

# **WESTERN AREA PLANNING COMMITTEE**

**7 October 2009**

## **Planning Applications for Determination**

<b>Item No.</b>	<b>Application No.</b>	<b>Location</b>	<b>Parish</b>	<b>Page No.</b>
01	08/00255/OUT	The demolition of the existing building and redevelopment of the site for a mix of uses including a food store, cafes, bars and restaurants, a hotel, residential apartments and associated access, car parking, landscaping and the ecological enhancement of the River Biss - Former Peter Black Toiletries Mortimer Street Trowbridge Wiltshire	Trowbridge	1
02	W/09/01750/FUL	Residential development for 54 new build dwellings and conversion of existing building to 2 dwellings - Mowlems Wynsome Street Southwick Wiltshire BA14 9RA	Southwick	37
03	W/09/02386/FUL	Mobile home, day room and caravan - Land South West Of Bonnie Farm Court Lane Bratton Wiltshire	Bratton	51

# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 01

<b>Date of Meeting</b>	<b>07.10.2009</b>		
<b>Application Number</b>	<b>08/00255/OUT</b>		
<b>Site Address</b>	<b>Former Peter Black Toiletries Mortimer Street Trowbridge Wiltshire</b>		
<b>Proposal</b>	<b>The demolition of the existing building and redevelopment of the site for a mix of uses including a food store, cafes, bars and restaurants, a hotel, residential apartments and associated access, car parking, landscaping and the ecological enhancement of the River Biss</b>		
<b>Applicant</b>	<b>Parkridge Developments And Waitrose</b>		
<b>Town/Parish Council</b>	<b>Trowbridge</b>		
<b>Electoral Division</b>	<b>Trowbridge East</b>	<b>Unitary Member:</b>	
<b>Grid Ref</b>	<b>385696 157592</b>		
<b>Type of application</b>	<b>Outline Plan</b>		
<b>Case Officer</b>	<b>Mr Kenny Green</b>	01225 770344 Ext 174 kenny.green@wiltshire.gov.uk	

## REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

At the meeting of 22 April 2008, the Committee resolved that the Area Development Manager be authorised to grant permission on completion of a legal agreement within 3 months of the date of this resolution to secure:-

- \* That the occupier of the foodstore shall not already be present in the town of Trowbridge;
- \* A 30% Affordable housing contribution provided, with 83% of this percentage to be provided on site for rented accommodation and 17% to be provided as a commuted sum for off site provision (the mix of the units shall be subject to further negotiation involving the Council's affordable housing enabler).
- \* An education contribution towards the provision of 8 primary places (currently costed at £11,356 each) and 6 secondary places (currently costed at £17,351 each), totalling £194,954, as required by the Council;
- \* A financial contribution towards the enhancement and maintenance of a local children's play area to make up for the public open space shortfall;
- \* A financial contribution, a transport phasing plan and provision of accessibility improvements generated by the proposal. These shall include public transport improvements, enhanced linkages between the site and the town centre, the future provision of a foot bridge over the river Biss, variable message signing to the car park, a servicing management plan, and a car park management plan.
- \* A financial contribution of £100,000 (index linked) for the provision of a foot bridge crossing over the river Biss, following further negotiations with the Council, the Environmental Agency and the owners of the St Stephen's place site.

The reason for granting permission and conditions and informatives were also agreed by committee at the meeting on 22 April and are listed in the recommendation at the end of the report

This report is brought to committee because negotiations to complete the agreement have exceeded the three month period specified in the committee resolution and the Area Development Manager now has no authority to issue a decision under that resolution.

## Previous reports

Details of the application are contained in the reports to the West Wiltshire District Council Planning Committee at its meeting of 19 June, 2008 and the interim west area planning committee at its meeting of 22 April, 2009. Copies of those reports are appended.

## **Planning Considerations**

The agreement was completed on 24 September, 2009. However as this is outside the three month period stated in the committee resolution of 22 April, the Area Development Manager has no authority to issue a decision under that resolution

## **Conclusion**

The agreement has been completed and it is recommended that planning permission be granted for this development for the reason and subject to the conditions agreed at the meeting of 22 April 2009.

- Recommendation:**      **The Area Development Manager be authorised to grant permission on completion of a legal agreement within 3 months of the date of this resolution to secure:-**
- \* That the occupier of the foodstore shall not already be present in the town of Trowbridge;**
  - \* A 30% affordable housing contribution provided, with 83% of this percentage to be provided on site for rented accommodation and 17% to be provided as a commuted sum for off site provision (the mix of the units shall be subject to further negotiation involving the Council's Affordable Housing Enabler).**
  - \* An education contribution towards the provision of 8 primary places (currently costed at £11,356 each) and 6 secondary places (currently costed at £17, 351 each), totalling £194,954, as required by the Council;**
  - \* A financial contribution towards the enhancement and maintenance of a local children's play area to make up for the public open space shortfall;**
  - \* A financial contribution, a transport phasing plan and provision of accessibility improvements generated by the proposal. These shall include public transport improvements, enhanced linkages between the site and the town centre, the future provision of a foot bridge over the River Biss, variable message signing to the car park, a servicing management plan, and a car park management plan.**
  - \* A financial contribution of £100,000 (index linked) for the provision of a foot bridge crossing over the River Biss, following further negotiations with the Council, the Environment Agency and the owners of the St. Stephen's Place site.**

## **For the following reason(s):**

**The proposed development conforms to the Development Plan and the legal agreements and the conditions attached to it overcome any objections on planning grounds:**

## **Subject to the following condition(s):**

- 1      The development hereby permitted shall begin 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, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2      Application for approval 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: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 3 Approval of the details of the design and the external appearance; ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 4 The gross internal area of the food store hereby permitted shall not exceed 2712 metres square. The net sales and display areas (defined as all areas used for the display and sale of goods, including floor spaces used for checkouts, customer circulation and customer services, but excluding entrance/exit lobbies, customer toilets, any cafe and automated teller machines) shall not exceed 1657 metres square, of which not more than 75% of the net sales and display area shall be used for the sale of convenience goods.

REASON: In order to protect the vitality and viability of the town centre.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies SP1 and SP3.

- 5 No part of the net sales and display area (defined as all areas used for the display and sale of goods, including floor spaces used for checkouts, customer circulation and customer services but excluding entrance/exit lobbies, customer toilets, cafe and Automated Teller Machines (ATMs)) of the foodstore hereby permitted shall be given over to any dry cleaning services, key cutting, shoe repair, photographic, or pharmacy services dispensing medicines by prescription or post office counter services.

REASON: In order to protect the vitality and viability of the town centre.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies SP1 and SP3.

- 6 That prior to the commencement of any development on the site, the developer shall undertake the following:-

1. A site investigation and risk assessment for chemical contamination;
2. Provide a remediation plan and report where applicable upon the discovery of any chemical contamination on the site;
3. Remediation validation works setting out the measures for maintenance, further monitoring and reporting to the satisfaction of the Council as planning authority.

The site investigation works shall be carried out in line with the main procedural requirements of BS 10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice. The requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment, the Environment Agency R & D Publication 20 - "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

For the avoidance of any doubt, should the applicant/developer make changes to the above listed assessments, remediation plan and/or the remediation report following its acceptance, further written approval would be required before the development hereby approved is brought into use.

REASON: In order to safeguard human health.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy C38

- 7 Deliveries and servicing to the foodstore hereby permitted shall be limited to the hours of 0700 - 2300 hours Monday to Saturdays, and 0900 - 1800 hours on Sundays and Bank Holidays.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy C38.

- 8 Whilst in the servicing and delivery yard, any delivery vehicle's engine, including lorry and van engines, shall be switched off during loading and unloading.

REASON: In order to safeguard the amenity of the area.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy C38.

- 9 That during the construction phase, no plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays, or at any time on Sundays or Bank Holidays

REASON: In order to safeguard the amenity of the area.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C36 and C38.

- 10 The design of all the residential units shall minimise the exposure of habitable rooms to levels of road traffic noise in or above NEC B, as defined in Planning Policy Guidance Note 24 - Planning & Noise. Where habitable rooms are exposed to noise levels in category B or above, a scheme shall be submitted to and approved by the Local Planning Authority before the commencement of any works on site, to ensure that internal noise levels comply with the guidance given in BS8233:1999. The works shall be undertaken in accordance with these approved details.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy C38.

- 11 An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -

A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;

A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005;

A schedule of tree works conforming to BS3998;

Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;

Plans and particulars showing the siting of the service and piping infrastructure;

A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas to be constructed using a no-dig specification;

Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and

Details of all other activities, which have implications for trees on or adjacent to the site.

Upon approval:

The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and

The whole scheme shall be subsequently retained.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

POLICY: West Wiltshire District Plan - First Alteration June 2004 - Policy C32.

- 12 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.

The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres outside the group canopy.

Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.

The fences shall not be removed without the consent of the Local Planning Authority until the whole of the development is complete

REASON: To ensure that existing trees of value are adequately protected.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C40.

- 13 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 14 Prior to the commencement of any work on the site, details of all security measures including CCTV proposed for the development shall be submitted to and approved in writing by the Council, as planning authority, and the works shall be carried out in full accordance with the approved details.

REASON: To the interests of public safety.

- 15 Details of the hours of operation for all proposed uses on the site shall be submitted to and approved in writing by the Council as Planning Authority prior to development commencing on the site.

REASON: In the interests of protecting the amenity of the area

- 16 The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow the archaeologist to observe the excavations and record items of interest and finds.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C16.

- 17 No development, hereby permitted, shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C14 & C15.

- 18 Prior to the commencement of the development hereby permitted, further ecological surveys, investigating and recording details of all protected species and their habitats, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority (following consultation with the Environment Agency). Development shall then only be carried out in accordance with the approved details.

REASON: In the interests of natural species which have statutory protection.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C7 & C9.

- 19 Details of lighting for the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase of the development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35.

- 20 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of any bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

For the avoidance of any doubt, any oil storage facility of 200 litres or more must include a bund and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001").

[Site occupiers intending to purchase or install pollutant secondary containment (bundings) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity. Pollution Prevention Guidance 2 (PPG2) provides advice on ground storage of oil].

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 21 All surface water drainage from impermeable parking areas and hardstanding for all vehicles shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

For the avoidance of any doubt, detergents entering oil interceptors may render them ineffective. A closure valve is therefore necessary to be installed at the oil separator outlet so as to contain any pollution material (in the event of an emergency).

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 22 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall utilise Sustainable Drainage Principles and shall not result in an increase in the rate and / or volume of surface water discharge to the local land drainage system. The works shall be undertaken in accordance with the approved details.

REASON: To ensure that the development can be adequately drained.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.

- 23 Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C7, C9 & U4.

- 24 No part of the development hereby permitted shall take place until a construction stage plans have been submitted to and approved in writing by the Local Planning Authority. The plans will need to agree the routing and timing of construction traffic, together with identifying the need for any temporary traffic orders that may be necessary. These works shall be undertaken in accordance with these approved details.

REASON: in the interests of highway safety.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies H4 and SP3.

- 25 A Travel Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the retail phase of the development. The Travel Plan shall include measures to minimise vehicle movements to the foodstore and a timetable for implementation, and shall be implemented in accordance with the approved scheme.

REASON: In pursuit of sustainable transport objectives.

- 26 Details of public art features shall be submitted to and approved in writing by the Council as planning authority and be implemented prior to the completion of the built development.

REASON: In order to promote public art within the development.

- 27 No development shall take place until a schedule of the materials and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C31A.

- 28 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas for each phase of the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.

REASON: To ensure that the development harmonises with its setting and provides clearly defined linkages to and from Trowbridge Town Centre.



POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A and Planning Policy Statement Planning Policy Statement 6 - Planning for Town Centres.

- 29 Details of the existing and the proposed land levels across the site, illustrated by means of spot heights, contours and sections across the site, and demonstrating the relationship between the proposed development and the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details. There shall be no land raising unless approved under the terms of this condition.

REASON: In the interests of proper planning of the area.

- 30 Details of all the associated storage areas for wheeled refuse bins for all the on-site uses shall be designed so as to minimise their impact on the appearance of the street scene, which shall be submitted to and approved in writing by the Council as planning authority. The approved storage area shall be provided prior to the buildings on the relevant phase of the development being first occupied and shall be maintained as such thereafter.

REASON: In the interests of the appearance of the street scene.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C31A.

- 31 Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations associated to the hot food take-away outlet hereby granted outline permission. Prior to any commencement of work on site, details of the equipment to be used to provide acceptable levels of ventilation and filtration and at the same time limit noise and air pollution, shall be submitted in writing and be approved in writing by the Local Planning Authority. All equipment shall be installed in accordance with the approved details and in full working order to the satisfaction of the Local Planning Authority for the lifetime of the development.

REASON: In order to safeguard the amenities of the area in which the development is located.

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

- 32 Details of pollution prevention shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase of the development. The scheme shall only be carried out in accordance with the approved details which should cover the following:-

1. Site security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillage events will be dealt with
4. Containment of silt/soil contaminated run off
5. Disposal of contaminated drainage, including water pumped from excavations
6. Site induction for workforce highlighting pollution prevention and awareness

For the avoidance of any doubt, any invitation for tenders for sub-contracted works must include a requirement for details of how the above listed elements will be implemented.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C7, C38 & U4.

- 33 The development hereby permitted shall not be commenced until foul drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority (following consultation with Wessex Water). The works shall be undertaken in accordance with the approved details.

REASON: To ensure that the development can be adequately drained and to prevent pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1a.

- 34 That no building or land use shall be brought into use unless and until adequate sewerage infrastructure is in place to receive foul water discharges to the satisfaction of the Local Planning Authority (following consultation with Wessex Water regarding the availability, location and adequacy of the treatment facilities).

For the avoidance of any doubt, contaminated drainage or trade effluent should be directed to the public foul sewer provided that adequate capacity is available for additional flows.

REASON: To ensure that the development can be adequately drained and to prevent pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1a.

- 35 Details of inspection manholes shall be provided and clearly identified on the foul and surface water drainage systems in accordance with a scheme to be submitted to and approved by the Local Planning Authority (following consultation with Wessex Water and the Environment Agency).

REASON: In enable discharges from individual premises or buildings to be appropriately inspected and sampled.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy U1A

- 36 That prior to the commencement of works of site, a flood plan (including a suitable warning and emergency/evacuation procedures) with a flood resilience scheme showing details on flood risk handling, flood water conveyance and compensatory flood storage shall be submitted to and approved in writing by the Local Planning Authority (following consultation with the Environment Agency)

REASON: To ensure that there is appropriate level of flood risk handling

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy U3

- 37 That prior to the commencement of works of site, a scheme providing vehicular access to and along the left bank of the River Biss (at any and at all times throughout the year) shall be submitted to and approved in writing by the Local Planning Authority (following consultation with the Environment Agency)

REASON: To ensure that there is adequate access provided to to enable the Environment Agency to maintain the River Biss and implement works to reduce flood risk in the locality.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C9 & U3

- 38 That prior to the commencement of works of site, a revised landscape strategy clarifying the proposed treatment of the riverbank shall be submitted to and approved in writing by the Local Planning Authority (following consultation with the Environment Agency)

REASON: To rectify the irregularities shown within the revised FRA which states that the existing riverbank habitat would be retained despite it being re-profiled to accommodate the walkway.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C7, C9 & C32.

- 39 That for the avoidance of any doubt, the finished ground floor levels shall be set no lower than 36.7 metres above ordnance datum level to provide 300mm freeboard on the 1 in 100 year (after predicted climate change) flood level to the satisfaction of the Local Planning Authority (following consultation with the Environment Agency)

REASON: To ensure that there is appropriate level of flood risk handling

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy U3

- 40 A plan and schedule indicating the proposed phasing of the development of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed phasing. The works comprised in each phase of the development shall be completed before the works comprised in the next phase are commenced.

REASON: In the interests of proper planning of the area.

**Informative(s):**

- 1 The developer is advised that should any protected species or habitats be found following the required additional ecological survey work, Natural England and the Wiltshire Wildlife Trust should be contacted so as to accord with the Wildlife and Countryside Act 1981.
- 2 The developer is advised to contact Wessex Water to arrange points of contact onto the public water and sewerage system/apparatus.
- 3 The applicant/developer is advised to adopt a trolley management system to restrict the removal of trolleys from the site (and in particular prevent access for trolleys to the River Biss) which should be submitted to and approved by the Local Planning Authority.
- 4 The applicant/developer is advised that all wastes must be stored in the designated areas, which are isolated from surface drains.

If storing or treating waste from a contaminated area of the site, a waste management licence may be required. Skips should be covered to prevent dust and litter being blown out and rainwater accumulation should be regularly inspected and replaced when full.

If controlled wastes are to be utilised for construction purposes, the developer must register the activity with the Environment Agency. Waste from the development must be re-used, re-cycled or otherwise disposed of in accordance with waste management legislation and in particular the Duty of Care. Further guidance can be obtained from <http://www.environment-agency.gov.uk>

Any movements of hazardous waste from the site must be accompanied by hazardous waste consignment notes.

The Environment Agency must be notified immediately following any incident likely to cause pollution.

All waste oils must be collected and contained prior to disposal in an approved manner. All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway.

Vehicle loading or unloading bays and storage areas involving chemicals, refuse or other polluting matter must not be connected to the surface water drainage system.

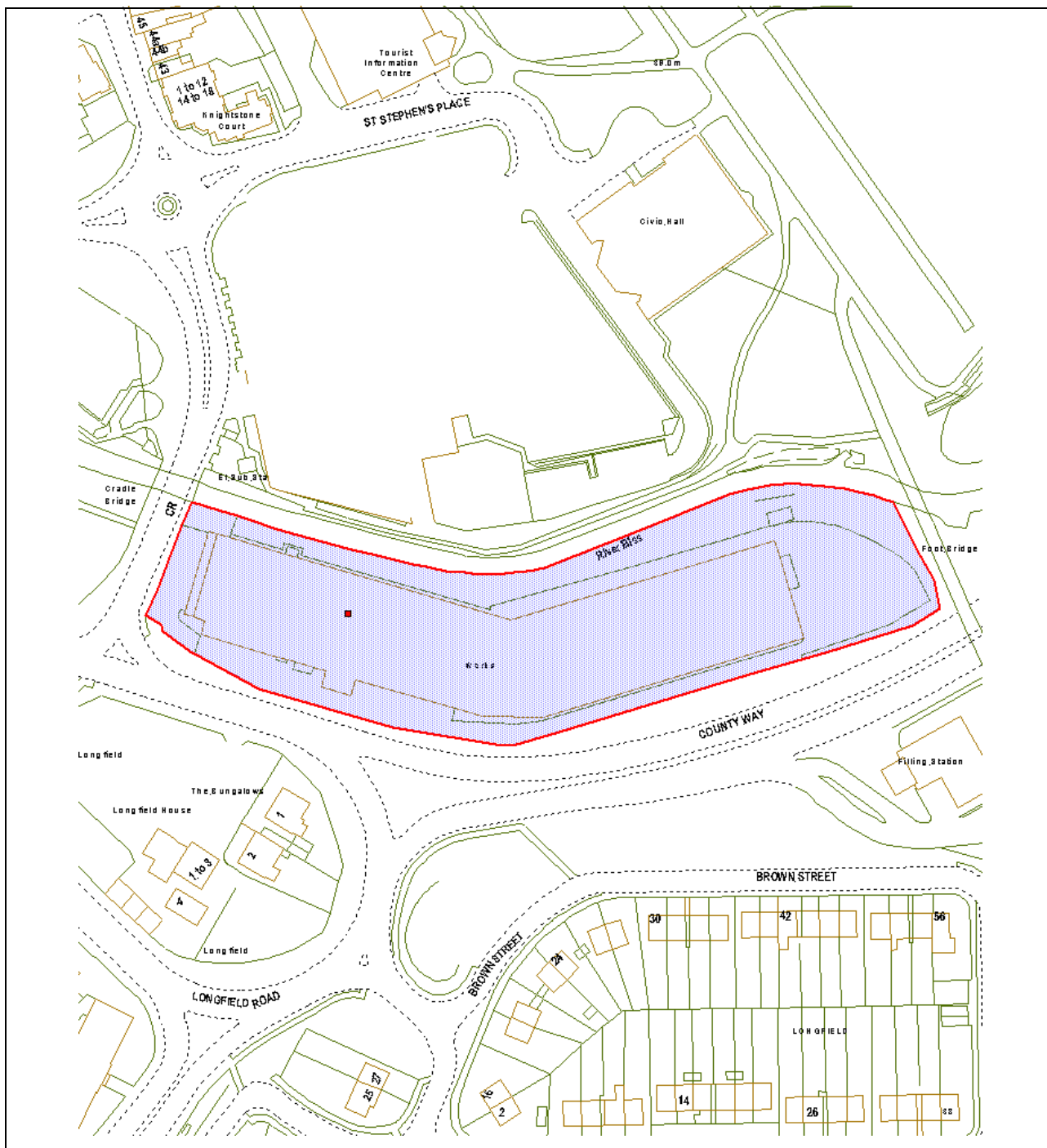
All wash down and disinfectant waters must be discharged to the foul sewer with the prior approval of the sewerage undertaker.

Areas designated for the storage of food waste skips must be sited in areas draining to the foul sewer, particularly if a compactor is to be used on the site.

The site must be drained by a separate foul and surface water drainage system, with all clean roof and surface water being kept separate from the foul water. Only clean uncontaminated surface water from roofs and un-trafficked paved areas should be discharged to any controlled watercourse.

All foul drainage, including contaminated surface water run-off, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with a connection to a watercourse.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

## RELEVANT APPLICATION PLANS

Drawing : 2427 1010 received on 23.01.2008  
Drawing : 400-001-PL B received on 11.03.2008  
Drawing : 2427 3000 received on 23.01.2008  
Drawing : 400-004-PL B received on 11.03.2008  
Drawing : IMA-07-127-008 received on 23.01.2008  
Drawing : 2427 2111 received on 23.01.2008  
Drawing : 2427 2112 received on 23.01.2008  
Drawing : 2427 1100 received on 23.01.2008  
Drawing : 2427 2110 received on 23.01.2008  
Drawing : 400-002-PL A received on 11.03.2008  
Drawing : 400-003-PL A received on 11.03.2008  
Drawing : 400-005-PL B received on 11.03.2008

Drawing : 400-006-PL B received on 11.03.2008

## **APPENDIX 1 - REPORT TO COMMITTEE OF 22.04.09**

### **REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE**

The application as set out in the officer's report (Appendix 1), which was recommended for approval by officers, was considered by members at the meeting of the committee, which met on the 19 June 2008.

Members considered the officer's report and after consideration and discussion, the Committee indicated that it was minded to approve the application subject to the following:-

The application being referred to the Secretary of State for Communities and Local Government under the requirements of the Town and Country Planning (Shopping Development) (England and Wales) No. 2 Direction 1993; and, a further report for members to consider the highway issues and the highway conditions and highway requirements to be contained within a section 106 agreement. Members also decided to attach an additional planning condition to secure a phased implementation of the development..

Since the meeting, officers have discussed the s.106 heads of terms and condition matters with the applicants/agents and the key outcomes are summarised below.

#### **Planning Condition Guidance**

All Local Planning Authorities are guided by current circular guidance, in this case circular 11/95 applies, which requires that any conditions are necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. The attached conditions (contained within Appendix 1) are considered to be reasonable, necessary and would balance the needs of the community, together with the operational needs and potential impact of the proposed mixed use development and at same time, safeguard the Council's position.

#### **Secretary of State**

On 18 July 2008, the Government Office for the South West confirmed that the Secretary of State would not call in the application, thus the decision on whether or not to grant planning permission remains with the local planning authority.

#### **Highways Issues**

Since June 2008, the applicants, their agents and the Council's Highway engineers have discussed and investigated all the associated highway works affecting this planning application. Following lengthy traffic modelling work, the Council's engineers report that the proposed access arrangements and off-site highway improvements can accommodate the predicted traffic generation of the proposed development at the former Peter Black site, without causing unacceptable delays on the surrounding highway network, and in particular, the operation of the Longfield gyratory and the traffic signals at Tesco's.

The Council's highway engineers advised the applicant/agents that the impact of the development site traffic on the network would be acceptable subject to a number of measures being undertaken through planning conditions and the s.106 agreement.

#### **s.106 Agreement**

Officers have fully considered the applicant/agents proposed type and level of s.106 contributions and requirements which relate to:-

- that the retailer shall not already be present in the town of Trowbridge;
- 30% affordable housing provision (part dwellings on site and monetary contributions);
- a financial contribution to be negotiated towards the enhancement and maintenance of an off-site local children's play area;

a financial contribution towards the enhancement and maintenance of public open space;  
an education contribution towards the provision of 8 primary school places and 6  
secondary school places;  
a financial contribution for highways, a transport phasing plan and the provision of  
accessibility improvements including:-

public transport improvements  
enhanced linkages between the site and the town centre  
variable message signing to the car park  
a servicing management plan  
a car park management plan

a financial contribution of £100,000 (index linked) towards the provision of a footbridge  
crossing over the River Biss.

### **Additional Planning Condition**

Members are advised to note that the additional planning condition has been incorporated within the recommendations to cover the phased implementation of works on site. The phasing requirements are covered under planning condition no. 40.

### **Conclusion**

The proposed conditions and s.106 heads of terms are set out in the appended officer's report and it is for members to agree that they are appropriate. Officers would advise that following lengthy dialogue with the applicants and their agents the outstanding highways issues have been resolved where applicable and are contained within planning conditions and s.106 agreements.

The recommendation to approve the mixed use development is attached and in the opinion of officers would, if members decide to accept them, ensure the effective operation of the proposed development with adequate safeguards in place and with the appropriate level of financial contributions, led to the promotion of a sustainable development.

## APPENDIX 2 - REPORT TO COMMITTEE OF 19.06.09

### APPLICATION DETAILS

This application is brought to Committee at the discretion of the Development Control Manager because of its significance to the regeneration of Trowbridge.

This is an application for outline planning permission for the redevelopment of an irregularly shaped site which was the former Peter Black Toiletries site located at Mortimer Street / Cradle Bridge in Trowbridge. Under this application, the applicants seek to establish the principle of demolishing the existing vacant industrial unit which forms part of a site measuring just over 1 hectares and redevelop it for a mix of uses comprising a food store (Waitrose – who are the joint applicants), cafes, bars and restaurants, a hotel, 46 residential apartments, associated access improvements which would involve works to the public highway with improved access junctions and visibility, car parking provision, landscaping which would include plans to ecologically enhance the River Biss.

In addition, within the planning submission, a footbridge is indicatively highlighted as a potential future feature to assist permeability to and from the site.

As an outline application, the Council can only assess the principle of the redevelopment of the site. However, in this particular case, the applicants wish to de-reserve the access, the layout of the ground floor of the buildings as well as the landscaping of the site. An indication of the likely scale and massing of the scheme, as well as the appearance of the buildings are provided within the associated design and access statements.

Should the Council, as planning authority be minded to approve the outline application, a further Reserved Matters application would be required to satisfy the remaining outstanding (reserved) matters.

Members will acknowledge (having recently determined a similarly major planning application at land to the north east of County Hall, in early March of this year) the importance of regenerating this part of Trowbridge, and how important it is for the Council to take a holistic approach to the redevelopment of several inter-connecting sites that have come forward for possible redevelopment.

The redevelopment proposal would essentially comprise the provision of three blocks ranging in heights (scaling from approximately 7.2 metre (principally 2 storeys) for the supermarket which would be erected at the eastern end of the site. The building scale would increase westwards to about 18.6 metres (6 storeys) to accommodate the hotel and multi-storey car parking. The height of the building would then scale down to about 15.6 metres then 9 metres. At the western corner of the site, a 6-storey apartment block is proposed measuring about 18.6 metres above ground floor level.

It should however be noted that the proposed design above the ground floor level is submitted for indicative purposes only. As is the massing study plan.

The site runs parallel to the River Biss and is located to the south of both the River Biss and the former Tesco site, which is also vacant, disused land. To the south of the site and beyond the public carriageway, there are mainly residential properties of mixed character.

To assist Members, the table below outlines the indicative scale of the proposed development which has been collated from the submitted supporting material:

Residential	46 flats and maisonettes are proposed
Hotel	60 beds proposed
Supermarket	A Waitrose superstore measuring about 1657 square metres of net internal floor space
Restaurants, cafes, bars,	
Hot food takeaway	>1600 square metres
A2 uses (financial and Professional services)	1657 square metres of internal floor space
Car parking spaces	260 spaces are proposed. However, the allocation required for disability spaces, light goods vehicles/public carrier vehicles; motorcycles and bicycles are not known at this stage.
Employment Creation	>200 part-time and full-time positions.



As a comparison, the approved planning application (at the March Committee) associated to land to the north east of the County Hall, which is considered to be in close proximity to this site, had 5 blocks ranging in height from 22 to 25 metres.

The application was submitted in January this year following pre application discussions. Since then, there have been further negotiations on various issues involving several officers of both the District and County Councils.

### The Design

The design has evolved following consultations with officers of the Council, and the applicants hope that the design of the group of blocks will create a high quality landmark development for this important part of the town. As with the approval of the mixed use development on land to the north-west of the site, it is hoped that the application proposals would stand the test of time. The submission puts forward a development scheme with core development principles which have been much debated with the aim of creating a balanced mix of uses, with integrated car parking and the creation of a new active River walkway.

It is further submitted that the development would have positive spin offs for Trowbridge as a whole. With Waitrose being firmly behind the scheme, the development should complement and enhance the role of the town centre, and encourage the regeneration of the surrounding area, and notably, the St. Stephen Place site.

The applicants further submit that the land use mix and the layout design are consistent with development plan policy, commercial requirements and the characteristics of the site and its context. The applicants also argue that the redevelopment of this site, the Waterside scheme and Castel Place / St Stephens Place would contribute significantly to the regeneration of the southern gateway to Trowbridge town centre and to Trowbridge as a whole.

The analysis of the site and surrounding area identifies the accessibility and prominence of the site as key factors that inform the development of the site. The applicants stress that the development proposal has evolved from the recognition of maximising “the connectivity of the site with the immediate and wider area and to encourage travel to the site by foot and cycle. The integration of car parking within the built form, the pedestrianisation of the majority of the site and the inclusion of Waitrose and other active uses will contribute to achieving this. This mix of uses and layout proposed will encourage linked trips and minimise the trend for single shop shopping trips” (page 20 – Design and Access Statement).

### Transport Assessment and the Means of Access

A Transport Assessment (TA) has been prepared by IMA Transport Planning and has been submitted in support of the application. It should be noted that the Assessment has been subject to extensive discussions with the County Council Highway Authority.

The TA examines the accessibility of the site by modes other than the private car, the suitability of the proposals in terms of helping to reduce the length of car journeys and the traffic impact on the local highway network.

The TA concludes by saying that “the site is exceptionally well located in terms of accessibility by a range of modes of transport. In particular it is well-connected, by established pedestrian routes, to primary retail area to surrounding residential and employment areas, to bus services and the rail station. As such, and in accordance with national transport and planning policy, the site is extremely well-located to accommodate retail uses which attract a large number of people”.

The means of access to the site is not reserved. Alterations are proposed to the County Way carriageway as well as making alterations to County Way to form the main access to the proposed multi-storey car park and a separate service access serving the proposed Supermarket.

The access to the scheme is proposed via a new signalised junction on County Way. The TA has demonstrated that the means of access and the improvements to the County Way / Mortimer Street junction operate satisfactorily during peak hours and that the scheme would have no detrimental affect upon the free flow and operation of the public highway.

Along with the planning submission, the following documents have been provided to assist with determining the application:-

1. Planning Statement
2. Design and Access Statement
3. Landscape Report
4. Retail Statement
5. Transport Statement
6. Ecological Assessment
7. Flood Risk Assessment
8. Site Investigation
9. Archaeological Report
10. Consultation Statement.

The above documents have been reviewed and assessed by officers of the District and County Council as well the statutory and non-statutory consultees.

### Landscaping

The applicants propose to clear the River Biss of all the overgrown vegetation and open up what will become a riverside walk, which would link the east and west sections of river walks in Trowbridge. Alders, a variety of shrubs and aquatic and marginal planting would be provided along the River Biss Boulevard, which would be formed on a split level using naturally durable hardwood.

A River Biss Ecological buffer would be provided consisting of alders, willows, hazels, hawthorns, blackthorns and rowans; along with an extensive range of shrub, wildflower and aquatic planting.

Along County Way there would be a line of street trees (species:- London Plane) which would compensate for the loss of the London Planes as part of the redevelopment of the land to the east of County Hall (planning reference 07/03734/OUT) and also give pedestrians protection from the traffic. In addition, a holly and hornbeam hedgerow along the retail frontage would be planted. The ground materials along the County Way frontage shall be formed from concrete paving slabs.

The proposed central piazza would be surfaced with high quality paving slabs with a linear paving feature of recycled glass paviors. Two rows of pleached (decoratively sculpted) trees, a semi mature Ash, bench seats and planter beds would provide a welcoming visual interest to what would be an important public space.

Throughout the scheme, appropriate lighting would be installed.

### **SITE VISIT / STATUTORY SITE NOTICES**

The site has been visited regularly since the application was submitted (23.01.2008). The site notice was displayed on a nearby lamp post on 25.01.2008. Following receipt of revised plans, another site notice was displayed on the same lamp post on 14.03.2008.

### **CONSULTATIONS**

TROWBRIDGE TOWN COUNCIL: No objections raised but raises the following comments:-

"1. The Town Council, as operator of the Town Council CCTV system requests that the development should provide for a number of public realm CCTV cameras throughout the development which should be linked to the Town Centre scheme to allow co-ordinated monitoring and a contribution towards new and existing cameras overlooking the site for provision, upgrading, maintenance and ongoing monitoring; and,

2. The development should not be occupied until a suitable foot/cycle bridge linking the site directly to the park, across the River Biss is completed. This should not be dependent upon any agreement with the owner of the St. Stephen Place site”.

*External:*

COUNTY HIGHWAY AUTHORITY:-No objections raised subject to further modelling and assessment work, and add the following comments:-

“Whilst there remain outstanding technical issues to resolve through further modelling and testing work, based on the assessments undertaken to date I believe that there are no insurmountable transport difficulties associated with the proposed development”.

Should Members be minded to approve this outline application, it is recommended that authority be delegated to the Development Control Manager to issue permission subject to:-

1. Confirmation from the highway authority that all highway and transportation issues have been resolved to their satisfaction following completion of the continuing modelling and assessment work;
2. Any conditions required by the highway authority in the light of the future assessment work, subject to the District Council being satisfied that the requirements are in compliance with the relevant Circular advice;
3. Inclusion of a legal agreement of physical works and/or financial contributions as required by the highway authority upon conclusion of the further assessment work, subject to the District Council being satisfied that the requirements are in compliance with the relevant Circular advice

COUNTY LIBRARY MUSEUMS & ARCHIVES (ARCHAEOLOGY): No objection subject to the imposition of a relevant condition requiring a watching brief during the initial stages of construction to record any archaeological features which may exist given the proximity to the River, where features or finds relating to early human occupation may be uncovered.

COUNTY EDUCATION AUTHORITY: We note that 46 units (to be flatted) are proposed, with a mix of 26 2 bed units and 20 1 bed units proposed. The 1 bed units are exempt from any assessment as far as any contributions are concerned. However, the 26 2 bed units would generate a need for 8 additional primary places and 6 at secondary level. The designated area schools are Paxcroft Primary and Clarendon College, neither of which can accommodate the extra pupils within current permanent capacities.

As with other large scale developments, Wiltshire County Council shall seek contributions to fund a new primary school to serve this part of the town, and shall look for an aggregate contribution from the developer.

A contribution towards 8 primary places is required levied at £11,356 per place and 6 secondary places levied at £17,351 per place.

No distinction is made between flats and other types of housing for assessment purposes. However, it should be noted that 1 bed units (of any type) do not qualify to be assessed. It should also be stressed that the above figures (and indeed the assessment itself), can only be indicative at this outline stage in the planning process. As per WCC standard policy, another assessment will be made once a planning application is submitted, and reviewed if necessary at full/reserved matters stage in order to reflect the most up to date pupil forecasts, school capacities etc. and the final details of housing numbers/mix.

COUNTY PLANNING: The site is located within the outer edge of the Commercial Area Boundary of Trowbridge as defined in the West Wiltshire District Plan First Alteration (Adopted June 2004) and is partially within the Trowbridge Conservation Area. It is not allocated for any particular use. The site is identified as Parkside PS4 within the Trowbridge Urban Design Framework (November 2003), adopted as Supplementary Planning Guidance (SPG). This document states that “this should be a mixed use site comprising employment, residential and retail (A3) uses” and identifies it as a key gateway site into the town centre.

The Wiltshire and Swindon Structure Plan (Adopted April 2006) identifies Trowbridge as a Strategic Service Centre and places particular emphasis on provision of employment land to attract new economic activity and meet the needs of existing employers, and the regeneration of the town centre of Trowbridge (Policy DP3). Paragraph 4.13 recognises that significant potential exists for urban renewal within and around the town centre providing the opportunity to develop a strong and vibrant commercial centre. It also considers that the opportunities for urban renewal and town centre regeneration should play a key role in achieving the town's economic potential helping promote greater self containment.

The application includes a food store comprising 2,712 square metres gross floor space with a net sales area of 1,657 square metres. The application indicates that the intended occupier of the store is Waitrose. The location of the proposed store on the application site (subject to a bridge across the river being provided) can be regarded as being located within easy walking distance of the edge of the primary shopping area in line with PPS6 and therefore is an edge of centre site. Paragraph 3.4 of PPS6 places the onus on applicants of edge of centre retail sites to demonstrate:-

1. the need for the proposal;
2. that development is an appropriate scale;
3. that there are no more central sites for development;
4. that there are no unacceptable impacts on the town centre, and,
5. that locations are accessible.

Structure Plan Policy DP6 also reflects these requirements and requires the role of centres to be maintained and enhanced by provision for shopping development which is consistent with the town's role and promotes its vitality and viability.

A Retail Planning Statement (RPS) has been submitted in support of the application to address these matters. Of particular concern is how need and impact have been assessed. The RPS indicates that even after allowing for the proposed store that some £678,000 surplus expenditure will be available in 2012 (paragraph 3.41) and that there would be no adverse impact on the town centre. However, it is not considered that the RPS provides a robust assessment of need or impact. There appear to be a number of inconsistencies and inaccuracies within the report, which also does not contain sufficient information to enable a proper assessment of the assumptions and conclusions made. This has been raised with the applicant's Agent. Examples of areas of concern are as follows:-

- The Catchment Plan (Appendix 2) indicates that a comparison, rather than convenience goods catchment area has been used. This is considered to be too large and does not adequately take into consideration other main food shopping destinations. Melksham in particular should be excluded. As a result the population of the catchment area is too high and available expenditure to support retailing is over estimated;
- No account appears to have been taken of existing commitments or recently implemented planning permissions for extensions to existing stores including Sainsbury's at Bradford-on-Avon, Tesco and Aldi in Trowbridge, and Lidl at Westbury. Furthermore, despite Melksham being included within the catchment area, the stores at Melksham have not been included within the Assessment of Need at Appendix 3.
- The method used for the quantitative need assessment is not based on household survey data that can be used to assess existing spending patterns within a catchment area. Instead it assumes 100% retention of convenience goods expenditure within the catchment area. This is considered to be an unreasonable assumption and does not take into consideration the influence of other significant centres such as Chippenham or Frome.

Notwithstanding the above, recent consideration by the County Council of the application for the former Usher's Brewery site in Trowbridge (application ref. 07/01911/OUT), which involved considerable discussion on retail matters, indicates that it is unlikely to be possible to adequately demonstrate quantitative need for further food retailing within Trowbridge. Furthermore, it is

recognised that West Wiltshire District Council has received advice from their retail consultants, DPDS, who has also concluded in considering the Usher's Brewery application and this application, that "neither applicant has demonstrated a quantitative need for the proposed developments in PPS6 terms" (Retail Proposals in Trowbridge, DPDS Consulting Group, March 2008).

While in principle the redevelopment of this site for the type of uses proposed in this application would undoubtedly have regeneration benefits for Trowbridge, in particular for the southern part of the town centre, there is concern given the lack of demonstrable need about the Class A1 retail element of this proposal. If there are overriding reasons why the District Council considers that a new food store should be permitted at Trowbridge despite the lack of demonstrable need, then it would be appropriate in these circumstances to consider whether the other non determined food store proposal on the former Ushers Brewery site would provide a more acceptable location. This is discussed below.

Both proposals relate to edge of centre sites. The Usher's site is located to the north of the town centre and the Peter Black site is located to the south. The Usher's site offers the potential to achieve a better distribution of main food retailing destinations around the town centre providing a more sustainable pattern of land uses in line with Policy DP1(3) of the adopted Structure Plan. The Peter Black site would mean that the proposed Waitrose store would be located in close proximity to the existing Tesco store, whereas the Usher's site would provide a new food retailing location providing the surrounding residential areas with the opportunity to access a new food store by foot or bike. The Usher's site also benefits from town centre bus services that stop close to the site.

In terms of having a positive impact on the town centre, the Usher's site has considerable potential to encourage linked trips with the Primary Retail Frontage (PRF) due to its close proximity provided that improvements to facilitate linkages and encourage pedestrian movements across Church Street can be secured. However, the Peter Black site is not as well connected in PPS6 terms to the PRF due to the current state of the St Stephen's Place site and distance. Although it is recognised that this situation could change, at present there appears to be little confidence of this happening.

It is understood that the redevelopment of the Peter Black site including a retail food store could compromise the ability of the Usher's site to attract a retail anchor to the northern part of the town. This is due to the level and type of retail and town centre development committed elsewhere, particularly to the south of the town centre. Trowbridge does not have unlimited ability to attract investment and regeneration proposals will therefore need to be considered in a balanced way. However, equally it will be important to consider what other potential uses could be delivered on the Peter Black site if a food store on part of the site is not found appropriate.

Also, it may be worth noting that paragraph 2.44 of PPS6 in referring to the sequential approach to site selection considers that where alternative sites have similar locational characteristics in terms of the sequential approach that "local planning authorities should give weight to those that best serve the needs of deprived areas". The Usher's site forms part of one of the two areas in Trowbridge that are in the top 20% most deprived areas in England, whereas the Peter Black site is within an area in the top 40% most deprived in England.

Finally, the application site relates to the re-use of employment land. The Structure Plan, while recognising the need to regenerate Trowbridge, also places significant emphasis on the importance of making provision for employment to ensure balanced growth of the town. There does not appear to have been any consideration given to the potential to incorporate employment uses appropriate to a town centre location on this site, such as Class B1 business use. Such uses would be in line with the SPG relating to this site and Structure Plan Policy DP4 that seeks to ensure that adequate provision is made for economic development. The District Council may therefore wish to consider whether a mixed use scheme incorporating employment uses would be more appropriate for this site.

In conclusion, therefore, while this proposal has the potential to secure the regeneration of a disused site, the County Council has concerns about its re-use in part for a food store. As with the Usher's proposal there is no actual demonstrable need for additional convenience floor space. The critical issue is therefore to what extent either proposal could improve or contribute to the improvement of the town centre, or at least not have a negative impact. There are advantages and disadvantages to both schemes but on balance for the reasons set out above the location of the Usher's site is considered to offer greater potential. However, given that neither application is supported by a substantive retail need case, the District Council must be satisfied that there are other adequate overriding considerations if they are minded to permit either application.

ENVIRONMENT AGENCY: The Environment Agency reports that following the review of the revised FRA dated May 2008 (Rev D No. 07034) they are assured that the flood risk issues can be dealt with at the detailed design stage by condition.

Therefore the holding objection has been removed providing planning conditions are attached to any approval requiring the following:-

1. Floor levels be set no lower than 36.7 metres above ordnance datum level to provide a 300mm freeboard on the 1 in 100 year (after predicted climate change) flood level;
2. A flood resilience scheme be submitted for the written approval by the Council;
3. A flood plan including suitable warning and emergency/evacuation procedures be submitted for the written approval by the Council;
4. A compensatory flood storage scheme be submitted for the written approval by the Council;
5. A surface water drainage scheme be submitted for the written approval by the Council;
6. A scheme providing access to and along the left bank of the River Biss be submitted for the written approval by the Council;
7. Another protected species survey is carried out to ascertain the presence and habitat of water voles along the riverbank be submitted for the written approval by the Council;
8. Clarification on the treatment of the riverbank (where no new gabions should be installed) be submitted for the written approval by the Council;

WESSEX WATER: Network modelling is required to determine whether there is adequate capacity in the existing system to serve the proposed development. In the event that reinforcement of the system is required, to ensure adequate supplies, the developer would be expected to contribute towards the costs. In the event that there are any changes to the existing road layout as part of the scheme, existing water mains may be affected. If this is the case, Wessex Water's Development Engineer should be contacted to agree an acceptable diversion and protection.

As far as surface water drainage is concerned, there is an existing brick storm drain sewer crosses the site and this can be abandoned as part of the development. Flows from the new development should be discharged direct to the River Biss, with the approval of the Environment Agency.

As far as foul drainage is concerned, an existing foul sewer, laid within the existing public storm sewer, crosses the site. The sewers, storm and integral foul, must not be built over, or close to. It is noted from the Flood Risk Assessment that the existing foul connections to the public sewer are intended for re-use. However, there are proposals to divert the sewer so that new connections can be made. For the avoidance of any doubt, diversion of the foul sewer must be completed and commissioned before any other site work is started. This assumes that the storm sewer has been abandoned and replaced with new storm drainage piped directly to the River Biss, as above.

ENGLISH HERITAGE:-No objections to the revised scheme.

WILTSHIRE POLICE:- No objections raised but request that crime reduction and safety aspects are fully addressed at this stage to avoid anti social behaviour in the future. To reduce the risk of anti social behaviour, all the associated car parks should be designed and built to keep crime to a minimum. Consideration should be given to Safer Parking compliance which can be reviewed at the safer parking website <http://www.saferparking.com>

Trowbridge already has an existing CCTV network and this scheme could be utilised and enhanced to incorporate security measures in the detailed scheme. Further investigations would be needed assess the capacity of the system.

Permeability to the site should be kept to a minimum to avoid unnecessary trespass. Due to the nature of the site and the evening economy this will be an important issue. However, with appropriate lighting and CCTV coverage, this should not be an issue of concern.

WILTSHIRE WILDLIFE TRUST:-No objections subject to the imposition of conditions setting out the ecological protection measures.

## DPDS CONSULTING GROUP RETAIL PLANNING ADVICE:-

The differing views of the County Council policy planning officer and those of this Council's officers indicate how finely balanced this scheme is in terms of any retail benefits it will bring to Trowbridge and the surrounding area.

The application at the former bottling plant at Ushers Brewery for a mixed use scheme which includes a Sainsbury's store has added to the complexity of determining this application. As a consequence, the Council commissioned an independent retail report by DPDS Consulting Group (who have advised the Council on retail planning matters in the past). The report was commissioned to look at the impacts of both schemes and to make a comparison between them.

DPDS have concluded that:

"Need. In summary, we conclude that there is no quantitative need for either proposal. We also conclude that there is not a qualitative need in the sense that Trowbridge is losing shoppers to other centres because of the lack of a quality foodstore. This is an entirely separate matter from qualitative issues with regard to the comparison goods offer. A "quality" foodstore would not attract significantly more shoppers to Trowbridge because the shoppers who would prefer a "quality" store are currently largely using the existing food stores".

"A Sainsbury or Waitrose store may help to counteract the image of Trowbridge as a value orientated shopping centre and make it easier to attract quality comparison goods retailers, but this effect should not be over-estimated. The image of Trowbridge will only alter significantly if, and when, the comparison goods offer improves".

"Despite the lack of need, either proposal would introduce a new major retailer into the town and significantly widen the choice for shoppers in accordance with the objectives of PPS6".

"The Council should not try to distinguish between the two applications on the basis of the occupier, since this could not be controlled".

"Scale. The proposals are appropriate in scale to role and function of Trowbridge.

"Sequential Test. It is generally accepted that there are no more central sites available. Both are, in terms of PPS6, edge-of-centre and one cannot be preferred to the other on sequential test grounds. However, one site may be preferable in terms of other material considerations and particularly with regard to the impact (positive or negative) on the town centre".

"Impact. Neither proposal would seriously negatively affect the vitality and viability of the town centre retail area. This would also be true of both sites being developed for food stores. In addition there would be regeneration benefits from the proposals".

"Overall. The avoidance of doubt, although the needs test is under review, it is too easily to say what the results of that review will be. The indications of the Department of Communities and Local Government thinking from its evidence to the Competition Commission, is that the needs test would still apply to these sites because they are not contiguous with the primary retail function. However, we consider only limited weight should be given to the review at this stage".

"In determining these applications the Council has to consider what weight it should give to the different policy tests. In view of the lack of adverse impact and possible benefits to the vitality and viability of the town centre we consider that the Council should give greater weight to this than to the lack of need in this case. The purpose of the need and sequential tests is to protect town centres from out-of-centre competition. Where proposals would not harm a town centre, or benefit them, the test must have less relevance and the general objectives to provide a wide range of shops and facilities could reasonably be given greater weight".

"If that view is taken the arguments would apply equally to allowing both applications because it becomes impossible to say that there is a need for one but not two. Furthermore, the cumulative impact of both is unlikely to be detrimental to the vitality and viability of the town centre".

“However, to grant planning permission to both would be likely to create a situation where neither progresses, or there is a long delay. One or other or both sites are likely to remain vacant, creating a negative view of the town and contrary to the regeneration aims of the Council and community. There would be planning commitments which are unlikely to come forward but cannot be discounted and we do not believe this to be in the interest of good planning in general, or the regeneration of the town”.

“We recommend that the Council does permit one proposal but not both. We have therefore undertaken an assessment of each of the sites. Planning decisions have to be made in accordance with the Development Plan unless material considerations indicate otherwise and we will start with the planning policy”.

“Planning Policy. The former Peter Black site is not allocated for any particular use but as a former employment site. It is subject to policy E5 which states that the loss of existing employment land will only be permitted where there is an adequate supply of genuinely available land and premises and such proposals are compatible with neighbouring land issues [that does] not give rise to, or continue, existing traffic or environmental problems. We cannot comment on the availability of the employment land supply, but former employment use is clearly not a total bar on retail development of this site. We do however note that although the proposal would generate retail jobs on this site, the store would not generate additional expenditure and there are likely to be job losses elsewhere in Trowbridge. Consequently, the Council should not give great weight to this argument”.

“Retail Impacts. The benefit of either of the proposals for the town centre arises primarily through the generation of linked trips. The Bottling Plant site was regarded as suitable for retail development with good links to the town centre by the First Secretary of State in his 2004 decision. That proposal did contain measures to improve the links including an active frontage on Manvers St to link the site with the primary retail area which are not part of the present proposal. We have expressed our concerns about the lack of visibility from the centre and legibility of the link. Nevertheless it is an easy walk which store is likely to generate a substantial number of linked trips.

“The Peter Black site is much less connected to the town centre, and the walk is either convoluted via the park or multi-storey car park, or via a very secondary commercial frontage. Both routes involve a walk past the St. Stephens Place site, which is uninviting. This situation is however, likely to change”.

“The distance to the primary frontage is greater than for the Bottling Plant site and with the smaller size of store, the Peter Black site is likely to attract fewer linked trips and provide a lesser benefit to the town centre in the current situation”.

“However, the benefits from the Bottling Plant site development would be concentrated on the northern centre edge of the primary shopping area and the entrance to the Shire’s Shopping Centre. Our assessment is that this is the strongest part of the centre at present and it is the southern edge of the town centre which is more in need of improvement. The Bottling Plant site proposal would tend to exacerbate this situation”.

“The link from the Peter Black site to the town centre can be expected to be improved in the future, particularly with the redevelopment of St. Stephens Place and the Waterside leisure development. The southern part of the town centre would benefit significantly from the Waterside Leisure development if it goes ahead. The development of the Peter Black site might encourage the development of the St. Stephens Place site. The expectation of greater footfall in that part of the town would tend to encourage a retail or other commercial use. However, the decision to go ahead on that site will depend far more on straight commercial considerations and the presence of a food store on the adjacent site is unlikely to be a major factor in that decision. The permitted scheme has not proceeded and is, in our view, unlikely to do so in that form now. Few developers would want to proceed with a retail scheme designed 4 years ago. The form of any development on the St. Stephens Place site and the way it will be linked to the town centre is, in our view, too uncertain at



this stage to be given significant weight. Bearing this in mind, we believe that any benefits of the Peter Black site to the more general regeneration of the southern town centre is insufficient to outweigh the planning policy framework, which favours the Bottling Plant site or the benefits to the northern part of the town centre that that development would provide”.

“To some extent these arguments were rehearsed at the earlier Inquiry, in relation to the St. Stephen’s Place site. Although we do not agree with Inspector that the development of the site will take place because there was quantitative capacity, she also concluded that proposals at that time were at an early stage with many issues to be resolved and therefore concluded that the application at that stage should not be given significant weight”.

“This report has been concerned only with the retail planning issues and we are aware that other considerations are also relevant. However, in terms of those matters on which we have been asked to comment, we conclude that the proposal for the Ushers Bottling Plant site is preferable to the development proposed on the former Peter Black site. We also conclude that planning permission should not be granted for both schemes.”

After a challenge tabled by the abovementioned applicants at the April Committee meeting (dated 17.04.2008) at which point the Council was set to determine the planning application at the Ushers Brewery site, DPDS were asked for a response on the issues (criticisms) that they raised.

They concluded "We were asked to compare the merits of the two sites in terms of their impact on the town centre as well as considering the impact of both (originally conceived by your colleagues as likely to be negative) but there is no reason why the superiority of design of one over the other should indicate the grant of planning permission. Our recommendation that only one should be permitted was because, if both were permitted, we considered that there would be a serious risk that one or other, or both of the schemes, would not go ahead and that this would delay the development of derelict sites and the provision of other uses which the Council wished to see. This risk arises from the lack of expenditure in the catchment area to support two additional stores, competing for the same sector of the convenience market, in the context of two well-established and popular brand outlets.

"However your Council also has to have regard to its position at any subsequent appeal if it refused planning permission...I should perhaps made it clearer in my report that there is no need for the applicant on the Conigre site to demonstrate a need for the development because of the retail allocation in the Local Plan, whereas those on the Peter Black site are required to do so".

## OTHER STATUTORY CONSULTEES

### *Internal:*

REGENERATION OFFICER:-This is a very challenging site to develop in isolation (from St. Stephen’s Place) given the constraints imposed by its linear nature, proximity to the River Biss and the sewer. Against these factors, the applicant deserves credit for having put together a credible scheme.

The development of this site is supportable in regeneration terms – it being a high profile derelict brownfield site on one of the key gateways into Trowbridge the development of which would significantly improve the physical appearance of the town and contribute to its overall regeneration.

The proposals are consistent with the Urban Design Framework for Trowbridge in terms of design, massing, form etc and are welcomed for their attempt to engage with the River Biss and create an active frontage along it (in terms of A3 uses).

The engagement of Waitrose in the application is positive and their presence would I believe improve the quality of the town’s convenience retail offer while generating wider consumer choice.

Notwithstanding any other issues and taken on their own merit, I am of the view that the proposals are supportable and consistent with the aims and aspirations of Transforming Trowbridge.

[Following the review of the County Council's policy consultation response, the Regeneration Manager identifies the following key issues:-]

### Brownfield Regeneration

The site is situated at a high profile location at one of the key gateways to the town (Cradle Bridge). It currently presents a highly visible image of dereliction at a key location in Trowbridge, an image that runs entirely contrary to the District, County and Town Council's aspirations for the town:

The aspiration to raise the profile, built environment quality and economic vitality of Trowbridge to a level commensurate with its status as the County Town of Wiltshire (Transforming Trowbridge Delivery Plan - 2007).

Given the constraints of the adjacent river and highway as well as the sewer, the development of this site was always going to be challenging. Clearly, for the site to be developed/regenerated there is a need to generate value and against the backdrop of a downturn in the residential market, the greatest value is likely to be achieved from a large floor plate retail development as a key element of a mixed use development, of the type proposed by Parkridge/Waitrose.

The delivery of the Vision for Trowbridge is a high priority for the District Council and its partners and the delivery of a major regeneration scheme on the Peter Black site will give the public, stakeholders and potential investors increased confidence in the town which in itself will create an environment where further development is likely to be attracted.

Moreover, there is the self-evident benefit that the delivery of a development on the site will see the regeneration of an unsightly and economically unproductive brownfield site to a visually engaging, vibrant commercial development.

### Quality of Offer

The development of a mixed use scheme, incorporating major convenience retail and A3 uses, will add significantly to the range and quality of choice in Trowbridge which currently has a limited offer, significantly lower than would be expected of a County town) and make a major contribution to the vitality and viability of the town centre through the potential for linked trips with other retail and leisure destinations.

### Synergies

The proximity of this development to the Waterside scheme has a number of regeneration benefits:

The redevelopment of the Cradle Bridge site would make a significant contribution to the regeneration of the southern edge of the town centre which is currently economically under active and of poor environmental quality and which is being partially addressed by the Waterside scheme. The build out of Cradle Bridge will complete the regeneration of this high profile southern boundary.

The two developments will link across Cradle Bridge providing a synergy of complimentary land uses – commercial and leisure at the Waterside site and convenience retail and residential at the Peter Black site, which could create the possibility of linked trips.

The Waterside scheme provides a further link to the town centre and the new Shires Gateway comparison retail development, thereby ensuring that these new developments do not exist in isolation from each other and the traditional town centre.

This would further strengthen the potential for linked trips and taken as a whole, the redevelopment would make a significant contribution to producing a coherent, legible, connected and vibrant town centre.

The redevelopment of the Peter Black site is recognised as being a vital and integral element in delivering this aim.

Both schemes (Waterside and Peter Black) view an engagement with the River Biss as a central element to their layout, design and overall offer. The approved Waterside scheme will create a fully accessible and landscaped route along the River Biss from the town centre leading to Cradle Bridge. The Parkridge scheme will continue and connect with this route and provide a high quality and accessible riverside walk linking back into the town park and the town centre, thereby completing riverside access from the town centre to the southern edge of town.

### River Biss

A key element of the Parkridge proposals is the improvement of access to and the River Biss and its environment. A3 uses would actively engage with the river, positioned at either end of the mixed block fronting onto the Biss with a new twin decked riverside walkway being provided.

This would run from Cradle Bridge (where a pedestrian crossing will link with the river on the Waterside development side of Castel Street) to a new crossing point which would take people back to the town park with its route through to the historic centre.

Ecological improvements and robust landscaping are also proposed to make for an attractive riverside walk.

These proposals are entirely consistent with the policies and aspirations of the Council and its partners. The Urban Design Framework SPG for Trowbridge puts considerable emphasis on the significance of the River Biss and the opportunities it presents to become a focal point for development and access improvements in the town. It suggests that development should actively engage with the river and incorporate new opportunities for public access and environmental improvements.

It is apparent from the Parkridge proposals that these principles are central to the development and as such, they are warmly welcomed. It should also be noted that in partnership with SWRDA, the Council is working towards a Public Realm Design and Improvement Plan for the River Biss which will become an SPG later in the autumn of 2008.

While it does not possess much material planning weight at present, Parkridge have actively engaged with the development of this document and have demonstrated a willingness to adopt the emerging design principles for the public realm throughout their scheme. It is therefore submitted that the scheme would be consistent with the River Biss SPD when it is adopted.

### St. Stephen's Place

The Cradle Bridge site abuts the former Tesco site at St. Stephen's Place, located to the north. This site is entirely derelict and despite the best efforts of the Council has stubbornly remained undeveloped (despite a recent but now lapsed planning approval for a retail-led scheme) for a number of years. The development of the right scheme at St. Stephen's Place is viewed as being critical for the regeneration of Trowbridge and in connecting major development sites at the town's southern edge (namely the Waterside and Peter Black sites) with the historic town centre.

The importance of this site is further demonstrated by the recent Cabinet decision to pursue a CPO (compulsory purchase order) for the site, which should enable the Council to catalyse its regeneration into an economically and environmentally productive use.

The Parkridge development overlooks the derelict St. Stephen's Place site, which presents a highly unattractive and uninviting vista from the proposed riverside walkway and the residential and A3 uses.

Parkridge have indicated a willingness to link the two sites by a foot bridge, something the Council views as being critical in delivering connectivity and increasing the likelihood of linked trips to the town centre.

It is submitted that the Cradle Bridge site has the potential to “unlock” the development of St. Stephen’s Place in a way that has not been previously possible and thus, notwithstanding its synergies with the Waterside scheme, it may have a critical role to play in delivering the comprehensive regeneration of the town centre.

## Conclusions and Recommendation

The Parkridge application proposals offer a range of strong regeneration benefits which can be summarised as follows:

- The regeneration of a high profile derelict brownfield site
- Diversifying the retail and leisure offer of Trowbridge
- Positive relationship with the Waterside Development
- Increased opportunity for linked trips to the Waterside scheme and the town centre
- Delivering the aspirations of the Trowbridge Urban Design Framework in terms of design quality and engagement with the River Biss
- Delivering the aspirations of the emerging River Biss SPD
- Creating the potential and rare opportunity to “unlock” the redevelopment of the St. Stephen’s Place site
- Make a major contribution to the overall regeneration of Trowbridge and delivering the longstanding “Vision for Trowbridge”

On the basis of the overwhelming regeneration benefits of the Cradle Bridge scheme to the town centre as a whole, the application is fully supported.

**URBAN DESIGN AND CONSERVATION ASSISTANT:-**No objections raised in terms of the principle of the proposed uses and the layout.

**AFFORDABLE HOUSING:-** A 30% affordable housing should be provided at nil subsidy. This 30% should be broken down into 83% of units to be provided on site for general needs rented accommodation and 17% to be provided as a commuted sum for off site provision of shared ownership. The mix of these units should be discussed further along with identifying which Registered Social Landlord (RSL) would be most appropriate for the site.

**ENVIRONMENTAL HEALTH:-**No objections subject to the imposition of conditions.

**TREE AND LANDSCAPE OFFICER:** The application in its current form is unacceptable in tree and landscape terms and would be contrary to Local Plan policies C32 and C40.

The access off the roundabout into Mortimer Street will remain a main route into Trowbridge’s centre. This should be a point of invitation or conclusion. Instead the area will be visually open, exposing hard and modern buildings. While I have no issues with any new build using modern construction methods and materials, I do strongly object to the limited use of trees to soften them.

Over the years Trowbridge, has been developed using many different styles. In the past, no regard appears to have been given to retaining the former tree-based character, and as a consequence, many trees have been lost.

An updated Arboricultural Method Statement (AMS) should include tree protection and tree management requirements for all trees to be retained both on and off-site.

In order to overcome the above concerns, the western edge of the site requires further attention by pulling back the building from the highway and new trees planted around the western boundary to be continued around to the River Biss and along the walkway from Mortimer Street.

**HOUSING SERVICES:** - Given the substantial housing need in Trowbridge (in the region of 726 households) there is a priority need. Given that the scheme proposes in excess of 25 residential units, there should be 30% affordable housing provided at nil subsidy.

This 30% should be broken down into 83% of units to be provided on site for general needs rented accommodation and 17% to be provided as a commuted sum for off-site provision of shared ownership. The mix of these units can be discussed / agreed at a later stage following any outline grant of planning permission.

#### *Neighbours:*

2 letter of support in favour of the application was received listing the following grounds:-

1. The scheme has been designed well as it totally fits in with the Urban Design Framework on the basis of it having a high quality public realm designed through the provision of parks, open spaces, bridges, public art and regular market/civic assembly spaces; the provision of housing, offices, retail and other mixed use development; and it is felt the development would create a new town character and enliven and add vitality at different times of the day.
2. The potential of Waitrose coming into Trowbridge is a massive coup, which demonstrates that the town is moving in the right direction. The town badly needs another supermarket or even two to compete with Tesco and Asda. Tesco has a monopoly on the town due to the higher end products it offers. To bring Waitrose in as well, is an opportunity which should not be missed.
3. The proposed ecological enhancement to the River Biss is welcomed. Opening up this area of the river to the public will fully develop its potential which would have great benefit for the town. A bridge across the river is considered important however to fully open this development up, allowing access to and from the park and also St Stephens Place. The bridge would provide an exciting linked development to the north and the town centre as a whole.
4. The applicants have a good track record with developments and through its commitment to the town with the Shires Gateway they can be trusted to deliver a good scheme.
5. The road layout and transport issues have been studied closely and no objection is raised. Most of the congestion is caused by customers of Tesco entering and exiting County Way. This proposal would alleviate the congestion by taking customers away from Tesco. As long as a new bus stop is created (perhaps at Cradle Bridge), access to the site by pedestrians would be achievable, which would again assist with reducing congestion.

2 letters of objection were received raising concerns about the application for the following reasons:-

1. There is not enough provision for parking.
2. The town already has two large stores (Asda and Tesco). The town could probably support a third store, but not a fourth.

### **NEGOTIATIONS / DISCUSSIONS**

The application has been the subject to regular discussions and meetings both prior to and following the submission of the application at the end of January 2008.

### **CONSTRAINTS**

Affects character of the Trowbridge Conservation Area  
Affects the setting of a Listed Building

### **POLICIES**

Regional Spatial Strategy (RPG10)	
VIS1	Expressing the Vision
VIS2	Principles for Future Development
VIS3	Achieving the Vision
SS2	Regional Development Strategy
SS3	The sub-regional strategy
SS6	Other designated centres for growth

EN4	Quality in the Built Environment
EC6	Town centres and retailing
HO1	Levels of housing development 1996-2016
HO3	Affordable housing
HO5	Previously developed land and buildings
HO6	Mix of housing types and densities
TRAN1	Reducing the need to travel

#### Wiltshire Structure Plan 2016

DP2	Infrastructure
DP3	Development Strategy
DP4	Housing and Employment Proposals
DP6	Hierarchy of Shopping Areas
DP7	New Housing at Towns and Main Settlements
DP8	Affordable Housing
DP9	Use of previously developed land
T6	Transport - Development Management
T8	Heavy Goods Vehicles Parking
HE2	Other Sites of Archaeological or Historic Interest
HE7	Conservation Areas and Listed Buildings

#### West Wiltshire District Plan 1st Alteration

C7	Protected Species
C9	Rivers
C15	Archaeological Assessment
C17	Conservation Areas
C23	Street scene
C25	Shopfronts
C31a	Design
C32	Landscaping
C33	Recycling
C34a	Resource Consumption and Reduction
C35	Light pollution
C37	Contaminated land
C38	Nuisance
C40	Tree planting
E5	Loss of Employment Floorspace
H1	Further housing development in towns
H2	Affordable housing
H4	Brownfield allocations
H24	New housing design
R4	Open Space in new housing developments
SP1	Out of Centre Shopping
T9	Bus services
T10	Car parking
T11	Cycleways
T12	Footpaths and bridleways
LE1	Leisure and Entertainment
S1	Education
TC2	Traffic Management and Pedestrian Priority
TO3	Hotels, Guest Houses and Self Catering Accommodation
CF1	Community Services
U1A	Foul water disposal
U2	Surface water disposal
U4	Groundwater Source Protection Areas
I1	Implementation
I3	Access for everyone.

Supplementary Planning Guidance  
Design Guidance – Principles (adopted July 2004).  
Residential Design Guide (adopted November 2005).  
Affordable Housing (adopted July 2004).  
Open Space Provision in New Housing Developments (adopted Aug 2004).  
Urban Design Framework (adopted Sept 2004).  
Trowbridge Town Centre – Conservation Area Character Assessment (adopted Feb 2006).  
The Emerging Wiltshire Strategic Flood Risk Assessment (WSFRA) the draft report of which was prepared by Scot Wilson and published in Oct 2007.  
West Wiltshire Community Strategy 2004-2014.  
West Wiltshire District Council Corporate Plan 2005-10.

#### National Planning Policy Guidance / Statements:

PPS1 Delivering Sustainable Development  
PPG3 Housing  
PPS6 Planning for Town Centres  
PPG13 Transport  
PPG15 Historic Environment  
PPG16 Planning and Archaeology  
PPG17 Sport and Recreation  
PPG23 Pollution Control  
PPG24 Noise  
PPS25 Planning and Flood Risk

### **RELEVANT PLANNING HISTORY**

Lengthy planning history relating to warehouse extensions and associated works, none of which are considered relevant as far as this application is concerned.

### **KEY ISSUES**

Key to the determination of this application is whether the proposal complies with development plan policy and whether there are any material considerations to outweigh policy. The main issues in this application are -

- planning policy - regeneration and retail issues,
- flood risk and ecological interests;
- highways and transport issues;
- character and appearance of the area and how the proposal relates to the Listed Buildings and Conservation Area;
- amenity;
- contaminated land;
- affordable housing;
- education contributions;
- public open space and landscaping;
- ecology; and,
- sustainability

### **OFFICER APPRAISAL**

#### Planning Policy - Regeneration and Retail Issues

The mixed-use redevelopment of the former Peter Black site would make good use of a vacant brownfield site located close to the town centre. This edge of centre site will, when redeveloped represent a logical and cohesive extension to the town centre of Trowbridge and it is submitted that the proposals would follow the aspirations of the adopted UDF and the Development Plan.

It is also argued that the loss of the existing, but vacant employment floor space would be compensated by the creation of new mixed-use employment.

As with the application site located to the north east of County Hall, which obtained permission at the 6th March planning committee, this site is considered to be a key vacant regeneration site located near to the town centre which will contribute jobs predominantly in the retail and hotel sectors. It is recognised that the proposal would not contribute any B1 uses (offices), but there would be new employment created on a vacant brownfield site. It should also be noted that given the length of time the site has lay vacant/derelict, the Council must recognise that there may not be the market demand for such employment land.

The dereliction of a site near to the town centre is a material consideration, and if, as there appears to be, no demand to utilise it for employment use, the Council must acknowledge the market conditions, and assess potential for alternative uses. In this regard, the UDF for Trowbridge outlines that the site could be developed for alternative commercial uses, and these should be given due consideration.

Local Plan Policy E5 stresses that “applications involving the loss of existing employment floor space, including proposals for retail development, will only be permitted where the following criteria are satisfied:

- (i) there is an adequate supply and mix of genuinely available land and premises elsewhere in the locality for employment uses;
- (ii) such proposals are compatible with neighbouring land uses and do not create bad neighbour uses; and,
- (iii) such proposals do not give rise to, or continue existing traffic or environmental problems”.

Notwithstanding the conclusions reached by DPDS in respect of the retail assessment, it is submitted that the proposals appear to accord with the over-riding objectives of the Trowbridge Urban Design Framework, which sets out the following key aim:-

“Trowbridge needs to attract new leisure facilities, shops, and businesses. Developers are needed to invest in the town, and both public and private sector organisations should be encouraged to base themselves here and develop Trowbridge as an attractive and economically successful county town”.

Following the completion of the Retail Assessment by DPDS and its review, one could argue that there is no actual demonstrable need for additional convenience floor space in Trowbridge. However, the Council is tasked with looking at the bigger picture in terms of facilitating regeneration in Trowbridge, and Members will be well aware that application proposals on sites in or near to town centres are subject to a long list of policy assessments, some of which have competing objectives (as the policy context list above details), and in such areas, the Council needs to consider what the critical issues are and decide what degree of weight needs to be attached to the contribution the proposal would make to the improvement of the town centre, as well as consider any negative impacts.

Notwithstanding the concerns raised by the County Council policy planning officer, this site is recognised as being a high-profile derelict brownfield site on one of the key gateways into Trowbridge town centre, located near to other key regeneration sites; and it is argued that redeveloping the former Peter Black site, could encourage and facilitate further regeneration development in the surrounding area, including the St. Stephen Place site (located on the northern side of the River Biss). There is little doubt that the development would significantly improve the physical appearance of the town and contribute to its overall regeneration.

Rather than look solely at the “need” for a food store, the Council must look at the bigger picture and recognise the mixed-use development proposals put forward by Parkridge/Waitrose and embrace a high quality development that would bring a major retailer to the town (that is not currently represented in West Wiltshire) and reinvigorate a site that has remained derelict for the past 7 years.



Whilst the County Council planning policy officer's reservations are duly acknowledged, your officers submit that the regeneration of this site is key to the future success of the town. Your officers agree with the applicant's agent in identifying the site (along with the Waterside scheme and the St. Stephen's Place site) as being inter dependant, and from the details provided, the scheme should be a highly sustainable, high quality properly integrated development that should contribute greatly towards the regeneration of the southern part of Trowbridge town centre.

The continued priority placed by the Council on redeveloping the St. Stephen's Place site is of material importance and your officers submit that this proposal would have more positives than negatives.

It must be recognised that the irregularly shaped site is not a straight forward site to redevelop. The River Biss - to the north and County Way - to the south set challenging constraints in terms of delivering a scheme that satisfies policy objectives promoting a mixed-use redevelopment that stacks up financially (from a development finance perspective) and overcomes infrastructural difficulties and satisfies ecological interests.

In the 2007 publication "Can Retail Development Prime Wider Regeneration?" by the Centre for Urban and Regional Studies at the University of Birmingham a case study concluded that "retail development can prime wider regeneration, but only as [part of a wider framework that incorporates other types of development such as suitable and adequate transport provision, housing development, education and health facilities and a range of employment opportunities...and that effective partnership working is critical in bringing about wider regeneration opportunities" (Town & Country Planning Vol. 76. No. 9 pp 316-317).

Whilst acknowledging the conclusions reached by the consultants DPDS and the County Council policy view, your officers submit that there are "adequate overriding considerations" to support this proposed mixed-use redevelopment of the former Peter Black site which would facilitate further regeneration in the immediate locality and to Trowbridge as a whole, which is seen as of critical importance both at a macro and micro planning level. Had this application been solely for a food store, the recommendation would have been different. The proposed mix of uses is considered acceptable which would offer the local population of Trowbridge and West Wiltshire as a whole more shopping options as well as a 60 bed hotel. Ultimately and notwithstanding the conclusions reached by DPDS, the market will decide whether there is any demand or need for another food store in Trowbridge.

Development Plan policy TO3 states that proposals for a new hotel, guest house or other serviced and self catering accommodation for visitors within the built up area of Trowbridge will be permitted provided that it is limited in scale, design, siting and materials of any buildings are sympathetic to the character of traditional buildings in the area. At this outline stage, the finishing materials are not subject for consideration, but having thoroughly assessed the indicative plans, it is submitted that the development would not harm the amenities enjoyed by occupiers of adjoining properties.

The highway authority reports that through appropriate modelling, the transport issues can be resolved so that the development is readily accessible by foot, bicycle and public transport. The highway authority reports that the development makes adequate provision for car parking and access, and after lengthy negotiations, the Environment Agency concludes that the development would not harm the natural environment including the water environment nor be subject to an inappropriate level of flood risk provided that adequate infrastructure and flood risk management is confirmed.

At this stage it is only possible to confirm that the application site represents an appropriate sustainable location for hotel development. Other considerations will be addressed at the reserved matters stage. Given its location it would potentially be well served by public transport. The design of the proposal will be addressed at the reserved matters stage.

Whilst the formation of another food store would add further competition (which is not material grounds to refuse a planning application), the mixed-use development should not have any significant negative connotations (providing all the above listed assessments are followed through with the implementation of appropriate mitigation measures where applicable).

The combined impact of the various proposals in the UDF on Trowbridge town centre and surrounding towns in the catchment area was assessed in a study by Roger Tym and Partners in September 2004. In summary, the study concluded that in the light of loss of trade and employment since 1990 the town centre is fragile and needs to renew itself. The comparator towns of Warminster, Westbury and Devizes all grew strongly during this period. Furthermore the study concludes that the combined planned development sites in the UDF, including the former Peter Black site is needed to ensure that Trowbridge does not fall further behind compared with neighbouring economies in the sub region. There is virtually no impact on the other towns in West Wiltshire and minimal impact on any other centre.

Trowbridge is a town which has a population of around 35,000 and represents the largest urban area within its sub region. Typically sub regional centres such as Trowbridge can be expected to have a catchment area of a 15-20 minute drive time for convenience goods and up to 30 minutes for comparison goods and commercial leisure. The 30 minute drive time catchment has a population of 363,000 but this includes most of Bath as well as Chippenham, Melksham, Devizes, Westbury, Warminster, Frome and Radstock/Norton. The precise catchment population and spending available will depend upon the relative size, range and attractiveness of facilities within competing centres within these isochrones. Higher order commercial centres such as Bath, Bristol and Swindon will have a greater sphere of influence whereas centres lower in the commercial hierarchy will have more limited catchments. When an individual centre has a particular facility or commercial advantage not offered elsewhere, the typical pattern can be distorted, but this is rarely of much overall significance.

#### Flood Risk and Ecological Interests

Following the submission and review of the revised FRA (revision D - dated May 2008), the Environment Agency is satisfied that all flood risk issues can be dealt with at the detailed design stage and by planning condition. Given this assurance provided by the Environment Agency, your Officers are also satisfied that flood risk mitigation can be addressed by the discharging of relevant conditions.

Planning Policy Statement 25 (PPS25) sets out the Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall. In the light of the scale of the proposed development, the existing uses and the planning history of the site.

PPS25 confirms that flooding and its impact on the natural and built environment are material considerations. It clarifies the sequential test that matches types of development against their vulnerability to degrees of flood risk and emphasises the need to carry out flood risk assessments.

As far as the sequential test is concerned, officers have previously given a written undertaking to the applicants stipulating that there are no other sites in Trowbridge capable of accommodating the proposed development. Your officers are satisfied that there are no sequentially preferable sites for the purposes of PPS25. In reaching this conclusion, your officers referred to the emerging Wiltshire Strategic Flood Risk Assessment, in accordance with advice from the Environment Agency.

The application site is identified as being within EA Flood Zone 2 and partially in Flood Zone 3 (West Wiltshire Sources of Fluvial Flooding Figure 3a). In accordance with advice in PPS25, Appendix D, it is recognised that within Flood Zone 2, developers and local authorities should seek opportunities to reduce the overall level of flood risk on these areas through the layout and form of the development, and the appropriate application of sustainable drainage techniques. In this regard, the applicants have fully considered the level and implications of flooding on the site (through the publication of a flood risk assessment) and have concluded that the site and proposals satisfies the exception test and that the site would provide wider sustainability benefits which outweigh flood risk. The proposal would deliver a scheme to enable the river corridor to be opened up and natural flood pathways to be restored, improve water habitats and biodiversity.

The proposals are deemed to satisfy the 1 in 100 year flood event test and that the development proposals would not increase flood risk elsewhere. In addition, it should be noted that vulnerable uses (i.e. residential uses) would be provided on the upper floor levels, as well as having in built measures to protect all future occupants from the risk of flooding.

If Members are minded to grant outline permission, it is recommended that the approval should be subject to planning conditions regarding surface water management, flood risk handling and flood water conveyance and storage and the provision of sustainable drainage systems.

#### Highways and Transport Issues

At the time of the preparation of the report, highways issues in respect of the site had not been fully resolved to the satisfaction of the Highways Authority. There remains a need for additional work to be undertaken and this is summarised in the consultation response from the County Highways Authority set out above.

Whilst this is less than satisfactory, the highways authority has at least recognised that a solution to highways issues will ultimately be able to be found to accord with PPG13 and the associated Development Plan policies.

In the circumstances, and as was the case with the application at land to the north east of County Hall (reference 07/03724/OUT), it is recommended that should Members agree with the recommendation, permission be granted at a future date, following the satisfactory completion of highway modelling and assessment work.

#### Impact on Listed Buildings and the Conservation Area

The proposed scheme would have a positive impact on the adjacent Conservation Area. The indicative scale, massing and range of building blocks would complement the indicative redevelopment that was approved for the Waterside scheme at land north east of County Hall in March 2008. In addition, the proposals would not have any detriment impact on the setting of listed buildings neighbouring the site.

#### Amenity and Access

Redeveloping the riverside, which is identified as an important natural corridor is in need of ecological enhancement, offers great opportunities through the creation of a boulevard to provide a pleasant public space. The ecological enhancements and the future provision of an important foot bridge would create an important link between Cradle Bridge, the park and the Shires Shopping Centre.

From the details provided, the site would be developed with a lot of attention attached to amenity issues. A robust planting scheme is proposed along with an interesting mix of public realm details, which would create an inviting public space. If the scheme can be accommodated within the town centre CCTV system, the site should also be a safe and secure area.

It is also submitted that with the redevelopment of the land to the north east of the County Hall, the further enhancement of the riverside would create a new focal point for the town and help reconnect the river with the town centre, aspects which the UDF identifies as current weaknesses.

#### Contaminated Land

An initial site investigation has revealed limited levels of ground and water contamination and concluded that as the residential use would not be provided at ground floor level, there is no direct exposure pathway or human health risk.

That said, it is recommended that a planning condition be attached to any grant of planning permission requiring additional groundwater sampling and if applicable, a detailed quantitative risk assessment.

## Housing

The application site is an appropriate location for residential development. It is a sustainable brown field site where guidance and policy at all levels states that housing development should be concentrated.

The proposal will make provision for 46 flatted residential units in the first phase. No reference is made to the provision of affordable housing within the planning submission, but the applicants agent was made aware of the need for affordable housing provision at an early stage in the planning process, and should Members be minded to agree with the recommendation, this issue could be dealt with through a S106 Legal Agreement, to be signed off by the Development Control Manager.

## Education Contributions

The lack of capacity at the local designated schools (i.e. Paxcroft Primary and Clarendon College) means that a new school is required to meet the growing demand for school places, and as with other approved residential schemes, the developers will be subject to making a financial contribution towards school places. In this particular case, 8 primary places and 6 secondary places are required at an estimated levy of £172,242. If Members are minded to approve the application, this shall be covered by a S106 legal Agreement.

## Public Open Space and Landscape provision

Development Plan policy requires an appropriate provision of public open space for proposals of ten or more dwellings. In this case, the provision of open space has been considered in the context of the requirements of the Trowbridge UDF. This places particular importance on the improvement of the walkways on either side of the River Biss. It should be noted that similar public space analysis was given to the approved mixed-use redevelopment of land to the north east of County Hall, which was accepted by the planning committee on 6 March 2008 in respect of application reference 07/03734/OUT.

However, given the lack of any proposed formal or informal children's play facilities within the site (which would not be ideally suited to a mixed-use development site in any case), it is recommended that if the application is approved, the developer should make a contribution towards the improvement of local existing facilities, which should be secured by a S106 Legal Agreement.

It is noted that the Council's Tree and Landscape Officer is not completely satisfied about the amount of proposed tree planting to be planted around the western edge of the site along Mortimer Street and alongside the riverside. In his report, he recommends that the flatted building be pulled back further from the highway to enable additional tree planting. However, it is submitted that there would be sufficient compensatory tree planting provided along County Way (which would make up for the loss of the London Plane trees which would be lost through the approved development on land located to the north east of the County Hall (under planning reference 07/03734/OUT). It is further submitted that the associated ecological enhancements along the riverside with a robust native tree and shrub planting scheme on the northern side of the site would create a vibrant boulevard and attractive public space.

Whilst the desire for additional tree planting around the western edge of the edge is fully understood, the Council must appreciate the wide range of competing objectives on this site, which is physically difficult to develop due to its long narrow shape. The western edge of the site has been carefully designed which reflects a frontage that was adopted on the waterside proposal, and it is submitted that in combination, the two sites would create an attractive entry to the town centre off County Way.

The applicant's agent further submits that there are specific physical (the Cradle Bridge structure) and technical (Environment Agency access requirements to the broad walk) reasons as to why tree planting cannot continue around the western edge of the site.

## Ecology

The ecological survey undertaken by Faulks, Perry, Culley & Rech in January 2008 is accepted by the Wiltshire Wildlife Trust, who agree with the recommendations to undertake further badger, bat and water vole surveys (prior to the commencement of any works on site) to establish whether any protected habitats would be affected by the development proposals.

Several planning conditions are recommended in the interests of protecting species, enhancing biodiversity and securing robust environmental controls (e.g. through the formulation of an environmental management plan).

## Sustainability

The application proposal will deliver sustainable development in the following key respects. It will result in significant regeneration of a town centre site. It will improve conditions for pedestrians by upgrading the environment around the River Biss and linkages between the town centre and County Hall.

The proposed commitment to achieving Level 3 of the Code for Sustainable Homes is supported, and in so doing, it will comply with the requirements of Policy C34 which requires energy efficiency.

## Conclusion

This proposal represents an important stage in the process of regenerating this previously developed site. It is acknowledged that as an outline application much of the detail of this proposal is yet to be determined (as far as the detailed design and external appearance of the buildings are concerned). However, the proposal has been subject to lengthy negotiations which has led to the submission of a set of proposals which are consistent with the principles of the Development Plan policy and the Trowbridge UDF and while there are matters of detail which need to be resolved, there are no material considerations which have been identified to outweigh this policy consideration. The regeneration arguments in favour of the proposal are strong and your officer's recommend that authority be delegated by Members to the Development Control Manager to secure this vital development for Trowbridge.

For the avoidance of any doubt, outstanding issues can be addressed by relevant conditions and legal agreements and if they cannot, then the Development Control Manager will bring the report back to the Planning Committee with a revised recommendation.

## **RECOMMENDATION**

That the Development Control Manager be authorised to issue the decision on completion of a Legal Agreement and the resolution of issues outlined in the recommendation.

# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 02

Date of Meeting	07.10.2009		
Application Number	W/09/01750/FUL		
Site Address	Mowlems Wynsome Street Southwick Wiltshire BA14 9RA		
Proposal	Residential development for 54 new build dwellings and conversion of existing building to 2 dwellings		
Applicant	Greensquare Group		
Town/Parish Council	Southwick		
Electoral Division	Southwick	Unitary Member:	
Grid Ref	383891 155260		
Type of application	Full Plan		
Case Officer	Mrs Judith Dale	01225 770344 Ext 245 judith.dale@wiltshire.gov.uk	

## Reason for the application being considered by Committee

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

- \* Scale of development
- \* Environmental/highway impact

## 1. Purpose of Report

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

## 2. Main Issues

The main issues to consider are:

- the principle of residential development
- the loss of employment land
- highway and access considerations
- design and amenity considerations
- drainage considerations
- contributions

## 3. Site Description

The application site occupies an important position within Southwick village, lying just to the north east of the main crossroads which mark its centre. The site lies at the junction of Wynsome Street and Church Street, comprising the former Mowlem's Engineering yard and the adjoining scrap yard to the north east. It measures approx 1.06 ha, is irregular in shape, level, generally hardsurfaced and contains a number of substantial outbuildings of varying type and design predominantly within the southern half of the site and which adjoin, and form part of, the external site boundaries. A characteristic of the site is the sense of enclosure defined by predominantly stone walls along most of the external boundary lines.

Access to the former Mowlem's site is via a splayed entrance at the junction of the two roads now closed by large gates, with an additional entrance approx halfway along Church St; the access to the former scrap yard is immediately adjacent.

The site is surrounded by the rear gardens of residential properties in Chantry gardens, predominantly 2 storeys in height, with mainly detached dwellings located opposite the site in both Wynsome and Church Streets.

#### **4. Relevant Planning History**

06/03615/FUL – Erection of 34 dwellings and associated site works, conversion of existing building to 2 no. dwellings, demolition of existing buildings – Withdrawn – 28.11.08

08/03063/FUL – Erection of 54 dwellings and conversion of existing building to 2 dwellings and new office suite – Refused – 26.05.09

#### **5. Proposal**

This application is a resubmission of a previous scheme for mixed development on the site which was refused in May 2009. (08/03063/FUL)

The proposal is for the demolition of all of the buildings within the site with the exception of a former stone office building facing onto Wynsome St, and the erection of 54 dwellings; the retained building is to be converted into a pair of houses. The proposed scheme is a mixture of two and three storey development comprising houses, apartments and flats-over-garages, with 28 of the units delivered as 'affordable for rent' and 28 as private market properties.

Details of the affordable units show 3 no one bed and 6 no 2 bed flats, and 7 no 2 bed, 10 no 3 bed and 2 no 4 bed houses; the private market units include 4 no one bed and 8 no 2 bed flats, and 1 no one bed, 5 no 2 bed and 10 no 3 bed houses. The tenure groups are generally spread across the development, with a larger pocket of affordable dwellings in the north east corner and accessed from Chantry Gardens. The submitted layout shows storage sheds in all garden areas, with shared drying areas, storage buildings and bin storage facilities to serve the flat elements.

The affordable dwellings are required to be constructed to a level 3 Code for Sustainable Homes which affects all aspects of the construction including materials and energy efficiency – where appropriate, south facing roofs incorporate solar panels. With regard to materials, a simple pallet of retained stone, red brick with reconstructed facings and details, concrete tiles and reconstructed slates is proposed.

The existing access points are to be closed and a new main entrance provided from Church Street to serve the majority of the development. The remaining 16 units will be served directly by an extension to the existing hammerhead at the end of Chantry Gardens. The area between these 2 roadways is designed as a landscaped area incorporating a footpath link through the centre of the site. A further separate pedestrian entrance into the site in the extreme south east corner will enable access from Chantry Gardens through to Wynsome St.

Car parking is provided predominantly within roadside and parking courts although 5 spaces are proposed within 2 small garage blocks. The layout shows a total of 92 spaces for 56 units, which includes 16 visitor spaces, delivering an overall ratio of one and half spaces per unit.

The application is supported by a Design and Access Statement, a Planning Statement, a Transport Statement, a Statement concerning the potential for the reuse of existing materials, a Site Investigation report, an Historic Building Assessment, a Flood Risk Assessment and a Market Feasibility Study for Employment

## 6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004

C31a Design

C32 Landscaping

C38 Nuisance

R4 Open Space in new Housing Developments

E5 Loss of Employment Floorspace

H2 Affordable Housing

H17 Village Policy Limits

H24 New Housing Design

S1 Education

T10 Car parking

T12 Footpaths and Bridleways

U1a Foul Water Disposal

U1 Infrastructure

I1 Implementation

Wiltshire Structure Plan 2016

DP1 Priorities for Sustainable development

DP7 Housing Development at Towns and main settlements

DP9 Development of previously developed land

PPS1 Delivering Sustainable Development

PPS3 Housing

PPG13 Transport

PPS23 Planning and Pollution Control

PPS25 Development and Flood Risk

SPG – Design Guidance - Principles

SPD – Residential Design Guide

## 7. Consultations

### Southwick Parish council

In view of the relative importance of this application to the village, the Parish Council's comments are reported in full:

"Further to our conversations and public meetings I write to advise that Southwick Parish Council discussed planning application Ref. W/09/01750/FUL, Greensquare Group, Residential development for 54 new build dwellings and conversion of existing building to 2 dwellings, Mowlem's, Wynsome Street, Southwick and object to the application due to various reasons below: However, i would like to take this opportunity to advise that the Parish Council and the village residents would like to see this site developed but on a much smaller scale and all would be happy with a 30 dwelling development.

### Highway Provision

i. The increased number of vehicles that will be accessing the development via Church Street will have massive implications on this area, the street already has issues with parking, it is narrow and is a major pedestrian route linking the two sides of the village which creates hazards for motorists. Furthermore exiting Church Street onto Wynsome Street has limited visibility for motorists and with such an increase in vehicles the risk of accidents vastly inflate and as such the Council strongly recommend it would be better to have the access directly onto Wynsome Street. The Council suggest to remove dwellings 1A, 2A and 3A and create the access to the proposed development from this point and perhaps install a mini round-a-bout in this area. This point has a much better visibility when accessing onto Wynsome Street. It is also felt that perhaps this mini round-a-bout would help with traffic calming along Wynsome Street. Furthermore many residents do not agree with the view that Church Street is the safer option for access, particularly as when the Mowlem's site was operational the access to the site was from Wynsome Street and not Church Street.



ii. We are presuming from the plans the frontage along the development on Church Street is a pavement, as this is essential if this or any development is to proceed. This is vital as Church Street is already the major pedestrian route linking the two sides of the village (i.e. the School, Hollis Way footpath, across Wynsome Street, Church Street, and footpath link to the shops in Chantry Gardens).

iii. The Parish Council believes that if this development proceeds then a Puffin Crossing on Wynsome Street is vital. A development of this size will obviously increase the village population significantly and will increase pedestrian activity crossing the road at Wynsome Street, particularly with children going to school and the playing field. In addition, this development will also create increased traffic; Southwick no longer has a school crossing attendant.

iv. There is a current issue with inconsiderate car parking along Church Street and the increased hazard the proposed development would have with more vehicles using this road. The instatement of double yellow lines along this road were suggested.

v. It is noted from the plans that bollards will be erected along Church Street, however it is not sure if this is to protect pedestrians from the traffic or to prevent cars from parking in this area. Either way it is wondered why they are not included all the way along the development in Church Street.

vi. Prior to this application coming before the Parish Council we had asked the Highway Authority to investigate into creating Church Street one way; with the Frome Road end of Church Street being entry only but no exit or to be blocked so that it is a no-through road. With this application increasing the traffic into this area it is felt this is even more a requirement.

vii. Concerns were raised regarding the dwellings that would access the site via Chantry Gardens; it was felt this would be additional traffic utilising the entrance to Chantry Gardens which is already an issue as this one entrance currently services approximately 250 houses. This was demonstrated earlier this year when a fire resulted in emergency vehicles blocking the entrance. Furthermore it was felt this access created the potential for residents of the new development not using their designated spaces and adding to the on-road parking situation in Chantry Gardens which is currently being tackled by the police.

#### Drainage & Sewerage

i. Parts of Chantry Gardens and Church Street have been subject to severe flooding and the proposed development will only exacerbate this problem; this needs to be fully investigated and resolved before the proposed development proceeds. It was previously raised that one insurance company have refused to insure a resident of the Parish stating that Chantry Gardens is now designated a "flood plain".

ii. The current drainage systems, both surface and foul water, were installed immediately post-war and served many fewer dwellings. They are now vastly inadequate and will need replacing with something more acceptable before the proposed development proceeds.

#### Other

i. It is felt the site is over developed and suggested to reduce the number of dwellings to thirty. Concern was raised as to whether all these houses would be required in the current financial climate.

ii. Issues were raised regarding the wall bordering the proposed development and Chantry Gardens, it was noted the wall height has been reduced and reasons for this have not been provided. Residents of Chantry Gardens in this area would prefer for the wall to remain at its current height.

iii. Adequate lighting provision for the walk-through areas of the site (through the trees) to ensure safety of the residents is also required.

iv. We note the existing boundary stone walls with Chantry Gardens are to be retained. We presume there will be not modifications/alterations to these existing walls.

#### 106 Agreement

i. It is requested that 106 Agreement provision be made to provide a play area within the development and a sum of money to be used to upgrade the existing village facilities which are located in the village playing field.

ii. Also it is proposed that 106 Agreement money to be used to fund a puffin crossing, as recommended above.

iii. Furthermore, that an appropriate sum of 106 Agreement money should be provided for providing the footway along Church Street as recommended above.

Please be aware that over twenty members of the public attended the public consultation meeting that was held by the Parish Council and most. The Parish Council will be advising them directly once a date has been determined for this application to be discussed at Planning Committee and would therefore appreciate if you could confirm the date once it has been decided."

#### Highways

Confirms that earlier concerns have been addressed and overcome and that there is no objection subject to conditions regarding the construction of the roads, footpaths and turning areas; provision of visibility splays; a scheme for the discharge of surface water; the consolidation and surfacing of driveways; and a Grampian condition requiring the provision of a puffin crossing on Wynsome Street.

#### WSBRC

Notes slow worm and lizard records on the site in 2001

#### Education Officer

Originally confirmed that the development would generate a need for an additional 14 primary and 10 secondary places; that the designated schools (Southwick CE and John of Gaunt) are full and that a contribution of £332,544 would be required.

A re-calculation, based on the confirmed number of affordable housing and the number of one bed units, has reduced the figure to just under £304,000.

Further comments are incorporated in the 'Contributions' section at 9.6.

#### Housing Enabling Officer

Confirms that there is a demonstrable need for affordable housing in Southwick; that 50% affordable housing should be sought on a nil subsidy basis, in perpetuity and managed by an RSL, nominated and agreed by the Council; the current housing need statistics show the priority need is for housing for rent; the design, layout, tenure mix and unit sizes are acceptable.

#### Environment Agency

Raises no objection to the application subject to conditions relating to a scheme for the disposal of surface water, and a scheme for water efficiency measures to be incorporated within the development.

#### Planning Policy

Notes the Market Feasibility Report assessing the existing and potential uses of the site, the availability of alternative employment land and buildings and the financial feasibility of the development of the site; confirms that there would be no objection to the redevelopment of the site for residential use subject to a maximum of 50% affordable housing on the site in accordance with policy.

#### Environmental Health Officer (Protection)

Regarding the potential for contamination on the site as a result of previous uses, notes that the initial findings of the submitted desk study confirm that additional work will be required to quantify any levels. While such work would normally be required prior to any permission, it could be controlled by appropriate conditions.

With regard to noise, notes that those units facing directly onto Wynsome St would experience high levels of passing traffic at particular times. Sound attenuation measures for affected plots is therefore required by condition.

#### Wessex Water

Notes that the parties are working to agree a strategy for surface water and foul drainage from the site and requests a condition requiring such a strategy to be provided.

With regard to water supply, notes that off site mains reinforcement will be required to prevent low pressures and an off site, 100m link main provided to which the developer will be expected to contribute.

#### Leisure Manager

No comment received on the current application.

However, in response to the previous application which was for a very similar form of development,

- supported the proposed footpath link between Wynsome St and Chantry Gardens
- noted that the local play area is in need of enhancement and would support any commuted sum being transferred to the Parish Council to be spent on additional play equipment.

#### Landscape Officer

No comment received on the current application.

However, in response to the previous application,

- confirmed a contribution to open space facilities of approx £37,500
- raised no general objections to the development but requested the repositioning of plot 25C to protect an existing sycamore tree

#### Economic Development

No comment received

### **8. Publicity**

The application was advertised by site and press notice and neighbour notification.

Expiry date: 31 July 2009

Summary of points raised:

Two letters have been received in connection with the development – one requesting adequate provision of parking at a ratio of 2 spaces per dwelling, and one seeking clarification with regard to the retention of a section of boundary wall.

### **9. Planning Considerations**

#### Background

As referred to above, this application is a resubmission of a previous application which was refused for a number of reasons – an unacceptable form of development which, due to its layout and density would have a detrimental impact on surrounding properties; an unsatisfactory highway layout; inadequate foul drainage arrangements; failure to deliver the required contributions towards open space, education infrastructure and highway works; failure to demonstrate the proposed loss of employment would be in accordance with policy.

That application was for a mixed scheme incorporating 56 dwellings (50% affordable and 50% private) and 400 sq ms of office space with essentially the same basic layout, highway arrangement and principles to the application now being considered. However, to address the reasons for refusal, specific changes and modifications have been incorporated in the current proposal as follows:

- no employment provision within the site to deliver an entirely residential scheme
- the provision of the same number of residential units (56) to achieve a marginal reduction in density of development across the site
- the replacement of 3 storey office accommodation along the Church St frontage with a two storey dwelling to limit the height of development along that frontage to 2 storey
- internal rearrangements to address specific design and amenity concerns
- an increase in the number of parking spaces from 87 to 92
- technical highway improvements as requested by the Highway Authority
- agreement to partial contributions towards open space, education and highway works.

These revisions are assessed below.

#### 9.1 Principle of residential development

Policy H17 permits 'limited' development within defined villages provided that the development would be in keeping with the character and spatial form of the settlement; would not create inappropriate backland development; would not result in the loss of an important space or visual gap; and can be satisfactorily serviced.

It has been a matter of some debate as to whether the construction of 56 dwellings on this site could be described as 'limited', but in terms of principle, the residential reuse of brownfield land in the centre of a village is an acceptable form of redevelopment. Whether the current scheme meets the policy criteria in terms of design, layout and character is for further analysis, but the principle reuse of these vacant sites is clearly supported by the District Plan, the Structure Plan, and government advice in PPS1 and PPS3.

## 9.2 Loss of Employment Land

Policy E5 of the District Plan makes it clear that applications involving the loss of employment floorspace will only be considered acceptable where it can be shown that there is an adequate supply of genuinely available land and premises in the locality in order to ensure future and continued provision.

In assessing this aspect as part of the previous application, the submitted Employment Report was considered inadequate in a number of ways

- the incorrect assumption that the existing builders yard could not reasonably be considered as employment land because of the limited number of former employees
- incorrect assumptions about the supply of available employment land within the locality
- the failure to recognise and address the need for an increase in the amount of employment land within the district
- the failure to include any information on the marketing of the site for commercial use.

In addition, the proposed 400 sq ms of office accommodation was felt to represent no more than a token commercial presence which could not realistically be considered to deliver a mixed scheme to offset the overall loss of employment.

The information submitted in support of this current application has been updated and now also includes a Market Feasibility Report which

- explores the incompatibility of employment uses on this site with surrounding residential development
- notes that the site has not been identified in the former WWDC Employment Land Assessment Report as a future important employment site
- identifies a stock of employment floorspace which has been built but not occupied
- identifies the highway and access limitations which make the site unsuitable for any intensification of commercial use.

On this basis, the Spatial Planning consultation response acknowledges the limitations of the site for commercial use and confirms that there is 'no policy objection to the redevelopment of the site for residential use.'

## 9.3 Highways and Access considerations

The successful development of this site has, in part, been dependant on an improvement to the existing access arrangements. The current main access is in a dangerous position at the junction of Wynsome St and Church St, the secondary access onto Church St has limited visibility due to the position of existing buildings and Church St, itself, is narrow with no footpath. The proposed redevelopment, which now includes the adjoining scrapyard, would

- close the existing access at the principal road junction and position replacement buildings to improve visibility
- create a new access further north along Church St with improved visibility
- 'set back' replacement buildings along that frontage to create a wider carriageway and a separate footpath
- provide for pedestrian links through the site between Chantry Gardens, Church St and Wynsome St
- install a puffin crossing in Wynsome St to improve access to the school and playing fields on the opposite side of that main road.

While these improvements are only being generated and provided as a result of the proposal to build a proportionately large number of new dwellings, they would have secondary benefits to existing residents and users of Wynsome St and Church St, where current arrangements are acknowledged as unsatisfactory.

From the traffic generation point of view, the conclusion of the Traffic Statement is that when compared with the potential traffic generation of the existing commercial use of the land, the proposed residential scheme would generate only an 'insignificant' increase overall – specifically, the development would generate substantially less traffic during the week along Church St with slightly more at weekends; would increase the general use of Chantry Gardens commensurate with 16 new properties throughout the week but that such levels can be accommodated within the existing highway network.

The Highway Authority does not raise an objection to the proposed levels of traffic but had a number of concerns (15) over the detailed design and layout of the previous application which were considered to warrant a highway reason for refusal. The revised scheme has addressed all of these matters to the Highway Authority's satisfaction.

#### 9.4 Design and amenity considerations

In refusing the previous application, the Council took the view that 'the proposed layout at the density proposed would give rise to an unacceptable degree of overlooking, over dominance and loss of privacy to the existing dwellings adjoining the site and would also demonstrate an unacceptable relationship between the proposed dwellings.....'

While the notional density at 52 dwellings per hectare exceeded the maximum advised in PPS3 and was considered to be out of keeping with the character of the surrounding lower density development, the Planning Officer's report qualified this particular point - 'Whilst this is not of itself a reason for refusal as the new development will be of a different character and to a certain extent be self contained, the resultant effects of the design produced by this density of development must be carefully considered.' The report went on to identify the specific areas of concern

- overlooking and overshadowing of properties in Church St from the 3 storey office accommodation
- overshadowing of proposed properties from the proposed offices
- general internal overlooking within the proposed development
- poor relationship of new dwellings with the adjoining properties in Chantry Gardens
- general overdominance of car parking and hardsurfacing with resultant noise and disturbance.

To a large extent, the revised application has overcome these specific detailed concerns particularly as regards the relationship to existing properties beyond the site boundaries. The loss of 3 storey development from the Church St frontage has minimised those concerns of overlooking and overshadowing while the 3 plots adjoining 213 Chantry Gardens have all been repositioned to more acceptable distances. Although other properties adjoining this eastern boundary have remained unchanged, all meet the generally advised distance of 21m between rear elevations.

With regard to the more general concerns over density, the extent of car parking and hardsurfacing and the overall character of the development, these remain largely unchanged from the previous application. The loss of the office accommodation from the scheme has marginally reduced the density but this remains at the higher end of the advised limits while the amount of car parking has, in fact increased. There remain a number of 3 storey buildings at a proposed height of 10 - 11 metres contrasting with the surrounding 2 storey development and there can be no question that the character of the development does vary from that which immediately surrounds the site.

In assessing these factors, however, it is important to take account of the following considerations.

- the site is currently in employment use, itself out of keeping with the character of the area
- there are currently large buildings on the site which present a contrasting visual profile to the surrounding two storey housing
- to redevelop the site at the density of the surrounding development would not be acceptable within the framework of PPS3
- the site is currently industrial in type and appearance and a more suburban development with low profile buildings, grassed front gardens and covered parking would not be appropriate or in keeping with its existing character
- while both sites are currently vacant, there are no restrictions to their reuse as potentially 'bad neighbour' developments. This is no clearly justification for approving an alternative form of development which might be equally unacceptable, but as analysed above, the revised changes have largely removed those elements which impact directly on surrounding properties.

- since the proposed scheme is to deliver 50% affordable units, rented and managed by a Housing Association, this introduces a number of additional design constraints which might be considered out of keeping with the established pattern of adjoining development – eg a dominance of surface parking, smaller units at a higher density to meet specific local need, comparatively small gardens. However, policy does require this percentage of affordable housing to be delivered on village sites and a change in design character is therefore inevitable
- the design rationale underlying this development is that this is a self contained site which, to a large extent, should adopt a self contained solution while taking account of the wider area. Current planning policies now demand variety within developments to incorporate a mix of house types, size and tenure not reflected in the surrounding 1960s and 1970s development.
- there are recognised abnormal costs in redeveloping these two sites which could be argued to justify a higher density of development – in particular the contamination works associated with the previous uses and an upgrade of the inadequate foul drainage arrangements. The matter of viability is examined further in para 9.6 of this report
- finally, the matter of density is largely an abstract concept – the same amount of building on the site could provide fewer larger dwellings to meet a statistically acceptable density figure but this might not deliver accommodation to meet the particular needs of the area. In this case, 50% of the development is to meet the specific needs of Southwick and the surrounding area which is reflected in the final density on the site.

In the light of the above, the fairly specific reason for refusal relating to the density and design elements of the scheme is considered to have been partly addressed by this revised application and partly justified by the particular circumstances of the site.

## 9.5 Drainage considerations

An objection was raised to the previous scheme on the basis of the adequacy of the existing system to cope with proposed flows from the site. The Environment Agency maintains no objection and Wessex Water has confirmed that although the overall drainage strategy for the site has yet to be agreed, this can be dealt with by appropriate condition. While it is clear that the drainage issues have not been formally resolved, Members will be aware of the advice in Circular 11/95 which encourages the use of conditions to 'enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission'.

## 9.6 Contributions

The nature of this development requires contributions to affordable housing, education infrastructure, highway works and open space provision. As with the previous application, the applicants have indicated that due to economic factors, they would be unable to meet the full level of S106 contributions required and have submitted both an open book appraisal to identify the amount available for such contributions and a draft unilateral agreement outlining their proposals.

In this particular case, the proposed development requires the following contributions to be delivered

- 50% affordable housing in perpetuity and delivered at nil subsidy
- a puffin crossing on Wynsome St (estimate £60,000)
- education contributions of approx £304,000 towards 13 primary and 9 secondary places
- an offsite commuted sum towards public open space provision of approx £40,000 for an upgrade of the local play area
- possible off site drainage improvements although this would be a matter for private agreement with Wessex Water

The revised terms now being proposed by the applicants are

- 50% affordable housing although the financial delivery of this is still being negotiated
- the delivery of a puffin crossing on Wynsome St
- a financial contribution of £40,000 to public open space
- a contribution of £45,000 to education infrastructure

As with planning conditions, Circular 05/2005 makes it clear that S106 contributions must meet a number of tests which include necessity, relevance, being 'fairly and reasonably related' to the development and reasonableness. The Planning Officer is satisfied that the requested contributions towards affordable housing, highway works, education infrastructure and open space all meet the required tests which, in this case, centre on approved Council policy, and the need to provide essential education facilities, improved play opportunities and safe pedestrian access to those facilities for occupants of the new development. In terms of the costs of providing these facilities:

- the estimated cost of a puffin crossing has unfortunately now increased to £60,000 from previous estimates of £30,000 due to changes in technology
- the off site contribution to open space facilities remains at £40,000 based on the Council's supplementary planning guidance
- the education contribution for approx £304,000 is based on a need for 13 additional places at Southwick Primary School and 9 secondary places at the John of Gaunt School and is supported by the following information:
  - (a) the catchment primary school has capacity in permanent accommodation of 142 places and current forecasts indicate that it will consistently exceed that figure – 2009=160; 2010=156; 2011=160 and 2012=158. The proposed contribution would be used to replace the temporary classrooms with more suitable permanent buildings in line with the Council's corporate priority.
  - (b) at secondary level, the capacity in permanent accommodation is 1160. Current forecasts indicate a rising roll with 2010=1101; 2011=1130; 2012=1163; 2013=1170; 2014=1189. It is an important point to note that these figures do not take account of future developments which have been approved but not yet implemented so while the figures currently suggest spare capacity until 2012, it is likely that those spaces will be absorbed by that date. As with the primary contribution, moneys are to be directed towards replacing temporary accommodation with permanent buildings in line with Council policy.

On the basis of this essential need, the total cost of contributions amounts to a nominal value of £404,000; the applicants proposal totals £120,000 leaving a shortfall of £284,000.

The 'offer' of £120,000 is justified by the applicants as follows:

"The financial appraisal was produced on the basis of an open market housing development. I can confirm that the figures in the appraisal are carefully analysed and reliable estimates. The costs are probably more accurate than the projected income figures. The sales income is based on an appraisal that is dated and, arguably, the income figure might be lower.

The appraisal includes a contribution of £120,000 with a substantial loss. With the contributions removed, the loss would be reduced but it would remain substantial. The project will only proceed with public subsidy from the HCA towards the 50% social housing to rent.

Affectively, the contributions are being funded by the HCA grant. The public open space contribution is £40,000 and this, I believe, meets the calculated site requirement.

I can confirm that Westlea are prepared to building the puffin crossing, and that a condition on a planning permission requiring the completion of s.278 agreement, prior to the commencement of development, is acceptable to Westlea. The estimated cost of the crossing is £60,000 and this, therefore, affectively increases the contribution by £25,000.

This leaves the contribution towards the education facilities of £45,000.00, some way short of the Education Departments request. At Frome Road in Southwick, Westlea have recently obtained permission for a housing scheme where the education contribution is £833 for each unit. Applying a similar amount to the current scheme would result in a payment of £46,660 – very similar to the proposal Westlea have made.

The financial appraisal concludes, by a substantial margin, that the development is unviable, and this, I think, provides a policy justification for a reduction in the level of contribution required.

Having reconciled so many issues around the development, it seems to me, regrettable to lose support for the overall development over the level of education payment. Without the permission, it is likely that Westlea will lose a significant allocation from the HCA. The grant will enable the development to take place, securing the future of this derelict site during very difficult economic conditions".

The Education Officer has commented on this as follows:

\* "It is the Council's standard and published policy to secure funding of additional education infrastructure required by a housing development from the relevant developer. We are increasingly seeing developers look to reduce their infrastructure contributions in these difficult economic times - officers at a senior level have recently discussed this, and decided that it is important to keep applying the education contributions policy, as the cost of any places not funded by the developer creating a need for them, has to be met by the Council.

\* The approved development at Frome Road, Southwick, was on a much smaller scale than the current application for Mowlem's Yard - 12 units as opposed to 56. It generated a need for 3 primary and 2 secondary places as opposed 13 primary and 9 secondary school places. All 12 units were affordable housing, whilst half(28 units)of the Mowlem's Yard housing are to be for sale (and therefore profit), on the open market. A full contribution of £69k was sought at Frome Road, and the much lower £10k contribution was accepted reluctantly, largely in view of the small number of places required and the nature of the development. Although in terms of affordable housing we are willing to accept that secondary age pupils may not change school, other families will move in to occupy the vacated housing within Trowbridge, with the likelihood of a need for further (unfunded) places being generated at the designated area secondary school. This is particularly pertinent where the development is substantial i.e. at Mowlem's Yard. The Frome Road application was treated as an exception to standard policy, and does not in any way set a precedent.

\* £69k was arrived at using the government's capital building cost multipliers for school places. They were (and are currently), £11356 per primary and £17351 per secondary, place. So £10k was a token payment that did not even fund the provision of a single place, representing only 14% of the cost of providing the places needed.

\* The developer has already, and exceptionally, been allowed to fund only 14 % (less than one primary place), of the cost of the school places required at Frome Road, and so the cumulative effect of the need for further places in the same areas/schools must cause concern. The £45k funding now offered will almost meet the cost of only 4 of the primary places needed (and in addition to the £10,000 from Frome Road, a total funding of 4.8 primary places only is reached), at the figures per place quoted above. In total this effectively leaves 11 primary and 11 secondary places without developer funding for Southwick/John of Gaunt Schools."

The following conclusions can be reached:

- if approved, this development will clearly place a demand on the existing and future education infrastructure at both primary and secondary level
- this demand will effectively be unfunded by the developer with the expectation that this funding will have to be met by the Council
- while in the short term, there may be some capacity in the system to accommodate additional numbers, this is not a likely or acceptable long term position
- while some of the demand for additional places might already be within the catchment area of the relevant schools which could potentially reduce overall numbers, this cannot be quantified
- the £304,000 education contribution has factored in a discount for affordable tenants who may already be in the local school system
- irrespective of the precise catchment area of any given school, or the tenure of any new dwellings, the proposed development will deliver a total of 48 new 'family' units whose children will need to be educated within those schools
- it is not entirely clear how the overall total of £120,000 towards contributions has been derived other than as a figure identified within the open book appraisal. This figure therefore seems to reflect commercial viability rather than the needs of the development which is the basis on which any contribution must be considered and justified
- the analysis assumes that it is the education contribution which should be negotiated to accept a reduced figure.



It is, perhaps, unfortunate that the nature of contributions is such that the education element generally appears disproportionately greater than the other elements; it is therefore often possible for a development to 'meet' all of the other requirements while expecting the education contribution to 'take the hit' where finances dictate. This not only ignores the fundamental justification of need, but fails to consider whether it might be more appropriate to seek a proportionate reduction across all the service areas. In this particular case, it is clear that there is equal justification for the recreation, highway and education facilities to support this development, but the scale of the shortfall will inevitably have a greater impact on education provision.

In time, this cumulative shortfall leads to a reduction in funds to provide what is an essential community service. The Education Officer confirms that by accepting a reduced contribution at a nearby site in Southwick, on behalf of the same applicant, there is now a greater cumulative shortfall to be met. It also highlights the difficulty of the Council's position in setting a precedent which is then used to justify another case.

It is to avoid such outcomes that the District Plan has incorporated policies which ensure that 'the developer makes a contribution necessary to secure the provision of infrastructure related to the needs of the development' (U1). Policy I1 requires legal agreements to provide for community facilities 'where the need for these arises directly from the development concerned. Provision should be commensurate with the scale and nature of the individual development'.

Specifically relating to education, policy S1 states:

"Where a proposal for residential development gives rise to the need for additional education provision, a planning obligation will be sought to meet that need. The scale of the obligation to be sought will relate to the scale of need arising from the proposed development."

The Council's Education Officer had identified the scale of need generated directly by this development which the developer is unable or unwilling to meet on economic grounds. While the Council recognises the economic difficulties of the time, it has a duty to provide those community services irrespective of the wider circumstances and funding limitations. Every approved scheme which fails to deliver the necessary contributions adds to a widening funding gap, pressure on existing facilities and a precedent which accepts an economic argument over need.

Members will be aware that one of the reasons for refusal of the previous application for development on this site related to inadequate contributions to open space, highway works and education infrastructure. Despite the apparent resolution of the other contributions, the benefits which the scheme would deliver and the remaining reasons for refusal largely being overcome, the matter of the necessary education contribution remains outstanding. While it might be considered that these should weigh a decision in favour of the development, the shortfall in the education contribution to meet the needs of the development has not been adequately justified and would be contrary to policy.

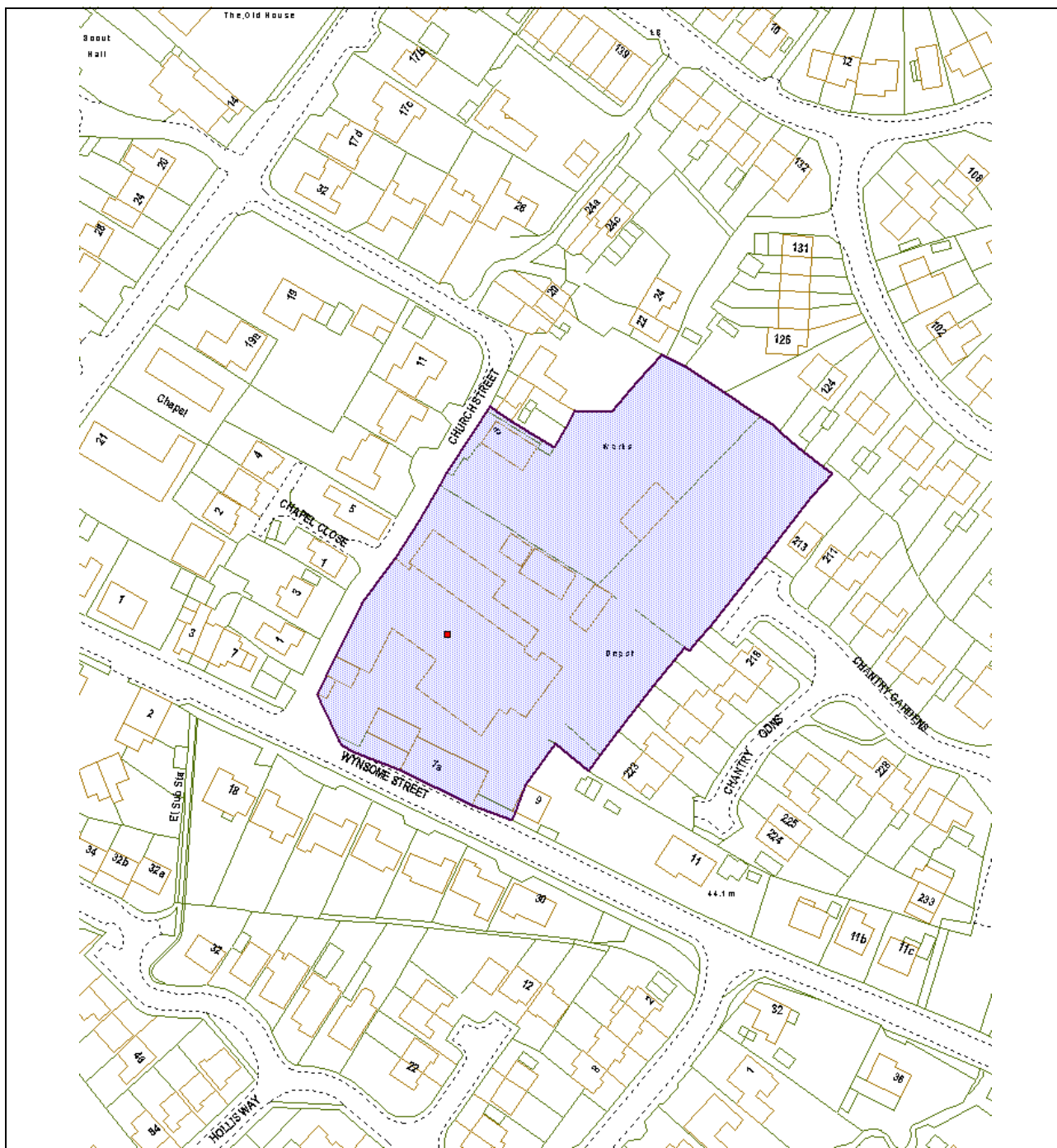
The recommendation is therefore for refusal.

**Recommendation:                Refusal**

**For the following reason(s):**

- 1     The proposal fails to make provision for adequate financial contributions to education infrastructure contrary to policies S1, U1 and I1 of the West Wiltshire District Plan 1st Alteration 2004

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

## RELEVANT APPLICATION PLANS

Drawing : 2622/51 received on 18.06.2009  
 Drawing : 2622/52 K received on 18.06.2009  
 Drawing : 2622/53 B received on 18.06.2009  
 Drawing : 2622/54 B received on 18.06.2009  
 Drawing : 2622/55 B received on 18.06.2009  
 Drawing : 2622/56 B received on 18.06.2009  
 Drawing : 2622/57 B received on 18.06.2009  
 Drawing : 2622/58 C received on 18.06.2009  
 Drawing : 2622/59 received on 18.06.2009  
 Drawing : 2622/60 received on 18.06.2009

Drawing : 2622/61 B received on 18.06.2009  
Drawing : 2622/62 B received on 18.06.2009  
Drawing : 2622/63 B received on 18.06.2009  
Drawing : 2262/64 B received on 18.06.2009  
Drawing : 2262/65 B received on 18.06.2009  
Drawing : 2262/66 received on 18.06.2009  
Drawing : 2262/67 received on 18.06.2009  
Drawing : 2262/68 B received on 18.06.2009  
Drawing : 2262/69 B received on 18.06.2009  
Drawing : 2262/70 A received on 18.06.2009  
Drawing : 2262/71 received on 18.06.2009  
Drawing : 2262/72 A received on 18.06.2009  
Drawing : 2262/73 B received on 18.06.2009  
Drawing : 2262/74 B received on 18.06.2009  
Drawing : 2262/75 B received on 18.06.2009  
Drawing : 2262/76 B received on 18.06.2009  
Drawing : 2262/77 B received on 18.06.2009  
Drawing : 2262/80 B received on 18.06.2009  
Drawing : 2262/81 received on 18.06.2009  
Drawing : 2262/82 received on 18.06.2009  
Drawing : 2262/83 received on 18.06.2009  
Drawing : 2262/84 received on 18.06.2009  
Drawing : 2622/85 received on 18.06.2009  
Drawing : IMA-08-040-006 received on 18.06.2009  
Drawing : IMA-08-040-007 received on 18.06.2009  
Drawing : IMA-08-040-008 received on 18.06.2009

# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 03

Date of Meeting	07.10.2009		
Application Number	W/09/02386/FUL		
Site Address	Land South West Of Bonnie Farm Court Lane Bratton Wiltshire		
Proposal	Mobile home, day room and caravan		
Applicant	Mr Peter Eddington		
Town/Parish Council	Bratton		
Electoral Division	Ethandune	Unitary Member:	Julie Swabey
Grid Ref	391005 153136		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 169 james.taylor@wiltshire.gov.uk	

## Reason for the application being considered by Committee

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

- \* It is for a building outside the village policy limits.
- \* Could be considered as a gypsy site.

## 1. Purpose of Report

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

## 2. Main Issues

The main issues to consider are:

- \* Impact on the rural character of the area
- \* Impact on highway safety
- \* Impact on amenity, including that of neighbours
- \* Proximity to local services and facilities
- \* The needs and safety of future occupants and their children

## 3. Site Description

The application site is agricultural land which appears to be grazed; it is located in open countryside which is subject to no special landscape designations. It is sited to the north of the rural village of Bratton.

The site has natural hedges to the western boundary of the site which fronts the highway. During the site inspection in late August it was established that to the north, east and south the boundaries are post and wire fencing.

Access to the site is an existing, a rough agricultural access. It is set back from the highway by approximately 10 metres with a grassed verge.

The site is located near the entrance to the privately owned, but partially-Council run gypsy site of Bonnie Park. This has 10 pitches (including 6 Council pitches) according to Policy CF12 of the West Wiltshire District Plan 1st Alteration (2004).

#### **4. Relevant Planning History**

None

#### **5. Proposal**

The proposal is for the siting of a mobile home and caravan and the erection of a timber day room. The day room would be a timber construction with a pitched roof approximately 4.1 metres high to the ridge and with a footprint of 7.3 metres by 5 metres including an open veranda. The caravan would be sited adjacent to the day room and have dimensions of approximately 12.4 metres in length, 4.3 metres in width and 3.7 metres in height. Details of the touring caravan proposed have also been submitted to indicate a length of 8.5 metres, width of 2.4 metres and height of 2.5 metres.

The proposal would utilise the existing access and provide for 2 car parking spaces. The proposal details revised boundary treatments with 1.8 metre high fencing (painted green) and the provision of a septic treatment tank to serve the site.

The application has been submitted with a supporting design and access statement which makes it quite clear that this is an application for traveller/gypsy accommodation. The applicant states that they have no fixed address.

#### **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection

C31a Design

C38 Nuisance

CF12 Gypsy Caravan Sites

Wiltshire Structure Plan 2016

DP1 Priorities for Sustainable Development

DP15 Accommodation for Gypsies and Travellers

National guidance

PPS1: Delivering Sustainable Development

PPS7: Sustainable Development in Rural Areas

ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites.

DETR Circular 03/1999: Planning requirement in respect of the use of non-mains sewerage incorporating septic tanks in new development.

#### **7. Consultations**

Bratton Parish Council

NO COMMENTS RECEIVED.

Highway Authority

OBJECTION: "Following our discussion earlier this week I can confirm that due to the proposed development being outside of a defined planning policy area I feel bound to raise the following highway objection:-

The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys.

However if you are minded to approve the application, minor improvements are required to the surface of the existing access and therefore the following condition should be attached to any permission granted:-

The development hereby permitted shall not be occupied until the access has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter. REASON: In the interests of highway safety."

Wessex Water

NO OBJECTION.

Environmental Health

NO OBJECTION.

## **8. Publicity**

The application was advertised by site notice and neighbour notification. A further site notice was erected once a report was received that the original notice had been removed.

Expiry date: 15 September 2009.

5 letters of objection from 4 parties were received. Summary of points raised:

- \* Application should be determined in accordance with the existing development policies, the following are directly relevant C1, C36, H17 and H19.
- \* No need has been demonstrated and applicant has not been subject to any harassment at Bonnie Park.
- \* Concern over drainage and sewerage / lack of detail on provision of services.
- \* Day room has three rooms and is a house.
- \* Visibility issues with parking of vehicles on the verge for sale.
- \* Proposal is in direct conflict with the Council's own traveller sites policy.
- \* Blot on countryside / incongruous.
- \* No site notice evident/not aware of any consultation process
- \* Noise from generator
- \* Enough caravans in Bonnie Park, so do not want them down the lane as well / proposal some distance from Bonnie Park.
- \* Loss of view
- \* Outside village policy limit and has poor service provision
- \* Proposals would be evident on a busy road in and out of village
- \* Additional hazard to traffic and pedestrians
- \* Undesirable form of in-fill
- \* Does the Council have guidelines in place to exercise control over these one-off situations?

1 letter of support was received. Summary of the points raised:

- \* Good access
- \* Proposal to be well screened.

## **9. Planning Considerations**

9.1 This proposal has been presented as an application for a single private gypsy site. As such it must be principally considered under Policy DP15 of the Wiltshire Structure Plan 2016 and Policy CF12 of the West Wiltshire District Plan (2004). Further the proposals need to be considered in light of other relevant development plan policy and the regional and national context which includes the ODPM Circular 01/2006 on planning for gypsy and traveller caravan sites.

9.2 Policy DP15 clearly states that proposals for gypsy caravan sites cannot be assessed using policies for settlements and that travellers and gypsies have particular needs which are recognised in central government policy. Further it is clear that suitable sites may be found within and outside settlements.

9.3 Policy CF12 is consistent with the Structure Plan and also sets out criteria by which to assess applications and has a positive phrasing stating that proposals to provide caravan sites for gypsies will be permitted in appropriate locations having regard to issues such as nuisance, encroachment into open countryside, the needs and safety of future occupants and their children, highway safety, availability and adequacy of infrastructure, proximity to services, protecting agricultural land and flood risk.

9.4 National policy on such matters was updated in February 2006 with the production of ODPM Circular 01/2006. This defines gypsies and travellers as 'persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependant's educational or health needs or old age have ceased to travel temporarily or permanently.....', but acknowledges that the community has generally become more settled. Being settled can have benefits in terms of access to health and education facilities, and can contribute to greater integration and social inclusion within local communities as detailed in the circular.

9.5 The Council's spatial planning team continues to work towards the production of a Development Plan Document for Gypsy and Traveller site allocations as part of the new Local Development Framework for Wiltshire. However this is in its very early stages and no allocation have been made to date. The Regional Spatial Strategy has indicated that there is a shortage of allocated sites within the former West Wiltshire administrative area and so there is an acknowledged need in the area.

9.6 Turning to this specific case the applicant has stated that after approximately 10 years living at the Bratton gypsy site he has become homeless, and it is understood that this is for personal and family reasons. Whatever the motives the applicant has demonstrated a need for accommodation.

9.7 National and local planning documents accept that private sites are acceptable in principal, indeed this can be beneficial in that it can reduce conflict between different families, ethnicities and cultural origins of travellers on larger communal sites.

9.8 This application site is located in proximity to a well-established traveller's site located in the open countryside outside of the village policy limits. This site is still well-related to the village of Bratton though being within a reasonable walking distance of its services and facilities. Indeed it is closer to these facilities than the established part-Council operated site in Bratton. Further the site is much closer to the village than recent single, private pitch gypsy sites granted planning permission on Capps Lane. The first of these was granted by a planning inspector who considered the site to be reasonably sustainable for a gypsy site given their nomadic lifestyles.

9.9 The planning policy is explicitly clear that applications should not be considered against the normal policies for housing and village and town settlement boundaries. Applications outside of settlements may be perfectly acceptable.

9.10 It is noted that the highway authority comments object to the principle of allowing the development in open countryside on grounds of sustainability. However in the context of the above then such an approach would be in direct conflict with planning policy and recent decisions on similar proposals in the area. If the site were completely remote from any settlement and had no access to facilities or services then an unsustainable argument could be substantiated, however this is clearly not true in this case.

9.11 The site is located approximately 400 metres from the village policy limits of Bratton which has all the facilities to be expected of a modest rural village, including a rural bus service which connects to larger local settlements and their facilities. This site, in the context of a gypsy application is reasonable with access to local facilities and services to satisfy the needs and safety of future occupants and their children including access to education, health facilities and work and leisure opportunities.

9.12 Turning to wider planning considerations of the site it is noted that this proposal is in open countryside that is subject to no special designations. The frontage of the site is set back from the main road and obscured from view by an established hedge. The site would however be visible from public vantage points including the Bratton recreation ground to the south, but a high fence painted a suitable colour and planting could mitigate against any visual impact. This can be reasonably secured by planning conditions.

9.13 The amount of development being proposed is quite typical of a single, private gypsy application including a large caravan, a touring caravan and a dayroom. All of this development is limited to single storey heights and would be suitably sited within the context of the area, viewed against the backdrop of vegetation and fencing. In summary the proposal would not have a significant impact on the rural character at this point.

9.14 The proposals detail the provision of sewerage treatment facilities on the site, and the submitted information regarding the proposed manufacturer is acceptable. Since there are no mains facilities in the area then this is an acceptable approach. It is noted that Wessex water raises no objection. In the unlikely event of any pollution occurring then this would be subject to other legislation to control. In terms of electricity for the site then it is noted that the site is close to other development that has electricity and therefore this factor poses no significant concern, although a condition would be prudent to protect against possible noise from generators. Environmental Health has raised no objection to the proposals and noise is covered by other legislation also.

9.15 The access to the site is rather rough, although well established for agricultural purposes. The visibility in both directions is good and as such the modest intensification of traffic at this point poses no concerns. The highway authority raises no objection on grounds of highway safety subject to the imposition of a condition to control the resurfacing of the existing access.

9.16 The application site is subject to the lowest level of flood risk and therefore this factor is not of significance. Further the land is not considered to be the best or most versatile agricultural land.

9.17 It has been noted that the proposals have been subject to some public objection following the display of a site notice and some neighbour letters being sent out. All the comments and points received in the consultation process have been noted and given consideration prior to reaching any conclusion or recommendation. Any planning matters have been discussed above, but other grounds for objection such as the loss of view are not material planning considerations.

9.18 In summary the proposals are considered to be in accordance with the development plan policies for the area and national guidance in circular 01/2006. There is an acknowledged shortfall in traveller and gypsy provision within this area as detailed in the emerging regional spatial strategy and it is highly regrettable that the work for allocations at the local level is not complete. Given that there is an acknowledged need for further sites, and that the Council has not made any allocations to date then speculative applications must be given significant consideration in that context. Since this site meets the criteria set out in the principal development plan policy and would not result in any demonstrable harm to planning interest (subject to the imposition of reasonable conditions) then this application may be recommended for permission.

**Recommendation:            Permission**

**For the following reason(s):**

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

**Subject to the following condition(s):**

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

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

- 2     The site shall not be permanently occupied by persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.



West Wiltshire District Plan 1st Alteration 2004 - POLICY: CF12

- 3 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than 1 shall be a static caravan or mobile home, shall be stationed on the site at any time.

REASON: In the interests of the visual amenity of the area.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 4 No development shall commence and no caravans brought onto site until details of the consolidated surface to the access have been submitted to and approved in writing by the Local Planning Authority and the works completed in accordance with the approved details. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 5 No development shall commence and no caravans brought onto site until details, including a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority for the following:

- i) the materials to be used in the construction of the external surfaces of the day room, hardstandings, access drives, parking and amenity areas;
- ii) the landscaping of the site (a scheme showing the species, plant sizes, numbers and densities) including details of any supplementary planting to reinforce the existing hedgerows;
- iii) any new boundary treatment or fencing
- iv) refuse storage facilities
- v) electricity generation
- vi) lighting

REASON: In the interests of amenity of the area and neighbours.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 6 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 site. 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.

REASON: To ensure a satisfactory landscaped setting for the development.

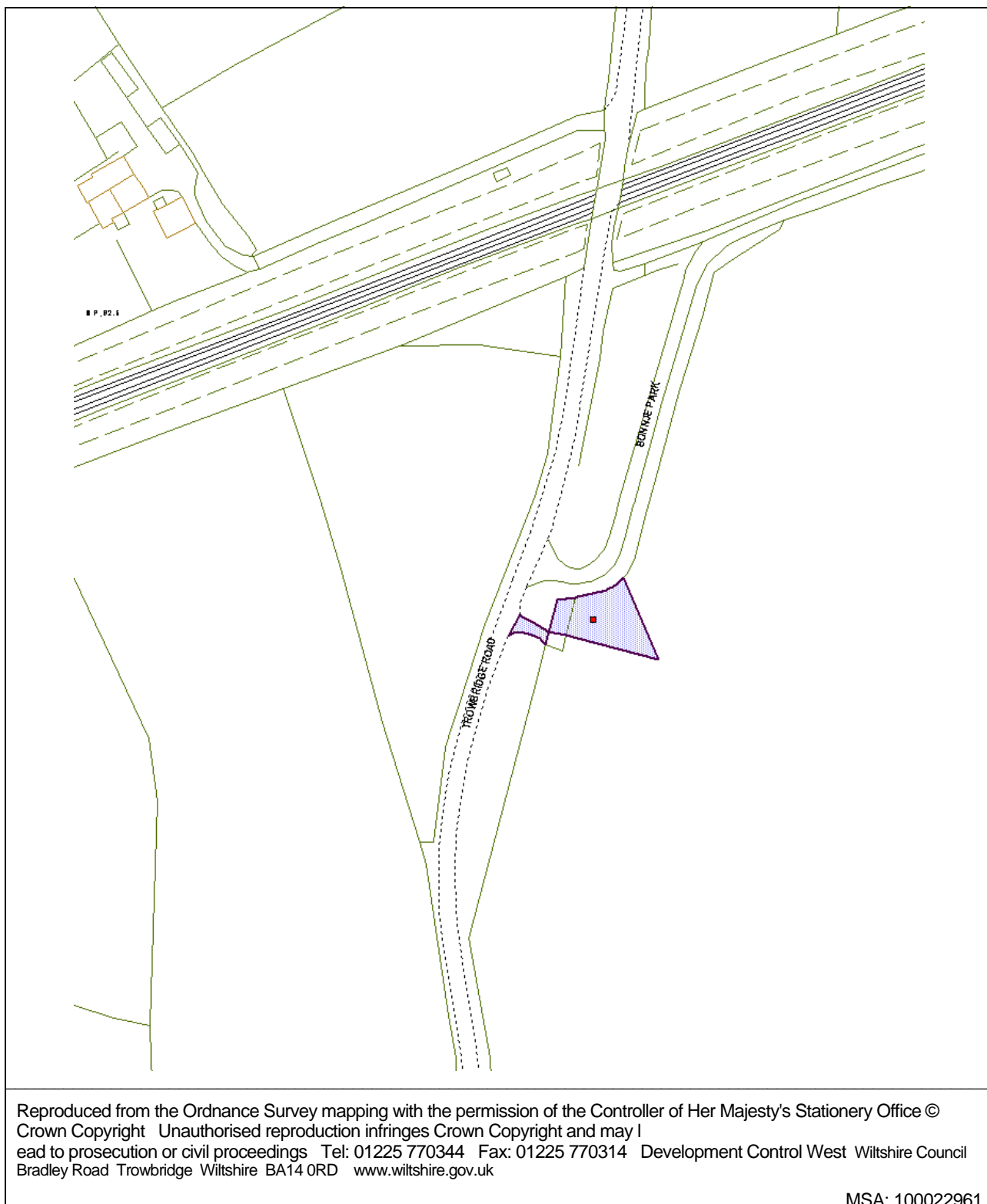
West Wiltshire District Plan 1st Alteration 2004 – POLICY CF12.

- 7 There shall be no burning of waste on the site.

REASON: In the interests of amenity and environmental protection.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



## RELEVANT APPLICATION PLANS

Drawing : PE2 received on 13.08.2009  
Drawing : PE1 received on 13.08.2009  
Drawing : PE3 received on 13.08.2009  
Drawing : PE4 received on 13.08.2009  
Drawing : PE5 received on 13.08.2009  
Drawing : PE6 received on 13.08.2009  
Drawing : PE7 received on 13.08.2009