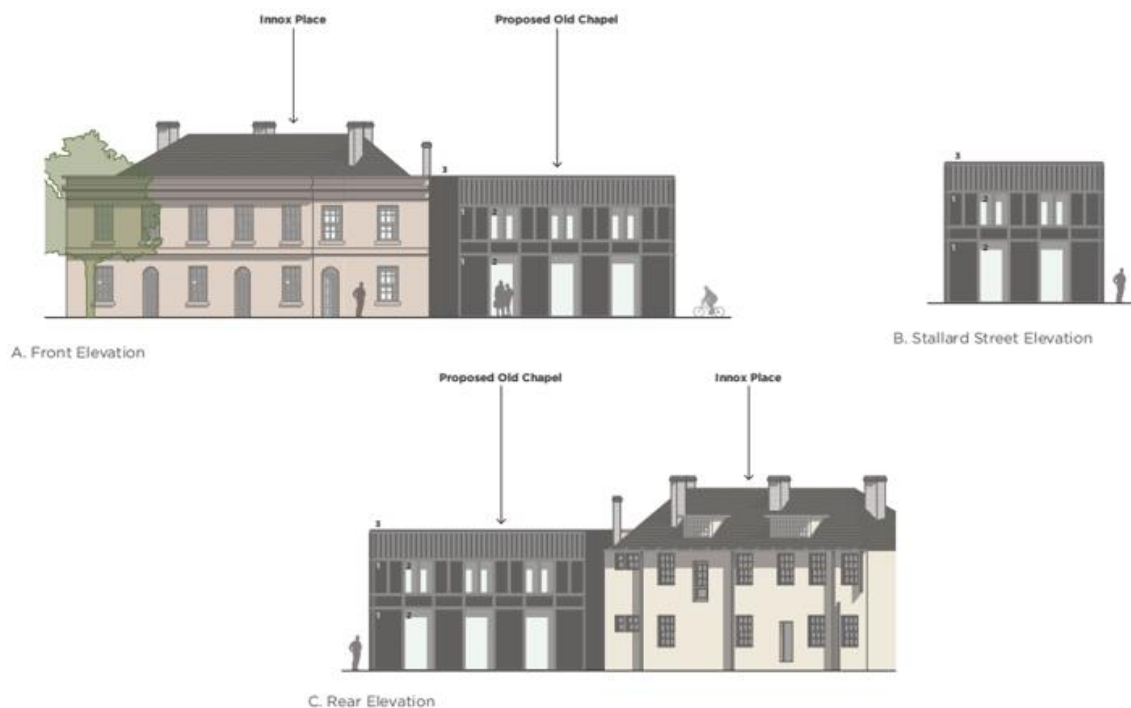
The Old Chapel would sit adjacent to Innox Place on the site of an historic Methodist Chapel that has subsequently been demolished. It is currently an empty part of the site with an unattractive blank gable on the end of Innox Place. The building would enclose this part of the site and provide a gateway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

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



**Figure 10 – The Old Chapel Floor Plans**

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



**Figure 11 – The Old Chapel Elevations**

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

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

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

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

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

**ANNEX A - COMMITTEE REPORT 29 NOVEMBER 2023**

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



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



**ANNEX A - COMMITTEE REPORT 29 NOVEMBER 2023**



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



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



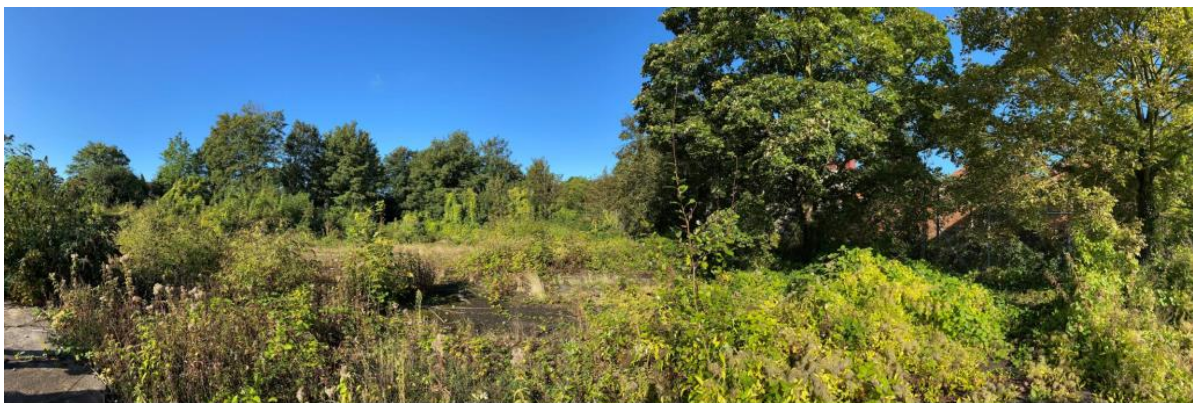


View looking in a south easterly direction towards the rear of the former Cloth Mill (to be demolished), Brewery and Dyehouse. This will form public open space and parking for 'Innox Square.'





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



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



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





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



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



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





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



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



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



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

## 6. Planning Policy

### Wiltshire Core Strategy 2015 (WCS)

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



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- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP56 – Land Contamination
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk

### Wiltshire Waste Core Strategy

WCS6 (Waste Audit)

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

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

### Other

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

### Emerging Policy: Wiltshire Local Plan Review

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

#### *Land at Innox Mills*

***4.290** Innox Mills is a highly sustainable brownfield site in the centre of Trowbridge. Allocating the site will provide high quality homes and other facilities through regeneration and redevelopment. There will be a variety of dwelling types, including potential for apartments in converting existing heritage stock and new housing will reflect the site's context and urban*

*setting. The development will also provide mixed commercial, recreation and cultural uses with public realm and landscaping to blend a commercial feel and green spaces.*

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

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

### **Policy 55**

#### **Land at Innox Mills, Trowbridge**

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

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

*Infrastructure and mitigation requirements include:*

- *a new vehicular access off Stallard Street and improvements to connectivity to the railway station through a new entrance to the site which will incorporate a bus loop;*
- *enhancements should be made to Stallard Street to increase the standard and size of bus stops and waiting areas and pedestrian infrastructure, wherever possible this should tie in with the council's Future High Streets Fund scheme;*
- *improvements to cycling and walking routes through the site to link to the existing network ensuring that the linkages from the site to the town and key destination points;*
- *access to the railway station should also be served by a new lift access to the railway line bridge in order to facilitate disabled access to both platforms from within the station;*
- *core bat habitat to be protected and enhanced. Design and layout will be informed by appropriate surveys, impact assessments and the Trowbridge Bat Mitigation Strategy (TBMS) and include funding contributions towards management, monitoring and any-off site measures as necessary, as informed by the TBMS;*
- *high quality design which allows for vistas into and through the site to the key features of the town including the architectural buildings and church. The layout of the site should be in accordance with easements required for the infrastructure below ground;*

- sensitive design and layout, which ensures the significance of heritage assets and their settings, on and adjacent to the site, including the Trowbridge Conservation Area and its setting, are not subject to unacceptable harm;
- securing appropriate retention, restoration and reuse of heritage assets to ensure they are converted to viable new uses. This shall be informed by appropriate heritage and archaeological assessments;
- developing the riverside with attractive river frontage with public realm improvements to incorporate bat mitigation, flood alleviation and open space provision to enhance the River Biss corridor;
- moderate off-site infrastructure reinforcement for both water supply and foul water drainage as necessary;
- design and layout to take into consideration wastewater infrastructure crossing the site;
- an odour assessment to assess the potential impacts of the odour buffer of the sewage treatment works. Results of the assessment and any mitigation measures should be adopted;
- a noise assessment to assess the potential impacts of the highway network. Results of the assessment and any mitigation measures should be adopted; and
- financial contributions towards early years, primary and secondary education school places.

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

Land at Innox Mills, Trowbridge

Concept Plan



*Figure 12 Land at Innox Mills, Trowbridge Concept Plan*

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

## 7. Summary of consultation responses

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

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

Trowbridge Town Council (final comments)

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

Local Highways Authority - Objection

As it stands, the Highways Authority consider the proposals to present an additional traffic impact upon a highway network subject to continuing congestion thereby exacerbating

existing highway vehicle capacity and reducing the attractiveness of walking and cycling routes as a result of congestion.

In addition to the above, the Highway Authority considers that the illustrative masterplan makes no consideration of vehicular access to the Railway Station thereby preventing any realistic mitigation to traffic movements on the local highway network and fails to maximise connectivity to a major transport hub.

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

The Highways Authority have presented a proposal which includes:

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

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

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

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

Lead Local Flood Authority (final comments) – no objection

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

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

Environment Agency (final comments) – no objection

No objection subject to a number of conditions, primarily to ensure there are no harmful impacts to the River Biss through controls to prevent pollution, excess surface water discharge

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and to ensure its continued function from an ecological point of view. They have also sought to ensure that the EA retains an access point to the river via planning condition..

### Network Rail – no objection

*Network Rail has no objection in principle to the revised proposals but due to the proposal being next to Network Rail land and infrastructure they want to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway. They have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.*

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

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

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

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

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

### Wiltshire Council Education – no objection subject to S106

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

### Wiltshire Council Economic Development – no objection

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

### Wiltshire Council Landscape Officer – comments

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

Wiltshire Council Conservation Officer – no objection and comments

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

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

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

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

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

Wiltshire Council Public Open Space – no objection

The outline planning application requires 8,487.5m<sup>2</sup> of public open space (including 430.11m<sup>2</sup> equipped play space) to be provided on site. Noting the POS area is short of the requirements, they request a financial contribution to deliver off-site POS. They have identified Stallard Recreation Field.

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

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

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

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Wiltshire Council Public Protection - no objections subject to conditions.

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

Natural England – no objection

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

Wiltshire Council Urban Design (final comments) – no objection

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

Wessex Water (initial comment) – Comments

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

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

Wessex Water (Final Comment)

The main issues:

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



*changes to vertical levels will need to be agreed. A build near application will be required for this sewer.*

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

Wiltshire Council Waste and Recycling – no objection subject to S106

They have no objection to the proposal subject to conditions. The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit to be delivered via a s106. At REM stage they would require vehicle tracking to demonstrate manoeuvrable space for refuse lorries and the identification of collection and storage points for dwellings and flats.

SUSTRANS - comments

In summary, they require:

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

Wiltshire Council Rights of Way

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

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

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

## **8. Publicity**

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

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

Need

- We do not need more housing in Trowbridge.
- Where are the leisure facilities Trowbridge so clearly need?
- The commercial (leisure/retail and offices) element of this site should be a much higher percentage of the overall built area

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- The recent pandemic has changed our ways of working and socialising and I'm not sure a large amount of new office space is needed
- Many years ago Graham Payne was an advocate of using future housing developments to draw people using the Universities in Bath away from Bath and into Trowbridge by using flats for student accommodation, bringing perhaps a more educated base of people into the area and making full use of the bus and rail services.
- Disappointing that the early promise of improved facilities for the town have been trumped by the drift to 'quick-buck' housing development but a more activist local authority involvement is required to solve something the commercial market will not offer alone

### Ecology / Environment

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

### Design / Character of the Area

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

### Infrastructure

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

### Pollution

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

### Contrary to Development Plan

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

### Highways / Parking

- There is a lack of access and the development will lead to an already congested town centre.

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

#### Heritage

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

#### Impact upon existing businesses

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

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

## **9. Planning Considerations**

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

### **9.1 Principle of Development (outline application)**

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

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

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

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

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

## **9.2 Principle of Development (full application)**

The full application includes the following:

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

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

## **9.3 Need**

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

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

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

Furthermore, as seen above, the scheme is not without a significant element of commercial space (over 4000m<sup>2</sup>). It is considered that the right balance has been struck between the need to ensure the site delivers facilities for the town as part of regeneration proposals and the provision of housing. It should be noted that locations close to or adjacent to town centres are very much locations where the government is keen to see housing growth as they offer the most sustainable options for accessing services, facilities, and jobs (as opposed to the much objected to, but needed, greenfield developments on the outskirts of the town). Moreover, the residential element compliments the commercial aspects of the scheme with future occupants bringing their economic expenditure to support the E Class Uses. The dwellings would also provide natural surveillance, overlooking the commercial uses, public open space and footpaths of the development, providing a safer and more welcoming environment. Although there is some objection to the housing, without it, the scheme wouldn't stack up and the town would not see the additional retail and leisure uses that are proposed in this application.

#### **9.4 Design**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Naturally the presence of flats within a development proposal will push up the density of development and more critically, usually require greater building heights. The indicative plans show these flat blocks as being 4 storeys in height save for one 5 storey building. Noting the presence of 4 and 5 storey buildings within the vicinity of the site, this is not considered to be an issue were such heights to come forward at reserved matters stage i.e., it is compatible development. Furthermore, flats are common forms of development in town centre locations.

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

Active frontages are shown at ground floor level throughout the development on certain blocks to provide a range and mix of uses amongst the residential element and satisfactorily shows how the 872m<sup>2</sup> of commercial space can be accommodated within the outline proposals in a suitable manner. This arrangement also allows for natural surveillance of the public realms and commercial spaces below which is fundamental to achieving well designed places and meets the requirements of point viii. of Core Policy 57.

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

Public open space, play space, ecological and landscape buffers, statutory easements for Wessex Water infrastructure that crosses the site as well as maintaining public rights of way and existing connection points is demonstrated on the indicative material. Sufficient space is

left for road infrastructure including safeguarding a route to the Station Car Park through the site for any future plans to shut off the current Station Approach.

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

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

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

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

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

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

Innox Mills, Innox Place, The Dyehouse and The Brewery, are to be converted into E Class uses. At this stage, it is only the external works and change of use of the buildings that is the subject of the full application. The principle of the change of use has already been covered. Turning to the external works, as outlined in Section 5 these relate to repair works only. These are prominent buildings all of heritage value (both listed and non-designated heritage assets)



which, once restored/repared, would be able to positively contribute to the character and appearance of the area. There are no concerns from a design perspective with the restoration of these buildings. In any event, most of the works are repair works which would not need planning permission. Works that materially alter the character of the building would require planning consent but, regardless of whether consent is required or not, what is set out is acceptable.

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

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

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

The Old Chapel is contemporary in design with a modern palette of materials as detailed in Section 5. Its proportions and scale are reflective of Innox Place to which it will adjoin; in doing so it will mask the blank unattractive gable elevation that is currently in situ. Its scale is respectful of the adjoining building and will, subject to conditions to control materials and detailing, be an interesting component within the streetscene. Its position assists in repairing the frontage of the site and restoring the sense of enclosure that once existed when the chapel was still there. The floor plans do not show any internal works and so this is, the same as the existing buildings - i.e. yet to be confirmed. However, as with the existing buildings, it is accepted in principle that E Class Uses can come forward in this building without giving rise to design concerns. With the conditions in place to secure architectural details and materials, the building accords with the requirements of Core Policy 57.

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

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

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

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

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

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

Turning away from the buildings, the parameter plan shows a number of key spaces that would be introduced as part of this regeneration scheme which would see new public realm created. Notably, space to the front of Innox Place, the external area within 'Innox Square', the space to the west of Block B (as identified on the masterplan) and the considerable amount of public open space alongside the River Biss.

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

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

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

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

## **9.5 Neighbour Amenity**

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

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

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

Sufficient spacing has been shown on the illustrative masterplan to demonstrate the outline proposals can be delivered without giving rise to undue loss of light, privacy or overshadowing to future occupants of the development site. The finer details of this would be secured and controlled at detailed design stage; the REM application would not be permitted were issues to arise e.g. inappropriate window placement.

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

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

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

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

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

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

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

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

With regards to condition a), these details would need to be submitted to the LPA and agreed prior to any such equipment being installed and for b), prior to the occupation of the first unit. With such conditions in place, it can be concluded that the use of these buildings would not have an adverse impact upon the amenities of the area/nearby properties by reason of noise, smell or disturbance. Details of ventilation and extraction equipment would be required in the interest of preserving the character and setting of the heritage assets on the site therefore, the condition noted above would be addressing more than environmental issues. The EHO is content that with such conditions these uses would not have an adverse impact on the amenities of nearby residents.

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

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

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

## **9.6 Heritage Impacts**

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

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

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

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy 'Core Policy 58: Ensuring the conservation of the historic environment' requires that designated heritage assets and their settings will be conserved and where possible enhanced. It is also required that distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced.

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

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

The heritage assets considered in this assessment are the following:

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

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

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

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

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

The principle of restoring the buildings (Innox Mills, Innox Place, The Dyehouse and Brewery) and converting them to commercial uses is welcomed by the CO and was something that had been agreed in an earlier consent for the Morrisons supermarket proposals (W/12/02299/FUL). Whilst it is accepted that this largely relies upon detail that is not provided with this application, it is not felt that the works to the buildings to make them available for E Class Use will adversely harm the heritage assets. The ability through conditions (e.g., materials and architectural detailing) and the controls one can apply under any necessary future LBC, advertisement or planning applications is sufficient to ensure the finer details are acceptable from a heritage perspective. With that in mind, the proposed Innox Square is stated by the CO as having *"the potential to become an attractive and well used public space."*

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

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

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

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

In light of the above the CO concludes that:

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

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

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

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

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

It is therefore necessary to secure a mechanism for their delivery to ensure that the outline proposals don’t just come forward without the Innox Square development taking place. This

can be secured via a condition which has been agreed with the applicant. The applicant has agreed to the following in table 2 below.

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

*Table 2 – Delivery of ‘Innox Square’ Development*

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

With the above conditions in place, the CO is accepting of the scheme. Whilst a scheme of this size and nature will not be devoid of any harm, the limited concerns raised by the CO above need to be weighed against the substantial public benefits that arise from the redevelopment and regeneration of this site. Notably, that the long-term vitality and viability of the heritage assets on the site is secured and that a derelict site is redeveloped with a mix of uses providing an enhancement to the character and appearance of the wider area. The provision of much needed housing and the wider public realm improvements would also be of considerable public benefit.

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

### **9.7 Landscape, Open Space and Visual Impact**

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

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



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

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

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

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

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

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

## **9.9 Flood Risk and Drainage**

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

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

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

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

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

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

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

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

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

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

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

channel and vehicular access. This request can be sought via a planning condition to which officers consider is reasonable and necessary.

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

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

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

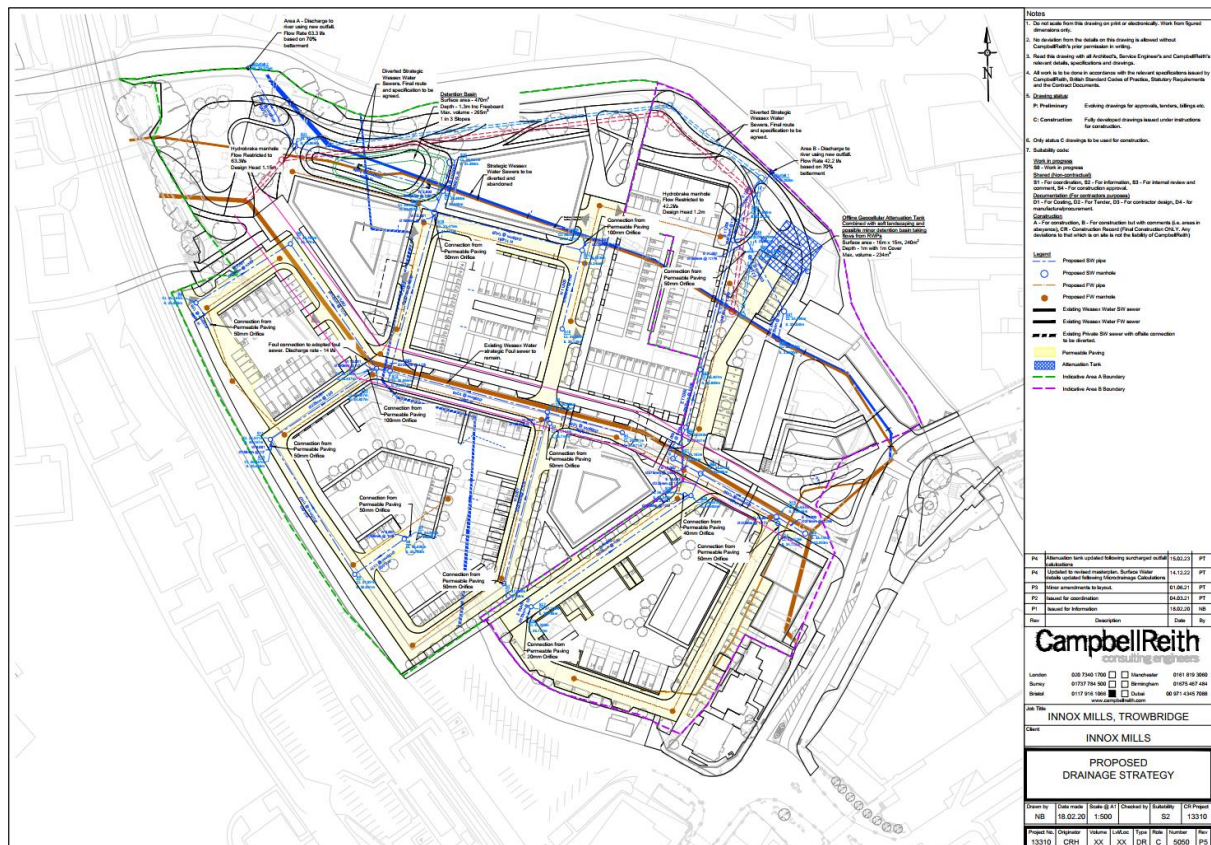


Figure 13 – Proposed Drainage Strategy

Having consulted with Wessex Water on the above proposals they have several concerns and have ultimately concluded that the current layout does not appear to be able to accommodate

strategic infrastructure crossing the site. However, this is an outline application with all matters reserved bar access. As such, the precise layout of the site is yet to be determined. It is therefore reasonable to assume that the layout submitted at reserved matters stage can be altered to find an acceptable diversion route for Wessex Water's strategic infrastructure that crosses the site.

In order to overcome Wessex Water's concerns revised details of the diversion routes would need to be agreed with the LPA. A condition stating that notwithstanding the details set out on the proposed drainage strategy the diversion routes need to be agreed with the LPA prior to the commencement of development would address this. Such submitted details would then be consulted upon with Wessex Water for their agreement. This would ensure no development can commence until this matter has been resolved to Wessex Water's satisfaction, and thus their concerns are ultimately addressed.

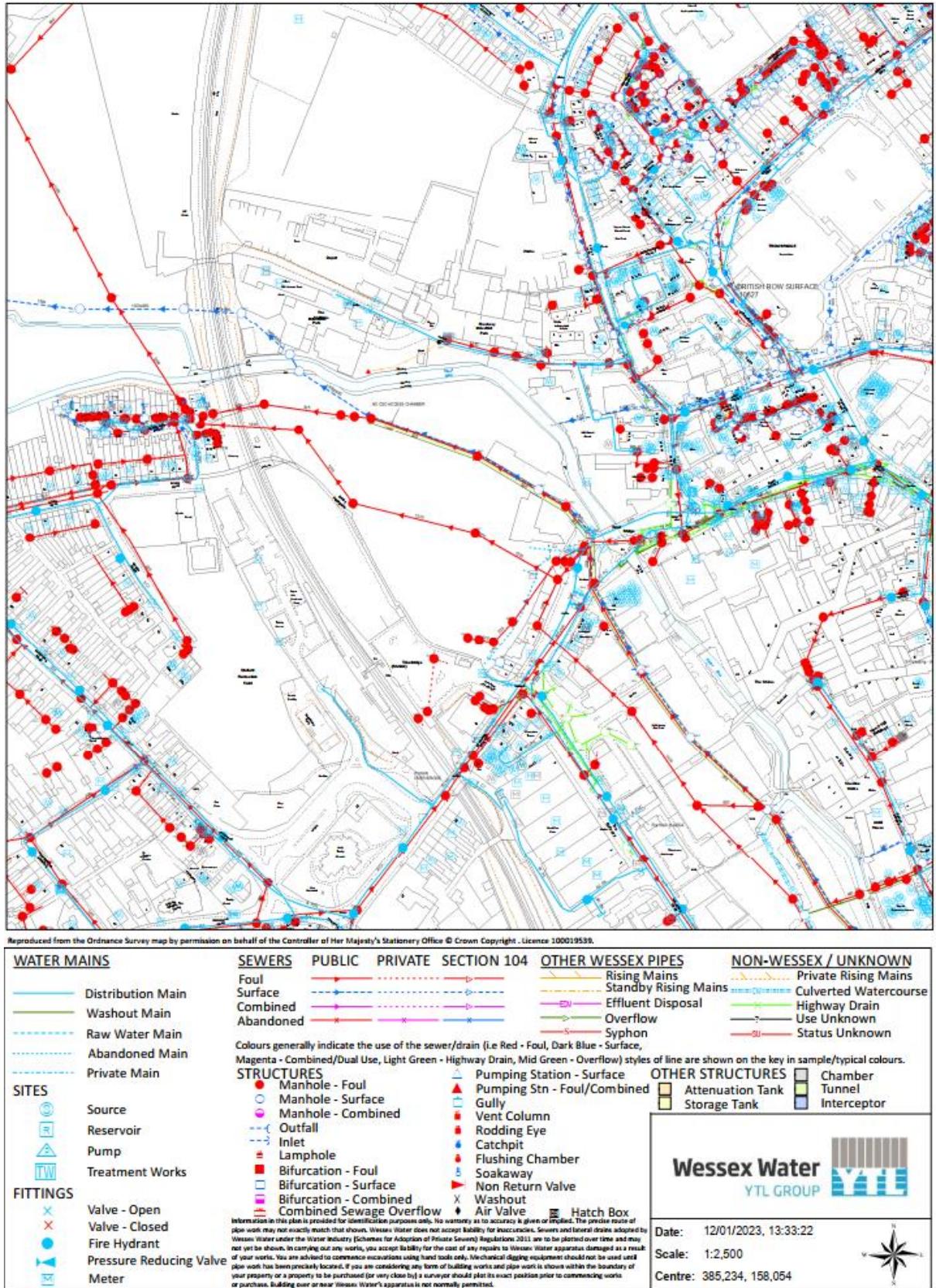


Figure 14 – Wessex Water Infrastructure

### **9.10 Environmental Impact**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **9.11 Ecological Impact**

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

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

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

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

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

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

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



- Submission and approval of a Reptile Mitigation and Translocation Strategy prior to commencement of development
- Submission and approval of a LEMP prior to commencement of development
- No external lighting to be installed unless details are first agreed with the LPA
- Submission and approval of a scheme for the removal of the Japanese Knotweed on the banks of the River Biss.

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

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

### **9.13 Highways / Rights of Way**

Traffic Impacts associated with the development –

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

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

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

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

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

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

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

*"...planning submission makes selective consideration of the Local Highway Network omitting key junctions and infrastructure that directly influence local highway operation. The assessment of proposals is therefore considered insufficient to determine the suitability*

*of the highway network to accommodate additional development and contrary to Core Strategy Policy 60, 61 and 62.”*

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

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

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

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

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

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

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

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

The applicant's position is that the delivery in full of the station access and highway improvement works is not necessary and/or reasonable given their views on the proposals impact. However, that is not to say that the applicant is unwilling to provide any of the above requirements. The Access and Land Use Parameters Plan (see Figure 7 above) shows a potential future access point into the Station Car Park from the development site. The Plan is

annotated stating that *“the adopted road to be provided to site boundary to facilitate direct primary access to the Station Car Park in the event that the Council delivers the closure of Station Approach.”* It is also shown on the other parameter plan (see figure 6) with the same annotation and hatched in blue.

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

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

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

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

#### Site Sustainability and Sustainable Travel Options –

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

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

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

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

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

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

#### **Vehicular Access and Stallard Street Works –**

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

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

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

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

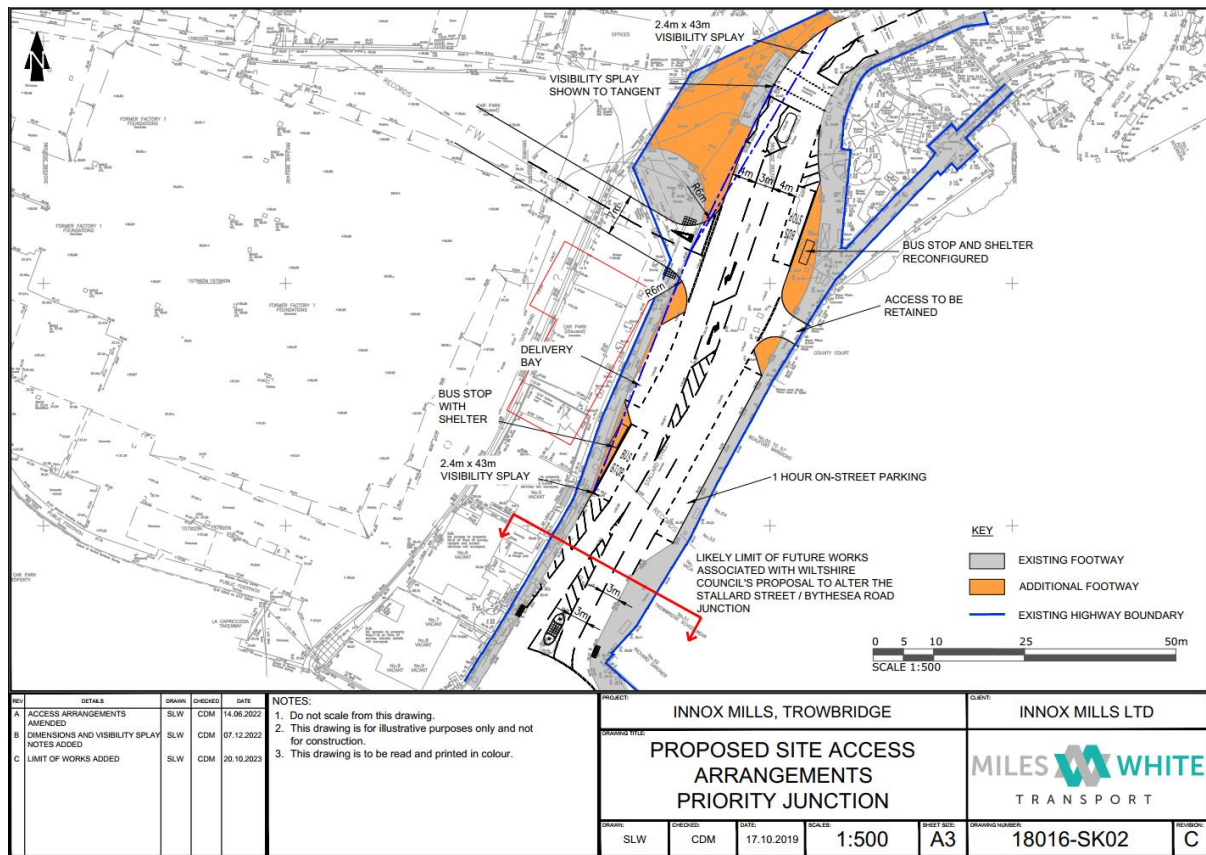


Figure 15 – Site Access Arrangements

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

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

Construction Impacts –

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

9.14 Financial Viability / Developer Contributions

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

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

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

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

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

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

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

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

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

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

**Table 3 – Abnormal Costs**

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

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

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

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

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

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

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

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

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

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

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

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

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

- Certainty of regeneration of a brownfield site that has been derelict for over a decade, offering a mixed-use development with public open space and public realm improvements.

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- A package of s278 highways works to Stallard Street to deliver highway safety and public realm improvements.
- Safeguarding of a route into the Station Car Park to enable the existing Station Approach to be closed off (works to be carried out by the Council at a future date, tbc) improving traffic flows and highway safety in this part of the town as well offsetting the impacts of the development.
- The restoration of heritage assets on the site and their long-term safeguarding through allowing appropriate new uses.

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

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

### **9.15 Community Infrastructure Levy (CIL)**

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

## **10. S106 Obligations**

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

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

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



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

#### Affordable Housing

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

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

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

#### Recreation and Open Space

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

The proposal generates a public open space (POS) requirement of 8,487.5m<sup>2</sup> with 430.11m<sup>2</sup> of this as equipped play area, all of which should be secured in perpetuity. As this cannot all be provided on site, the shortfall of 1760.2m<sup>2</sup> should be made up as an off-site contribution of £61,378.17 (1760.2m<sup>2</sup> x £34.87 (cost of provision per m<sup>2</sup>)) towards Stallard Recreation Field. A leisure contribution of £57,348.00 is also required for the upgrade of Stallard Recreation Field.

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

#### Education

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

Early Years - A contribution of £385,484 is required to go towards the funding of 22 pre-school places within the area. The Early Years Officer has advised that the existing Early Years

provision will not be able to support the needs of additional families requiring Early Years and childcare in this area as they are all operating at high capacity.

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

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

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

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

#### Refuse

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

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

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

#### Public Art

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

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

#### Highways

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

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

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

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

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

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

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

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

### Review Mechanism

This is necessary given the abnormal costs affecting the site which have led to the viability issues. The review of viability would need to occur prior to the occupation of the 200<sup>th</sup> dwelling to determine whether the actual abnormal costs are less than the initial estimates and to take into account any changes in market conditions.

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

## **11. Conclusion (The Planning Balance)**

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

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

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

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

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

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

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

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

### The benefits

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

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

#### *Provision of market housing to address 5YRHLS shortfall –*

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

#### *Economic growth and expenditure –*

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

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

### The 'harms'

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

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

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

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

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

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

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

### Neutral

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

### Conclusion

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

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

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

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

### **RECOMMENDATION:**

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

### **Planning Obligations**

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

### **Full and Outline Planning Conditions**

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

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

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

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

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

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

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

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

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

Location, demolition and application type plans:

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

Parameter Plans:

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

Access and Drainage Plans:

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

Innox Mills Building:

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

Innox Place Building:

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

The Brewery and Dyehouse Buildings:

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



The Cloth Factory Building:

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

The Gateway Building:

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

The Old Chapel Building:

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

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

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

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

Dwg Ref: 1249.P001 Illustrative Masterplan

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

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

(a) Up to 255 dwellings;

(b) Up to 4078 sqm of commercial space;

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

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

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

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

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

1. A preliminary risk assessment which has identified:
  - a. all previous uses
  - b. potential contaminants associated with those uses
  - c. a conceptual model of the site indicating sources, pathways and receptors
  - d. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

**REASON**

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

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

**REASON**

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

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how

this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

**REASON**

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

- 11 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

**REASON**

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

- 12 Piling and other foundation methodologies using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

**REASON**

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

- 13 No development shall commence until a management plan for the treatment and monitoring of Japanese knotweed on the site has been submitted and approved by the LPA. The plan shall be submitted as agreed.

**REASON**

It is an offence to allow the spread of Japanese knotweed in the wild (Wildlife & Countryside Act, 1981 as amended).

- 14 No development shall commence until a detailed management plan for the enhancement of the River Biss and its corridor is submitted and approved by the Local Planning Authority, in consultation with the Environment Agency. This shall include the provision of an 8m wide buffer strip alongside all banks of the river within the site. The management plan shall be implemented as agreed.

**REASON**

To improve the biodiversity value of the river and its corridor, and contribute to biodiversity net gain.

- 15 No development approved by this permission shall be commenced until plans and cross-sections, to demonstrate that finished floor levels across the site are set to at least 300mm above the 100yr 35% climate change flood level, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans shall be fully implemented in any timescales agreed.

**REASON**

To reduce the risk of flooding to people and property.

- 16 There shall be no development or ground raising on existing land within the flood zone 3 35%cc outline as per the submitted model outputs. If ground raising or re-profiling is necessary no development approved by this permission shall be commenced until an updated flood risk model and detailed plans are submitted to, and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans and ground treatment shall be implemented as agreed.

REASON

To ensure flood risk is not increased.

INFORMATIVE - Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 17 No development approved by this permission shall be commenced until plans, drawings and cross-sections showing a vehicular access point, including a suitable ramp down to the River Biss channel, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The approved plans/drawings/cross-sections shall be implemented as agreed.

REASON

To allow the Environment Agency to safely maintain the River Biss channel in order to prevent any increase in flood risk to the development site and surrounding areas.

INFORMATIVE

- Access must be for Environment Agency vehicles via a road through the development and must be available/accessible 24 hours a day, every day of the year
- Access must be at least 5 metres wide
- The ramp gradient must have a 1 in 12 slope
- Surfacing must be grasscrete down to below-normal river level
- Edge protection fencing must be provided
- Access to the river channel should be for use by the Environment Agency only. We would prefer it to be gated off and locked with our padlock.

We would encourage the developer to work with our Asset Performance team on the details of the design at an early stage. The developer should first email Sustainable Places on [swx.sp@environment-agency.gov.uk](mailto:swx.sp@environment-agency.gov.uk) to arrange contact.

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

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

**INFORMATIVE**

The development should include water-efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

- 19 The development hereby permitted shall be carried out in accordance with the Parameters Plan (PP) Drawing no. 128-005. P1 (Greenhalgh, 21.12.2023). This document will form the basis for the site layout and will not be altered at Reserved Matters without detailed justification based on additional habitat and wildlife species surveys.

REASON: To protect the ecology on the site

- 20 As Building E will be demolished under an EPS Mitigation Licence, an artificial roost has been designed into an adjacent building (Building D). This replacement bat roost in Building D which is located within the River Biss 15m buffer zone will take place prior to the commencement of demolition of the existing roost.

The lesser horseshoe and common pipistrelle bat roost will be incorporated into the development in accordance with Bat Mitigation Proposal Drwg. No. 1249.4.FBW.05 (Keep Architecture, 26/07/2021) and Appendix 4 Artificial Briefing Note of the Ecological Mitigation Strategy (Engain, 13th October 2021) or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development

- 21 The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
  - ii. A description of management responsibilities;
  - iii. A description of the construction programme;

- iv. Site working hours and a named person for residents to contact including telephone number;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
- x. Details of how surface water quantity and quality will be managed throughout construction;
- xi. Details of the safeguarding measures to deal with the following pollution risks:
  - the use of plant and machinery
  - wheel washing and vehicle wash-down and disposal of resultant dirty water
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes
- xii. Details of safeguarding measures to highway safety to include:
  - A Traffic Management Plan (including signage drawing(s))
  - Routing Plan and vehicle log and means to submit log to the Highway Authority upon request
  - Details of temporary/permanent Traffic Regulation Orders
  - pre-condition photo survey - Highway dilapidation survey
  - Number (daily/weekly) and size of delivery vehicles.
  - Number of staff vehicle movements.
- xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
  - Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
  - Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of TBMS zones A and B and predevelopment provision of hedgerow mitigation/ translocation along Firs Hill A361.
  - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
  - Method statement to include pollution prevention measures for construction of causeway over Lambrok Stream to minimise harm to the watercourse and protected and notable species.
  - Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
  - Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
  - Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
  - Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

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

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

**INFORMATIVE: PRE CONDITION SURVEY**

A photographic pre-condition highway survey to be carried out and copies of pre and post condition survey to be supplied to WC.

The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

- 22 Prior to the commencement of development, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Reptile Mitigation and Translocation Strategy shall be submitted to the local planning authority for approval.

**REASON:** To protect the ecology on the site.

- 23 Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long-term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring the success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

**REASON:**

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

- 24 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and

artificial lighting in the UK”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy (adopted February 2020) are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

**REASON:**

In the interests of the amenities of the area, the appearance of the heritage assets on the site, and to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

- 25 Prior to the commencement of development the buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref: 1249.P.001) shall be made wind and water tight with protection in place to prevent damage during construction.

**REASON:** To prevent further decay of the heritage assets on the site.

- 26 The buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref: 1249.P.001) shall be fitted out to a standard capable of occupation in accordance with the following timetable:

- prior to occupation of the 50th dwelling for Innox Place
- prior to occupation of the 100th dwelling for the Brewery
- prior to occupation of the 150th dwelling for the Dye House
- prior to occupation of the 200th Dwelling for Innox Mills

**REASON:** To ensure the heritage benefits associated with the application are delivered alongside the outline planning consent in the interests of securing the vitality and viability of the heritage assets in the long term.

- 27 No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) above ground floor slab level until details and samples of the new materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON:** In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.



- 28 No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005) until a sample wall panel/s for all new brick work, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

- 29 No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until large-scale details of architectural features including parapets, windows, (including elevations and sections of the windows, head, sill and window reveal details), external doors, vents and extracts, rainwater goods have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

- 30 No new signage or wayfinding shall be erected on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until details have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area, preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal, and in the interests of sustainable development.

- 31 No development on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development in the interest of visual amenity and the character and appearance of the area.

**INFORMATIVE:**

The central spine road on the parameter plan (128-005) is situated over a Wessex Water easement. It is shown with limited to no tree planting as a result. There are a

number of ways to successfully integrate tree planting into utility wayleaves which use industry standard best practice. The Trees and Design Action Group (<https://www.tdag.org.uk/>) is a cross industry organisation that provides detailed guidance on the design of tree pits and tree trenches to successfully integrate them into the urban realm. Of particular use would be their guidance on 'trees in hardscape' ([https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag\\_tihl.pdf](https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_tihl.pdf)) along with 'Trees in the Townscape' ([https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag\\_treestownscape2021.pdf](https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_treestownscape2021.pdf)).

The Local Planning Authority would expect any detailed landscaping plans to consider tree planting within this easement in line with the advice above, unless it is demonstrated not to be feasible in consultation with Wessex Water.

- 32 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following:
- a) the first occupation of the building(s) of a particular phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)); or,
  - b) the completion of each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005));

whichever is the sooner.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping for each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) shall be carried out in accordance with the approved details prior to the occupation of any part of that phase or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development in the interest of visual amenity and the character and appearance of the area.

- 33 Prior to the commencement of development, a scheme for the delivery of public art across the site shall be submitted to and approved in writing by the local planning authority. The scheme can comprise but is not limited to, bespoke street furniture, hard surfacing materials and boundary treatments and/or stand-alone art installations, and should be reflective of the history of the site (as indicated in section 7.4 of the Design and Access Statement). The scheme shall also include a programme for delivery which should be set out to ensure public art is delivered in line with each phase of the development. The development shall be carried out in accordance with the approved scheme and programme for delivery.

REASON: To ensure an integrated approach to the delivery of public art across the site in the interests of good design and place-shaping, to enable harmonious treatment of the public realm and to respect the character and setting of the heritage assets on the site.

- 34 No development shall commence on site until a final drainage strategy incorporating sustainable drainage details has been submitted to and approved in writing by the

Local Planning Authority. No phase of the development (as set out on the phasing parameters plan ref: 1249.P.005) shall be first occupied until the means of drainage for that phase has been constructed in accordance with the approved strategy.

REASON: To ensure that surface water runoff from the site can be adequately drained with no flooding on site for a 1 in 100 year plus climate change rainfall event and that the flood risk from all sources will be managed without increasing flood risk to the development itself or elsewhere.

- 35 With regards to those elements of the application in full form, no development shall commence until a plan is provided demonstrating overland exceedance flow routes overlaid onto the finalised development masterplan. The plan shall include topographical and finished floor levels in order to demonstrate that overland exceedance will be safely managed on-site.

REASON: To minimise the risk to people and property during high return period storm events.

- 36 With regards to the elements of the application proposed in full form, no development shall commence until the applicant has submitted calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment / pollution control for those parking bays that drain to the storage tank and are not designated as permeable paving.

REASON: Based on the masterplans submitted, it appears that some of the proposed parking throughout the development will not be drained via permeable paving and this matter is required to be agreed prior to the commencement of development to prevent pollution of the receiving watercourse.

- 37 Notwithstanding the diversion details of the Strategic Wessex Water Sewers crossing the site that are shown on the Proposed Drainage Strategy (ref: 13310-CRH XX-XX-DR-C-5050-P5), no development shall commence until an alternative diversion route, strategy and timetable for implementation is submitted to and agreed in writing by the Local Planning Authority. The details shall include the provisions for access to the infrastructure for maintenance and repair purposes. Development shall be carried out in accordance with the agreed details, strategy and timetable.

REASON: To ensure Wessex Water's existing customers are protected from a loss of service and sewer flooding, to ensure Wessex Water have suitable access arrangements to maintain their infrastructure on site, and to ensure there is no pollution to the River Biss.

- 38 Prior to use commencing in any non-residential building an assessment of the acoustic impact arising from the operation of the use and any externally mounted plant shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- be undertaken in accordance with BS 4142: 2014+A1:2019; and,
- include a scheme of attenuation measures to demonstrate the rated level of noise shall be -5dB (LAeg) below typical background (LA90) level at the nearest noise sensitive location.

If the precise detail of the scheme, such as specific use or plant specifications, is not known, then likely worst-case scenarios with respect to noise impact on residential premises should be assumed. Development shall be carried out in accordance with the approved details prior to the use commencing.

Background levels are to be taken as a LA90 1 hour and the ambient noise levels shall be expressed as al LAeq 1 hour during the daytime (0700 – 2300) and shall be expressed as an LA90 and LAeq 5 minutes during the night (2300 – 0700) at the boundary of the nearest residential noise-sensitive receptor.

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

- 39 Prior to use commencing in any non-residential building that requires mechanical air extraction or ventilation systems, a scheme of works for the control and dispersal of any atmospheric emissions from them, including odours, fumes, smoke & other particulates, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development.

The scheme must include full technical details and a risk assessment in accordance with Appendix 2 and 3 respectively of the EMAQ "Control of odour and noise from commercial kitchen exhaust systems" Guidance (Gibson, 2018).

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

**INFORMATIVE:**

In discharging this condition we recommend the applicant ensures that the ventilation system discharges vertically at a height of at least 1m above the heights of any nearby sensitive buildings or uses and not less than 1m above the eaves.

- 40 Prior to occupation of the first non-residential building, a schedule of opening hours for each commercial unit on the site shall be submitted to and approved in writing by the Local Planning Authority. The non-residential uses on the site shall be operated in accordance with the approved schedule of opening hours.

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

- 41 Deliveries and collections for all non-residential uses on the site shall be restricted to 08:00 – 21:00 Monday to Sunday (including Bank Holidays). No deliveries or collections shall take place outside of these hours.

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

- 42 No development shall commence on site until an Acoustic Design Scheme for the protection of the proposed dwellings from road traffic noise, railway noise and ground borne vibration is submitted to and approved in writing by the Local Planning Authority. The Acoustic Design Scheme shall use Good Acoustic Design (in

accordance with the Professional Practice Guidance: Planning and Noise New Residential Development (May 2017 or later versions)) to achieve the following noise limits:

- a) bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an L<sub>Amax,F</sub> of 45dB
- b) living rooms and dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
- c) external noise levels within private external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300)

The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained. For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. Should windows need to be closed to meet the noise criteria above full details of the ventilation scheme will be included with the assessment.

A post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to the LPA to a timetable as detailed within the approved Acoustic Design Scheme to confirm compliance with the approved scheme and approved in writing by the LPA. Any additional steps required to achieve compliance shall be taken, as necessary. The report shall provide evidence that the approved Acoustic Design Scheme has been fully implemented.

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

**INFORMATIVE:**

A good acoustic design process should be followed to ensure that the internal noise criteria are achieved with windows open. Using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. When relying on closed windows to meet the internal guide values, there needs to be an appropriate method of ventilation that does not compromise the façade insulation or the resulting internal ambient noise level.

- 43 Notwithstanding the submitted details, no works shall commence on site until details of the Railway Station access road have been submitted to and approved by the Local Planning Authority. The road shall be no less than 6.5m wide with segregated footway/cycleway provision as necessary in broad compliance with the 'main road' detail within the submitted masterplan. The details shall include full construction and geometric details including vehicle swept path analysis for a 11.3m refuse truck and Coach Rail Replacement. Prior to occupation of the first dwelling unit served from the road, the road shall be completed in all respects with the approved details up to the site boundary with the railway station and maintained as such thereafter.

**REASON:** To ensure satisfactory and safe vehicular access is provided to the railway station in the interests of highway safety, highway capacity enhancement and in compliance with Core Strategy Policy 60, 61 and 62.

44

Prior to commencement of development full design and construction details of the proposed vehicular access shall be provided to and approved by the local planning authority. Prior to first occupation, the access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

REASON: To ensure a safe and sufficient vehicular access is provided in the interests of highway safety and in compliance with Core Strategy Policy 60, 61 and 62.

- 45 Prior to commencement of works a walking and cycling movement framework plan shall be submitted to and approved by the Local Planning Authority. The walking and cycling movement framework plan shall include full details of route design, construction and material treatment, with all cycle and pedestrian routes complying with current national and local guidance as appropriate. The walking and cycling movement framework plan shall consider the treatment, alignment and diversion as necessary of on-site Public Rights of Way and any necessary connectivity works to external networks, including the railway station. All routes shall be designed to accommodate all abilities, with change of level, including steep ramps or steps avoided unless agreed by the Local Planning Authority. The walking and cycling movement routes, as identified in the approved plan, shall be completed in all respects in accordance with the approved plan and maintained as such thereafter.

REASON: To ensure safe and convenient walking and cycling routes to the site are provided in the interests of highway safety and sustainability in compliance with Core Strategy Policy 60, 61 and 62.

- 46 Notwithstanding the submitted detail, no works shall commence on site until a strategy for Electric Vehicle charging points has been submitted to and approved by the Local Planning Authority. The strategy shall seek to avoid delivering dwellings that may not be directly served by a charging point. Prior to first occupation of each individual dwelling unit allocated a charging point, the dwellings charging point shall be made operational and ready for use.

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

- 47 Prior to commencement of development a phasing and specification plan for a Mobility Hub shall be submitted to and approved by the Local Planning Authority. The Mobility Hub shall include as a minimum real time information for bus and rail transit, cycle parking including electric cycle charging points, electric vehicle fast and rapid charging points and car share parking bay. The Mobility Hub shall be completed in all respects in accordance with the approved specification and delivered in full in accordance with the approved phasing plan.

REASON: to ensure that a Mobility Hub is delivered in a timely manner to maximise the use of sustainable travel modes in compliance with Core Strategy Policy 60, 61 and 62.

- 48 Prior to first occupation of the first residential dwelling, a Residential Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by residents and these shall include but not be exclusive to Green Travel Vouchers, travel information, offer of personal travel planning, the employment

of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. Survey methods shall include but not be exclusive to the provision of Permanent Automated Traffic Counters at the vehicle access and pedestrian cycle counters at pedestrian and cyclist access points. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 49 Prior to first occupation of the first employment unit, an Employment Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by employees of the site and these shall include travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

### **Listed Building Consent Conditions**

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249/E/003
- Dwg Ref: Boundaries for the Application: 12149.E.002
  
- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan
- Dwg Ref: 1249.2.IMW.03 Innox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Innox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Innox Mills Works Elevations
  
- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan

**ANNEX A - COMMITTEE REPORT 29 NOVEMBER 2023**

- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations
  
- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

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





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## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	17 April 2024
<b>Application Number</b>	18/10035/OUT
<b>Site Address</b>	Land South of Church Lane, Upper Studley, Trowbridge
<b>Proposal</b>	Outline application for residential development of 55 houses including creation of new access from Frome Road and removal/demolition of all existing buildings (all matters aside from access reserved).
<b>Applicant</b>	Ms Judith Parry c/o RPS
<b>Town/Parish Council</b>	TROWBRIDGE CP
<b>Electoral Division</b>	TROWBRIDGE GROVE (Cllr David Vigar)
<b>Type of Application</b>	Outline
<b>Case Officer</b>	Ruaridh O'Donoghue

### 1. Purpose of Report

The purpose of the report is to update the committee on changes that have occurred following publication of the revised NPPF in December 2023 that may have a material impact on this planning application, and to consider the recommendation that the application still be granted planning permission subject to completion of the legal agreement.

### 2. Background

On 22 February 2023 the Strategic Planning Committee resolved to grant planning permission for this application subject to the applicant first entering into a S106 legal agreement (committee report attached as Annex 1). Work commenced on the legal agreement, although it has not yet been completed and so the planning permission has not been given. The legal agreement is at an advanced stage but, at the point this report was drafted, is not yet complete. In making its decision to approve subject to the legal agreement the Committee took account of all matters relevant at the time. These included the development plan policies and national legislation/guidance.

In the broadest terms, planning law requires the local planning authority in dealing with a planning application to have regard to the development plan and all material considerations. Where the issuing of a decision is delayed between the point in time at which the authority resolves to make the decision and when the decision notice is actually issued, and if during this 'gap' the authority becomes aware of new, or changed, material considerations, then the relevant law requires the authority to have regard to these considerations before finally determining the application.

In December 2023 the government issued its revised National Planning Policy Framework (NPPF). This is a changed material consideration that must be taken into account in determining this planning application.

It is the opinion of officers that the changes to the NPPF do not materially affect the Committee's original decision for this particular application. However, as the Committee (and not officers) was the original 'decision maker', it is necessary for the Committee to consider the changes and then make the decision. For completeness, and so that the Committee has the full picture, the relevant NPPF changes are set out below. A detailed explanation as to why these changes do not affect the original decision follows on from this.

### **3. Housing land supply and delivery**

The December 2023 NPPF contains two important amended/new paragraphs concerning housing supply and delivery, as follows –

76. *Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:*
- a) *their adopted plan is less than five years old; and*
  - b) *that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*
77. *In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.*

Paragraph 226 referred to in paragraph 77 states the following –

226. *From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.*

For the purposes of the revised NPPF Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing. Previously, and at the time this application was being considered by the Committee a 5-year housing land supply was required to be demonstrated.

#### **4. Consequences for the 'planning balance'**

The Council's most recent Housing Land Supply Statement (published May 2023; base date April 2022) sets out the number of years supply against local housing need as 4.60 years. In subsequent appeals this figure has been reassessed to be 4.59 years. These figures exceed the 4-year threshold now relevant to Wiltshire, and for the planning balance this means that it is not 'tilted' by virtue of a lack of housing land supply.

That said, the tilted balance can still apply even with a sufficient housing land supply in situations where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (paragraph 11(d) NPPF). A recent appeal decision at Land off Pound Lane, Semington (ref: PL/2022/09397) considered this issue and concluded that the most important policies for determining that application (CP 1 and 2, and the area-based policy for Melksham (CP 14)) were not out of date and as such the titled balance was not engaged by virtue of this point.

The same conclusions can be drawn for this site and therefore, in terms of paragraph 11 of the NPPF, for decision making part 11(c) is now relevant i.e. it is a 'flat', or level, rather than titled, balance.

#### **5. Consequences of the changes to the NPPF in relation to this application**

As the site is allocated in the Wiltshire Housing Sites Allocation Plan under the reference H2.4, the changes within the NPPF should not affect or change the Committee's decision to approve this application for the following reasons.

- This remains an allocated site in the Council's adopted Wiltshire Housing Sites Allocation Plan, and the proposal is broadly compliant with the allocation in terms of the proposed quantum of development. In principle therefore, this proposal is supported by WCS Core Policies 1 and 2.
- There remain no technical objections to the scheme against any of the WCS policies when read as a whole and, therefore, the scheme is considered to be in compliance with the development plan.
- At the time the Committee considered its resolution to grant planning permission on this site, the committee report did not identify any 'other material considerations' (e.g. policies within the NPPF) that were relevant to the recommendation to approve the application that would now no longer be relevant in light of the changes.

As such, and for the above reasons, the issue of housing land supply was not a determinative factor for this case; or in other words, at the time of the Committee's decision in February 2023, the recommendation would have still been to approve regardless of whether the planning balance was flat or tilted. The Council's housing land supply position is therefore of lesser relevance to this application. Paragraph 11(c) of the NPPF applies; that is, to approve development proposals that accord with an up-to-date development plan without delay.

Although the planning balance is now flat, rather than titled, the conclusions contained within Chapter 10 of the original committee report (attached at Annex 1) remain valid. The scheme is considered to comply with the development plan when taken as a whole and would still be delivering the positive benefits that are identified in the original report – notably, in terms of delivering policy compliant market and affordable housing.

It should be noted that despite only needing to demonstrate 4-years' worth of housing land supply, this is still a matter that can be afforded significant positive weight (especially the delivery of affordable housing) – noting the Government's objective of significantly boosting the supply of homes. This is explained in paragraph 60 of the NPPF where it states:

*To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.*

## 6. Conclusion

With due regard to the changes set out in the December 2023 NPPF, it is recommended that the application continues to be supported for the aforementioned reasons. Notably, the fact this is an WHSAP allocated site and so a case where the titled planning balance was not a determinative factor in the original recommendation to the Committee to grant planning permission.

### **RECOMMENDATION:**

**That the Head of Development Management continues to be authorised to grant planning permission, subject to first completion of the planning obligation / Section 106 agreement currently in preparation covering the matters set out below, and subject also to planning conditions listed below.**

### **S106 matters –**

- Affordable housing – at 30%
- Education – Requirement to be confirmed at reserved matters. Based upon up to 55 homes as follows:

£122,654 for early years,  
£300,128 for primary and  
£252,340 for secondary.

- The formulae for re-calculations at Reserved Matters are as per the Education S106 Methodology.
- All payment is required in full, upon or prior to commencement of development. Phasing of payments is not applicable here, and in view of that, no bond is required. All contributions are to be subject to indexation to the BCIS All In Tender Price Index from date of completion of agreement until payment.
- The Council require 10 years from the date of receipt of the contributions by the Council, in which to spend/commit in accordance with the S106, before they qualify to be returned.
- Since the abolition of the CIL pooling limit for S106s the Council does not quote the names of individual schools.
- A 30% discount is applied to the affordable housing element of an application. This is applied as a reduction to the number of AH units proposed/approved, as

part of the process of calculating the number of places generated by the development from the qualifying properties. It is therefore reflected in the standard formulae.

- Open space – to be confirmed at Reserved Matters stage based upon:
  - 1 dwelling = 34.93m<sup>2</sup> public open space and 1.77m<sup>2</sup> equipped play. Once calculated the amount must be secured in perpetuity. Wiltshire Council will not adopt the POS.
  - If, once calculated, the requirement does not meet the minimum for a LEAP (400m<sup>2</sup>) that Trim Trails are proposed instead of a LAP (100m<sup>2</sup>) if required.
  - A sports contribution calculated at £236.00 per dwelling is required to go towards upgrading provision of Sports/playing pitch contribution of £12,980 is for the upgrade of playing pitch and ancillary provision at Lambrook Recreation Field and Studley Green Community Centre changing rooms, storage and utilities, and/or sports/playing pitch provision within the vicinity of the land.
  
- Ecology
  - £777.62 per dwelling (index linked) before development commences to offset residual / in-combination losses.
  - Contribution of £3,237.20 (index linked) before development commences to account for loss of 1.01 hedgerow units which the planning permission will not be able to deliver on site.
  - Provision and management of off-site Biodiversity Provision into perpetuity.

Off-site Biodiversity Provision must be described as Floodplain wetland mosaic (1.25 hectares) in fairly good condition as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and as shown on the Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022). The habitat creation works in relation to the Ecology Corridor, Lambrook Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrook Stream Ecology Corridor will be completed in advance of or alongside vegetation stripping.

Submission of an Off-site Biodiversity Provision completion certificate to the local authority prior to construction commencing. The certificate must demonstrate works to deliver habitat creation works in relation to the Ecology Corridor, Lambrook Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrook Stream Ecology Corridor as detailed in the in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) has been completed.

Where a Management Company is being required through the S106 agreement to manage open space across an application site and a LEMP has either been submitted or will be submitted by condition, the S106 should make clear that the Management Company is obliged to manage open space in accordance with the LEMP as approved by the LPA.

- Highways - £40,949 for sustainable transport as follows:
  - A contribution of £7,377 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.
  - Bus stop shelter – Whiterow Park - £12,571
  - Church Lane works – pedestrian/cycle improvements - £10,000
  - Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian

- environment and generate increased levels of driver awareness - £6,000 (sum previously requested for speed limit TRO)
  - Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness - £5,000 (sum previously requested for speed limit works)
- Waste - £5,005
- Arts contribution is 55 x £300 = £16,500:

## CONDITIONS

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

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

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

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

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

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

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

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

4. No application for reserved matters shall be submitted until there has been submitted to and approved in writing by the local planning authority a detailed Phasing Plan for the entire application site indicating geographical phases for the entire development. Where relevant these phases shall form the basis for the reserved matters applications. Each phase shall include within it defined areas and quantities of housing and infrastructure relevant to the phase. No more than 50% of the houses (or no more than a meaningful percentage of houses to be first agreed in writing by the local planning authority) to be built in any particular phase shall be first occupied until the infrastructure relevant to the phase has been completed.

The development shall be carried out strictly in accordance with the approved Phasing Plan.

REASON: To ensure appropriate phasing of the development and delivery of the development, and in particular the infrastructure the development has made necessary, in accordance with the overall proposal and good planning in general.



5. The development hereby permitted shall make provision for the following –

- (i) Up to 55 dwellings
- (ii) At least 3.12 ha of public open space, including the Ecology Corridor and the Lambrook Stream Ecology Corridor

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate all of the above broadly in accordance with the "Concept Masterplan' (JPW1108-004 Rev C) dated Mar 2022, the 'Parameter Plan' (JPW1108-003 Rev K) dated Jan 2022, the 'Parameter Plan Notes' (JPW1108-003 Rev I 210930), the 'Habitat Creation and Management Plan' (JPW1108-005) dated Jan 2022, the 'Conceptual Drainage Strategy' (DO1 Rev A) dated 29/09/2021, the 'Pond Cross Sections' (DO2 Rev A) dated 29/09/2021, and the Design and Access Statement dated 17/10/2018.

REASON: To clarify the terms of the planning permission and to ensure the creation of a sustainable development, in accordance with the Wiltshire Core Strategy and the Wiltshire Housing Site Allocations Plan.

6. The 'means of access' to the site shall be provided in accordance with the details shown in drawing no. JNY9623-01 Rev B ('Proposed Access from Frome Road Visibility Splays') dated 01/08/2018.

REASON: To clarify the terms of the planning permission.

7. Prior to the commencement of development details of a Surface Water Mitigation Scheme in accordance with the principles set out in the Flood Risk Assessment (RPS for Parry-Land off Church Lane, Upper Studley, Trowbridge, BA14 0HS, October 2018, Ref: RCEF65635-002R and RPS, RE: EA'S response to FRA supporting planning application Land South of Church Lane, Upper Studley, Trowbridge, Ref:RCEF65635-0035L, 4 July 2019) shall be submitted to and approved in writing by the local planning authority. The Scheme shall include the location and size of the proposed attenuation pond, with allowable discharge rate set at 4.9 l/s. Any requirements for compensatory storage must also be specified. The development shall be carried out in accordance with the Flood Risk Assessment and the approved Surface Water Mitigation Scheme, and in addition there shall be –

- no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change; and
- The mitigation measures specified in the FRA and the Surface Water Mitigation Scheme shall be fully implemented prior to any first occupation of the development and subsequently in accordance with the timing / phasing arrangements embodied within the Surface Water Mitigation Scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: to ensure that the development does not increase flood risk.

8. Prior to the commencement of development details of a groundwater levels allowing for seasonal variations and groundwater assessment must be submitted to the Local Planning Authority for agreement in writing. The agreed details shall then be used to inform the Surface Water Mitigation Scheme referred to in condition 7.

REASON: to ensure that the development does not increase flood risk.

9. The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
- x. Details of how surface water quantity and quality will be managed throughout construction;
- xi. Details of the safeguarding measures to deal with the following pollution risks:
  - the use of plant and machinery
  - wheel washing and vehicle wash-down and disposal of resultant dirty water
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes
- xii. Details of safeguarding measures to highway safety to include:
  - A Traffic Management Plan (including signage drawing(s))
  - Routing Plan
  - Details of temporary/permanent Traffic Regulation Orders
  - pre-condition photo survey - Highway dilapidation survey
  - Number (daily/weekly) and size of delivery vehicles.
  - Number of staff vehicle movements.
- xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
  - Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
  - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
  - Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
  - Reptile mitigation strategy in accordance with Section 4 of the submitted Reptile Survey Report prepared by RPS (January, 2018).
  - Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
  - Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
  - Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

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

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

10. No development shall commence on site until a Construction Management Plan for Drainage (CMPfD) detailing drainage arrangements during the construction stage has been submitted to and approved in writing by the Local Planning Authority. The development shall at all times be constructed in strict accordance with the approved CMPfD.

REASON: To ensure that the development can be adequately drained without increasing flood risk to others during construction works.

11. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

#### INFORMATIVE

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

12. Prior to commencement of development a foul drainage strategy/programme shall be submitted to the local planning authority for approval in writing setting out any capacity works to be provided by the sewerage undertaker. The development shall be carried out in accordance with the approved strategy/programme.

REASON: To ensure adequate foul drainage systems are available for the development.

13. The detailed designs of the houses shall make provision for a minimum of 55 integrated swift nest bricks in north, west and/or east elevations.

REASON: Provision of integrated swift bricks in the development will contribute towards demonstrating compliance with government policies and guidance as the new dwellings can themselves be an important biodiversity enhancer by providing a new habitat in a 'Built Environment' that previously did not exist.

14. No part of the development hereby permitted shall be first occupied until full details, including relating to phasing/timescales for provision, of the pedestrian and cycle links to be provided between the site and Acorn Meadow, Church Lane and Southwick Country Park, have been submitted to and approved in writing by the LPA. The said links shall thereafter be provided in accordance with the approved details/timescales and maintained in perpetuity thereafter.

REASON: To ensure that adequate pedestrian/cycle links are provided to the site.

15. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will detail

long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and required by the BNG assessment including, but not exclusively: Wildlife ponds and wetland for SUDS, Floodplain Wetland Mosaic (wet grassland, scrapes, reedbed), Native tree and scrub planting, Semi-natural neutral meadow grassland and retained hedge, scrub and trees.

The LEMP will include:

- A phasing plan demonstrating the timing of habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor will be completed in advance of or alongside vegetation stripping.
- A plan specifying the location and type of integral bird nesting features (including for swift) and bat roosting features to be provided.
- A mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.
- Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

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

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

16. In accordance with condition no. 2, no development within any Phase of the development hereby approved shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- minor artefacts and structures (e.g. signs, etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

The scheme shall be informed by the Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022).

All soft landscaping comprised in the approved details of landscaping for any particular Phase of the development shall be carried out in the first planting and seeding season following the first occupation of any building within the Phase or the completion of the Phase whichever is the sooner; all shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the

development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and in the interests of wildlife.

17. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy February 2020 are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed. This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

#### **Annex A: 22/02/2023 Committee report**

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## ANNEX A - COMMITTEE REPORT 22 FEBURARY 2023

### REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	22 February 2023
<b>Application Number</b>	18/10035/OUT
<b>Site Address</b>	Land South of Church Lane, Upper Studley, Trowbridge
<b>Proposal</b>	Outline application for residential development of 55 houses including creation of new access from Frome Road and removal/demolition of all existing buildings (all matters aside from access reserved).
<b>Applicant</b>	Ms Judith Parry c/o RPS
<b>Town/Parish Council</b>	TROWBRIDGE CP
<b>Electoral Division</b>	TROWBRIDGE GROVE – Cllr David Vigar
<b>Grid Ref</b>	384603 156304
<b>Type of application</b>	Outline
<b>Case Officer</b>	Martin Broderick / Andrew Guest

#### Reason for the application being considered by Committee

This application was 'called in' for Committee determination at the request of the former Trowbridge Grove division councillor, David Halik on 2 October 2020, for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Design - bulk, height, general appearance
- Environmental or highway impact
- Flooding concerns
- Highways
- Conserving the settings of heritage assets (the submitted illustrative Masterplan suggesting that the upper level of 65 sought would be unlikely to be achieved without causing unacceptable harm to these assets)
- Ecology - Site 10035 lies within a 'Yellow Zone', identified as of Medium Risk with regard to bat flight paths (commuting and foraging routes), and as such should be protected by suitable mitigation. A minimum of 15m dark bat habitat (in public ownership) should be put in place PLUS a further 15m buffer zone (soft landscaping) before any hard development should take place.
- Hedgerows, especially ancient hedgerows should be maintained and protected and infilled where gaps have been made.
- Foul Water Drainage

#### 1. Purpose of Report

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

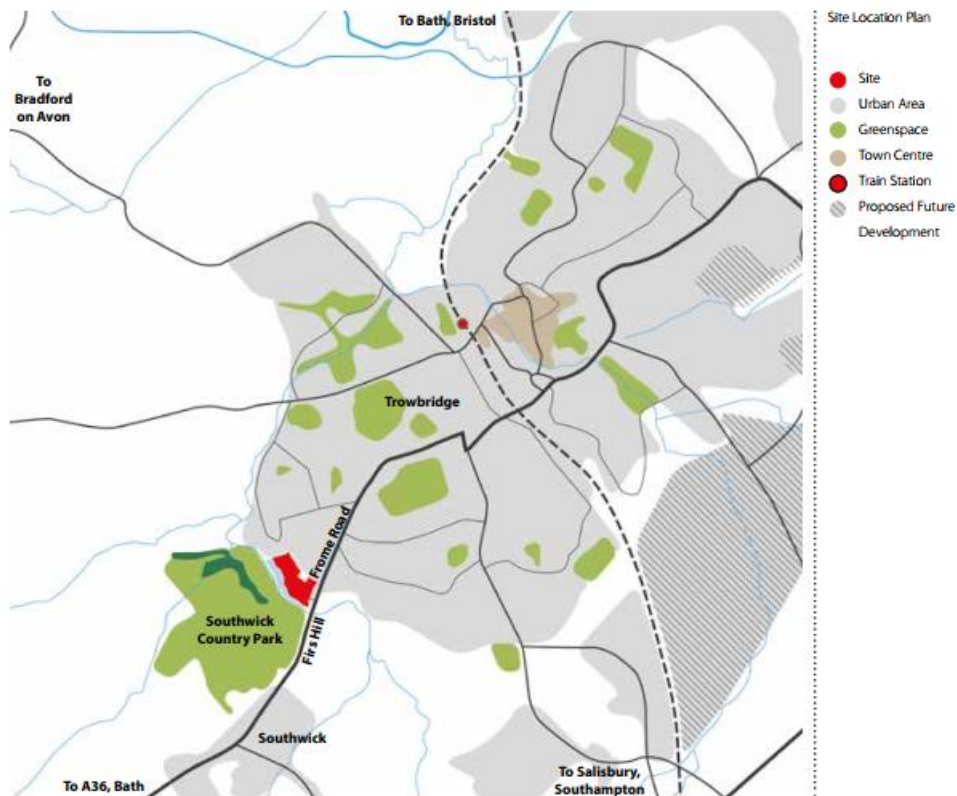
## 2. Report Summary

The main planning issues are considered to be:

- The Principle of Development;
- Master-planning;
- Impact upon the Area and wider landscape;
- Flooding and Drainage;
- Biodiversity;
- Heritage Matters – Listed Buildings;
- Neighbouring amenity;
- Highway Impacts; and
- S106 contributions (Affordable Housing, Education, Public Open Space, Waste, Biodiversity, Public Art, Highways).

## 3. Site Description

The application site is located within Trowbridge, approximately 2.6km to the south-west of the town centre (Figure 1).



**Figure 1 Site Location**

The application site, which is irregular in shape, extends to approximately 4.21ha and sits at the southern urban edge of Trowbridge. Church Lane and Frome Road (A361) form the site's north-eastern and south-eastern boundaries respectively. Lambrok Stream and Southwick Country Park lie to the south and west. Existing residential development on Lambrok Road forms the north-western boundary (Figure 1 and 2 and appendix A).



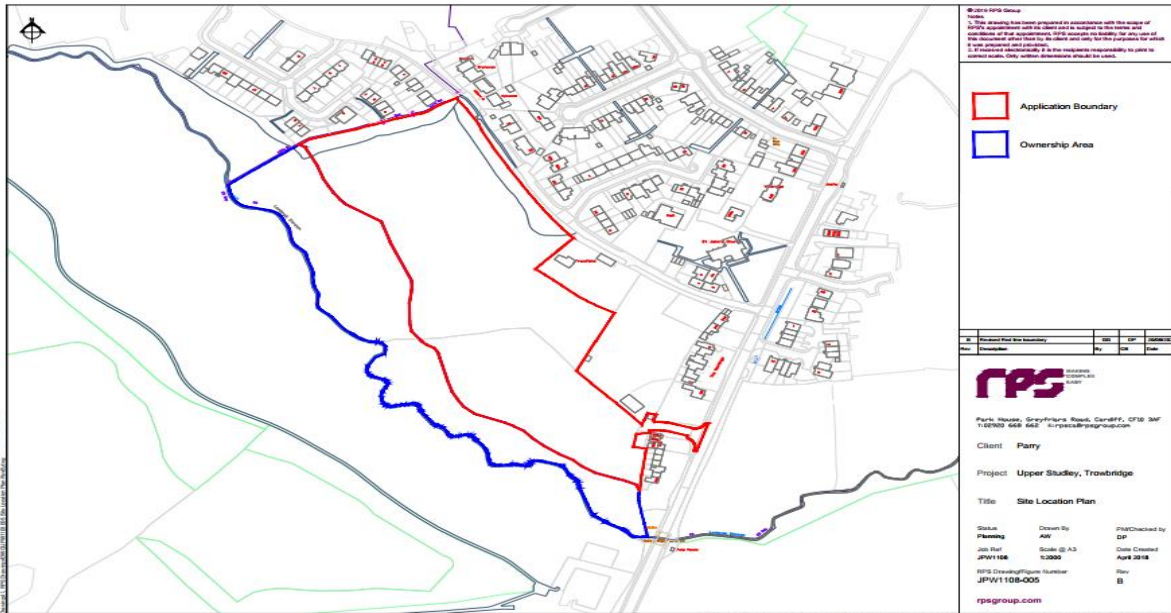


Figure 2 Application Site Location Plan

The site is undeveloped and comprises two grass paddocks. The north-eastern and north western boundaries comprise hedgerows, with some mature trees.

Heritage assets proximate to the application site include:

- The grade II\* listed Southwick Court c.300m to the south-east and the separately listed associated Gatehouse and Bridge which are also grade II\* listed,
- The grade II listed Rose Villa, 352 Frome Road, Trowbridge lying to the east of the site,
- The grade II listed 344 Frome Road, Trowbridge lying to the east of the site, and
- The grade II listed St John's Church School, Hall and School Master's dwelling to the north of the site (north of Church Lane).



Figure 3 Heritage Assets

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The site falls wholly within private ownership, aside from the required visibility splays for the proposed access from Frome Road.

The site is well connected to the existing road network. Vehicular access is located on Frome Road, which is a key commuter road that routes from the A360 at Symington to the north, routeing south to the A36 at Beckington. The A36 links to Bath, which lies approximately 12km to the north-west of the site.

Pedestrian access in the vicinity of the site is good, and the site is surrounded by numerous footways, footpaths and cycle routes connecting to neighbouring residential areas and the town centre.

The A361 Frome Road has a footway on the western side, adjacent to the site, and a footway on the eastern side of the carriageway, commencing approximately 85m north of the site.

Northwards beyond this location the majority of roads throughout the town have footways on both sides of the carriageway. Southwards, the footway on the western side of the carriageway extends to the village of Southwick.

There are no public rights of way crossing the site but there are several bounding it, including off-road footpaths, bridleways, restricted byways or byways. These public rights of way connect with local villages including Wingfield, North Bradley, Brokers Wood, Westbury and Bradford On-Avon, in addition to providing alternative access to the town centre and nearby employment centres.

The surrounding network of public rights of way also connects with regional and national cycle paths and the regional canal towpath network. There are a number of recommended cycle routes within the vicinity of the proposed development site. Church Lane is a public footpath (TROW8) and a recommended cycle route.

The site is well served by public transport, benefitting from southbound and northbound bus stops on Frome Road. All bus stops are serviced by routes 94, 184, and X34, which provide links to Frome, Midsomer Norton and Bath to the south/east and Trowbridge, Melksham and Chippenham to the north.

Trowbridge Railway Station is serviced by bus route X34. This provides a direct link from the site to the national rail network and regular First Great Western services to Swindon, Salisbury, Bath Spa, Bristol Temple Meads, Westbury and Southampton Central. There are between two and three services during the peak hours to Bristol and Bath. The station itself is located approximately 2.2km, circa 27 minutes walking and 9 minutes cycling journey time, to the north of the site.

The site is well served by a range of educational establishments, retail, community, health, and leisure facilities and numerous employment opportunities.

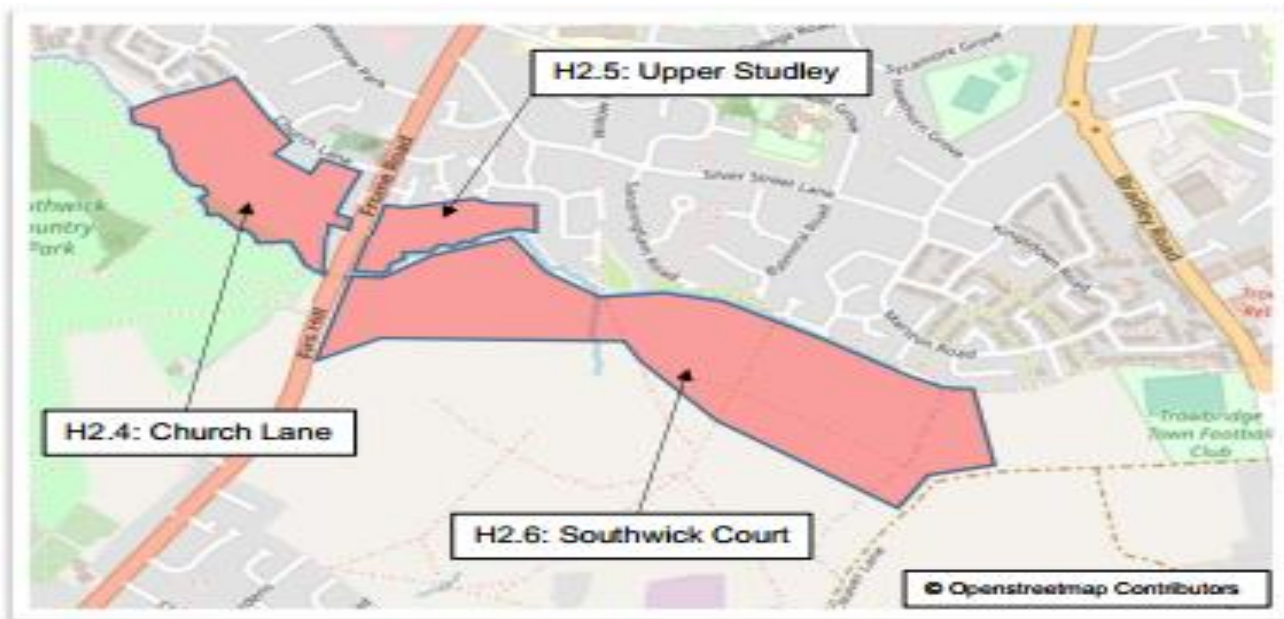
### **4. Planning History of Application site**

There is no recorded planning history relating to the application site on the Council's public access system. However, the following live undetermined applications on adjacent sites are relevant:

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Reference	Description	Decision
20/09659/FUL	<b>Land at Upper Studley (H2.5):</b> The application proposals seek full planning permission for a scheme of 50 residential units and associated access and landscaping works.	Pending
20/00379/OUT	<b>Land adjacent to Southwick Court (H2.6):</b> Outline planning permission with all matters reserved except access for the erection of up to 180 residential dwellings (Use Class C3); site servicing; laying out of open space and associated planting; creation of new roads, accesses and paths; installation of services; and drainage infrastructure.	Pending

The site was initially promoted for development at the outset of the Wiltshire Housing Site Allocation Plan (WHSAP) plan-making process, which commenced in 2015. Representations were submitted in response to all stages of the plan-making process which culminated in an Examination in Public that took place in April 2019. Trowbridge Town Council supported the scheme at the Examination. The Inspector’s Report dated January 2020 endorsed the allocation; the WHSAP references the site as ‘H2.4’. The WHSAP was formally adopted in February 2020.



*Figure 4 Related WHSAP allocated sites*

**5. The Application**

This is an outline application for residential development of 55 houses including creation of new access from Frome Road and removal/demolition of all existing buildings (all matters aside from access reserved).

The application site extends to approximately 4.21ha. As shown on the Parameter Plan (RPS Drawing No. JPW1108-003 Rev K Figure 5 and Appendix B), the retained open land within the site boundary would be used as public open space, ecology corridors, amenity space, the site access and an attenuation pond. The applicant owns further land to the south-west, up to the boundary

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with the Lambrok Stream and it is intended this will function as additional public open space and an ecological mitigation area.

In accordance with Policy H2.4 of the Wiltshire Housing Site Allocations Plan (WHSAP), the application is accompanied by a 'masterplan' for the site. This is discussed in more detail in the 'Planning Considerations' section of this report, below.



Figure 5 Parameters Plan

Besides the developable area the breakdown of the parameters plan is:

- Site Boundary – 3.55ha
- Residential Area – 1.46ha
- POS – 1.35ha
- Ecology Corridors – 0.7ha
- Infrastructure – 0.04ha
- Ownership Area – 1.68ha
- POS in Ownership Area – 0.63ha
- Lambrok Stream Ecology Corridor – 1.05ha
- Attenuation Pond – 0.18ha (set within the POS area)
- Wildlife Wetland Area – 0.18ha (set within the POS area)

The S106 heads of terms take into account this breakdown and the application description.

Whilst layout is reserved for subsequent approval, it is envisaged the density of development would mirror the pattern in the surrounding residential areas to the north and east, which primarily comprise a mix of semi-detached houses and terraces. The density in the eastern part of the site must have

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regard to the need to protect views to and from the Grade II heritage assets to the north-east. This is examined further in Section 9 of this report, and within the Heritage Statement that accompanies the application.

The site is currently accessed via a gated and unmade track from Church Lane, on the north-eastern boundary of the site and via a track from Frome Road, on the south-eastern boundary.

The new access proposal will upgrade the existing vehicular access from Frome Road. Aside from the necessary visibility splays, all the land required to provide the access falls within the control of the applicant. Full details of the proposed vehicular access are included at Appendix D (Figure 6) of the Transport Statement, prepared by RPS and appended to this report also at Appendix D.

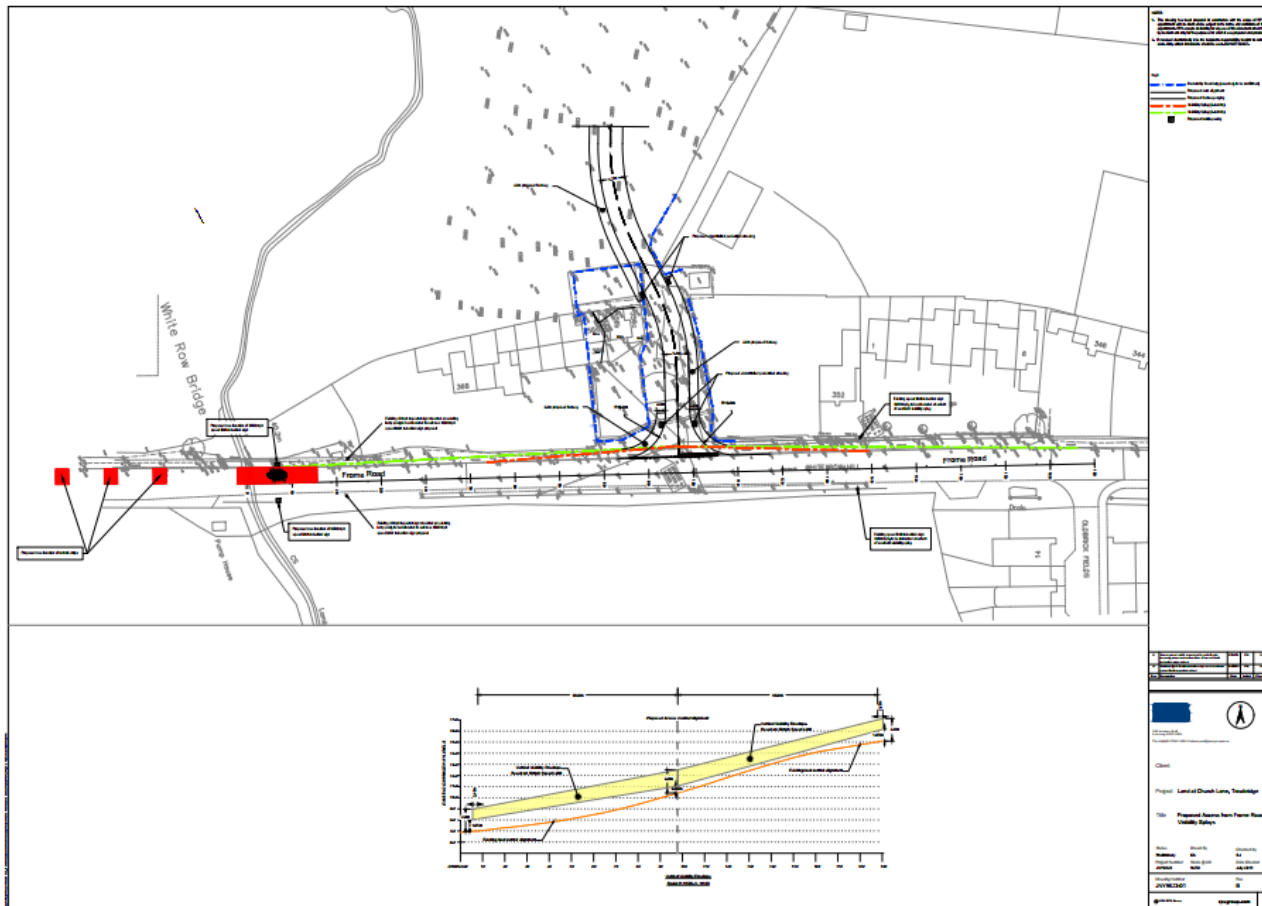


Figure 6 Access Arrangements

A pedestrian link is proposed to Frome Road, with another potential link identified onto Church Lane at the northern end of the site.

An Interim Residential Travel Plan forms part of the application submission. This sets out details of the initiatives and deliverables of the final Travel Plan, which will be a recorded agreement between Wiltshire Council and the subsequent developer/housebuilder, providing a commitment to delivering sustainable transport objectives.

## 6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015):

- CP1 – Settlement Strategy,

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- CP2 – Delivery Strategy,
- CP3 – Infrastructure Requirements,
- CP29 – Spatial Strategy Trowbridge,
- CP43 – Providing affordable homes,
- CP45 – Meeting Wiltshire’s housing needs,
- CP46 – Meeting the needs of Wiltshire’s vulnerable and older people,
- CP50 – Biodiversity and Geodiversity,
- CP51 – Landscape,
- CP52 – Green Infrastructure,
- CP55 – Air Quality,
- CP56 – Contaminated Land,
- CP57 – Ensuring High Quality Design and Place Shaping,
- CP58 – Ensuring the Conservation of the Historic Environment,
- CP60 – Sustainable Transport,
- CP61 – Transport and New Development,
- CP62 – Development Impacts upon the transport network,
- CP63 – Transport Strategic
- CP64 – Demand Management, and
- CP67 – Flood Risk

### Saved Policies for the West Wiltshire District Local Plan (1<sup>st</sup> Alteration):

U1a Foul Water Disposal and U2 Surface Water Disposal

### Trowbridge Neighbourhood Plan (Area Designation June 2018)

#### Other

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

## **7. Consultations**

### Trowbridge Town Council – Objection:

- (a) The application fails to present a masterplan for those aspects which the Examination Inspector required a joint masterplan for, in respect of cumulative and in combination impacts of WHSAP sites H2.4, H2.5 & H2.6 and in particular ecology issues related to heritage, landscape and biodiversity including the Trowbridge Bat Mitigation Strategy TBMS and the cumulative impact of the three developments on the Lambrok Stream. It is therefore contrary to policy H2.4 in the WHSAP.
- (b) The application fails to adequately address the requirements of the TBMS, as it does not provide the required buffer zone widths determined by the TBMS and is therefore contrary to Policy H2.4 of the WHSAP and contrary to the policy contained in the TBMS.
- (c) The application fails to confirm a pedestrian link directly from the site to the Southwick Country Park as required by Policy H2.4 of the WHSAP.

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If further revisions and documents are submitted which satisfactorily address these issues to allow the application to be permitted then a condition should be applied which requires the applicant to improve TROW8 with appropriate kerbing, removal of vegetation and resurfacing so that it can be safely utilised by cyclists and pedestrians together.

Wiltshire Council Highways – No objection subject to conditions and S106 contribution. Heads of Terms (HoTs) agreed.

Wiltshire Council Archaeology - No objection.

Wiltshire Council Drainage – No objection subject to the proposed development been subject to the drainage conditions being applied.

Wiltshire Council Arboricultural Officer – No response.

Wiltshire Council Leisure Strategy and Play Officer – No objection subject to S106 leisure contributions. HoTs agreed.

Wiltshire Council Environmental Health Officer - No objection subject to conditions.

Wiltshire Council Public Rights of Way Officer – No objection.

Wiltshire Council Landscape Officer – No objection.

Wiltshire Council Education Officer - S106 contribution required. HoTs agreed.

Wiltshire Council Affordable Homes Officer - S106 contribution required. HoTs agreed.

Wiltshire Council Urban Designer – No objection subject to condition.

Wiltshire Council Conservation Officer – No objection subject to conditions.

Wiltshire Council Spatial Planning – No objection.

Wiltshire Council Waste Collection – No objection subject to S106 contribution. HoTs agreed.

Environment Agency – No objection subject to conditions.

Natural England - As submitted, the application could have had potential significant effects on Bath and Bradford on Avon Bat SAC. Natural England required further information in order to determine the significance of impacts and the scope for mitigation. The following information was required: *Habitats Regulation Appropriate Assessment (AA)*.

On 9 December 2022 Natural England concurred with the conclusion of the AA to determine 'no adverse effect' on integrity (AEoI) of the Bath and Bradford on Avon Bat SAC.

Ecology - No objection subject to conditions and S106 contributions. HoTs agreed.

Salisbury and Wilton Swifts – No objection subject to condition.

### **8. Publicity and Subsequent Representations**

The application was advertised by:

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- press notice,
- site notice,
- publication on the Council's website,
- neighbour notifications, and
- notification to interested local organisations and parties.

The applicant produced a Statement of Community Involvement (SCI) to accompany the application.

The applicant's community engagement process for the planning application focused on a public consultation event held by RPS at St John's Church Hall, Trowbridge on Thursday 5 July 2018. The activity conducted in relation to this consultation event is detailed below.

To publicise the consultation event, invitations were distributed to approximately 280 addresses nearby the application site inviting local residents to attend and find out more about the emerging proposals.

Alongside the invitations, posters publicising the events were put up around the local area including on Frome Road, Church Lane and at the Church Hall.

To raise awareness of the main public exhibition across a wider area, a press release publicising the event was published in the Wiltshire Times on 29 June 2018.

The public exhibition was held at St John's Church Hall (less than 100m from the application site), between 3:30pm and 6:30pm on Thursday 5th July. This venue was selected as the most appropriate location, being the closest venue to the application site with availability, free car parking and full disabled access. The purpose of the exhibition was to inform interested parties and local residents of the applicant's intention to submit an outline planning application for residential development on the site and to give them the opportunity to provide their feedback on the proposed scheme. On display at the exhibition were several information boards, setting out the background to the application and provided details of the proposed development. It was hosted by key members of the RPS design team, the urban designer, highways consultant and landscape architect, who were available to answer questions and respond to comments raised.

Those participating in the public consultation were invited to complete feedback forms enabling them to comment on specific aspects of the proposed scheme. Feedback forms could be handed to a member of the team during the exhibition or returned to RPS by post using freepost envelopes provided at the event.

The application has also been the subject of consultation exercises by Wiltshire Council, and the following is a summary of the position reached following these. The deadline for any correspondence was 11 January 2022 (there were two previous consultation rounds with deadlines of 19 November 2021 and 8 September 2020).

68 letters of objection were received on the amended plans. A petition of objection with 226 signatures of local residents was received on 16 November 2021.

This is a summary and does not purport to be a full recitation of all comments made. The comments made are summarised as follows:

- Why is the proposal so densely populated with houses?
- Why not use brownfield sites?
- Lack of master-planning of cumulative effects with H2.5 and H2.6
- Flooding and drainage
- Attenuation pond not large enough



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- FRA is flawed
- Reduction in biodiversity
- River Corridor Survey needed for Lambrok Stream
- Impacts on bats
- Hedgerow removal
- TBMS not abided by
- Bat buffer zone not large enough
- Flawed ecology assessment
- Heritage - The area has a number of Graded properties including Southwick Court, St Johns Church and cottages around the church.
- Heritage statement flawed
- Adequacy of infrastructure
- Loss of walking area
- Impact on PRowS not assessed
- Landscape impacts
- Frome Road is very busy
- Road safety
- TA is flawed
- Access not satisfactory
- An irreversible loss of open countryside separating Southwick Park from urban area
- Loss of open space for wildlife, potentially destroying natural roosting and food habitat for numerous birds and other wildlife
- Increase flooding along the Lambrok Stream and beyond
- Create more traffic nuisance, air pollution and noise to the area and indeed the town centre
- Encroach on the buffer between the village of Southwick and Trowbridge
- Impact upon the provision of local public services
- Insufficient consultation
- Housing density too large

Friends of Southwick Country Park – Objection on grounds of Riparian strip, flooding/drainage, biodiversity.

### 9. Planning Considerations

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

#### 9.1 Principle

The principle of this site being used as housing has already been approved through the site allocation policy plan document (the WHSAP) that was adopted by Wiltshire Council in February 2020.

In the WHSAP the site is referred to as 'H2.4' and is subject to Policy H2.4, and this application is to, therefore, determine whether the proposal complies with this policy alongside the relevant policies in the Core Strategy and NPPF. Policy H2.4 states that the site has been allocated for a development comprising of the following elements:

- *approximately 45 dwellings focused towards the north of the site;*

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- *sensitively designed vehicular access via a new junction arrangement off the A361 that incorporates discreet lighting, signage and boundary treatments to avoid unacceptable harm to heritage assets and their settings; and*
- *improvements to cycling and walking routes through the site to link to the existing network, including links between the site, Southwick Country Park and the existing network, including footpath TROW8.*

The current application seeks up to 55 dwellings, improved open space, improved junction and improvements to cycle and walking routes, and as such, in principle, would comply with Policy H2.4.

The site allocation policy document also states that the development will be subject to the following which are considered later in this report:

*Development will be subject to the following requirements:*

- *core bat habitat will be protected and enhanced. Design and layout will be informed by appropriate surveys, impact assessments and the Trowbridge Bat Mitigation Strategy (TBMS);*
- *appropriate mitigation to protect bats, including financial contributions toward management, monitoring and off-site measures as necessary, as informed by the TBMS;*
- *retention and enhancement of hedgerows and trees as part of wider landscaping and green infrastructure requirements, and the creation of a publicly accessible Green Infrastructure corridor along the Lambrok Stream to protect and enhance the character, biodiversity value and amenity of Southwick Country Park in conjunction with development at Southwick Court and Upper Studley;*
- *sensitive design and layout, which ensures the significance of heritage assets and their settings, including the contribution made by the paddock adjacent to Church Lane, are not subject to unacceptable harm. This shall be informed by appropriate heritage and archaeological assessments; and*
- *a Flood Risk Assessment (incorporating an assessment of the predicted effects of climate change) and comprehensive drainage strategy to inform site layout and design so that surface water is controlled and does not exacerbate flooding off-site.*

Objections have been received querying why there are so many houses proposed in the application. Policy H2.4 refers to approximately 45 dwellings. The proposal requests up to 55 dwellings which is greater but within the 'approximately' parameters, and so acceptable as such. The application – which is in outline form in any event – demonstrates how 55 dwellings can be accommodated without causing harm; this is discussed later in the report.

### 9.2 Master-planning

Nearby to the application site are two further sites allocated in the WHSAP – referred to as H2.5 ('Upper Studley') and H2.6 ('Southwick Court') with respective policies Policy H2.5 and Policy H2.6. Common to, and within, Policy H2.4, Policy H2.5 and Policy H2.6 are the following final requirements –

*Development will take place in accordance with a masterplan approved by the Council as part of the planning application process. The design and layout will take account of all policy requirements, including the timely and coordinated provision of necessary infrastructure to achieve a comprehensive development of the site. Any cumulative issues associated with heritage,*

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*landscape, biodiversity and highway access should be considered on a comprehensive and consistent basis for allocations H2.4, H2.5 and H2.6 to ensure that new development sensitively addresses the urban edge of the town.*

The WHSAP has established the principle of development for the sites and highlighted areas that planning applications will be required to address, including flood risk and design.

The Town Council and a number of third parties have expressed the view that the above paragraph in the policies for each of the sites requires a comprehensive masterplan to be developed and approved by the LPA that covers all three sites and therein 'binds' each applicant/landowner/developer to an agreed set of 'parameters'. In actuality this is not what the WHSAP requires, as is evidenced in the Inspector's report.

The Inspector sets out in his report (at paragraphs 69 and 70) his expectation for the planning application for each site to have regard to the other sites – this in view of their close physical relationships – and specifically for any cumulative issues associated with heritage, landscape, biodiversity and highway access to be considered on a comprehensive and consistent basis. This does not mean that all three sites must be master-planned as one. The Inspector's report said/says –

*"...While all these [sites] are likely to come forward independently of each other, their close physical relationship could have particular implications, particularly for heritage, landscape, biodiversity and highway access if they do not take account of each other in terms of layout and the provision of mitigation measures. To be effective, each policy should make it clear that regard must be had to development taking place in other sites. Furthermore, both individual and cumulative effects on the Country Park must be taken into account."* [Emphasis applied].

It is clear from this statement that the Inspector recognised the close proximity of the three sites and the need to plan for potential cumulative effects associated with their development. At para. 70 he goes on to state:

*"This approach should not prejudice the delivery of each site. The recommended modifications make it clear that mitigation measures must be considered on a comprehensive and consistent basis. All this is likely to mean in practice is that schemes coming forward must have regard to other proposals in the development pipeline and ensure they are not mutually exclusive or prejudicial to each other."* [Emphasis applied].

Again, the Inspector's considerations are clear. He recognised/s that planning applications for each site would in all probability come forward through the planning system at different times, and schemes for developing each site should address impacts and mitigation measures on a consistent basis. But what is also clear is that development schemes on any, and all, of the three sites should not individually or collectively prejudice one another.

Whilst the policy must be read as a whole, there are three requirements to address in the final paragraph. The same policy construct is applied to H2.5 and H2.6 for the reasons set out in the Inspector's Report.

1. Development will take place in accordance with a masterplan approved by the Council as part of the planning application process.
2. The design and layout will take account of all policy requirements, *[i.e. the bulleted requirements in the policy - see above]* including the timely and coordinated provision of necessary infrastructure to achieve a comprehensive development of the site.
3. Any cumulative issues associated with heritage, landscape, biodiversity and highway access should be considered on a comprehensive and consistent basis for allocations H2.4, H2.5 and H2.6 to ensure that new development sensitively enhances the urban edge of the town.

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Provided the planning application for H2.4 addresses these points and the rest of the policy requirements in full then it can be determined without the need to wait for schemes on H2.5 and H2.6 to similarly demonstrate how they have considered cumulative effects within their submissions. The key here is consistency and ensuring each development scheme comprehensively addresses policy requirements whilst also not prejudicing delivery on one, or all, of the allocated sites. With specific regard to point 1 the reference here is for a masterplan for H2.4 only – not a multilateral masterplan for H2.4, H2.5 and H2.6.

Therefore, there is a clear and unambiguous policy route through this issue of addressing cumulative effects and that route does not anticipate, or need the submission of, a multilateral masterplan.

The masterplan for H2.4 is shown below (see also appendix C). With 1.46 ha of the site proposed for the 55 dwellings, this equates to c. 48 dwellings/ha, which is comfortably within expected tolerances for an urban development.



**Concept Masterplan**

### 9.3 Impact on the character and appearance of the area

Core Policy 51 states that:

*Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. This advice is echoed in paragraph 174 of the NPPF.*

Core Policy 57 states that:

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*New development must relate positively to its landscape setting and the existing pattern of development by responding to local topography to ensure that important views into, within and out of the site are to be retained and enhanced. Development is required to effectively integrate into its setting and to justify and mitigate against any losses that may occur through the development.*

The application is accompanied by a Preliminary Landscape and Visual Appraisal (PLVA). It summarises the character of the application site in the following terms –

*The character of the site can be described as transitional urban fringe influenced by a series of urbanising and landscape elements as follows:*

- *Established residential areas adjacent to the north-west (Oak Park), north-east (Church Lane) and east (Whiterow Hill).*
- *St Johns Church to the north-east.*
- *Established vegetated field boundary hedgerows and mature trees along the north-west and north east boundaries enclosing the site.*

This summary of the character is agreed – the site is ‘countryside’, but it is heavily influenced by its proximity to the built-up edge of Trowbridge, and this effects both its character, and views to and from.

In terms of the actual effects of the proposal on the landscape the PLVA concludes as follows –

*Landscape – A scheme of residential development could offer long term protection and enhancement for the existing landscape elements and receptors that currently exist within this urban fringe transitional landscape. Although the proposals will result in the loss of semi-improved paddock, the scheme to be delivered is low density and set within generous gardens, so a large proportion of the paddock will be turned into garden space. Furthermore, all of the other landscape receptors will be retained. A number of landscape mitigation measures have been identified to lessen the impacts of the scheme and include the following:*

- *Retention and enhancement native planting along the existing vegetated field boundaries;*
- *A new belt of linear native landscaping along the south west boundary in association with the Lambrok;*
- *POS, drainage attenuation and ecological enhancement areas located along the south west boundary in association with the Lambrok corridor.*

*Consequently, it can be concluded that the magnitude of landscape impact of the type of development proposed on the existing landscape sensitivity of the site can be assessed as LOW SIGNIFICANT.*

*Visual - Due to a combination of topography and boundary vegetation, the site is largely visually concealed with the exception of a limited number of local viewpoints where there is inter-visibility between the site and a section of the country park. However, the typical view from the country park towards the site already contains residential development as a common element in the local landscape looking across the site towards the urban edge. As a result of careful analysis of existing public vantage points, it is concluded that the magnitude of visual impact of the type of development proposed on the existing visual sensitivity of receptors can be assessed as LOW SIGNIFICANT reducing to INSIGNIFICANT after 10 years as a result of the proposed mitigation measures.*

*Consequently, the proposed site layout has been designed to minimise the landscape and visual impact of the development on the surrounding landscape context and its receptors. All of existing important boundary hedgerows and trees will be retained and enhanced by the mitigation planting proposals and a new defensible boundary and structured landscape corridor will be created between the country park the Lambrok corridor. The proposed site plan highlights a landscape led*

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design to the site, ensuring that key biodiversity aspects are maintained and enhanced. The conclusion of this assessment is that the proposals on balance would not result in any significant landscape or visual impact and would not outweigh the benefit of providing additional new housing in a sustainable location.

The Parameters Plan which is informed by the PLVA is set out again below. As is evident, it proposes significant areas of retained open space, notably along the south-west boundary where a minimum 30m deep 'Lambrok Stream Ecology Buffer' would ensure a continuing appropriate transition with the countryside and Country Park beyond. And then at the other edges of the site and at its centre, further public open space and ecology corridors to break-up and soften the built-up residential areas.



In view of the extensive areas of open space shown on the Parameters Plan (above and at appendix B), the conclusion in the PLVA that this would be a "landscape led design" is agreed. The Council's Landscape Officer has raised no objections, and it is therefore considered that the proposal would not result in a detrimental impact upon the character of the local area or views to and from the site.

### 9.4 Drainage and Flooding

Core Policy 67 seeks to ensure all new development includes measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground unless site or environmental factors make these measures unsuitable. The NPPF at paragraph 167 requires all major development to incorporate SUDS unless there is clear evidence this would be inappropriate. The advice also requires advice from the LLFA to be taken into account and should have minimum operational standards and maintenance and where possible have multifunctional benefits.

The 'built' elements of the proposed development – including the 55 residential units and the access road – and the defined public open space would all be located within Flood Zone 1. In view of this, and because the site is above the 1 in 1000 year flood level, there would be no requirement to provide floodplain compensation.

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In terms of the detailed design the Drainage Strategy for the development confirms (within the context of it being an outline application) the following:

- The proposed development would increase the impermeable area within the site to 1.097 ha due to the residential units, access roads and associated hardstanding areas;
- A desk study confirms that infiltration may not be feasible considering the significant presence of mudstone and clay;
- Surface water runoff generated from the residential units would be collected via rainwater downpipes and surface water runoff generated from the access road would be collected via road gullies. A network of pipes would then convey the surface water runoff downstream into an attenuation pond;
- The attenuation pond would have a total surface area of 1006.3m<sup>2</sup> and a depth of 1.5 m to attenuate surface water runoff generated for a rainfall event up to 1 in 100 year with 40% climate change effect;
- A Hydro-Brake Optimum or similar would be utilised to limit the discharge of surface water runoff to QBAR (4.4 l/s) prior to discharge into Lambrok Stream;
- Detailed drainage design would be required at the detailed design stage; and
- Foul water drainage from the proposed development would be separated from the surface water drainage. Foul water would be discharged into Wessex Water existing foul sewer at a rate of 2.083 l/s. All pipes would have a velocity higher than 0.75 m/s to allow for self-cleansing.

A number of interested parties have expressed concern that there is a discrepancy between the application particulars and the real-world experiences of residents. Residents have provided accounts and images to show that areas of the site are continually waterlogged through the winter months and frequently flood. The Flood Risk Assessment for the site states that “the entire site is located within Flood Zone 1” (land having a less than 1 in 1000 annual probability of river or sea flooding). The Environment Agency have stipulated that the development must be designed in accordance with the FRA. The Environment Agency on the 23 September 2019 commented:

*“We have no objection to the proposed development subject to the following condition and informatives being included in any planning permission granted.”*

The EA commented further:

*“The proposed development will only meet the requirements of the National Planning Policy Framework, on the basis that the site is elevated above the design flood event, if the following measures as detailed in the Flood Risk Assessment and RPS, RE: EA’S response to FRA supporting planning application at Land South of Church Lane, Upper Studley, Trowbridge, Wilts, Ref:RCEF65635-0035L, 4 July 2019 submitted with this application are implemented and secured by way of a planning condition on any planning permission.”*

The applicant has accepted all of the EA’s conditions.

It follows that subject to the EA’s requirements, it is not considered there is conflict with Core Policy 67 or guidance within the NPPF. With the EA’s support for the application there can be no justifiable reason for refusing the planning application for drainage related reasons. In compliance with the requirements of National Planning Policy Framework, and subject to the mitigation measures proposed, the development could proceed without being subject to flood risk. Moreover, the development would not increase flood risk to the wider catchment area through suitable management of surface water runoff from the site.

### 9.5 Biodiversity

Wiltshire Core Strategy Policy CP50 states that:

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*Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services.*

*All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.*

*Any development potentially affecting a Natura 2000 site must provide avoidance measures in accordance with the strategic plans or guidance set out in paragraphs 6.75-6.77 of Wilshire Core Strategy where possible, otherwise bespoke measures must be provided to demonstrate that the proposals would have no adverse effect upon the Natura 2000 network. Any development that would have an adverse effect on the integrity of a European nature conservation site will not be in accordance with the Core Strategy.*

There are ecological constraints on the site and any development must comply with the Trowbridge Bat Mitigation Strategy (TBMS).

The application is accompanied by a 'Preliminary Ecological Appraisal', a 'Biodiversity Metric', an 'Upper Studley, Trowbridge Habitat Creation and Management Plan', and a 'Coordinated Strategy Masterplan - H2.4/H2.5/H2.6 allocation' (CSM) which addresses the TBMS.

The Preliminary Ecological Appraisal demonstrates that the site predominantly consists of poor semi improved and improved grassland with hedgerows, trees, scrub and the Lambrok stream. It is suitable for ground nesting birds, and the hedgerows, trees and scrub are also likely to be of value for nesting by common farmland and garden species. Lambrok stream in this location is reported to provide sub-optimal habitat for otter and some suitable habitat for water vole. A survey carried out in 2017 confirmed a low population of slow-worm and grass snake present. The site is in an area used by Bechstein's bats associated with the Bradford and Bath Bats SAC, as well as other bats. There is evidence of badgers and other wildlife at and around the site.

In view of the site's ecological interests, the Habitat Creation and Management Plan (see below and Appendix E) proposes various measures to provide protection and opportunities for wildlife. This includes constructing and maintaining the SUDS ponds as habitats, utilising the surface water runoff attenuation basin as a floodplain wetland mosaic, and creating areas of native trees / scrub and semi-natural meadow grassland.



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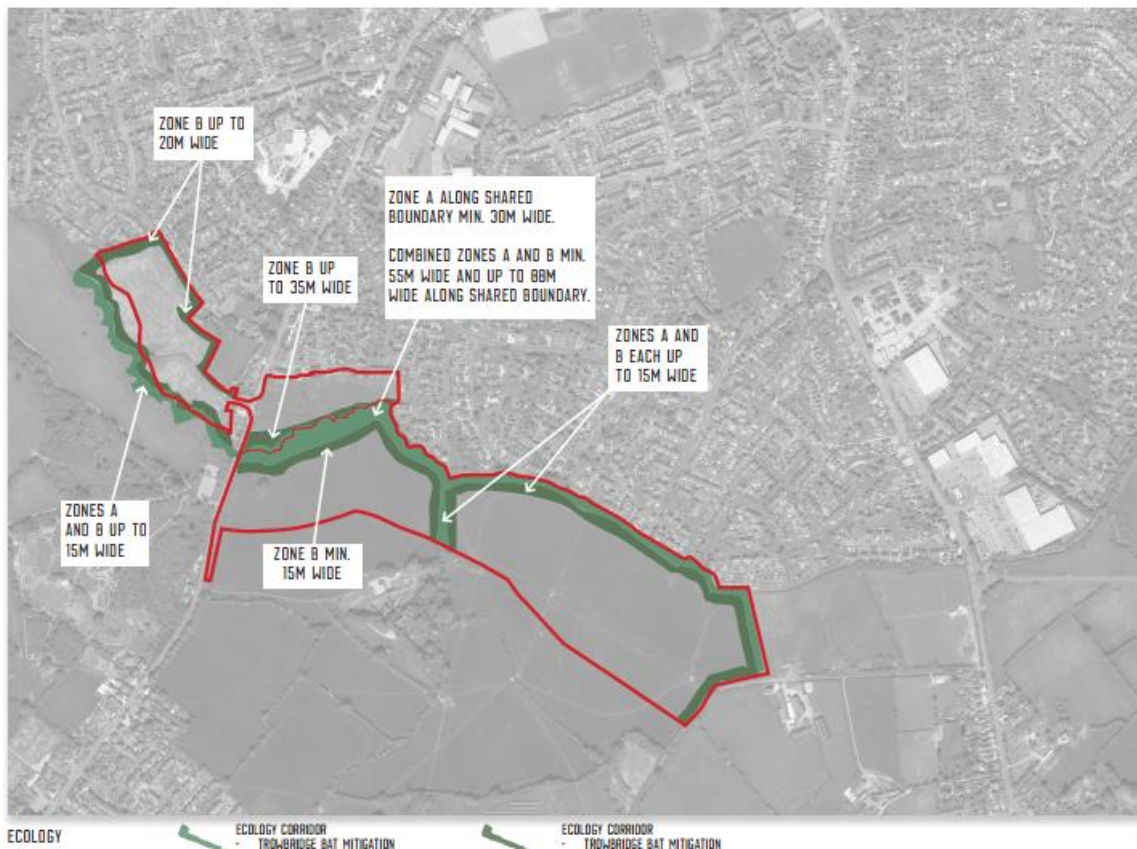
The Coordinated Strategy Masterplan (CSM) provides a strategy that ensures compliance with the TBMS across H2.4, H2.5 and H2.6 - specifically the location of ecology corridors required to accommodate bat zones across the three sites. The proposed layout for H2.4 demonstrates compliance with the Coordinated Strategy Masterplan by incorporating habitat buffers along 'core area' as required in the TBMS. Specifically, for H2.4 it achieves the following (as explained in the CSM):

*Core bat habitat on this site is the Lambrok stream and associated scrub vegetation. The scheme retains a minimum 20m wide undeveloped zone alongside the Lambrok stream, comprising a 15m wide 'ecological corridor', as termed on the masterplan, plus additional POS to the north. New tree planting is proposed within these areas. This undeveloped area will be screened from the development with new hedgerow and tree planting. Zone A shall measure at least 15m wide, measured from the edge of the Lambrok stream. Adjacent to this, Zone B shall measure up to 15m wide. This shall provide a robust corridor for foraging and commuting bats.*

*Additional undeveloped buffer zones are provided along the northern and western boundaries, measuring at least 5m wide and up to 25m wide. New hedgerows will be planted around the curtilage of the development to screen retained vegetation along all boundaries. These shall be kept below 1 lux as per the specifications of Zone B in the TBMS.*

*The trees and buildings on-site/ immediately off-site with bat roosting potential are set to be retained and protected with buffer zones.*

*In combination, these measures protect the Lambrok stream, retained hedgerows and the Framfield sites, addressing the points raised in the WHSAP. Furthermore, public open space will be provided, which should help to reduce the likelihood of recreational impacts on nearby woodland sites used by Annex 2 bats.*



**Figure 7 Coordinated Strategy Plan**

The Biodiversity Metric shows a net gain in habitat units of 1.13 and a short fall in hedgerow units of -1.01. The WC Ecologist is satisfied that the shortfall in hedgerow units can be made up through financial contributions to be used for off-site enhancements. This is addressed in the ‘S106 requirements’ section of this report. The S106 would also secure provision of the 1.25 hectares of floodplain wetland mosaic of ‘fairly good’ condition as required by the BNG calculation, described in the aforementioned Habitat Creation and Management Plan and shown on the Habitat Creation and Management Plan plan.

Construction-stage impacts on ecology can be avoided through the use of a Construction Ecological Management Plan (CEMP) and Landscape Environmental Management Plan (LEMP), and conditions are recommended accordingly. Appropriate external lighting is also a matter for condition.

In view of the satisfactory outcomes for ecology the WC Ecologist raises no objections, and there is no conflict with Core Policy 50 nor the TBMS.

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

- Parameter Plan. Drawing: JPW1108-003. (RPS Group, March 2022).
- Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022).
- Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022).

Habitat Regulations – Appropriate Assessment –

The proposal could have had significant effects on the Bath and Bradford on Avon Bat SAC. However, in view of all the additional supporting information provided which sets out how effects

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can be satisfactorily mitigated, both the WC Ecologist and Natural England have concluded that the proposal will not result in adverse effects on the integrity of the SAC. Accordingly, a positive Appropriate Assessment decision has been made.

### 9.6 Heritage Assets

Core Policy 58: Ensuring the conservation of the historic environment states:

*Development should protect, conserve and where possible enhance the historic environment.*

*Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including:*

- i. *nationally significant archaeological remains*
- ii. *World Heritage Sites within and adjacent to Wiltshire*
- iii. *buildings and structures of special architectural or historic interest*
- iv. *the special character or appearance of conservation areas*
- v. *historic parks and gardens*
- vi. *important landscapes, including registered battlefields and townscapes.*

*Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57 (Ensuring High Quality Design and Place Shaping).*

*Heritage assets at risk will be monitored and development proposals that improve their condition will be encouraged. The advice of statutory and local consultees will be sought in consideration of such applications.*

'Built' heritage assets –

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

Paragraph 199 of the NPPF states that:

*"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

Paragraph 200 of the NPPF states that:

*"Any harm to, or loss of, the significance of a designated heritage asset (... from development within its setting), should require clear and convincing justification."*

Paragraph 201 of the NPPF states that:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."*

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Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets.

The application is accompanied by a Built Heritage Statement. This assesses the impacts of the proposal on heritage assets within its vicinity. The Assessment concludes as follows –

*Whilst the Site comprises no built heritage assets it has been demonstrated in this report that the proposed development has the capacity to impact upon four designated built heritage assets. Any potential impacts on these heritage assets will arise through development within their settings. Specifically the Grade II listed Church of St John, north-east of the Site will experience a negligible degree of harm to its significance. The Grade II listed St John's Church School located to the north-east will experience a negligible degree of harm, at the very most, to its significance arising from the proposed development on Site. The Grade II listed 344 Frome Road and Grade II listed Rose Villa will experience a minor degree of harm respectively.*

*All identified harm is considered to be less than substantial in NPPF terms. Any harm to the significance of designated heritage assets engages Paragraph 196 of the NPPF, requiring that harm to be weighed against the public benefits of the proposed development.*

Wiltshire Council's Conservation Officer agrees with the conclusions of the Assessment, and accordingly raises no objection. All identified harm in the Assessment is found to be 'less than substantial' in NPPF terms. In such circumstances Paragraph 202 of the NPPF requires that the less substantial harm should be weighed against the public benefits of the proposed development. The public benefit here resulting from the delivery of housing, including affordable housing, is considered to more than tip the balance in favour of the development.

The Conservation Officer is in agreement that there has been co-ordination between the promoters of the three allocated sites in this location (H2.4, H2.5 and H2.6) in respect of heritage considerations.

The proposal is therefore considered to comply with CP58 of the WCS.

Archaeology –

In terms of relevant designated archaeological heritage assets, no nationally designated Scheduled Monuments, World Heritage Sites, Historic Battlefield sites or Historic Wreck sites lie within the vicinity of the application site.

The application is accompanied by an Archaeological Desk Based Assessment and an Archaeological Evaluation, the latter requested by the WC Archaeologist in view of known archaeological sites within the vicinity of the site.

The Archaeological Evaluation was carried out in March 2021. It established that linear features previously recorded within the site are not part of a former water meadow system and are in fact the remains of a post-medieval field system. No settlement evidence was recorded across the site.

On the basis of these results the WC Archaeologist is satisfied that no further archaeology related investigation is required, and raises no objection.

### 9.7 Residential and Visual Amenity

The application is for outline planning permission and so the detailed siting of building is not yet known. This said, the Parameter Plans show the intended locations for 'built' development and open space, with the built areas generously separated from existing development by the open spaces and ecology buffers.

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Furthermore, due to a combination of the lower lying circumstances of the site in the Lambrok Stream valley location, the surrounding roads with bushy boundary hedgerows, and the established vegetation along the north-west and north-east field boundaries, there are few short-range views into the site.

The main views 'in' are short range local views from the formal footpath located to the north-east side of the woodland belt in the country park. The typical view from this footpath is of the site with existing residential development associated with the town boundary clearly visible in the backdrop. St Johns Church is a dominant building in the typical view. Therefore, residential development is already a common element within the existing views.

There are glimpses into the site from Church Lane where there are some gaps in the boundary vegetation. However, views in from this boundary from Church Lane and PROW are largely limited due to the existing mature field boundary vegetation.

There are likely to be a number of private views, especially from properties along Church Lane. However, the majority of these views would be from first floor rooms and at a reasonable distance.

Overall, the proposal would not have an adverse impact on residential or visual amenity, in accordance with Core Policy 57.

### 9.8 Highways

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

Paragraph 111 of the July 2021 NPPF states that:

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

The site is allocated for residential development within the Wiltshire Housing Site Allocations Plan. The site is located in an edge of town location but within an accessible walking distance to a wide range of day-to-day services and facilities.

The application is accompanied by a Transport Assessment (TA). It assesses the impact of the additional traffic that would be generated by the proposed development on the wider road network, and the sustainability of the location.

Traffic impact –

The following table taken from the TA illustratthes the impact at three nearby junctions –

**Table 6.2: Percentage Impact at Junctions (2019 Vehicle Flows)**

Junction	Time Period	Existing Vehicles	Development Vehicles	Percentage Impact
A361/College Road	Weekday AM Peak Hour	1,446	27	1.9%
	Weekday PM Peak Hour	1,476	28	1.9%
A361/A363	Weekday AM Peak Hour	2,747	25	0.9%
	Weekday PM Peak Hour	2,424	27	1.1%
A363/College Road	Weekday AM Peak Hour	1,732	3	0.2%
	Weekday PM Peak Hour	1,596	2	0.1%

The results show that the development would have a limited impact on these junctions – at worst for the A361/College Road junction a sub 2% impact.

The TA also considers the capacity of these junctions in any event in both 2019 (the year of the assessment) and in 2024. This consideration shows that the junctions will remain within capacity – both with or without the development – in both of these years.

On traffic impact the TA, therefore, concludes as follows –

*The proposed development is likely to generate 52 two-way vehicle trips in the morning peak and 58 two-way vehicle trips in the evening peak.*

*The impact of the morning and evening peak hour traffic that would be generated by the proposed development on the College Road / A361 Frome Road junction has been appraised through detailed capacity assessments undertaken on a robust basis.*

*The detailed capacity assessments demonstrate that the A361 Frome Road / College Road will operate well within capacity when the development is fully operational. Similarly, the detailed traffic flow analysis of the neighbouring junctions demonstrates that the additional traffic generated by the proposed development would result in a negligible impact and would therefore have no significant impact on the future performance of the highway network in the vicinity of the site.*

Sustainability of the site –

The TA also considers the sustainability credentials of the site. It concludes on these as follows:

*The development proposals will provide cycling and walking links to connect with the existing pedestrian and cycling infrastructure which provides links to existing local amenities.*

*The proposed development site lies within very close proximity of regular public transport routes with bus stops located on A361 Frome Road, adjacent to the site access.*

*A Residential Travel Plan has been prepared to accompany the planning application. The Travel Plan sets out how a range of measures would be introduced at the development to actively encourage the new residents to use sustainable modes of travel.*

The whole of the Trowbridge built-up area is within a 5km distance of the site meaning that all services, facilities and employment opportunities available within the town are accessible by cycling.

Public transport services pass the site with bus stops available within a short walking distance. Buses operate to a 30-minute frequency on the route that links Frome, Trowbridge, Melksham and

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Chippenham and are timed such that the bus can be used for a range of employment, retail, leisure and educational purposes.

Technical detail –

The development site would be accessed via a priority junction with access taken from the A361 Frome Road.

Because the site extends the built-up area, the proposal originally required the existing 30mph speed limit to be extended to incorporate the proposed site access into the new 'urban' area. This was anticipated to reduce vehicle speeds on the A361 in the vicinity of the proposed access. However, events have moved on since this issue was considered in 2018 and, it is now the opinion of Engineers that this would not be appropriate given the limited site frontage now present on the Frome Road from this development and the neighbouring H2.5 site. The Highways Officer notes in the latest response that:

*“For clarification, the Highway Officer was correct to consider the extension of the 30MPH limit for the 2018 application, given the potential for increased frontage from the opposing site, which has not been forthcoming in their 2020 application.”*

Appropriate visibility splays commensurate for the proposed speed limit can be achieved from the access junction.

Cumulative issues associated with planned delivery of the adjacent Church Lane and Southwick Court developments have been considered and appropriate access arrangements for all three identified in accordance with the WHSAP. These can be delivered separately but also provide suitable overall arrangements for the A361 Frome Road corridor as it passes the sites.

To conclude on highway safety, it has been demonstrated that the construction of the proposed development would not have an unacceptable impact on highway safety and would not have a 'severe' residual cumulative impact on the road network. As such, there are no highway reasons that would warrant withholding planning permission for the proposed development.

### 9.9 Other Matters

#### Section 106

Core Policy CP3 states that all new development will be required to provide necessary on-site and where appropriate off-site infrastructure requirements arising.

The infrastructure items listed below are those that are relevant to the application site and are required in order to mitigate the impact of the proposed scheme, in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework 'The Framework'. These are:

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

The developer has agreed (see appendix H) to the following Section 106 requirements (the calculations are based on the maximum net addition of new homes which is 55):

#### Affordable Housing

CP43 states that on dwellings of 5 or more affordable housing provision of at least 30% will be provided and transferred to a Registered Provider. CP45 also requires affordable dwellings to

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address local housing need and to incorporate a range of different types, tenures and sizes of homes in order to create a balanced community. CP46 requires, in suitable locations, new housing to meet the needs of vulnerable people.

In line with Core Policy 43 an on-site affordable housing provision of 30% would be required. As the site is proposing up to 55 new homes, the on-site affordable housing requirement would be for 17 affordable homes. From this the tenure split would be required to be 60% affordable rented homes and 40% shared ownership homes.

Therefore, the requirement is 10 homes for affordable rent and 7 homes for shared ownership. For the affordable rented homes the indicative property type mix to meet current affordable housing need is:-

- 1 bed 2 person apartments/maisonettes = 2 units (in a 'house-style' arrangement) with the ground floor apartment provided to M4(2) standard with a level access shower rather than bath.
- 2 bed 4 person houses = 3 units
- 2 bed 3 person bungalows = 1 unit provided to M4(2) standard, with a level access shower rather than bath.
- 3 bed 5 person houses = 3 units
- 4 bed 7 person houses = 1 unit

With regard to the remaining 40% i.e.7 affordable homes the requirement would be for shared ownership housing and the current requirement would be for these units to be 2 bed houses and 3 bed houses with an approximate split of 65%/35% i.e. 4 x 2 bed/4 person houses & 3 x 3 bed/5 person houses.

This is as specified by the WC Housing Officer.

### Education

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

In order to achieve this requirement, the proposed development would be required to make the following contributions (based upon up to 55 homes) based on capacity shortfalls at relevant local schools:

- £122,654 for early years,
- £300,128 for primary and
- £252,340 for secondary.

### Waste

A contribution of £91 per dwelling would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development. The total sum for the 55 dwellings would therefore result in £5,005.00.

### Leisure and Play

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 98 of the NPPF. The Leisure and Recreation DPD requires developers to provide public open space.

- Open space – to be confirmed at Reserved Matters stage based upon:



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- 1 dwelling = 34.93m<sup>2</sup> public open space and 1.77m<sup>2</sup> equipped play. Once calculated the amount must be secured in perpetuity. Wiltshire Council will not adopt the POS.
- If, once calculated, the requirement does not meet the minimum for a LEAP (400m<sup>2</sup>) then Trim Trails would be required instead of a LAP (100m<sup>2</sup>) if required.

A sports contribution calculated at £236.00 per dwelling is also required to go towards upgrading provision of Sports/playing pitch contribution of £12,980 is for the upgrade of playing pitch and ancillary provision at Lambrok Recreation Field and Studley Green Community Centre changing rooms, storage and utilities, and/or sports/playing pitch provision within the vicinity of the land.

### Public Art

CP57 requires developments to integrate art and design into the public realm. CP3 promotes art as a type of place shaping infrastructure. Both the PPG and the NPPF state that public art can play an important role in making interesting and exciting places that people can enjoy using whilst it is also listed within the Planning Obligations SPD. Therefore a public art contribution of £300 per dwelling is requested for the applicant to deliver the integration of public art for this site and no more than 10% of this should be spent upon the production of a public art plan. The total sum for 55 dwellings would therefore be £16,500.00.

### Highways & Public Right of Way

CP63 ensures that packages of transport measures will be identified in Trowbridge to help facilitate sustainable development growth through improved network routes, enhanced public transport, traffic management measures, road improvements, which are to be supported and implemented through developer contributions. The contributions considered necessary for this development are as follows:

- Highways - £40,949 for sustainable transport as follows:
  - A contribution of £7,377 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.
  - Bus stop shelter – Whiterow Park - £12,571
  - Church Lane works – pedestrian/cycle improvements - £10,000
  - Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness - £6,000 (sum previously requested for speed limit TRO)
  - Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness - £5,000 (sum previously requested for speed limit works)

### Biodiversity

£777.62 per dwelling (index linked) before development commences to offset residual / in-combination losses.

Contribution of £3,237.20 (index linked) before development commences to account for loss of 1.01 hedgerow units which the planning permission will not be able to deliver on site.

Provision and management of off-site Biodiversity Provision into perpetuity. Off-site Biodiversity Provision must be described as Floodplain Wetland Mosaic (1.25 hectares) in fairly good condition as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and as shown on the Habitat Creation and Management Plan Drawing

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JPW1108-005 (RPS Group, Jan 2022). The habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor will be completed in advance of or alongside vegetation stripping.

Submission of an Off-site Biodiversity Provision completion certificate to the local authority prior to construction commencing. The certificate must demonstrate works to deliver habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor as detailed in the in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) has been completed.

Where a Management Company is being required through the S106 agreement to manage open space across an application site and a LEMP has either been submitted or will be submitted by condition, the S106 should make clear that the Management Company is obliged to manage open space in accordance with the LEMP as approved by the LPA.

### **10. Conclusion (The Planning Balance)**

The site the subject of this application is an allocated housing site known as 'H2.4' in the Wiltshire Housing Site Allocations Plan (WHSAP), and accordingly its development for residential purposes is already established as acceptable as a matter of principle. Although in outline, in essence this planning application is to 'just' consider the finer detail, and specifically the compatibility of the proposal with Policy H2.4 of the WHSAP and the wider Wiltshire Core Strategy. This report demonstrates that there is compatibility.

Regarding the 'benefits' and 'harms' resulting from the proposal – firstly, the benefits are:

- the boost to the supply of land for housing; and
- the provision of affordable housing

.... both of which can be afforded substantial weight given the site is allocated in the Wiltshire site allocation plan via H2.4.

In addition, the proposal would result in some economic benefits through construction and the additional spending of the new population supporting services and facilities in the locality, and these can be afforded a little weight.

It is considered that the proposal in principle would not cause a detrimental impact upon the amenity of existing or future occupiers subject to relevant conditions.

Other matters to be considered on the planning balance are summarised as follows:

- Character and Appearance -  
The impacts on the presently open character of the site can be mitigated through sensitive design and landscaping. This is therefore a neutral consideration on the planning balance.
- Drainage and Flooding -  
The Council's Drainage Team and Wessex Water in their responses have confirmed that the level of detail provided as part of this application proves that there is a deliverable scheme to enable the development to be viable without detrimentally impacting on flood risk and therefore support the application in principle. This is therefore a neutral consideration on the planning balance.
- Biodiversity -

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There are ecological constraints on this site and any development must accord with the Trowbridge Bat Mitigation Strategy.

To do this, the southern hedgerow boundary is to remain and dark corridors have been provided and no roads have been proposed facing onto the green buffer meaning light spill is to be kept to a minimum.

As submitted, the application could have had potential likely significant effects on Bath and Bradford on Avon Bat SAC. But Natural England required further information in order to determine the significance of these impacts and the scope for mitigation. On 09/12/2022 Natural England concurred with the conclusion of the AA to determine no adverse effect on Integrity (AEol) of the Bath and Bradford on Avon Bat SAC.

This is therefore a neutral consideration on the planning balance.

- **Archaeology -**  
Wiltshire Council Archaeologist confirmed that there was no reason for any further archaeological work to be carried out in regard to this proposal and do not see a need for an archaeological condition to be attached to any planning permission that may be issued. This is therefore a neutral consideration on the planning balance.
- **Listed building setting -**  
Wiltshire Council Conservation Officer has no objection to a recommendation for approval subject to the usual controls to secure good design. This is therefore a neutral consideration on the planning balance.
- **Neighbour Amenity -**  
This is considered to be harm that carries limited weight in the planning balance.
- **Highways -**  
It is considered that the construction of the proposed development would not have an unacceptable impact on highway safety and would not have a 'severe' residual cumulative impact on the road network. As such, there are no highway reasons that would warrant withholding planning permission for the proposed development. This is therefore a neutral consideration on the planning balance.

Final Balance -

On balance, it is considered that the proposal would result in no measurable 'harm' to the matters of acknowledged importance, but would have positive benefits in terms of delivering housing. Accordingly, permission is recommended.

### **RECOMMENDATION**

**That the Head of Development Management be authorised to grant planning permission, subject to first completion of a planning obligation / Section 106 agreement covering the matters set out below, and subject to planning conditions.**

#### **S106 matters –**

- Affordable housing – at 30%
- Education – Requirement to be confirmed at reserved matters. Based upon up to 55 homes as follows:
  - £122,654 for early years,
  - £300,128 for primary and
  - £252,340 for secondary.

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- The formulae for re-calculations at Reserved Matters are as per the Education S106 Methodology.
  - All payment is required in full, upon or prior to commencement of development. Phasing of payments is not applicable here, and in view of that, no bond is required. All contributions are to be subject to indexation to the BCIS All In Tender Price Index from date of completion of agreement until payment.
  - The Council require 10 years from the date of receipt of the contributions by the Council, in which to spend/commit in accordance with the S106, before they qualify to be returned.
  - Since the abolition of the CIL pooling limit for S106s the Council does not quote the names of individual schools.
  - A 30% discount is applied to the affordable housing element of an application. This is applied as a reduction to the number of AH units proposed/approved, as part of the process of calculating the number of places generated by the development from the qualifying properties. It is therefore reflected in the standard formulae.
- Open space – to be confirmed at Reserved Matters stage based upon:
    - 1 dwelling = 34.93m<sup>2</sup> public open space and 1.77m<sup>2</sup> equipped play. Once calculated the amount must be secured in perpetuity. Wiltshire Council will not adopt the POS.
    - If, once calculated, the requirement does not meet the minimum for a LEAP (400m<sup>2</sup>) that Trim Trails are proposed instead of a LAP (100m<sup>2</sup>) if required.
    - A sports contribution calculated at £236.00 per dwelling is required to go towards upgrading provision of Sports/playing pitch contribution of £12,980 is for the upgrade of playing pitch and ancillary provision at Lambrook Recreation Field and Studley Green Community Centre changing rooms, storage and utilities, and/or sports/playing pitch provision within the vicinity of the land.
  - Ecology
    - £777.62 per dwelling (index linked) before development commences to offset residual / in-combination losses.
    - Contribution of £3,237.20 (index linked) before development commences to account for loss of 1.01 hedgerow units which the planning permission will not be able to deliver on site.
    - Provision and management of off-site Biodiversity Provision into perpetuity.

Off-site Biodiversity Provision must be described as Floodplain wetland mosaic (1.25 hectares) in fairly good condition as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and as shown on the Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022). The habitat creation works in relation to the Ecology Corridor, Lambrook Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrook Stream Ecology Corridor will be completed in advance of or alongside vegetation stripping.

Submission of an Off-site Biodiversity Provision completion certificate to the local authority prior to construction commencing. The certificate must demonstrate works to deliver habitat creation works in relation to the Ecology Corridor, Lambrook Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrook Stream Ecology Corridor as detailed in the in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) has been completed.

Where a Management Company is being required through the S106 agreement to manage open space across an application site and a LEMP has either been submitted or will be submitted by condition, the S106 should make clear that the Management Company is obliged to manage open space in accordance with the LEMP as approved by the LPA.

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- Highways - £40,949 for sustainable transport as follows:
  - A contribution of £7,377 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.
  - Bus stop shelter – Whiterow Park - £12,571
  - Church Lane works – pedestrian/cycle improvements - £10,000
  - Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness - £6,000 (sum previously requested for speed limit TRO)
  - Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness - £5,000 (sum previously requested for speed limit works)
  
- Waste - £5,005
  
- Arts contribution is 55 x £300 = £16,500:

### **CONDITIONS**

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

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

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

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

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

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

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

4. No application for reserved matters shall be submitted until there has been submitted to and approved in writing by the local planning authority a detailed Phasing Plan for the entire application site indicating geographical phases for the entire development. Where relevant these phases shall form the basis for the reserved matters applications. Each phase shall include within it defined areas and quantities of housing and infrastructure relevant to the phase. No more than 50% of the houses (or no more than a meaningful percentage of houses

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to be first agreed in writing by the local planning authority) to be built in any particular phase shall be first occupied until the infrastructure relevant to the phase has been completed.

The development shall be carried out strictly in accordance with the approved Phasing Plan.

REASON: To ensure appropriate phasing of the development and delivery of the development, and in particular the infrastructure the development has made necessary, in accordance with the overall proposal and good planning in general.

5. The development hereby permitted shall make provision for the following –

- (i) Up to 55 dwellings
- (ii) At least 3.12 ha of public open space, including the Ecology Corridor and the Lambrok Stream Ecology Corridor

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate all of the above broadly in accordance with the "Concept Masterplan' (JPW1108-004 Rev C) dated Mar 2022, the 'Parameter Plan' (JPW1108-003 Rev K) dated Jan 2022, the 'Parameter Plan Notes' (JPW1108-003 Rev I 210930), the 'Habitat Creation and Management Plan' (JPW1108-005) dated Jan 2022, the 'Conceptual Drainage Strategy' (DO1 Rev A) dated 29/09/2021, the 'Pond Cross Sections' (DO2 Rev A) dated 29/09/2021, and the Design and Access Statement dated 17/10/2018.

REASON: To clarify the terms of the planning permission and to ensure the creation of a sustainable development, in accordance with the Wiltshire Core Strategy and the Wiltshire Housing Site Allocations Plan.

6. The 'means of access' to the site shall be provided in accordance with the details shown in drawing no. JNY9623-01 Rev B ('Proposed Access from Frome Road Visibility Splays') dated 01/08/2018.

REASON: To clarify the terms of the planning permission.

7. Prior to the commencement of development details of a Surface Water Mitigation Scheme in accordance with the principles set out in the Flood Risk Assessment (RPS for Parry-Land off Church Lane, Upper Studley, Trowbridge, BA14 0HS, October 2018, Ref: RCEF65635-002R and RPS, RE: EA'S response to FRA supporting planning application Land South of Church Lane, Upper Studley, Trowbridge, Ref:RCEF65635-0035L, 4 July 2019) shall be submitted to and approved in writing by the local planning authority. The Scheme shall include the location and size of the proposed attenuation pond, with allowable discharge rate set at 4.9 l/s. Any requirements for compensatory storage must also be specified. The development shall be carried out in accordance with the Flood Risk Assessment and the approved Surface Water Mitigation Scheme, and in addition there shall be –

- no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change; and
- The mitigation measures specified in the FRA and the Surface Water Mitigation Scheme shall be fully implemented prior to any first occupation of the development and subsequently in accordance with the timing / phasing arrangements embodied within the Surface Water Mitigation Scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: to ensure that the development does not increase flood risk.

8. Prior to the commencement of development details of a groundwater levels allowing for seasonal variations and groundwater assessment must be submitted to the Local Planning Authority for agreement in writing. The agreed details shall then be used to inform the Surface Water Mitigation Scheme referred to in condition 7.

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REASON: to ensure that the development does not increase flood risk.

9. The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
- x. Details of how surface water quantity and quality will be managed throughout construction;
- xi. Details of the safeguarding measures to deal with the following pollution risks:
  - the use of plant and machinery
  - wheel washing and vehicle wash-down and disposal of resultant dirty water
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes
- xii. Details of safeguarding measures to highway safety to include:
  - A Traffic Management Plan (including signage drawing(s))
  - Routing Plan
  - Details of temporary/permanent Traffic Regulation Orders
  - pre-condition photo survey - Highway dilapidation survey
  - Number (daily/weekly) and size of delivery vehicles.
  - Number of staff vehicle movements.
- xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
  - Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
  - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
  - Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
  - Reptile mitigation strategy in accordance with Section 4 of the submitted Reptile Survey Report prepared by RPS (January, 2018).
  - Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
  - Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

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- Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

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

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

10. No development shall commence on site until a Construction Management Plan for Drainage (CMPfD) detailing drainage arrangements during the construction stage has been submitted to and approved in writing by the Local Planning Authority. The development shall at all times be constructed in strict accordance with the approved CMPfD.

REASON: To ensure that the development can be adequately drained without increasing flood risk to others during construction works.

11. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

### INFORMATIVE

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

12. Prior to commencement of development a foul drainage strategy/programme shall be submitted to the local planning authority for approval in writing setting out any capacity works to be provided by the sewerage undertaker. The development shall be carried out in accordance with the approved strategy/programme.

REASON: To ensure adequate foul drainage systems are available for the development.

13. The detailed designs of the houses shall make provision for a minimum of 55 integrated swift nest bricks in north, west and/or east elevations.

REASON: Provision of integrated swift bricks in the development will contribute towards demonstrating compliance with government policies and guidance as the new dwellings can themselves be an important biodiversity enhancer by providing a new habitat in a 'Built Environment' that previously did not exist.



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14. No part of the development hereby permitted shall be first occupied until full details, including relating to phasing/timescales for provision, of the pedestrian and cycle links to be provided between the site and Acorn Meadow, Church Lane and Southwick Country Park, have been submitted to and approved in writing by the LPA. The said links shall thereafter be provided in accordance with the approved details/timescales and maintained in perpetuity thereafter.

REASON: To ensure that adequate pedestrian/cycle links are provided to the site.

15. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will detail long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and required by the BNG assessment including, but not exclusively: Wildlife ponds and wetland for SUDS, Floodplain Wetland Mosaic (wet grassland, scrapes, reedbed), Native tree and scrub planting, Semi-natural neutral meadow grassland and retained hedge, scrub and trees. The LEMP will include:

- A phasing plan demonstrating the timing of habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor will be completed in advance of or alongside vegetation stripping.
- A plan specifying the location and type of integral bird nesting features (including for swift) and bat roosting features to be provided.
- A mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.
- Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

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

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

16. In accordance with condition no. 2, no development within any Phase of the development hereby approved shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- minor artefacts and structures (e.g. signs, etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

The scheme shall be informed by the Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022).

All soft landscaping comprised in the approved details of landscaping for any particular Phase of the development shall be carried out in the first planting and seeding season following the

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first occupation of any building within the Phase or the completion of the Phase whichever is the sooner; all shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and in the interests of wildlife.

17. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

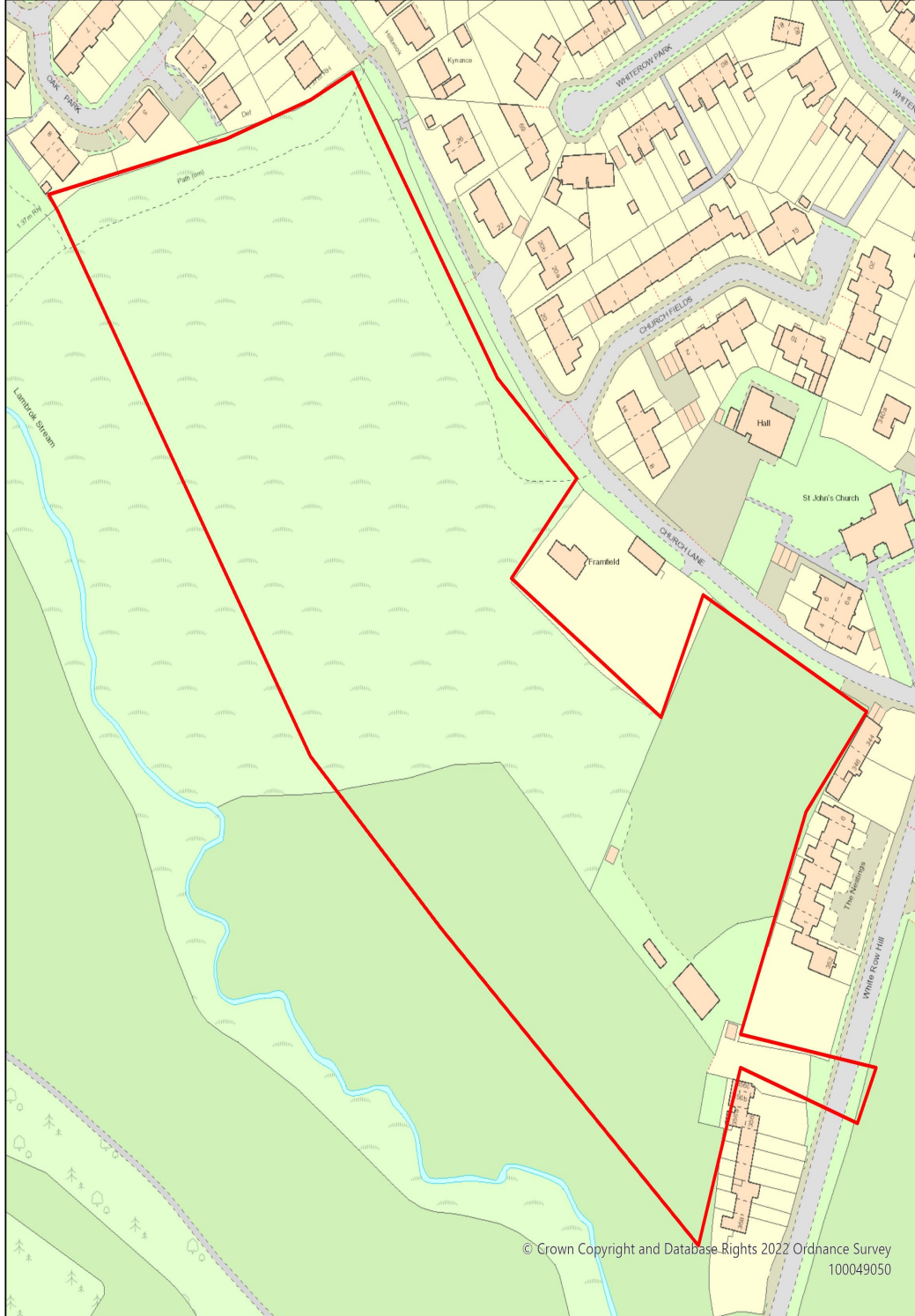
Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy February 2020 are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed. This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

**REASON:** In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

### **Appendices**

Location Plan	Appendix A
Concept Masterplan	Appendix B
Parameters Plan	Appendix C
Details Site Access Plan	Appendix D
Habitats Creation and Management Plan	Appendix E
Appropriate Assessment	Appendix F
Natural England Agreement	Appendix G
S106 Heads of Terms Agreement	Appendix H



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