

## Agenda Item No. 7

Title:	<b>River Biss Public Realm Design Guide (PRDG) SPD</b>
Portfolio holder:	<b>Cllr Michael Mounde – Economic Development &amp; Planning</b>
Reporting officer:	<b>Adam Nardell – Regeneration Manager James Sherry – Planning Policy and Conservation Manager</b>

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### **Purpose**

Formally to endorse the amended River Biss Public Realm Design Guide as a Supplementary Planning Document (SPD) and recommend its adoption by the Implementation Executive.

Copies of the SPD are available in the Members' room and from Member Support (01225 776655 ext. 242).

### **Background**

The South West Regional Development Agency (SWRDA) has funded the Council's employment of specialist consultants, Halcrow, to develop the public realm design guide through to adoption as an SPD.

The Draft River Biss Public Realm Design Guide went out for public consultation for 6 weeks at the end of July in accordance with the Statement of Community Involvement and Statutory Consultation Requirements.

On 4 November 2008 Cabinet recommended to Council that the SPD be adopted, and asks Council to note the section dealing with flood risk (6.9).

### **Key Issues**

In order to maximise the potential of the Biss corridor in Trowbridge town centre it is important to avoid a piecemeal approach and to set the standard for new public areas and cycle/pedestrian routes.

### Scope of the Guidance

The River Biss Public Realm Implementation and Design (PRDIP) Guide covers the length of the River Biss between Biss Meadows and Bradford Road.

### Previous Consultation

This document has been drafted after consultation with councillors, local landowners' agents and other relevant interest groups and stakeholders. There

were also a number of exhibitions held at the Civic Hall, Trowbridge Library and The Shires Shopping Centre as well as via the Transforming Trowbridge website.

### Content and Purpose of the SPD

The River Biss PRDIP provides guidance on specific design elements and details along the river corridor, including a pallet of materials and suggestions for street furniture. The Design Guide identifies the different character and functions of stretches of the river corridor, and based on existing district plan policy seeks to identify opportunities and best practice.

The aim of this document is to assist the district council and developers in the creation of a distinctive, high quality identity for the River Biss corridor.

### Options

Adopting this document as an SPD will ensure that it is a material consideration in the determination of future planning applications. Without an SPD there is a risk that the different areas of the river corridor will not be integrated into the wider concept and opportunities will be missed.

This Design Guide is intended for use by Developers and Planning Officers in assessing proposals affecting the river corridor, and understanding the Councils aspirations for the public environment

### Public Consultation Summary

A number of representations were received which have been considered by officers and have resulted in some amendments to the draft document:

The public consultation exercise included:

- Public notices in local newspapers;
- Notice and SPD documents were put on the Consultations page of the West Wiltshire District Council website and on the Transforming Trowbridge website;
- Copies of the draft SPD were made available at the West Wiltshire District Council offices as well as at Trowbridge Public Library and the Town Council offices;
- All statutory consultees were sent a written consultation request.

In addition, the owners/agents and/or developers of individual sites covered by the Draft SPD were contacted directly and sent an electronic copy of the document. Meetings with regards to the content of the document were also encouraged.

### **Consultation Reponses Received**

<b>Source</b>	<b>Representation Summary</b>	<b>Officer Response</b>	<b>Changes made</b>
English Heritage	There is much to commend within this document and EH look forward to working with the Council in support	None required	

Source	Representation Summary	Officer Response	Changes made
	of its delivery.		
	The SPD provides advice on site and public realm design matters should it be renamed "River Biss Design Guide"	The illustrative site specific advice is aimed at the public realm and detailed design of buildings etc.	None
	Objective 1 should refer to the "historic and environmental character	Agreed	Wording of objective 1 amended as proposed
	EH guidance has been produced with regard to new developments in historic environments which also provide useful guidance	Agreed	These publications have been referenced, see paragraph 6.2.
	The SPD needs to explain how the site specific design guidance has been derived.	It was felt that, bearing in mind the extensive research and guidance produced within the Trowbridge UDF, the inclusion of analysis material should be kept to a minimum and the actual design guidance should form the main part of the document.	None
	No reference is made to archaeology, how it might be preserved or revived and used as a reference to inform change.	It is not felt that a public realm document is the place for such information. There are policies within the LDF requiring consideration of archaeology.	None
	It should be recognised that the historic buildings are part of the town's culture.	Agreed	New paragraph 6.11.2
Environment Agency	The EA welcomes the creation of this document and supports its proposals for the River Biss	None required	
	Objective 5 should be reworded to say "enhance the environment and reduce floor risk"	Agreed	Objective 5 now states "To improve the environment, reduce flood risk and enhance biodiversity along the River Biss

Source	Representation Summary	Officer Response	Changes made
			corridor”
	Objective 5 needs more reference to flood risk. (the EA have identified some specific text)	Agreed	See section 6.9 which has utilised the specific EA recommendations
	The EA cannot agree with recommendations if they increase flood risk, consequently the scenarios proposed should be tested through hydraulic modelling.	Bearing in mind the illustrative nature of the master plan the onus must be on developers to undertake hydraulic modelling before finalising their proposals.	See sections 6.9 and 10 which highlight the applicants/developers responsibility to undertake suitable flood risk assessments.
	Biodiversity are particularly keen to see the actions in section 8 implemented.	None required <b>Note this is now Section 7</b>	
	The EA would be keen to see the retaining walls in the People’s Park removed.	None required	
	The flood risk implication of cutting the sheet pile defences within the Bowyers site and care must be taken to differential formal weir structures from pipe crossings	Again the onus is on the developer or applicant to identify detailed works and assess the flood implications.	None required
	Tesco have a licence to abstract water from the pond within Biss Meadows and must be consulted prior to any works taking place	Noted	
	On potentially contaminated sites PPS23 and the EA’s “Groundwater Protection Policy & Practices” must be considered and SuDS may not be suitable.	Noted	
District Ecologist Wiltshire County Council	This document is strongly supported. In particular the low flow channel and suggested works to weirs.	None required	
	Figure 7.3 potentially leaves considerable	Agreed	See paragraph 6.10.5

Source	Representation Summary	Officer Response	Changes made
	canalised lengths of river without areas for animals such as otters to get out of the water.		Note the Figure is now number 6.3)
	The identification of the need to create “where possible a continuous wildlife corridor” is too weak and undermines the objective.	The District Council is reliant on redevelopment and priority with regards to the potential sources of funding to implement improvements. Some areas of land are also out of the District Council’s control. Nevertheless, it is agreed that this should not undermine the objective.	The words “where possible” have been removed.
	It is not clear what role the references to the UDF perform, in particular, in Section 8.14 it seems to suggest gabion planting as the priority	The quotes from the UDF are intended to reference back to the parent document. In this circumstance it is agreed that it undermines the detailed proposals within the SPD.	This quote has been removed.
	A new sentence suggested for paragraph 9.11.2	Agreed	Note this is now paragraph 8.11.2
DTZ on behalf of Vision Capital	Vision Capital supports the document in principle.	None required	
	Figure 7.1 appears to identify existing uses but it is titled “proposed uses and activates”.	This plan is based on existing uses and planning proposals which are currently in the pipeline.	New title is “Existing and proposed predominant land uses and activities”
	Figure 7.2 identifies the cycle route but not the pedestrian route.	The main cycle route is intended to be for both pedestrians and bicycles.	The key has been changed. Note: now Figure 6.2
	Identifying the location of a Bowyers Park pre-empt Vision Capital’s masterplanning exercise.	The masterplan is an illustrative part of this document,, and the earlier plans form part of the assessment but are not requirements, only guidance.	The word potential has been put in front of Bowyers Park. Note now shown on Figures 6.2 and 6.3
	Figure 7.4 shows a priority lighting route which again pre-empt Vision Capital’s masterplanning exercise.	The priority lighting route is identified as following the cycle route.	The need for lighting the priority cycle route has been identified in the text and taken off of the plan.
	Change in order suggested for paragraph 10.5.4	Agreed	Note: this is now paragraph 9.5.8.
	Paragraph 10.5.7	Agreed	Note: this is now

Source	Representation Summary	Officer Response	Changes made
	should not make reference to the retention of the existing right of way as it may be necessary to move the right of way.		paragraph 9.5.10
	Change in order suggested for paragraph 10.5.9	Agreed	Note: this is now 9.5.12
	Paragraph 10.5.11 should be removed as it is too prescriptive.	Agreed	Paragraph removed
	Reference to a 15m set back in paragraph 10.5.12 is too prescriptive.	Agreed	This paragraph now references only the EA requirement for an 8m set back (subject to site constraints) Note: this is now paragraph 9.5.13
	A number of changes are proposed for the "Design Guidance" list	Agreed	Note: this is now called the "Design Checklist"
DTZ on Behalf of Wiltshire College	Wiltshire College supports the objectives of the SPD	None required	
	Pages 55-58 sets out detailed guidance for the Bowyers site which was derived prior to the potential mixed educational/mixed use.	During the drafting of the document we were aware of this potential mix, but considering no application was submitted it was not public information and could not be directly referred to. Nevertheless, this supports this mix of uses.	None required
	The detailed guidance is considered too prescriptive.	The detailed guidance is illustrative. Nevertheless, in the absence of any application for this site the SPD covers only the area adjoining the river and the listed buildings in order to ensure there are no pre-conceived ideas with regard to the layout and use of the majority of the site.	None required
	The design process currently being undertaken on behalf of Wiltshire College and Vision capital may suggest a different	This part of the SPD is illustrative and a different approach may be considered more appropriate. Any public realm approach that meets with the objectives of this SPD	None required

Source	Representation Summary	Officer Response	Changes made
	configuration of space to that shown in the SPD.	will be permissible.	
	Paragraph 10.5.7 identifies the need to retain the existing right of way. The potential for a diversion may be required	Agreed	Note: this is now paragraph 9.5.10
	Paragraph 10.5.12 of the draft SPD suggests a 15m public realm area adjacent to the river. This is too prescriptive.	Agreed	This paragraph now references only the EA requirement for an 8m set back.
GVA Grimley	It would appear that the managers of Castle Place Shopping Centre have not been directly consulted.	It was not felt necessary to consult the centre managers as Castle Place Shopping Centre as GVA Grimley were originally asked to name any individuals or organisations they felt needed to be consulted, but did not respond.	None required
	Section 10 of the SPD is too detailed	This is the masterplan and has been clearly highlighted as illustrative in the opening paragraphs.	None required
	Paragraph 10.9.6 and the accompanying plans identify that the cycle route should run along the northern side of the river with no justification	The St Stephens Place site is by far the larger site and has far greater capacity to provide a cycle route. This is also consistent with the current right of way. In addition, to locate the cycle route on the southern side of the river would result in cyclists needing to cross the river twice as this site has no direct link to the Biss Meadows.	None required.
	Paragraph 10.9.9 refers to the previous consent which has lapsed and does not present the only design solution.	Agreed	The wording has been revised.  Note: this is now paragraph 9.9.10

Officer representations have also been considered, which has resulted in some restructuring of the final chapters as well as the formatting and arrangement of the illustrative masterplan.

## **Effect on strategies and codes**

This report is in line with the Council's objectives in the Transforming Trowbridge Initiative and the Corporate Plan and the Local Development Framework.

This document supports existing policies within the West Wiltshire District Council District Plan First Alteration (June 2004) as well as the Trowbridge Urban Design Framework (September 2004). It has also been included as part of the updated Local Development Scheme.

## **Risk Management Implications**

Halcrow undertook a series of targeted consultation exercises and the public consultation has been undertaken in accordance with statutory requirements. The representations received have not sought to question the legitimacy of the document and the illustrative nature of the masterplan ensures that it meets with statutory requirements for SPDs.

## **Financial Implications**

The production of an SPD will add weight to future bids for grants for enhancement schemes, which would in turn encourage investment in the public realm.

## **Legal and Human Rights Implications**

As with any SPD it can expand on existing policy within the LDF, but cannot create new policies or allocate land uses.

The District Council's constitution requires that a policy document must be approved by a meeting of the full Council before it can come into affect. However, under the 2008 Local Government (Structural Changes) (Transitional Arrangements) Regulations which govern the period leading up to the formation of the new unitary Wiltshire Council in April 2009, new policy can only be adopted by the Implementation Executive. It is therefore recommended that the District Council should, in turn, recommend that the Implementation Executive should adopt the SPD as planning policy for the West Wiltshire District.

## **Next Steps**

If the Council agrees the text of the SPD, it will be passed to the Implementation Executive for adoption.

## **Recommendation**

That the Council endorse the SPD and recommend its adoption by the Implementation Executive as planning policy for West Wiltshire.

Statement of reason for key decision	This is not a key decision as it requires approval by Council.
Options considered and rejected	Not producing an SPD. This would be likely to result in a piecemeal character and the Council would not have the necessary information to apply for public realm enhancement funding.
Date of implementation	18 <sup>th</sup> November 2008

### **Background Papers**

River Biss PRDG SPD  
River Biss PRDG Sustainability Appraisal

LDF Policies  
West Wiltshire District Plan First Alteration (June 2004)  
Urban Design Framework for Trowbridge (Sep 2004)