

# AGENDA

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**Meeting:** Strategic Planning Committee

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

**Date:** Wednesday 11 December 2024

**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Tara Hunt of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email [tara.hunt@wiltshire.gov.uk](mailto:tara.hunt@wiltshire.gov.uk)

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

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## Membership

Cllr Howard Greenman (Chairman)

Cllr Christopher Newbury (Vice-Chairman)

Cllr Ernie Clark

Cllr Adrian Foster

Cllr Carole King

Cllr Stewart Palmen

Cllr Pip Ridout

Cllr Jonathon Seed

Cllr James Sheppard

Cllr Elizabeth Threlfall

Cllr Robert Yuill

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## Substitutes:

Cllr Helen Belcher OBE

Cllr Richard Britton

Cllr Steve Bucknell

Cllr Clare Cape

Cllr Ruth Hopkinson

Cllr George Jeans

Cllr Dr Nick Murry

Cllr Andrew Oliver

Cllr Nic Puntis

Cllr Bridget Wayman

Cllr Stuart Wheeler

Cllr Graham Wright

Cllr Tamara Reay

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## **Public Participation**

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

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

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

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

# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

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

To approve and sign as a correct record the minutes of the meeting held on 22 October 2024.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

### **Statements**

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

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

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

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

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

## **Questions**

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 4 December 2024 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 6 December 2024. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

## **6 Planning Appeals and Updates**

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

### **6a Planning Appeals (Pages 39 - 40)**

To receive details of completed and pending appeals.

### **6b PL/2022/04875 - Land at Salisbury Retail Park, London Road, Salisbury, SP1 3YX - UPDATE ON ADJUSTED BNG AREAS (Pages 41 - 106)**

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

### **6c PL/2021/08064 - Innox Mills, Stallard Street, Trowbridge, BA14 8HH - PHASING UPDATE (Pages 107 - 244)**

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

(i) Outline planning application: the erection of up to 284 dwellings, erection of a convenience store (Class E), erection of up to 872 sqm of new commercial floor space (Class E); and associated access, public realm; and landscaping works.

(ii) Full planning application: Erection of convenience store (333 sqm GIA) and 12 No. apartments, part demolition and external works to Innox Mills and change



of use to Class E; external works and extension (180 sqm GIA ) to Innox Place and change of use to (Class E); external works to Dyehouse and Brewery for as bat mitigation and change of use to a dual use internal market/Class E; demolition of former Cloth Factory Building; and associated access, public realm and landscaping work in commercial courtyard and along the Stallard Street frontage.

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

### **Planning Applications**

To consider and determine the following planning applications.

- 7 **PL/2024/08255 - Land at former East Wing Site, Bythesea Road, Trowbridge, BA14 8JN (Trowbridge Leisure Centre)** *(Pages 245 - 292)*

Construction of a Leisure Centre and Ancillary Works.

- 8 **PL/2022/08634 - Land Northwest of Crossing Lane, Lower Moor, Minety** *(Pages 293 - 324)*

Solar Park and Energy Storage Facility together with associated works, equipment and necessary infrastructure.

- 9 **Urgent Items**

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

### **Part II**

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

**None**

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## Strategic Planning Committee

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### **MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 22 OCTOBER 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

#### **Present:**

Cllr Howard Greenman (Chairman), Cllr Christopher Newbury (Vice-Chairman), Cllr Adrian Foster, Cllr Carole King, Cllr Stewart Palmen, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr James Sheppard, Cllr Elizabeth Threlfall, Cllr Robert Yuill and Cllr George Jeans (Substitute)

#### **Also Present:**

Cllr Horace Prickett

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#### 62 **Apologies**

Apologies for absence were received from Cllr Ernie Clark, who was substituted by Cllr George Jeans.

#### 63 **Minutes of the Previous Meeting**

The minutes of the previous meeting were presented for consideration, and it was,

#### **Resolved:**

**To approve and sign the minutes of the meeting held on 18 August 2024 as a true and correct record.**

#### 64 **Declarations of Interest**

There were no declarations of interest.

#### 65 **Chairman's Announcements**

There were no Chairman's announcements.

#### 66 **Public Participation**

The procedure for public participation was noted.

#### 67 **Planning Appeals and Updates**

The Chairman referenced the appeals report in the agenda and highlighted that the appeal in relation to PL/2022/08155, Land to the West of Semington Road, Melksham. This application had been refused at the Strategic Planning

Committee previously. It had now been allowed on appeal; however, costs had not been awarded.

Cllr Jonathon Seed stated that he had attended that appeal inquiry and that the council had not defended the decision of the Committee. In his opinion the appeal had been surrendered, rather than lost.

68 **20/06554/FUL - Land At Empress Way, Ludgershall, Wiltshire**

Public Participation

Aaron Smith (agent) spoke in support of the application.

Adam Madge, Principal Planning Officer, introduced a report which recommended that the application for Erection of 190 dwellings, car parking, access including extension to Empress Way, green infrastructure including open space and landscaping, infrastructure, drainage, utilities and engineering works. Off-site highway works at junction of Astor Crescent / Empress Way and Tidworth Road. Land reserved for 2-form entry primary school, be approved with conditions and subject to a S106 agreement.

Attention was drawn to the updated report published in agenda supplement 1, which corrected the description of the proposal and the division Member. An updated map of the site was also published in the supplement.

The officer stated that the site was on allocated land and had been to the Strategic Planning Committee before, on [10 August 2022](#). The S106 agreement had not yet been completed so permission had not yet been granted. Therefore, the application was back before the Committee as there had been some changes made to the proposal. Additionally, changes had been made to the National Planning and Policy Framework (NPPF).

Slides of the proposal (published in agenda supplement 3) were shown to the Committee, including the site, plans, elevations and access, of which there were 2 proposed. The site was mainly surrounded by green fields, but the land had been allocated in the new Local Plan, so if the Local Plan was approved by the Secretary of State for Housing, Communities and Local Government, that land would likely be built on.

In terms of changes to the proposal, there were some Skylark/Lapwing plots close to the sites as part of a mitigation scheme. Under the amended proposal, these sites would be moved as the land surrounding the site had been allocated for housing. This would form part of the S106 agreement. The Local Equipped Area for Play (LEAP) had been moved marginally. Furthermore, the affordable 2 bedroom dwellings were to be 2sqm bigger.

In terms of the second access to the site, the applicant had queried whether this was necessary, Wiltshire Council considered that it was, hence it forming part of the application. The recommendation before the Committee was to approve with conditions, subject to the successful completion of the S106.

Members of the committee then had the opportunity to ask technical questions of the officer. In response it was explained that the land for the Lapwing/Skylark sites was owned by the applicant, and this was suggested as part of the S106 legal agreement, rather than by condition. Therefore, it would be in place in perpetuity and if the applicant wanted to change this, they would need to come back to the council. Some Members highlighted that the new location for the Lapwing/Skylark plots was at Beacon Hill where there was a lightly used firing range. In addition, there was an application for a more extensive shooting school there and they questioned whether this was suitable. The officer had not been aware of this and advised that officers could take away an action to ensure that Ecologist was aware and double check that the location was suitable.

The green spaces within the site would also be covered by the S106 agreement, and usually within that it was agreed that a management company would manage the green spaces.

In relation to the second access, it was the judgement of the Wiltshire Council Highways Officer that this was required. It was felt they would not have stated this without evidence to back it up, and therefore it would be defensible at appeal. The second access was discussed last time the proposal came to the Committee. It was in the conditions that the second access would need to come into use at the 180<sup>th</sup> dwelling. However, Members previously had felt more comfortable with it coming into use at 160 dwellings. Members could amend this condition again if they were minded to do so.

It was noted that in the report published in the agenda originally, there was a typographic error on page 32, where it referred to the 18<sup>th</sup> dwelling, when this should read the 180<sup>th</sup> dwelling. This had been corrected in the version of the report included in supplement 1.

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

The unitary division member, Cllr Tony Pickernell had been unable to attend the meeting, so had passed on some comments which the Chairman read on his behalf. Cllr Pickernell's main concern, and that of Ludgershall Town Council, was the amount of traffic off the small bridge by the traffic lights in Ludgershall and the long stretch of road along to the development, which people sped down. As such they were wondering if some road management/traffic calming could be put in. The Chairman concurred with this as he had visited the site. The officer highlighted that there was money allocated (approximately £90,000) as part of the S106 for looking at traffic calming measures in Ludgershall. The highways officer had not recommended anything more. The Chairman stated that he would like something added to the proposal in relation to this if the application was approved.

Cllr Adrian Foster proposed the officer recommendation to approve, subject to conditions and a S106, with the amendment of condition 20 to require the second access to come into use at the 160<sup>th</sup> dwelling, the addition of an

informative regarding Empress Way, Ludgershall and traffic calming measures being implemented using the money allocated in the S106, and to request that the ecologist review the location for the lapwing/skylark plots. This was seconded by the Chairman.

A debate followed where noise from the shooting range in relation to the Lapwing/Skylark plots was discussed and some Members highlighted that birds in such locations were not concerned about the noise, and often there could be less disturbance in such areas, particularly for ground nesting birds as access was restricted. It was hoped the ecologist which reviewed whether the proposed location for the plots was suitable had some understanding of military firing ranges.

Members were generally supportive of the motion. Other issues raised included whether this would count towards the council's Housing Land Supply (HLS) and whether there was a possibility the Town Council could manage the green open spaces. At the conclusion of the debate it was,

### **Resolved**

**That subject to the completion of a Section 106 covering the matters set out in the report at annexe 1 and below, the Head of Development Management be given delegated authority to then grant planning permission, subject to the conditions listed below.**

**Draft Section 106 Heads of Terms legal agreement to secure the following:**

- o **Air Quality monitoring - £10,000**
- o **Waste & Recycling Facilities – £19,190** *(Note: this is different to the figure included in the agenda, due to an increase in fees)*
- o **Highways and Transport - £90,820**
- o **Public Art - £57,000**
- o **Sports -£77,976**
- o **Early Years / Nursery education provision - £385,484**
- o **Nutrient Neutrality - £831,850**
- o **Affordable Housing Provisions:-**
  - **60% of all affordable homes on-site (34) shall be provided as affordable rent tenure.**
  - **40% of all dwellings on-site (23) shall be provided as shared ownership tenure.**
  - **Tenure to be as defined in the planning obligation, or otherwise agreed in writing.**
  - **Creation of skylark and Lapwing plots at Beacon Hill Farm, Cholderton.**

**And subject to the following conditions**

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

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

**2. The development hereby permitted shall be carried out in accordance with the plans list attached to this permission.**

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

**3. No development shall commence until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:**

- **Arrangements for liaison with the Council's Public Protection Team**
- **All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.**
- **Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.**
- **Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.**
- **Procedures for emergency deviation of the agreed working hours.**
- **Control measures for dust and other air-borne pollutants.**
- **Measures for controlling the use of site lighting whether required for safe working or for security purposes.**
- **Construction traffic routing details**

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

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

**4. The development shall be carried out strictly in accordance with the approved Flood Risk Assessment and Drainage Strategy dated 3rd March 2022, Reference 15675-HYD-XX-XX-RP- D-5001.**

**Prior to commencement of development the following additional drainage information shall be submitted to the local planning authority for approval in writing –**

- **calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the**

receiving groundwater. This can be undertaken based on the Simple Index Methodology outlined within the CIRIA SuDS Manual.

- revised hydraulic modelling calculations setting the MADD value to 0m<sup>3</sup>/ha in order to ensure that the on-site attenuation storage is not overestimated. If the applicant believes that a value of 20m<sup>3</sup>/ha is appropriate, quantitative justification should be provided to support this.
- evidence of the applicant's engagement with the Water Company for the adoption of Sustainable Drainage Features.
- plans showing finished floor levels (FFL) and threshold levels set to minimum FFLs at 150mm above adjacent infrastructure thoroughfare levels.

The development shall be carried out in strict accordance with the approved additional drainage information.

**REASON:** To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

5. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the local planning authority. No dwelling shall be first occupied until the approved details have been fully implemented in accordance with the approved plans.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
  
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc.);



- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc.);

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

8. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan will align with recommendations in Section 5 and Appendix IX of the submitted Ecological Appraisal and Phase 2 Surveys. Land Off Empress Way, Ludgershall, Wiltshire (Lyndsay Carrington Ecological Services, March 2022) and shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Pre-construction/construction working method statements for protected/priority species, such as nesting birds, amphibians, reptiles and bats.
- c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

e) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

9. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will align with recommendations in Sections 5.3, 5.8 and 5.9 and Appendices XII and IX of the submitted

Ecological Appraisal and Phase 2 Surveys. Land Off Empress Way, Ludgershall, Wiltshire (Lyndsay Carrington Ecological Services, March 2022). It will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

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

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

10. Prior to construction commencing details of existing and proposed new lighting shall be submitted to and approved by the Local Planning Authority in writing. The submitted details must demonstrate that a level of 0.5Lux or less can be achieved at the edges of sensitive habitat features as defined in Section 4.2.2 and displayed on Appendix VII of the Ecological Appraisal and Phase 2 Surveys prepared by (Lyndsay Carrington Ecological Services (March 2022) including, but not exclusively; H2 along the northern boundary, H1 along the south western boundary, retained woodland shelter belts and new planting at the eastern and southern boundaries.

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

11. Prior to the commencement of development, a Plan shall be submitted to and approved in writing by the Local Planning Authority of:

**integral bat roosting and integral swift bricks within buildings. The agreed Plan shall show the specification of the swift bricks and bat roosting features to be provided on a minimum of 20% of the new dwellings (approximately 38) and where they will be located, together with a timetable for implementation.**

**REASON: to maintain and enhance biodiversity in accordance with Wiltshire CP50, NPPF, and BS 42020:2013.**

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

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

**13. No development shall commence within the red line boundary of application 20/06554/FUL until:**

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

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

**REASON: To enable the recording of any matters of archaeological interest. This is in accordance with Paragraph 205 of the NPPF, which states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance**

**and the impact, and to make this evidence (and any archive generated) publicly accessible'.**

**The programme of archaeological work should provide for the investigation in advance of the commencement of development of an area in the north-east of the application area where exploratory geophysical survey and archaeological investigation identified evidence for Roman settlement. This should be followed by a programme of assessment, analysis, reporting, publication, and archiving commensurate with the significance of the results to achieve the public benefit of the exercise.**

**14. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been**

carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

**Step (i)** A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether it is likely that contamination may be present on the site.

**Step (ii)** If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

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

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

15. Prior to the commencement of development the applicant shall undertake an Air Quality Assessment (AQA) or Screening Assessment, to be approved in writing by the Local Planning Authority prior to commencement of construction. This must quantify the effect of the development on existing local authority air quality monitoring locations and sensitive receptors as well as the proposed development. It must also identify and make adjustments for all core strategy based development in the developments locality. Use of CURED data in the AQA is expected along with any other currently accepted approaches to AQA. Any recommended measures to effectively mitigate emissions shall be implemented in accordance with the AQA.

**REASON:** Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity, in accordance with Core Policy 55 of the Wiltshire Core Strategy.

**16. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.**

**REASON: Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity, in accordance with Core Policy 55 of the Wiltshire Core Strategy.**

**17. Within 6 months of first occupation of the development hereby approved a full travel plan shall be submitted based on the framework travel plan. The full travel plan when approved shall be implemented including the appointment of a travel plan co-ordinator for three years from the date of first appointment.**

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

**18. Prior to first occupation of any dwelling hereby permitted the access from the development to the extension of Empress Way shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to a point on the nearside carriageway edge 90 metres to the west. The visibility so provided shall thereafter be maintained.**

**REASON: In the interests of safe and convenient access.**

**19. Prior to first occupation of any dwelling hereby permitted the extension of Empress Way including its verges and footways as detailed on plan number ITB15328-GA-005/F, to provide access to the development, shall have been provided to base course level and lit by street lighting.**

**REASON: In the interests of safe and convenient access.**

**20. Prior to first occupation of the 160th dwelling hereby permitted the extension of Empress Way including its carriageway and footways as detailed on plan number ITB15328-GA-005/F, to provide access to the development, shall have been surfaced in tarmac wearing course.**

**REASON: In the interests of ensuring that the access road is properly completed. HIGHWAYS**

**21. The development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of each phase**

being completed and the development brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

**REASON:** To ensure that the development will be nutrient neutral.

**DRAINAGE INFORMATIVES:**

1. Occupation of the development should be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. The applicant should note that if the intention is to offer the roads for adoption, the LLFA does not provide for the approval of drainage suitable for adoption by the Highway Authority. Further approval should be ascertained from the Highway Authority. To find out more about the processes required to secure road adoption, contact the Highway Authority at [HighwaysDevelopment@wiltshire.gov.uk](mailto:HighwaysDevelopment@wiltshire.gov.uk)
2. The applicant should note that new Sewerage Sector Guidance (published 1st April 2020) enables Water Companies to adopt SuDS features as part of the surface water drainage network.
3. If the intention is to offer the drainage scheme up for adoption the applicant will need to consult with Southern Water, prior to the submission of any drainage scheme details to the local planning authority, to ensure compliance under the new adoption codes and to formally commence the adoption process.
4. Applicants should contact Southern Water for further information/ discussion. The Lead Local Flood Authority will support any applications brought forward through the Southern Water adoption process.
5. There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
6. Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse. An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.
7. Wiltshire Council's land drainage bylaws can be downloaded [here](#). The land drainage consent application form and guidance notes can be found on our website [here](#).
8. There are private soakaways proposed in the boundaries of properties. Homeowners will need to be made aware of their maintenance responsibilities and this should be written into the deeds of the properties

9. It is noted that if surface water drainage will be offered for adoption by Wiltshire Council and the Water Company; the applicant will need to apply for adoption of these assets separately to this planning application.

10. The application states that foul drainage will discharge to a public sewer. This requires consultation with the sewerage undertaker for the area.

**INFORMATIVE:**

Public footpath LUDG2 runs through part of the development. The rights of way users must be safeguarded: the current route of the footpath must not be obstructed, except where temporary closures or diversions are required to construct the second point of access, or a diversion order must be achieved to divert the footpath to an unobstructed route. The legal line of the PROW route must be kept open at all times, except where temporary closures or diversions are required to construct the second point of access. The definitive (legal) width of the route is 1m but a corridor of at least 2m must be kept open at all times, except in the above circumstance.

**INFORMATIVE:**

The traffic calming scheme shall be designed to achieve traffic speeds on the road no greater than 20mph.

**INFORMATIVE:**

Traffic calming/management should be implemented on Empress Way in Ludgershall using some of the money allocated for Highways and Transport in the S106 agreement.

**Plans list** (*Note: this is different to the plans list included with the agenda due to an administrative error*)

| Drawing Title                             | Strategic Committee (2022) Drawing No. | Revised Drawing No. (October 2024) | Reason for Revision 2024                  |
|---|--|------------------------------------|---|
| Site Location Plan                        | 19.096.01B                             |                                    |   |
| Block Plan                                | 19.096.02F                             | 19.096.02K                         | Reflect landscaping and highway revisions |
| House Type A – Floor Plans and Elevations | 19.096.03                              |                                    |   |
| House Type B – Floor Plans and Elevations | 19.096.04                              |                                    |   |
| House Type C – Floor Plans and Elevations | 19.096.05                              |                                    |   |
| Block A – Floor Plans and Elevations      | 19.096.06A                             |                                    |   |

|   |            |            |                            |
|---|------------|------------|----------------------------|
| Block B – Floor Plans and Elevations                | 19.096.07  |            |                            |
| Block C – Floor Plans and Elevations                | 19.096.08  | 19.096.08A | Affordable home size       |
| Block D – Floor Plans and Elevations                | 19.096.09  | 19.096.09A | Affordable home size       |
| Block F – Floor Plans and Elevations                | 19.096.10A | 19.096.10B | Affordable home size       |
| Block G – Floor Plans and Elevations                | 19.096.11  | 19.096.11A | Affordable home size       |
| Block H – Floor Plans and Elevations                | 19.096.12A | 19.096.12B | Affordable home size       |
| Block I – Floor Plans and Elevations                | 19.096.13D | 19.096.13E | Correction of plot numbers |
| Block J – Floor Plans and Elevations                | 19.096.14C |            |                            |
| Block K – Floor Plans and Elevations                | 19.096.15A |            |                            |
| Block L – Floor Plans and Elevations                | 19.096.16  |            |                            |
| Block M – Floor Plans and Elevations                | 19.096.17B |            |                            |
| House Type A Version 1 – Floor Plans and Elevations | 19.096.18  |            |                            |
| House Type B Version 1 – Floor Plans and Elevations | 19.096.19A |            |                            |
| House Type D Version 1 – Floor Plans and Elevations | 19.096.20  |            |                            |
| Block E – Floor Plans and Elevations                | 19.096.21  |            |                            |
| House Type A Version 2 – Floor Plans and Elevations | 19.096.22A |            |                            |
| Block A Version 1 – Floor Plans and Elevations      | 19.096.23  |            |                            |
| Block D Version 1 – Floor Plans and Elevations      | 19.096.24B | 19.096.24C | Affordable home size       |
| Block E Version 1 – Floor Plans and Elevations      | 19.096.25A |            |                            |
| Block N – Floor Plans and Elevations                | 19.096.26  |            |                            |
| Single Garage – Floor                               | 19.096.27  |            |                            |



|   |               |               |  |
|---|---------------|---------------|--|
| Plans and Elevations                        |               |               |  |
| Single Carport – Floor Plans and Elevations | 19.096.28     |               |  |
| Double Garage – Floor Plans and Elevations  | 19.096.29     |               |  |
| House Type Key                              | 19.096.30K    | 19.096.30M    | Reflect landscaping revisions  |
| Parking Schedule                            | 19.096.31E    |               |  |
| Open Space                                  | 19.096.32E    | 19.096.32J    | Clarify the extent of the open space required for Policy HC34 for S106 |
| Street Scenes Sheet 1 of 4                  | 19.096.33C    |               |  |
| Street Scenes Sheet 2 of 4                  | 19.096.34C    |               |  |
| Street Scenes Sheet 3 of 4                  | 19.096.35C    |               |  |
| Street Scenes Sheet 4 of 4                  | 19.096.36C    |               |  |
| Character Areas                             | 19.096.37F    | 19.096.37H    | Reflect landscaping and highway revisions                              |
| Site Plan 1                                 | 19.096.38E    | 19.096.38J    | Reflect landscaping and highway revisions                              |
| Site Plan 2                                 | 19.096.39E    | 19.096.39J    | Reflect landscaping and highway revisions                              |
| Site Plan 3                                 | 19.096.40E    | 19.096.40J    | Reflect landscaping and highway revisions                              |
| Block O – Floor Plans and Elevations        | 19.096.41B    |               |  |
| Block P – Floor Plans and Elevations        | 19.096.42A    |               |  |
| Block Q – Floor Plans and Elevations        | 19.096.43     | 19.096.43A    | Affordable home size   |
| Block R – Floor Plans and Elevations        | 19.096.44B    |               |  |
| Standard Shed Detail                        | FHL207022     |               |  |
| Landscape Proposals Overview (Sheet 1 of 9) | ACLA/BLG/100A | ACLA/BLG/100I | Landscape scheme revisions   |
| Landscape Proposals (Sheet 2 of 9)          | ACLA/BLG/101A | ACLA/BLG/101I | Landscape scheme revisions   |
| Landscape Proposals                         | ACLA/BLG/102A | ACLA/BLG/102I | Landscape scheme   |

|                                    |               |               |                                   |
|------------------------------------|---------------|---------------|-----------------------------------|
| (Sheet 3 of 9)                     |               |               | revisions                         |
| Landscape Proposals (Sheet 4 of 9) | ACLA/BLG/103A | ACLA/BLG/103I | Landscape scheme revisions        |
| Landscape Proposals (Sheet 5 of 9) | ACLA/BLG/104A | ACLA/BLG/104I | Landscape scheme revisions        |
| Landscape Proposals (Sheet 6 of 9) | ACLA/BLG/105A | ACLA/BLG/105I | Landscape scheme revisions        |
| Landscape Proposals (Sheet 7 of 9) | ACLA/BLG/106A | ACLA/BLG/106I | Landscape scheme revisions        |
| Landscape Proposals (Sheet 8 of 9) | ACLA/BLG/107A | ACLA/BLG/107I | Landscape scheme revisions        |
| Landscape Proposals (Sheet 9 of 9) | ACLA/BLG/108A | ACLA/BLG/108I | Landscape scheme revisions        |
| LEAP – Play Area Layout            | ACLA/BLG/109A | ACLA/BLG/109I | Amend location and design of LEAP |

69 **PL/2023/10205 - Land North of Southwick Road and South of The Rank, North Bradley, Wiltshire**

Public Participation

David Feather (North Bradley Neighbourhood Planning Steering Group) spoke in objection to the application.

Francis Morland spoke in objection to the application.

Alice Lack (applicant) spoke in support of the application.

Millie Dodd spoke in support of the application.

Matthew Bell spoke in support of the application.

Cllr Roger Evans, Chairman of North Bradley Parish Council spoke in objection to the application.

Jemma Foster, Senior Planning Officer, introduced a report which recommended that outline planning application for residential development of up to 66 dwellings and associated public open space with all matters reserved except for access be approved, subject to conditions and a S106 agreement. The site was to the West of North Bradley, outside the limits of development.

Slides of the proposal (published in agenda supplement 3) were shown to the Committee and explained, including the site, nearby Public Rights of Way (PRoW), listed buildings in the vicinity, a previously refused application on that site, a proposed illustrative masterplan, the proposed access, and photos of the site. The site was on grade 4 (poor quality) agricultural land and at low risk of flooding.

The officer explained the previously refused application on the site in 2019 in more detail, and gave the reasons for refusal for that application, which were detailed in the report. It was noted that this application was similar to the previous application, but was now for up to 66 dwellings, rather than 85 units. In relation to landscaping (a previous reason for refusal), the new proposal had a wider landscape buffer and a decreased density of housing, which helped it to integrate into its surroundings. Whilst the proposal would cause an irreversible

change of rural countryside to built development, the site was measured as having a medium landscape value, which was on a community level and not a regional or national level. It would not impact on the landscape setting gap allocated in the North Bradley Neighbourhood Plan (NP). So, the landscape officer now supported the application.

In relation to ecology and archaeology (also reasons for refusal for the previous application), additional survey work had been submitted with this application, which overcame the previous reasons for refusal, and the relevant council officers now supported the application. In addition, Natural England had signed off the Habitats Regulation Assessment (HRA).

With regards to neighbouring amenity, whilst a reserve matters application would look at the details, based on the information provided, there would be no reasons to refuse on neighbouring amenity.

Some of the technical consultee responses such as Highways and Drainage were highlighted, and it was noted that none had objections, although some were subject to conditions and a successful S106 agreement.

The officer stated that the site was outside the limits of development for North Bradley (a large village in planning terms) and as such was contrary to Wiltshire Core Strategy (WCS) Core Policy (CP) 1, 2 and 29. However, as the council could only currently prove a 3.85 year Housing Land Supply (HLS) the limits of development were considered out of date. The North Bradley NP was less than 5 years old, so the application should be decided in accordance with paragraph 14 of the National Planning and Policy Framework (NPPF) which stated that *for applications involving the provision of housing, the adverse impacts of allowing development that conflicts with a NP, is likely to significantly and demonstrably outweigh the benefits*. The proposal would conflict with the policy 2 of the North Bradley NP. When weighing up their recommendation, the officer had given significant weight to the conflict with the NP and the change in rural character was given limited weight. However, there were benefits to the application; it would provide market housing, when the council could not demonstrate a 4 year HLS (significant weight); provide affordable housing (substantial weight) and give economic benefit (significant weight). In addition, the S106 legal agreement would be given moderate positive weight. So, the adverse impacts of allowing the development did not outweigh the benefits in a similar way to the Semington appeal case.

The officer noted that the applicant was willing to amend condition one to 2 years to start development, rather than 3, as this would help with the council's HLS situation.

Attention was drawn to the updated report published in agenda supplement 2, within which Sections 9.1 and 10 of the report were updated in relation to the tilted balance, with the same conclusion being reached.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on the access to the site, affordable housing

and social housing, the lack of a 4 year HLS, and how the large scale of development issue had been overcome. Other queries were raised on the NP and relevant comparable appeal cases.

Members of the public then had the opportunity to present their views to the committee as detailed above. Points raised in objection included that the North Bradley NP was being reviewed with this site up for consideration, and there was a public consultation event taking place on 26 October. It would be better to wait until that process was complete before determining the application. Furthermore, some felt that the application should be refused as it was contrary to paragraph 14 of the NPPF – *'the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits'*, as the adverse impacts outweighed the benefits. It was also felt that it was not a good message to go against made NP's. The site is outside the limits of development and contrary to CP 1, 2 and 29. Comments in support included that the vast majority of the reasons for refusal for the previous application had been overcome, there was a need for housing, particularly affordable housing, and the council did not have a 4 year HLS. There had been 26 local letters of support for the application. Furthermore, there was a housing crisis, with the plight of first time buyers, renters and military veterans struggling to find housing being highlighted.

The unitary division member, Cllr Horace Prickett, Southwick division, spoke in objection to the application. Cllr Prickett highlighted the reasons why he had called the application in, which were detailed in the report. He also highlighted that the road the access to the site would be on, was a busy, fast road with accident blackspots at nearby junctions, so having another junction was not safe. He reiterated the reasons for refusal for the previous application on the site. He stressed that the site was outside the limits of development and therefore contrary to policy. Further points raised included that the proposal did not provide for affordable housing or education provision. There were also sites allocated on the other side of the village for housing which were not being used. The timing of the application coming to Committee was questioned, as North Bradley were reviewing their NP and there was a consultation event being held in the village on Saturday 26 October. Cllr Prickett requested that the application at least be deferred until the public consultation on the new North Bradley NP was concluded, or alternatively that it be refused.

In response to public statements the officer explained that the new NP held no weight as it was in the very early stages. The benefits of the application and the weights given were used in the majority of appeals where there was not a demonstrable HLS. The 2019 application was refused as it was outside the limits of development, and it had technical objections. The new application before the Committee did not have any technical objections. It was still outside of the limits of development, but the limits of development were considered out of date due to the lack of HLS. The speed limit would be reduced on the road the access would be on and Highways had no objections subject to conditions and S106 contributions. The application did not affect the landscape setting in the NP. For the other sites in the NP that were highlighted as allocated, H2.1 and H2.2 had outline planning applications in, H2.3 had a full planning

application submitted. So, things were moving forward on those sites. As to whether the application could be deferred and why it was coming to Committee now, it was explained that the application was ready for determination which is why it had come to Committee now. If deferred until after the consultation period for the NP was over on 17 November 2024, let alone until the new NP was made, the applicant could appeal on non-determination which would likely result in costs for the council.

Cllr Christopher Newbury congratulated the local Member on his helpful contribution. The main issue for him was that this was contrary to the adopted North Bradley NP made in 2021. He stated that he would also like to see further information on relevant appeal decisions. He felt that a short delay in determining the application so that the North Bradley NP review consultation could be completed would not result in costs to the council, and that the council should listen to local communities. Cllr Newbury highlighted that there were around 17,000 houses in Wiltshire with permission that had not yet started to be built and therefore did not count towards the HLS figure, so he did not feel that permission for 66 houses in North Bradley would solve the housing crisis. Cllr Newbury also requested further information regarding para 14 of the NPPF and its usage, and how far previous reasons for refusal could be defended. Cllr Newbury then proposed that the application be deferred until after the North Bradley NP consultation was complete, and to get further information on the usage of the NPPF, appeal decisions, and previous reasons for refusal. This was seconded by the Chairman.

Clarity was sought from legal officers in attendance in relation to possible costs and the Semington appeal. Officers stated that for the Semington appeal it was agreed that the appellant would not go after costs as the council withdrew the reasons for refusal. If this application was deferred the applicant would be entitled to apply for costs if they appealed for non-determination, so they may be awarded that.

Members debated the proposal to defer, with some Members stating that whilst they had sympathy for the locals, they did not agree with deferring the application. It was noted that NP's took time, effort and money from communities, however, there were no technical objections to this application, and therefore it was not felt that it would be winnable at appeal. If the council had a HLS things might be different.

Others felt that North Bradley reviewing their NP was relevant, and Cllrs should be responsible to their electorate. It was again highlighted that the application was contrary to CP1, 2 and 29 and para 2 of the North Bradley NP. Additionally, comments raised during public participation in relation to the use of para 14 in the NPPF were relevant.

Other issues raised included the length of deferral, as it was not thought it could be deferred until the NP review process was complete, so if it was to be deferred this should be for a short period. Two months was suggested as a timeframe. The officer had applied the tilted balance in favour of development, which some Members agreed with however others felt that it was not in favour

of development. Some felt that this application was significantly better than some others that had won on appeal and it did not have large adverse effects.

Members sought further clarity from the officer on whether her recommendation would have changed if North Bradley had already had their consultation event. The officer advised that the event was on 26 October, however the consultation did not finish until 17 November. However, at that point the emerging NP would still hold no weight so the recommendation would not change.

In response to a further question the officer advised that if the Committee deferred the application and the applicant appealed, it would still come back to the Committee, but this would be to ask what the Committee would have done, and that would be used for information as part of the appeal. So, the Committee would not actually get to make a decision.

Following some further debate the motion to defer was put to the vote and it was lost.

Following this Cllr Jonathan Seed, seconded by Cllr Adrian Foster, proposed the officer recommendation to approve, subject to conditions and a S106.

There was no further discussion, and it was,

**Resolved:**

**That subject to a suitable S106 agreement being agreed as per the report, to approve the application, subject to the following conditions:**

**Conditions:**

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

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

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

- (a) The scale of development;**
- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping of the site**

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

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

**3** With regard to those elements of the application in outline form, an application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

Received on 16th July 2024: Swept path analysis (23203-MA-IM-XX-DR-C-7050-P01 SPA), Construction Access (23203-MA-IM-XX-DR-C-0101 GA), Swept path analysis (23203-MA-IM-XX-DR-C-7060-P01 SPA)

Received on 3rd June 2024: General access arrangement (23203-MA-IM-XXDR-C-0100-P09), Biodiversity Net Gain Briefing Note

Received on 23rd November 2023: Location Plan,

Arboricultural Impact Assessment dated November 2023

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

**5** An acoustic design scheme for protecting the proposed dwellings from road traffic noise shall be submitted alongside the reserved matters application. The scheme shall ensure that, upon completion of the development, the following noise criteria shall be met, with windows open, in accordance with the Professional Practice Guidance: Planning and Noise – New Residential Development May 2017:

\* bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an L<sub>Amax, F</sub> of 45 dB

\* living rooms and dining rooms shall achieve a 16 – hour LAeq (07:00 to 23:00) of 35dB(A)

\* external amenity spaces shall achieve a 16 – hour LAeq (07:00 to 23:00) of 55dB(A)

For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised.

No dwelling hereby approved shall be first occupied until a noise validation report, demonstrating compliance with the noise criteria has been submitted to and approved by the local planning authority. This assessment shall be conducted in accordance with Professional Practice Guidance: Planning and Noise – New Residential Development (May 2017) and the approved noise design scheme. Any additional steps required to achieve compliance shall be taken, as necessary. The development hereby approved shall be carried out in accordance with the approved details for the lifetime of the development.

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

**6** The first reserved matters application will include a revised Biodiversity Metric Calculation broadly in accordance with that submitted to the Council (Biodiversity Metric 4.0 - Ecology Solutions, May 2024). but taking account of any revisions to the calculation methodology made by Natural England and recalculated to reflect the details of the reserved matters application(s)

**REASON:** In the interest of Ecology and in accordance with the Trowbridge Bat Mitigation Strategy

**7** No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. 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 BS5837:2013 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;
- A schedule of tree works conforming to British Standard 3998: 2010;
- 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 of the driveway 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.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the trees to be retained on and adjacent to the 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 and section 197 of the Town & Country Planning Act 1990.

**8** No development shall commence on site until the the following information regarding drainage have been submitted to and approved in writing by the Local Planning Authority:

- if infiltration and / or permeable paving is proposed (in the west of the site) soakage tests in accordance with BRE 365 to demonstrate that infiltration is feasible must be supplied as part of a revised drainage strategy.
- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 30 year rainfall event.
- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 100 year plus climate change rainfall event in respect to a building (including basement) or utility plant susceptible to water within the development.
- Calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events.
- The applicant must demonstrate that urban creep been accounted for the hydraulic calculations in line with LASOO guidance.
- A sensitivity analysis on the network considering surcharged outfall conditions

- Calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events.
- evidence of permission to cross third party land and permissions from riparian owners to discharge to the watercourse/river in perpetuity.
- demonstrate overland exceedance routes on the drainage plan for flows of the 1 in 100 year plus climate change (40%) rainfall event.

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

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

**9** No development shall commence on site until a construction management plan, which shall include monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

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

**10** No development shall commence on site until a Energy Strategy(ies), including details of operational energy, embodied carbon, low carbon, renewable energy technologies, climate change adaptation measures and sustainable transport has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to ensure that the objectives of sustainable development set out in policy CP41 and CP57 of the Wiltshire Core Strategy are achieved.

**11** No demolition, site clearance or development shall commence on site, including ground works/excavation, site clearance, vegetation clearance and boundary treatment works until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing

by the local planning authority. The CEMP shall include a detailed plan showing detail of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Phasing plan for bat habitat creation and landscape works in the north and east of the site.
- b) Identification of ecological protection areas/buffer zones/bat and dormouse habitat and tree root protection areas and details of physical means of protection, e.g. exclusion fencing and including who will be responsible for its installation.
- c) Location of construction compounds.
- d) Details on locations of any construction lighting (if required: Note: this must be kept away from boundary features).
- e) Working method statements for protected/priority species, including but not necessarily limited to, bats, dormouse, nesting birds, badger and reptiles.
- f) Mitigation strategies already agreed with the local planning authority prior to determination; this should comprise the pre-construction/construction related elements of strategies only.
- g) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- h) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- i) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

The development hereby approved shall then be carried out in strict accordance with the approved CEMP.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable

12 No demolition, site clearance or development shall commence on site until a scheme and timetable for the provision and creation of the SuDs located in the western part of the site/within the public open space area has been submitted to and approved in writing by the Local Planning Authority. The SuDs shall be designed as a permanent waterbody with a

**diverse marginal structure using trees, shrubs and grasses to provide suitable aquatic habitat for foraging bats.**

**The scheme shall be completed in accordance with the approved details and in accordance with the timetable detailed in the approved scheme**

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

**13 No demolition, site clearance or development shall commence on site until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the approved Ecological Parameters Plan included with the document titled 'Response to Consultation Comments' (Ecology Solutions Ltd; received 3rd June, 2024) the approved Biodiversity Metric 4.0 (Ecology Solutions, May 2024) submitted with the application. The LEMP will include details of translocating species-rich Hedgerow 1 and the majority of Hedgerow 4 along the Southwick Road to landscaped areas within the site. The LEMP will include the long-term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.**

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

**REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme**

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

- 1. the parking of vehicles of site operatives and visitors;**
- 2. loading and unloading of plant and materials;**
- 3. storage of plant and materials used in constructing the development;**
- 4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**

5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
8. measures for the protection of the natural environment.
9. hours of construction, including deliveries;
10. pre-condition photo survey

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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

1. Routing plan
2. Traffic Management Plan (including signage drawing(s))
3. Number (daily/weekly) and size of delivery vehicles.
4. Number of staff vehicle movements.
5. Details of temporary/permanent Traffic Regulation Orders
6. Phases plan

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

**16** No development shall commence on site until a plan (details) for the selection, siting, positioning and installation of integral roosting/nesting features (ratio of 1 feature: 1 building) for bats and birds has been submitted to and approved in writing by, the local planning authority.

**The plan should show the green infrastructure that the development is to provide, illustrating how birds and bats using the boxes have access to the relevant habitat/food resource in nearby suitable habitat. The installation plan should be prepared in accordance with the requirements of BS 42021.**

**The integral nesting feature should identify, as a minimum:**

- a) the bird/bat species likely to benefit from the proposed integral nest feature;**
- b) the type of integral nest feature to be installed;**
- c) the specific buildings on the development into which features are to be installed, shown on appropriate scale drawings;**
- d) the location on each building where features are to be installed, shown on all appropriate building plans and elevations.**

**The integral nest box plan should be implemented in accordance with the approved details and shall remain for the lifetime of the development.**

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

**17 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'The Reduction of Obtrusive Light' Guidance Note (ILP, 2021), have been submitted to and approved in writing by the Local Planning Authority.**

**The approved lighting shall be installed and shall be maintained in accordance with the approved details for the lifetime of the development.**

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

**18 The development hereby permitted shall be carried out in accordance with the Ecological Parameters Plan included with the document titled 'Response to Consultation Comments' (Ecology Solutions Ltd; received 3rd June, 2024). This document will form the basis for the site layout and will not be altered at Reserved Matters without detailed justification based on additional habitat and wildlife species surveys, including but not necessarily limited to bats and dormouse.**

**REASON: To protect the ecology on the site**

**19 No part of the development hereby approved shall be occupied, until the visibility splays shown on the approved plan 23203-MA-IM-DR-C-0100-P09 have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.**

**Reason: In the interests of highway safety**

**20 No development hereby approved shall commence on site until the construction access arrangement has been laid out in accordance with drawing number 23203-MA-IM-XX-DR-C-0101-P01.**

**Reason: In the interests of highway safety**

**21 No part of the development hereby approved shall be first occupied until the access, road markings, improvements to the access with Church Lane and footpaths have been laid out and completed in accordance with drawing number 23203-MA-IM-XX-DR-C-0100-P09.**

**REASON: In the interest of highway safety**

**22 Prior to first occupation of the development hereby approved, a scheme of off-site highway works shall be submitted to and approved in writing by the Local Planning Authority in general accordance with plan 23203-MA-IM-DRC-0100-P09, subject to the submission and approval of detailed design, technical approval and the submission of safety audits. The scheme shall include those works as shown on the plan. No part of the development shall be first occupied until the offsite works have been laid out and constructed in accordance with the approved details.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.**

**23 Prior to first occupation of the development hereby approved a full travel plan shall be submitted to and approved in writing by the Local Planning Authority. The full travel plan when approved shall be implemented including the appointment of a travel plan co-ordinator for the lifetime of the development**

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

**Informatives: (4)**

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

[INSERT].

**2 The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy**

**Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an**

**Additional Information Form has not already been submitted, please submit**

**it now so that we can determine the CIL liability. In addition, you may be able**

**to claim exemption or relief, in which case, please submit the relevant form**

**so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.**

**3 Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse. [An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows].**

**4 It is important for the applicant to note that the submitted illustrative masterplan would need to include connected street patterns through the use of cycle and pedestrian footpaths rather than several dead end cul-de-sacs when the detailed design is developed for the reserved matters application**

*Note: Cllr Christopher Newbury and Cllr Howard Greenman requested that their votes be recorded:*

*Cllr Newbury – voted against the motion to approve*

*Cllr Greenman - voted against the motion to approve*

70 **Urgent Items**

There were no urgent items.



(Duration of meeting: 10.30 am - 12.45 pm)

The Officer who has produced these minutes is Tara Hunt of Democratic Services,  
direct line , e-mail [tara.hunt@wiltshire.gov.uk](mailto:tara.hunt@wiltshire.gov.uk)

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

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**Wiltshire Council  
Strategic Planning Committee  
11<sup>th</sup> December 2024**

Planning Appeals Received between 11/10/2024 and 29/11/2024 relating to Decisions made at Strategic Committee

| Application No | Site Location  | Parish            | Proposal  | Appeal Type | Officer Recommend | Appeal Start Date | Overturn at Cttee |
|----------------|--|-------------------|---|-------------|-------------------|-------------------|-------------------|
| PL/2023/07368  | Land At Old Sarum Airfield, Old Sarum, Salisbury, Wilts, SP4 6DZ | Laverstock & Ford | Outline application with all matters reserved, except means of access to site, for the demolition, modification & renovation of existing buildings, structures & site development. Provision of approx. 315 residential dwellings, & mixture of employment, commercial/leisure, & aviation uses, including a "flying hub" comprising control tower, heritage centre, visitor centre, café/restaurant, parachute centre, aviation archives & aircraft hangars. Provision of new vehicular access to surrounding highways network, car parking, & connections to surrounding footpath/cycle networks. Green infrastructure provision, including open space, play space, foot & cycle paths, & landscape enhancement areas; & sustainable urban drainage system & waste water treatment works. Associated vegetation removal, ground modification & engineering works. | Inquiry     | Refuse            | 28/10/2024        | No                |

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There are no Planning Appeals Decided between 11/10/2024 and 29/11/2024 relating to Decisions made at Strategic Committee.

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## REPORT FOR STRATEGIC PLANNING COMMITTEE

|                            |  |
|----------------------------|--|
| <b>Date of Meeting</b>     | <b>11 December 2024</b>  |
| <b>Application Number</b>  | <b>PL/2022/04875</b>   |
| <b>Site Address</b>        | <b>Land at Salisbury Retail Park, London Road, Salisbury, SP1 3YX</b>  |
| <b>Proposal</b>            | <b>Adjusted BNG areas in association with</b> - Proposed commercial development comprising a Use Class E foodstore (including the sale of non-food goods) and 'drive thru' coffee shop unit; petrol filling station; provision of open space / landscaping including a new pedestrian and cycle link between London Road and Green Lane; access, parking, and associated infrastructure and development. |
| <b>Applicant</b>           | <b>Asda Stores Ltd</b>   |
| <b>Town/Parish Council</b> | <b>SALISBURY CP and LAVERSTOCK &amp; FORD CP</b>   |
| <b>Ward</b>                | <b>SALISBURY MILFORD – Cllr Charles McGrath<br/>LAVERSTOCK – Cllr Ian McLennan</b>   |
| <b>Type of application</b> | <b>Full Planning</b>   |
| <b>Case Officer</b>        | <b>Richard Hughes</b>  |

### Reason for the application being considered by Committee

Members will recall that the attached officer report for a new supermarket was considered by the Strategic Planning Committee on 17 April 2024, and was approved subject to a S106 being completed and suitable planning conditions being imposed. The S106 is in the process of being agreed and completed between the parties, and the applicants have asked to make adjustments to the location of the provision of the biodiversity net gain within the adjacent Castle Hill Country Park.

#### 1. Purpose of Report

The Council's Scheme of Delegation states that the Head of Development Services has the delegated power to adjust legal agreements and planning conditions. Thus, this report is for Members to note the adjustment to the biodiversity provisions within the adjacent Country Park area, and hence officers confirm that the planning permission be APPROVED subject to conditions and a suitable S106 legal agreement as adjusted.

#### 2. Report Summary

The main issues remain as explained in the attached report. This report is related solely to the adjustment to the Biodiversity Net Gain provision within the adjacent Country Park land.

#### 3. Site Description

The site remains as described in the attached report.

#### 4. Planning History

As attached officer report

## 5. The Proposal

As attached officer report. The only adjustment is the provision of an adjusted location for the biodiversity net gain within the adjacent Country Park. Essentially, the northern most parcel of land would no longer be used, and both BNG parcels would be located in the southern part of the adjacent Country Park. This is because it has become apparent that the ground conditions within the area originally outlined are not suitable for the provision of the new habitat

## 6. Planning Policy

As attached reports.

## 7. Summary of consultation responses

As attached report. Members will note that previously, WC Ecology had no objections to amended layout and additional information and off-site mitigation, and subject to suitable conditions and a S106.

Further to the applicants request to adjust the BNG location within the adjacent Country Park, WC Ecology has again reiterated that it has no objection.

## 8. Publicity

As per attached officer reports

## 9. Planning Considerations

### Adjustment to Biodiversity Net Gain location

Members will recall that the previously considered scheme offered both Bio-diversity Net Gain provision within the application site around the planned store and car park, and also within two areas within the adjacent Country Park. The previous attached officer report explains these matters and indicates that following areas for BNG provision on the Country Park. The close relationship between the application site and the adjacent Country Park is shown below:



Original location of BNG land at Country Park



The layout and biodiversity net gain (BNG) for the ASDA store remains as previously considered. However, Members should note that the off-site BNG Plan / Reports are being changed slightly to secure the new habitat at a different parcel within Castle Hill Country Park. Essentially, the northern most parcel of land would no longer be used, and both BNG parcels would be located in the southern part of the Country Park. This is because it has become apparent that the ground conditions within the area originally outlined are not suitable for the provision of the new habitat. See revised parcel locations below:



Location of revised parcels of BNG



Larger scale plan of revised BNG parcels



WC Ecology has discussed this adjustment with the applicants and the changes have been agreed. It should be noted that that this planning application came in before 10 percent BNG was made mandatory on all large scale applications from 12<sup>th</sup> February 2024. Consequently, there is no strict requirement for 10% BNG provision as part of this planning application scheme.



Officers position is that we had encouraged developers to provide at least some biodiversity to compensate for what would be lost by the proposal, which satisfies the requirements of policy CP50 of the WCS and the NPPF.

However, like the scheme Members previously approved, this revised proposal provides 10 percent biodiversity, well in excess of current Local Plan policy, and in line with national policy. The adjustment to the BNG land within the Country Park does not affect the functioning of the Country Park or its users, and has been agreed to by the Land Trust, which manage the Country Park.

The section 106 agreement heads of terms will need to be adjusted slightly to refer to the adjusted BNG scheme, namely criteria D) which should read:

**“D) Off site biodiversity mitigation**

**A scheme to secure the off site ecological mitigation/biodiversity land at the adjacent Riverdown Park/Castle Hill site identified in the submitted Off-site Biodiversity Net Gain report, and the Management and Maintenance Plan dated 19<sup>th</sup> November 2024 by Land Trust, report reference 22714”**

There will also need to be consequential adjustment to the planning conditions as outline in the attached officer report. In particular condition 02, which will need to be adjusted (as below) to include the reference Biodiversity Metric 3.1 Version 6

Consequently, as before, subject to suitable planning conditions and S106, the scheme is therefore considered to accord with National planning guidance, and adopted local planning policies, in particular CP50 & 52, & 69

**9.2 Other matters**

All other matters and issues remain as indicated by the attached report.

Members will note that the attached previous report indicated that the matter would be subject to call in by the Secretary of State. This has already occurred, and the Secretary of State indicated that they would not wish to call in the application. It is considered that the change proposed to the BNG location within the adjacent Country Park would have no material planning impacts, and would in any event provide over and above the BNG required by national planning policies. Thus, a further referral to the secretary of state is not considered to be required.

Members should also note that the draft Salisbury City Neighbourhood Plan has now gone through examination, but that this does not impact on this application or decision.

Summary

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

Consequently, Members should note that it remains as summarized in the attached officer report that the retail scheme improves on the previously consented schemes as it offers improved and replacement ecological mitigation on and off site. Consequently, subject to suitable planning conditions and S106, the scheme is therefore considered to accord with National planning guidance, and adopted local planning policies, including policies CP50 & 52, & 69 of the WCS.

**RECOMMENDATION: THAT MEMBERS NOTE THE REPORT AND ADJUSTMENTS TO THE BIODIVERSITY NET GAIN PROVISION, AND APPROVE THE CHANGE TO THE 106 AGREEMENT HEADS OF TERMS CRITERIA D AND CONSEQUENT CHANGE TO CONDITION 2 (HIGHLIGHTED):**

**D) OFF SITE BIODIVERSITY MITIGATION**

**A SCHEME TO SECURE THE OFF SITE ECOLOGICAL MITIGATION/BIODIVERSITY LAND AT THE ADJACENT RIVERDOWN PARK/CASTLE HILL SITE IDENTIFIED IN THE SUBMITTED OFF-SITE BIODIVERSITY NET GAIN REPORT, AND THE MANAGEMENT AND MAINTENANCE PLAN DATED 19 NOVEMBER 2024 BY LAND TRUST, REPORT REFERENCE 22714**

**AND SUBJECT TO THE FOLLOWING ADJUSTED CONDITIONS:**

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

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

**Approved details**

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

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

Biodiversity

**Biodiversity Metric 3.1 V6**

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

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

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

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

## **Materials and landscaping**

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

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

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

## **Restrictions on operation of use**

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

REASON: In the interests of amenity.

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

REASON: In the interests of amenity.

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

REASON: In the interests of amenity.

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

REASON: In the interests of amenity.

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

REASON: In the interests of amenity.

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

REASON: In the interests of the protection of amenity.

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

and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement/routing of construction vehicles;
- ii. Construction staff parking
- iii. The cutting or other processing of building materials on site;
- iv. Wheel washing and vehicle wash down facilities;
- v. The transportation and storage of waste and building materials;
- vi. The recycling of waste materials (if any)
- vii. The loading and unloading of equipment and materials
- viii. The location and use of generators and temporary site accommodation
- ix. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts
- x. Details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
  - a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing. This is particularly pertinent to the hedgerow, trees and buffer area along the western edge of the site and the southern and eastern areas set aside for grassland creation and enhancement.
  - b. Working method statements for protected/priority species, such as nesting birds and reptiles.
  - c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
  - d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
  - e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
  - f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

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

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

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

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

The assessment is to be based on the background levels (LA90T) recorded in the predevelopment noise survey, as provided in Table 1 of the submitted Acoustic Consultancy Partnership Ltd report ref 11679, dated 16th May 2022.

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

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

### **Customer trolleys**

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

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

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

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

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

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

### **Lighting**

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

REASON: In the interests of conserving biodiversity.

### **Contamination**

- 16 In accordance with conclusions of the submitted Preliminary Risk Assessment report, (Preliminary Risk Assessment by DTS Raeburn Ltd November 2021), no development shall commence on site until a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

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

REASON: Core policy 56, To reduce the risks associated with land contamination

### **Retail use restrictions**

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

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

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

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions,

extensions or enlargements and in order to limit the impact of the development on the vitality and viability of Salisbury city centre, including the planned Maltings and Central Car Park development.

## Highways and parking

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

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

20. The main retail unit and the drive through unit shall not be occupied (open for trading) until the new shared use footway/cycleways on Pearce Way and London Road and the upgrade of the existing footways to shared use footway/cycleways on Pearce Way and London Road as outlined on drawing ref: 'Proposed Site Layout' rev P20, together with associated lining and signing, and street lighting alterations over the entire site frontage are provided.

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

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

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

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

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

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

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

## **Drainage**

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

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

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

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

## **Archaeology**

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

i) A programme of site investigation and recording, or alternative appropriate mitigation, within any areas of archaeological interest. Development will not commence within any area of archaeological interest until the site investigation has been satisfactorily completed.

ii) A programme of post investigation assessment, analysis, publication, dissemination and archiving. This part of the condition shall not be discharged until these elements of the programme have been fulfilled in accordance with the programme set out in the mitigation strategy or unless otherwise agreed in writing by the Local Planning Authority.

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

## **Sustainable design**

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



status has been achieved has been submitted to and agreed in writing by Local Planning Authority.

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

## **INFORMATIVES**

### **S106**

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

### **Highways**

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

### **Drainage**

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

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## REPORT FOR STRATEGIC PLANNING COMMITTEE

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

### Reason for the application being considered by Committee

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

#### 1. Purpose of Report

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

#### 2. Report Summary

Salisbury City Council: Object due to various issues.

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

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

#### 3. Site Description

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



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

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

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

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

#### 4. Planning History

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

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



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

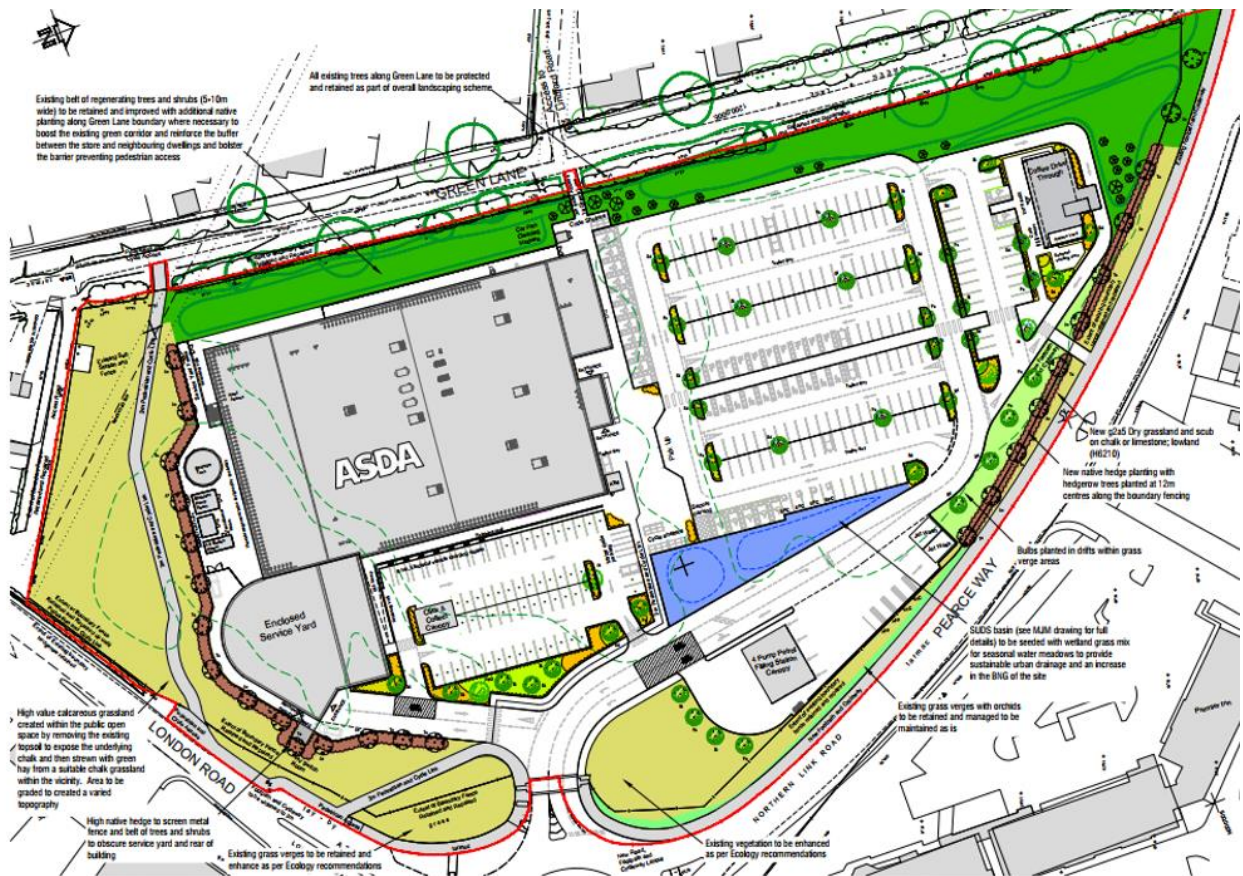
14/05997/FUL ALDI food retail store, London Road, Salisbury.

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

## 5. The Proposal

The proposal is for a commercial development comprising the following:

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



Current scheme layout

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

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

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

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

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

## **6. Planning Policy**

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

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

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

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

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

Maltings and Central Car Park Masterplan 2019

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

The Wiltshire Retail & Town Centres Study 2020

Adopted Central Area Framework

Wiltshire Draft Local Plan

Wiltshire Design Guide

Emerging Salisbury City Neighbourhood Plan

Laverstock and Ford Neighbourhood Plan

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

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

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

WC Drainage – Subject to conditions, no objections.

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

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

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

WC Urban Design – Amended plans have addressed concerns.

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

WC Conservation – No heritage-related concerns.

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

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

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

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

Natural England – No objections subject to suitable biodiversity mitigation.

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



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

## **8. Publicity**

### Salisbury City Council – Objection

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Salisbury Area Greenspace Partnership - Objects for the following reasons:

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

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

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

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

## **9. Planning Considerations**

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

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

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

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

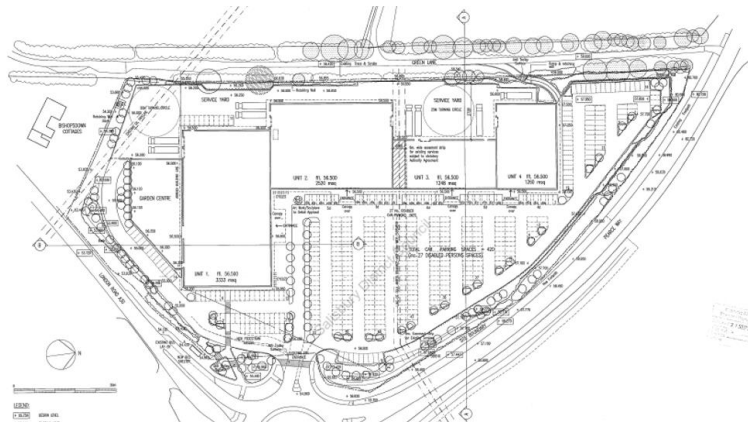
Core Policy 36 ('Economic Regeneration') of the Wiltshire Core Strategy supports regeneration opportunities and aims to maximise the re-use of previously developed land. The provision of economic development on previously developed land will therefore be supported. The economic impacts of the jobs arising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

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

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

#### The previous planning history of the site

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



Layout of 1990's extant scheme above

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



Layout of 2014 retail consent above

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

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

## 9.2 Retail impact of the proposal and site selection

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

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

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

Paragraph 91 of the NPPF states:

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

Paragraph 92 of the NPPF continues:

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

Paragraphs 94 & 95 conclude:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



### Previous 2014 retail scheme

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

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

### Current retail scheme and retail assessment

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

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

And in relation to Amesbury:

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

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

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

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

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

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

The Council's retail assessment goes on to state:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Impact of coffee ‘drive thru’

The Council Spatial Planning officers have commented as follows:

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

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

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

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

#### Restrictions on retail use

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

- a) Shop other than for the sale of hot food**
- b) Food and drink which is mostly consumed on the premises** [emphasis added]
- c) the following kinds of services principally to visiting members of the public –
  - i. financial services
  - ii. professional services (other than medical services)
  - iii. any other services which it is appropriate to provide in a commercial, business or service locality
- d) Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms)
- e) Medical services not attached to the residence of the practitioner

f) *Non-residential creche, day centre or nursery*

g) i) *office*

ii) *the research and development of products or processes or any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)*

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

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

### **9.23 Summary**

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

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

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

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

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

The NPPF indicates at paragraph 115 that:

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

*Paragraph 117 of the NPPF also indicates that:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

#### Additional footpath along Pearce Way

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

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

#### Access between Green Lane and London Road

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

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

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

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

Paragraph 139 of the NPPF states that:

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

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

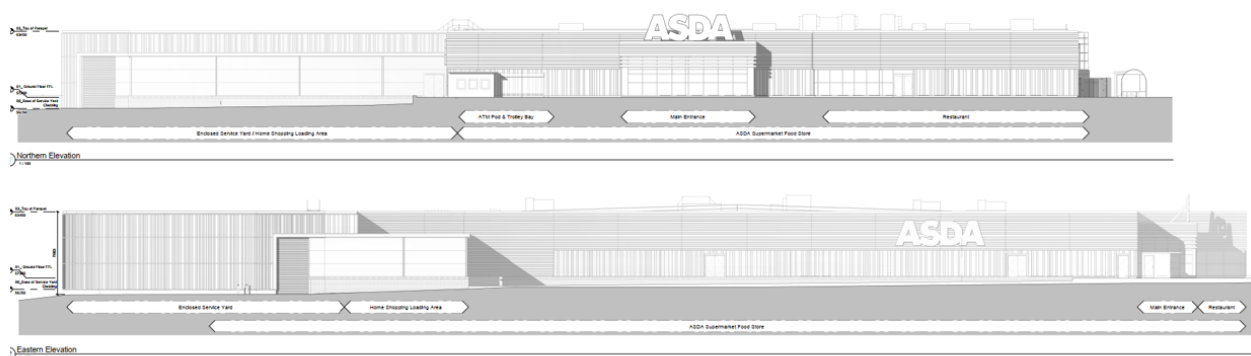
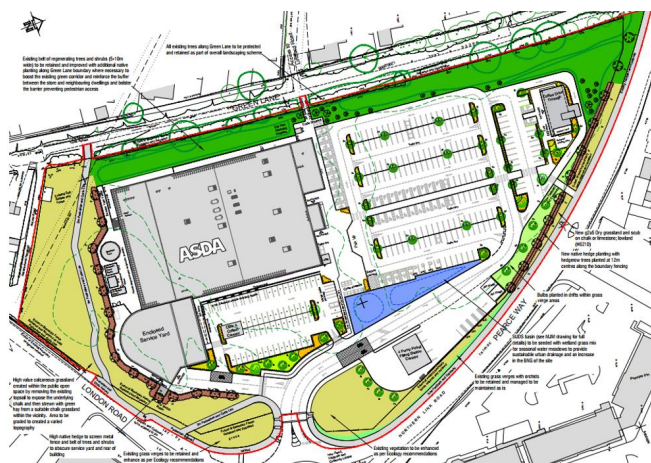
Core Policy 51 (landscape) relates to landscape impact, and indicates that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive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

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

- Retain and enhance existing on site green infrastructure

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

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



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

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

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

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

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

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

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

## Summary

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

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

## 9.5 Sustainable design issues

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

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

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

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

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

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

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

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

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

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

## **9.6 Archaeology and heritage assets**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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





Plan showing locations of off site biodiversity at adjacent Country Park

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Conclusion -**

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

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

#### **Summary**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Air quality

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

## Light pollution

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

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

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

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

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

## **9.9 Flooding and drainage matters**

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

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

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

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

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

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

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

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

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

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

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

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

## 10.0 CIL/S106 contributions

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

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

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

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

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

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

## 11.0 Consultation with Secretary of State

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

## 12.0 CONCLUSION AND PLANNING BALANCE

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



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

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

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

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

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

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

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

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



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

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

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

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

**A) Green lane improvements**

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

**B) Bus contributions**

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

**C) Public art**

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

**D) Off site biodiversity mitigation**

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

**E) Air quality mitigation**

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

**AND SUBJECT TO THE FOLLOWING CONDITIONS:**

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

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

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

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

#### Biodiversity

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

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

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

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

### **Materials and landscaping**

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

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

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

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

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

REASON: In the interests of amenity.

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

REASON: In the interests of amenity.

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

REASON: In the interests of amenity.

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

REASON: In the interests of amenity.

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

REASON: In the interests of amenity.

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

REASON: In the interests of the protection of amenity.

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Customer trolleys**

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

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

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

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

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

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

### **Lighting**

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

REASON: In the interests of conserving biodiversity.

### **Contamination**

16. In accordance with conclusions of the submitted Preliminary Risk Assessment report, (Preliminary Risk Assessment by DTS Raeburn Ltd November 2021), no development shall commence on site until a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

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

REASON: Core policy 56, To reduce the risks associated with land contamination

### **Retail use restrictions**

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

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

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

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

### **Highways and parking**

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

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

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

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

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

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

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

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

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

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

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

## Drainage

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

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

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

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

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

### **Archaeology**

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

i) A programme of site investigation and recording, or alternative appropriate mitigation, within any areas of archaeological interest. Development will not commence within any area of archaeological interest until the site investigation has been satisfactorily completed.

ii) A programme of post investigation assessment, analysis, publication, dissemination and archiving. This part of the condition shall not be discharged until these elements of the programme have been fulfilled in accordance with the programme set out in the mitigation strategy or unless otherwise agreed in writing by the Local Planning Authority.

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

### **Sustainable design**

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

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

## **INFORMATIVES**

### **S106**

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

### **Highways**

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



## Drainage

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

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**Points of clarification regards officer report**

Members should note that the applicant have asked that the following points are clarified with respect to the scheme and the officer report. These clarification points do not affect the recommendation or considerations.

1)The description on the front page of the report omits the ‘use class E’ reference after the “coffee shop unit”, so should read:

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

2)In Section 5, The Proposal, the floor areas refer to the retail store size. The covered service yard of 1,693 sq m GIA is in addition to the retail store of 4,657 sq m GIA. As is shown on the plans and will be explained during the officer presentation, 54 cycle parking spaces will also be provided, and the scheme also includes the widening and extension of the Pearce Way footpath to provide a cycle / footway.

3)In Section 6, for clarity, the Wiltshire Core Strategy (2015) and Laverstock and Ford Neighbourhood Plan are part of the Development Plan.

4)Section 9.1, for clarity the previous approved scheme on the site met the requirements of the NPPF at that time and also the policy requirements of the Wiltshire Core Strategy (2015), which are the same local plan policies that remains part of the Development Plan.

5)Where officers advise that ‘significant weight’ be given to the previous planning permission, for clarity, the current application scheme is considered to be in accordance with the Development Plan on its own merits, notwithstanding the previous permissions.

6)References to the “2014 consent” relate to planning application reference S/2014/04756/FUL, which was submitted in 2014, and was approved in 2017.

7) Section 9.2 Retail Planning Matters

- For clarity, whilst comparisons are made between the previously approved scheme, and the current scheme, the retail impacts of the application proposal has been assessed afresh by the applicant and the Council and is considered acceptable on its own terms in relation to retail impact and sequential matters against national and local policy.
- Where reference is made in the report to the Council's ‘retail assessment’ or ‘retail report’, this relates to the independent review by an external consultant (Emery Planning) commissioned by the Council to advise in relation to retail policy matters. The references to a second version (April 2024) refer to a further report following the initial advice (October 2023) and in response to third party objections.
- In Section 9.22, the Spatial Planning Officer Comments are in the sequential section, but to confirm, the spatial policy advice relates to both sequential and retail impact matters.
- In 9.22 the report confirms that the drive through is below 200 sq m and therefore below the impact threshold. For clarity, the scheme as a whole is of course above this threshold, and is captured by the requirement to assess impact As clearly referred to in the report, this is

covered by the applicants Planning, Economic & Retail Statement which has been assessed by the Council as covered in the detailed report, where it is concluded that the scheme as a whole would not have a significantly adverse retail impact.

- In 9.22, reference is made to Class E of the Use Classes Order 2020. Members should note for clarity that E(g)(iii) which refers to industrial processes is missing from that list. However, this does not make any difference to the officers consideration of the appropriate use class to be conditioned.
- In section 9.23, the report makes clear that the impact on vitality and viability has been assessed and is acceptable. For clarity, the impact on investment has also been fully assessed, and is considered to be acceptable, in that it satisfies the impact test and would not be likely to have a significant adverse impact against one or more of the impact considerations in paragraph 94 of the NPPF. The proposal therefore complies with the aims of paragraph 95 of the NPPF also, which indicates that a retail scheme should only be refused on impact grounds if it fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the considerations in paras 94.

8)Section 9.3 – Additional Footpath Along Pearce Way. For clarity, as is shown on the plans and will be explained as part of the officer presentation, the footpath is extended and is widened across the entire length to 3 metres.

9)Section 9.4 Summary - refers to the 'draft' Wiltshire Design Guide. As the remainder of the report confirms, the Wiltshire Design Guide is now adopted.

10)Section 9.7 and elsewhere, reference is made in the report to the adjacent Country Park by a number of names. As Members will know, this area has been known locally under several names including Bishopdown, Hampton Park, and Riverdown. For clarity the current name of the Country Park is Castle Hill Country Park.

11)Section 9.7 Biodiversity, the officer comments refers to "no net loss". Core Policy 50 seeks a "net gain" in biodiversity, which is understood to relate to only a 1 percent gain.

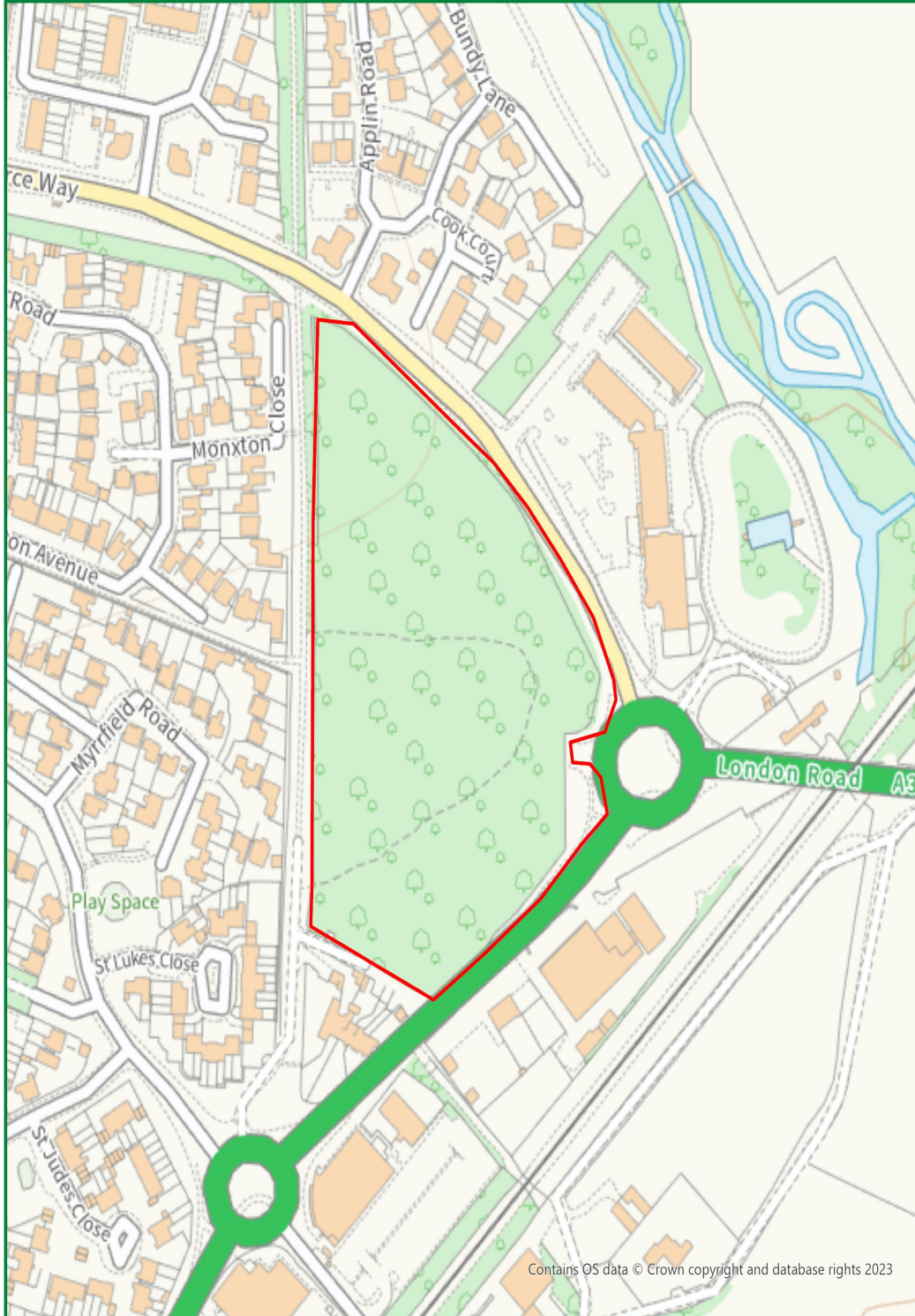
12) Condition 16 – this has a minor typo and should read as below (change highlighted):

## **Contamination**

*16. In accordance with conclusions of the submitted Preliminary Risk Assessment report, no development shall commence on site until a more detailed site investigation and risk assessment **has been carried out** in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.*

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

*Reason: Core policy 56, To reduce the risks associated with land contamination*



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## REPORT FOR STRATEGIC PLANNING COMMITTEE

|                            |  |
|----------------------------|--|
| <b>Date of Meeting</b>     | 11 <sup>th</sup> December 2024   |
| <b>Application Number</b>  | PL/2021/08064  |
| <b>Site Address</b>        | Innox Mills, Stallard Street, Trowbridge, BA14 8HH   |
| <b>Proposal</b>            | <p>Hybrid (full and outline) planning application descriptions (i) &amp; (ii)</p> <p>(i) Outline planning application: the erection of up to 284 dwellings, erection of a convenience store (Class E), erection of up to 872 sqm of new commercial floor space (Class E); and associated access, public realm; and landscaping works.</p> <p>(ii) Full planning application: Erection of convenience store (333 sqm GIA) and 12 No. apartments, part demolition and external works to Innox Mills and change of use to Class E; external works and extension (180 sqm GIA ) to Innox Place and change of use to (Class E); external works to Dyehouse and Brewery for as bat mitigation and change of use to a dual use internal market/Class E; demolition of former Cloth Factory Building; and associated access, public realm and landscaping work in commercial courtyard and along the Stallard Street frontage.</p> <p>The listed building consent application proposes internal and external works and part demolition of Innox Mill; internal and external works, and extension to Innox Place. Although a separate application, the issues relevant to the impact upon the listed buildings (Innox Place and Innox Mill) are considered under this report.</p> |
| <b>Applicant</b>           | Innox Mills Ltd  |
| <b>Town/Parish Council</b> | TROWBRIDGE CP  |
| <b>Electoral Division</b>  | TROWBRIDGE CENTRAL (Cllr Stuart Palmen)  |
| <b>Type of Application</b> | Outline, Full Planning and associated Listed Building Consent  |
| <b>Case Officer</b>        | Ruaridh O'Donoghue   |

### Reason for the application being considered by Committee

Members may recall that on 29th November 2023 the Strategic Planning Committee resolved to grant planning permission for this application subject to the applicant first entering into a S106 legal agreement (committee report attached as Appendix 1). On the 17th April, this application was taken back to Committee to consider the changes that arose from the revised National Planning Policy Framework (NPPF) that was published in December 2023. It was the opinion of officers that the changes to the NPPF did not materially affect the Committee's original decision for this application. However, as the Committee (and not officers) were the original 'decision maker', it was necessary for the Committee to consider the changes and then make the decision. The Strategic Planning Committee resolved to grant planning permission for this application subject to the applicant completing the legal agreement to which work had started on in November 2023. A copy of this report is attached at Appendix 2.

Block A (NB. approved in full under the Hybrid application) along with the Stallard Street Buildings (outside the application redline) and Innox Place in advance of the outline permission for the balance of the site which will require the implementation and detailed design of site wide infrastructure (in effect reducing the extent of Phase 1 on the Phasing Plan).

This would entail splitting site wide pre-commencement conditions to relate to: (i) an amended Phase 1 including the retained existing buildings and Block A – i.e. the full application component; and (ii) the subsequent Phases relating to the outline component. This approach would require: the splitting / revision of conditions to 8, 12, 13, 14, 16, 20, 21, 22, 32, 33, 41, 42, 44, 45, 46, and 47; and also updating the plan list reference to a further revised Phasing Plan.

Officers have considered the above proposal and felt that, given their nature and extent, it would be necessary to bring the application back before the Committee so that these changes can be noted

### **1. Purpose of Report**

The Council's Scheme of Delegation states that the Head of Development Services has the delegated power to adjust legal agreements and planning conditions. Thus, this report is for Members to note the adjustment to the phasing plans and conditions, and hence officers confirm that the planning permission be APPROVED subject to conditions and a suitable S106 legal agreement as adjusted.

### **2. Report Summary**

The main issues remain as explained in the attached report. This report is related solely to the adjustment to the phasing plan and resultant change to the conditions to reflect this.

### **3. Site Description**

The site remains as described in the annex 1 report.

### **4. Planning History**

The site history is as described in the annex 1 report.

### **5. The Proposal**

As attached annex 1 report. The only adjustment is to the phasing of the development.

### **6. Planning Policy**

The relevant planning policy is as described in the annex 1 report.

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

The change identified above has not required reconsultation.

### **8. Publicity**

The publicity is as per the annex 1 report.

### **9. Planning Considerations**

#### Changes to the Phasing

At the time of the original resolution to grant permission by the Committee, a phasing plan that accompanied the application showed the site split into 6 Phases (see figure 1 below). You will note that Phase 1 included Innox Mills, Innox Place, the Chapel (new build), Block A (new build), Block



B (new build) and 25 dwellings (all new build).

Condition No. 6 attached to that resolution also included the following wording:

*“Prior to commencement of the development, a programme, or phasing plan (in accordance with drawing No. 1249.P.005 – Phasing Parameter Plan), for the delivery and completion of the dwellings, the commercial space and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings, the commercial space and the public open space(s) shall then be delivered and completed in accordance with the approved programme.”*

It is clear from the above wording that, whilst the phasing had to be in accordance with the plan at figure 1, it did not state that it had to be in strict accordance. As such, the difference in wording would have allowed for some minor changes to have occurred when it comes to discharging this condition.

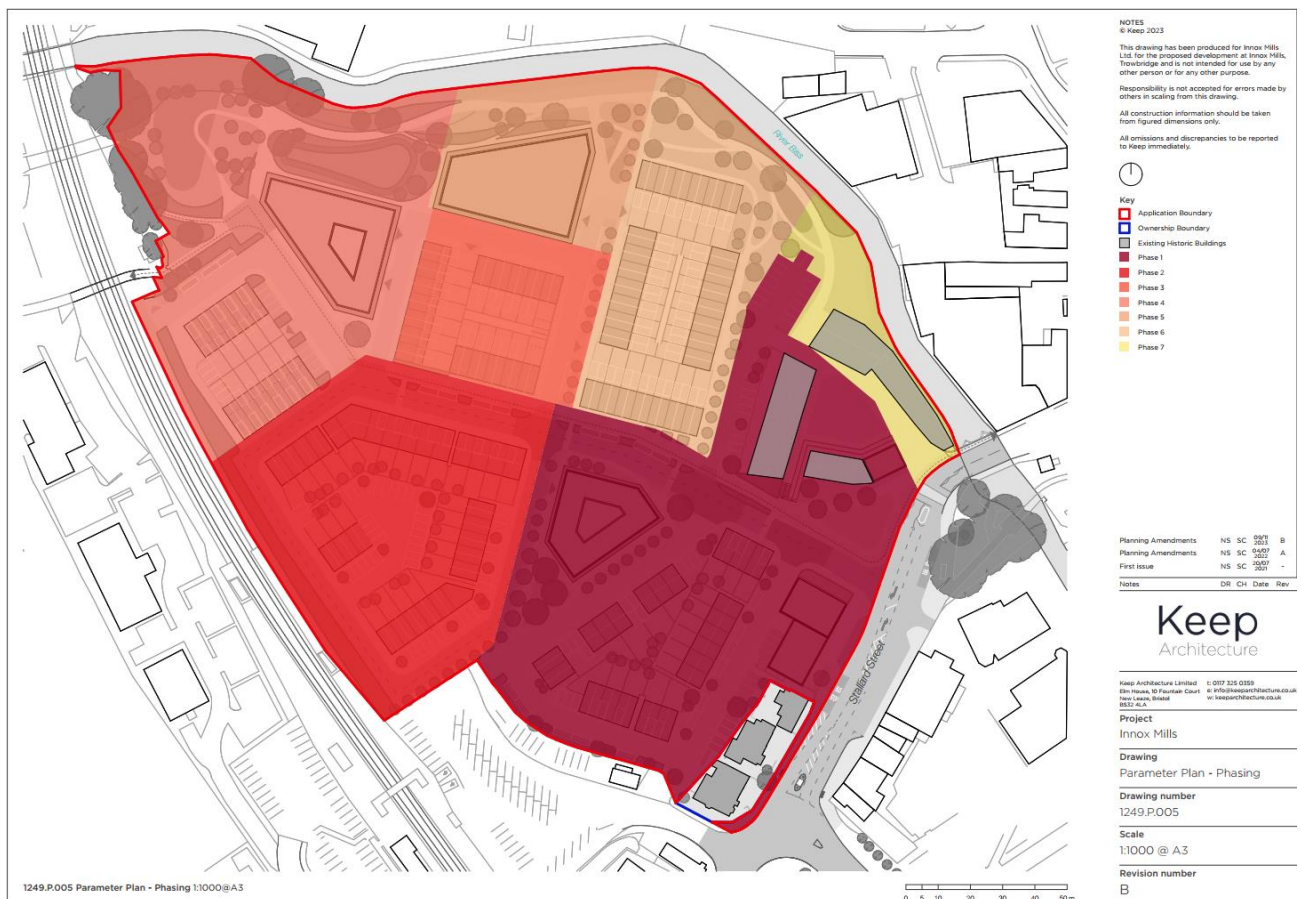
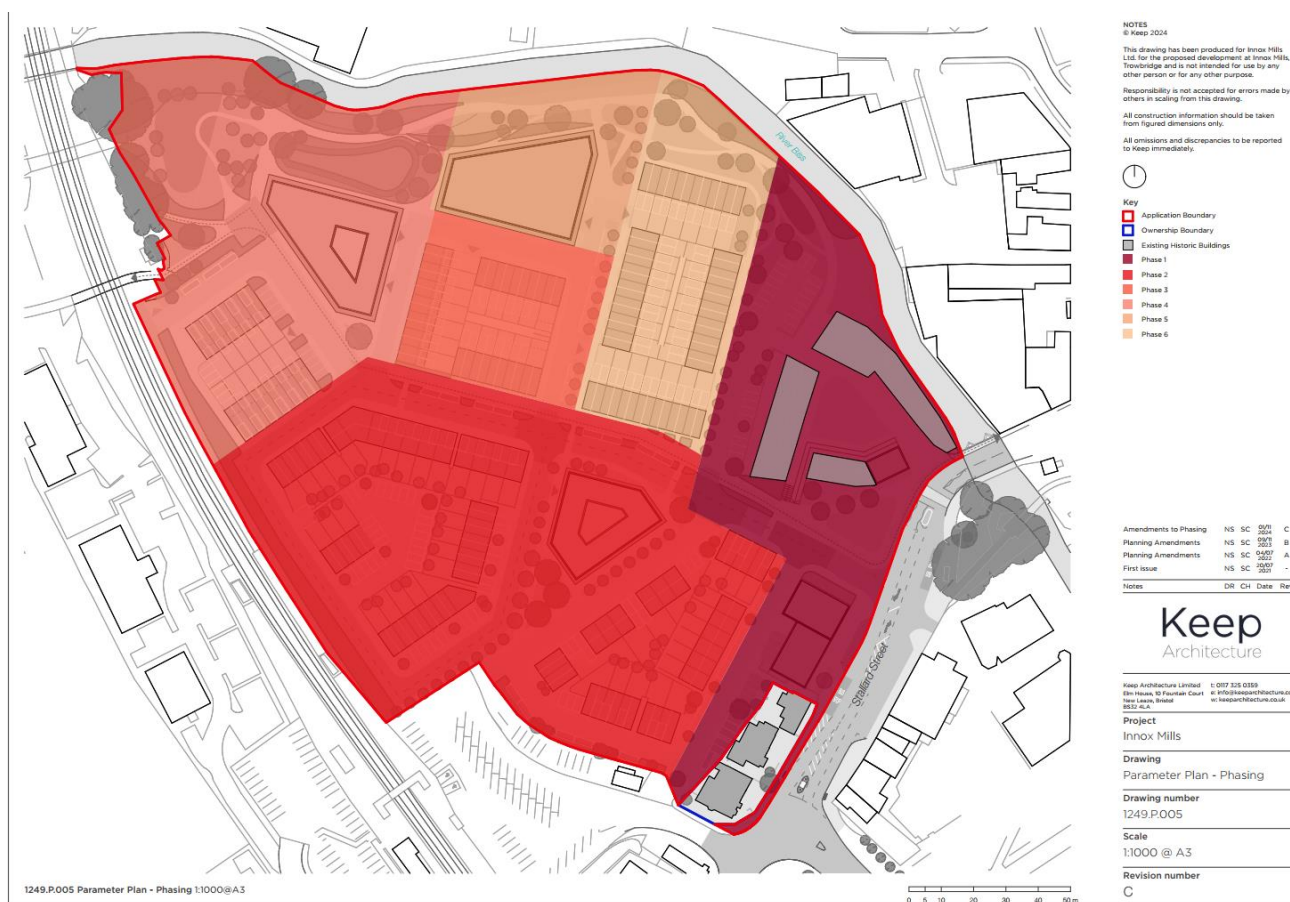


Figure 1 – Parameter Phasing Plan (1249.P.005 Rev B)

The applicant has stated that they would like to alter this phasing plan to that set out in figure 2 below. You will note that in this plan Phase 1 is reduced in area and now includes all of the elements that are being applied for in full, and omits any of the outline elements. It includes Innox Mills, Innox Place, the Chapel (new build), The Brewery, The Dyehouse and Block A (new build).

This change is noted as being more than minor and although still acceptable to officers, warranted being taken back to Committee for members to note given that it also results in the changing of wording to a number of the conditions.



**Figure 2 – Parameter Phasing Plan (1249.P.005 Rev C)**

It should be stressed that the modifications set out above to the phasing plan will only alter the timings in which the various elements of the build are brought forward. It does not in anyway alter the type, scale or amount of development that is being proposed. Every other aspect of the proposal that was considered by the Committee remains as previously assessed save for the planning conditions that will need to be altered to reflect the adjustment to the phasing plans. This will be discussed in the next section of the report.

### Planning Conditions

The changed conditions are set out in full at the end of the report and therefore, they are not repeated here. That said, it is not necessary to go through every condition in this section but rather to discuss the principles behind the need for the changes and the effect this will have, if any, on the development.

The purpose of this change to the phasing is to enable the FULL element of the site to come forward in advance of the remainder and much wider part of the site (the outline element). However, a number of conditions proposed to be issued on the decision notice require details to be submitted for the whole of the site before work can commence on any one part of it. For example, there are draft conditions that state that no development shall commence on any part of the site until details are submitted and approved in writing by the LPA to cover matters such as:

- a remediation strategy to deal with the risks associated with contamination of the site;
- a management plan for the treatment and monitoring of Japanese knotweed;
- a detailed management plan for the enhancement of the River Biss and its corridor;
- a Construction and Environmental Management Plan (CEMP); and,
- a Landscape and Ecology Management Plan (LEMP).

The above are examples to give you an idea, the full set of conditions that require details to be agreed with the LPA prior to commencement on any part of the site can be seen on the original report to committee at appendix 1.

Even from the above examples, it is clear that in order to commence development on the site a great deal of work would be required to satisfy the terms of the conditions. The scope of works required, and the costs involved in producing reports etc., would logically have an impact on the applicant who is looking to deliver Phase 1 himself with the balance of the site sold to a developer. An onerous and costly expense which could be avoided to a degree in order to help facilitate the delivery of this scheme in a more timely and financially efficient manner – a scheme with so many positive benefits to the town and wider area.

A sensible approach would be to require conditions such as those highlighted above to also be Phased i.e., worded so that the applicant need only submit details that are relevant to Phase 1 rather than the remainder of the Phases 2-6 which cover the balance of the site. For instance, taking one of the examples above, rewording the CEMP condition to require one to be submitted before work commences on Phase 1 to cover Phase 1 works only, and then a further CEMP to be submitted prior to works commencing on Phases 2-6 to cover those works. Further conditions may also require changing where the details being requested prior to commencement are not relevant to/unaffected by Phase 1 works.

For completeness, the LPA will address each condition in turn so the committee are able to note the change being considered as why it is deemed acceptable to officers.

#### Conditions 4 and 6

Reference number changed to reflect latest revision of the phasing plan.

#### Condition 7 – Contaminated Land

Changed to allow submission of a remediation strategy for Phase 1 and then Phases 2-6 as opposed to one for the whole site. This change still secures remediation for all of the site prior to commencement albeit in a Phased manner and so there are no concerns raised.

#### Condition 12 – Japanese Knotweed

Changed to ensure a management plan for the treatment and monitoring of Japanese Knotweed is submitted prior to the commencement of Phases 2-6. This is acceptable as Japanese Knotweed is not present on any part of the site that is covered by Phase 1 works. It would therefore be unreasonable to require the applicants to submit a site wide management and treatment plan for it. This change is therefore acceptable.

#### Condition 13 – River Biss Enhancement

Changed to allow the details to be submitted prior to the commencement of Phases 2-6. The bulk of the River Biss corridor falls under these Phases and so it makes sense to require the details to be submitted at this stage as the developer delivering the REM application for those Phases will be the one having to deal with its maintenance and management as part of the public open space. Whilst the River Biss does border Phase 1, for the most part it is canalized by revetements. The small section within Phase 1 that is not, and therefore able to be subject to an enhancement strategy can be included within the overall River Biss Enhancement Strategy that would be submitted at Phases 2-6. As such, the objectives of this condition are still met, i.e., to improve the biodiversity value of the river and its corridor and contribute to biodiversity net gain.

#### Condition 14 – Finished Floor Levels

Changed to allow finished floor levels to be submitted for Phase 1 and then 2-6 respectively rather than the whole of the site. The changed wording will still ensure a reduction in the risk of flooding to people and property which was the reason for the condition.

#### Condition 16 – Details of EA Access to River Biss

Changed to allow the details to be submitted prior to the commencement of Phases 2-6. This is acceptable as the EA will have access to the River Biss during the course of the Phase 1 works via the remainder of the site which is currently **Page 11** of buildings. As such, it is not necessary to secure these details prior to commencement of development or as part of the Phase 1 works. A permanently

maintained access to the River Biss for the EA can be achieved as part of the wider redevelopment of the site under Phases 2-6 and so it makes sense to require the details of this at that stage. This change is therefore acceptable.

#### Condition 20 – CEMP

Changed to allow a CEMP to be submitted for Phase 1 and then 2-6 respectively rather than for the whole site. The changed wording will still ensure the construction impacts of the development are adequately controlled for all stages of the development.

#### Condition 21 – Reptile Mitigation Strategy

Changed to allow a reptile mitigation strategy to be submitted prior to the commencement of Phases 2-6. The Council's Ecologist noted that reptiles (slow worms) were recorded in the northwest corner of the site where there is scrub and rough grassland that is physically well connected to the railway corridor. As Phase 1 does not cover this area, it is unnecessary to request this strategy before allowing work to comment on this Phase. Accordingly, there is no objection to this change.

#### Condition 22 – LEMP

Changed to allow a LEMP to be submitted for Phase 1 and then 2-6 respectively rather than for the whole site. The changed wording will still ensure that a LEMP will be in secured and in place for all areas of the development albeit, submitted in a Phased manner rather than in 1 document. As a result, there is no objection to this change.

#### Condition 23 – External Lighting

Changed to allow external lighting details to be submitted for Phase 1 and then 2-6 respectively rather than the whole site. The changes wording still ensure that external lighting across all the site will be controlled by the LPA in the interest of the amenities of the area, the appearance of the heritage assets on the site, and to minimise unnecessary light spillage above and outside the development site, and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

#### Condition 32 – Scheme of Public Art

Changed to allow a scheme to be submitted for Phase 1 and then 2-6 respectively rather than for the whole site. The changed wording will still ensure a scheme of public art is delivered across the site in the interests of good design and place-shaping. As a result, there is no objection to this change.

#### Condition 33 – Drainage Strategy

Changed to allow a scheme to be submitted for Phase 1 and then 2-6 respectively rather than for the whole site. The changed wording will still ensure a final drainage scheme is submitted and agreed prior to commencement of development, just that it will be in a Phased manner. The end result will still ensure surface water runoff from the site can be adequately drained with no flooding on site for a 1 in 100 year plus climate change rainfall event and that the flood risk from all sources will be managed without increasing flood risk to the development itself or elsewhere. As a result, there is no objection to this change.

#### Condition 34 – Overland Exceedance Flow Routes

The words 'Phase 1' inserted into this condition to provide clarity over which works of the application are proposed in full form. This change is acceptable as it does not alter the dynamics of the condition.

#### Condition 35 – Water Treatment/Pollution Control for Parking Bays that drain to the Storage Tank

The words 'Phase 1' inserted into this condition to provide clarity over which works of the application are proposed in full form. This change is acceptable as it does not alter the dynamics of the condition.

#### Condition 36 - Diversion Details of the Strategic Wessex Water Sewers

Changed to allow the details to be submitted prior to the commencement of Phases 2-6. There are no new buildings within the Phase 1 works that would impact or indeed require building over the current Strategic Wessex Water Sewers on the site. As such, the diversion works are only necessary for Phases 2-6 and therefore, changing the condition to request details prior to the

commencement of that Phase of work would still ensure the reason for the condition is secured i.e., to ensure Wessex Water's existing customers are protected from a loss of service and sewer flooding, to ensure Wessex Water have suitable access arrangements to maintain their infrastructure on site, and to ensure there is no pollution to the River Biss.

#### Condition 41 – Acoustic Design Scheme

Changed to allow a scheme to be submitted for Phase 1 and then 2-6 respectively rather than for the whole site. The changed wording will still guarantee details are secured prior to construction (albeit in a Phased manner) to ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

#### Condition 42 – Railway Station Access Road

Changed to allow the details to be submitted prior to the commencement of Phases 2-6. The railway station access road is not physically located within Phase 1 and would therefore be delivered as part of Phases 2-6. As such, it is not necessary to insist upon these details prior to the commencement of Phase 1 works. The changed wording does not affect the timing in which it is to be delivered and ultimately still ensures a satisfactory and safe vehicular access is provided to the railway station in the interests of highway safety and highway capacity enhancement.

#### Condition 44 – Walking And Cycling Movement Framework Plan

Changed to allow a scheme to be submitted for Phase 1 and then 2-6 respectively rather than for the whole site. The changes still require a plan to be submitted for each Phase of the development to ensure safe and convenient walking and cycling routes to the site are provided in the interests of highway safety and sustainability. As such, this change is acceptable.

#### Condition 45 – EV Charging Details

Changed to allow a scheme to be submitted for Phase 1 and then 2-6 respectively rather than for the whole site. The changes still require a plan to be submitted for each Phase of the development in the interests of mitigating the impact of the development on the environment.

#### Condition 46 – Phasing and Specification Plan for a Mobility Hub

Changed to allow the details to be submitted prior to the commencement of Phases 2-6 but delivered in accordance with the programme or phasing plan to be agreed under condition 6. As the bulk of the development is being delivered under these Phases this seems a fair and reasonable approach to require details at that stage rather than before Phase 1. The changes to the wording of this condition will still ensure that a Mobility Hub is delivered in a timely manner to maximise the use of sustainable travel modes as the delivery of it needs to be agreed with us under condition 6. As such, there is no objection to this change.

#### Condition 47 – Residential Travel Plan

Changed to allow the details to be submitted prior to first occupation of the first dwelling of Phases 2-6. Whilst Phase 1 includes a small element of residential development (flats above Block A and within Innox Place), the bulk of the residential development will be delivered under Phases 2-6. As travel plans are linked to the amount of residential development being delivered (typically not being requested on small schemes i.e., the amount of residential proposed under Phase 1), it would seem fair and reasonable to request these details prior to first occupation of Phases 2-6. As such, there is no objection to this change.

#### Other Matters

All other matters and issues remain as indicated by the attached report.

## **10. Conclusion**

Overall, the changes set out above will not alter any aspect of the proposed development other than the trigger points at which the details are required to be submitted for the various conditions affected. This will enable the development to be delivered in a more cost effective and timely manner which is something the LPA is keen to support given the benefits the scheme is capable

of delivering as set out in the original report to committee.

Consequently, subject to the planning conditions listed below and the completion of the S106, the scheme is therefore still considered to accord with National planning policy, and adopted local planning policies and the previous recommendation (as set out below) remains.

**RECOMMENDATION:**

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

**Planning Obligations**

- Securing a review of the viability of the scheme prior to occupation of the 200<sup>th</sup> dwelling
- Safeguarding the provision of the Station Car Park link road and access to ensure no ransom strip is formed and that any land required to facilities it is transferred to the Council at nil cost.
- The setting up of a management company to manage all the public open space and strategic landscaping within the site as well as ensuring it is managed in accordance with the approved LEMP details.

**Full and Outline Planning Conditions**

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

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

- 2 With regard to those elements of the application in outline form, no development shall commence on those part of the site until details of the following (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site.

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

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

- 3 With regard to those elements of the application in outline form, an application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.



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

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

Location, demolition and application type plans:

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249/E/003
- Dwg Ref: Boundaries for the Application: 12149.E.002

Parameter Plans:

- Dwg Ref: Phasing Parameter Plan: 1249-P-005\_Rev C
- Dwg Ref: Parameter Plan: 128-005-P3
- Dwg Ref: Land Use Parameter Plan: 1249-P-003
- Dwg Ref: Height Parameter Plan: 1249-P-004

Access and Drainage Plans:

- Dwg Ref: Proposed Stallard Street Access: 18016-SK02 Rev C
- Dwg Ref: Proposed Drainage Plan: 13310-CRH-XX-XX-DR-C-5050-P

Innox Mills Building:

- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan
- Dwg Ref: 1249.2.IMW.03 Innox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Innox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Innox Mills Works Elevations

Innox Place Building:

- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan
- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations

The Brewery and Dyehouse Buildings:

- Dwg Ref: 1249.4.FBW.01 Factories Building Works Ground Floor Plan
- Dwg Ref: 1249.4.FBW.02 Factories Building Works First Floor Plan
- Dwg Ref: 1249.4.FBW.03 Factories Building Works Second Floor Plan
- Dwg Ref: 1249.4.FBW.04 Factories Building Works Elevations
- Dwg Ref: 1249.4.FBW.05 Bat Mitigation Proposal

The Cloth Factory Building:

- Dwg Ref: 1249.5.CFW.01 Cloth Factory Existing Ground Floor Plan
- Dwg Ref: 1249.5.CFW.02 Cloth Factory Existing First Floor Plan
- Dwg Ref: 1249.5.CFW.03 Cloth Factory Existing Second Floor Plan
- Dwg Ref: 1249.5.CFW.04 Cloth Factory Existing Elevations

The Gateway Building:

- Dwg Ref: 1249.HT.BlockA 100 Gateway Building – Lower GND Floor Plan
- Dwg Ref: 1249.HT.BlockA 101 Gateway Building – Upper GND Floor Plan
- Dwg Ref: 1249.HT.BlockA 102 Gateway Building First Floor Plan
- Dwg Ref: 1249.HT.BlockA 103 Gateway Building Second Floor Plan
- Dwg Ref: 1249.HT.BlockA 104 Gateway Building Third Floor Plan
- Dwg Ref: 1249.HT.BlockA 200 - Gateway Building Front Elevation
- Dwg Ref: 1249.HT.BlockA 201 - Gateway Building Rear Elevation
- Dwg Ref: 1249.HT.BlockA 202 - Gateway Building Side Elevations
- Dwg Ref: 1249.HT.BlockA 203 - Gateway Building Stallard Street Elevation

The Old Chapel Building:

- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

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

- 5 Those elements subject to the outline application shall be carried out in general accordance with the design and layout principles in the following:

Dwg Ref: Inox Mills Design and Access Statement (August 2021)

Dwg Ref: 1249.P001 Illustrative Masterplan

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

- 6 The development hereby permitted shall make provision for the following:

(a) Up to 255 dwellings;

(b) Up to 4078 sqm of commercial space;

(c) Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 6,727.3 sq m of general public open space and at least 430.11 sq m of equipped play space.

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate the above broadly in accordance with the Illustrative Masterplan (no. 1249.P.001 and the Parameter Plan (128-005).

Prior to commencement of the development, a programme, or phasing plan (in accordance with drawing No. 1249.P.005 Rev C – Phasing Parameter Plan), for the delivery and completion of the dwellings, the commercial space and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings, the commercial space and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

REASON: To ensure the creation of a sustainable development which is in character with its surroundings and in accordance with the terms of the planning application.



- 7 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components to be submitted pursuant to Phase 1 and Phases 2-6 respectively, as identified on the approved Phasing Plan
1. A preliminary risk assessment which has identified:
    - a. all previous uses
    - b. potential contaminants associated with those uses
    - c. a conceptual model of the site indicating sources, pathways and receptors
    - d. potentially unacceptable risks arising from contamination at the site
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) to be submitted pursuant to Phase 1 and Phases 2-6 respectively, as identified on the approved Phasing Plan,, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) to be submitted pursuant to Phase 1 and Phases 2-6 respectively, as identified on the approved Phasing Plan are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 8 Prior to any Phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

#### REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 10 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 11 Piling and other foundation methodologies using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 12 No development shall commence on Phases 2-6, as identified in the approved Phasing Plan, until a management plan for the treatment and monitoring of Japanese knotweed on the site has been submitted and approved by the LPA. The plan shall be submitted as agreed.

REASON

It is an offence to allow the spread of Japanese knotweed in the wild (Wildlife & Countryside Act, 1981 as amended).

- 13 No development shall commence on Phases 2-6 as identified in the approved Phasing Plan, until a detailed management plan for the enhancement of the River Biss and its corridor is submitted and approved by the Local Planning Authority, in consultation with the Environment Agency. This shall include the provision of an 8m wide buffer strip alongside all banks of the river within the site. The management plan shall be implemented as agreed.

REASON

To improve the biodiversity value of the river and its corridor, and contribute to biodiversity net gain.

- 14 No development approved by this permission shall be commenced until plans and cross-sections pursuant to Phase 1 and Phases 2-6 respectively, as identified on the approved Phasing Plan, to demonstrate that finished floor levels across the site are set to at least 300mm above the 100yr 35% climate change flood level, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans shall be fully implemented in any timescales agreed.

REASON

To reduce the risk of flooding to people and property.

- 15 There shall be no development or ground raising on existing land within the flood zone 3 35%cc outline as per the submitted model outputs. If ground raising or re-profiling is necessary no development approved by this permission shall be commenced until an updated flood risk model and detailed plans are submitted to, and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans and ground treatment shall be implemented as agreed.

#### REASON

To ensure flood risk is not increased.

#### INFORMATIVE - Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 16 No development approved by this permission shall be commenced on Phases 2-6 until plans, drawings and cross-sections showing a vehicular access point, including a suitable ramp down to the River Biss channel, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The approved plans/drawings/cross-sections shall be implemented as agreed.

#### REASON

To allow the Environment Agency to safely maintain the River Biss channel in order to prevent any increase in flood risk to the development site and surrounding areas.

#### INFORMATIVE

- Access must be for Environment Agency vehicles via a road through the development and must be available/accessible 24 hours a day, every day of the year
- Access must be at least 5 metres wide
- The ramp gradient must have a 1 in 12 slope
- Surfacing must be grasscrete down to below-normal river level
- Edge protection fencing must be provided
- Access to the river channel should be for use by the Environment Agency only. We would prefer it to be gated off and locked with our padlock.

We would encourage the developer to work with our Asset Performance team on the details of the design at an early stage. The developer should first email Sustainable Places on [swx.sp@environment-agency.gov.uk](mailto:swx.sp@environment-agency.gov.uk) to arrange contact.

- 17 The dwellings shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change in the interests of sustainability, and to use natural resources prudently in accordance with the National Planning Policy Framework.

INFORMATIVE

The development should include water-efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

- 18 The development hereby permitted shall be carried out in accordance with the Parameters Plan (PP) Drawing no. 128-005. P1 (Greenhalgh, 21.12.2023). This document will form the basis for the site layout and will not be altered at Reserved Matters without detailed justification based on additional habitat and wildlife species surveys.

REASON: To protect the ecology on the site

- 19 As Building E will be demolished under an EPS Mitigation Licence, an artificial roost has been designed into an adjacent building (Building D). This replacement bat roost in Building D which is located within the River Biss 15m buffer zone will take place prior to the commencement of demolition of the existing roost.

The lesser horseshoe and common pipistrelle bat roost will be incorporated into the development in accordance with Bat Mitigation Proposal Drwg. No. 1249.4.FBW.05 (Keep Architecture, 26/07/2021) and Appendix 4 Artificial Briefing Note of the Ecological Mitigation Strategy (Engain, 13th October 2021) or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development

- 20 The development hereby approved shall not commence pursuant to Phase 1 and Phases 2-6 respectively, as identified on the approved Phasing Plan until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. An introduction consisting of a construction Phase environmental management plan, definitions and abbreviations and project description and location;
  - ii. A description of management responsibilities;
  - iii. A description of the construction programme;
  - iv. Site working hours and a named person for residents to contact including telephone number;
  - v. Detailed Site logistics arrangements;
  - vi. Details regarding parking, deliveries, and storage;
  - vii. Details regarding dust mitigation;

- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
- x. Details of how surface water quantity and quality will be managed throughout construction;
- xi. Details of the safeguarding measures to deal with the following pollution risks:
- the use of plant and machinery
  - wheel washing and vehicle wash-down and disposal of resultant dirty water
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes
- xii. Details of safeguarding measures to highway safety to include:
- A Traffic Management Plan (including signage drawing(s))
  - Routing Plan and vehicle log and means to submit log to the Highway Authority upon request
  - Details of temporary/permanent Traffic Regulation Orders
  - pre-condition photo survey - Highway dilapidation survey
  - Number (daily/weekly) and size of delivery vehicles.
  - Number of staff vehicle movements.
- xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction Phase, including but not necessarily limited to, the following:
- Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
  - Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of TBMS zones A and B and predevelopment provision of hedgerow mitigation/ translocation along Firs Hill A361.
  - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
  - Method statement to include pollution prevention measures for construction of causeway over Lambrok Stream to minimise harm to the watercourse and protected and notable species.
  - Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
  - Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
  - Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
  - Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Construction and demolition hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction Phase and in compliance with Core Strategy Policy 62.

INFORMATIVE: PRE CONDITION SURVEY

A photographic pre-condition highway survey to be carried out and copies of pre and post condition survey to be supplied to WC.

The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

- 21 Prior to the commencement of development of Phases 2-6, as defined on the approved Phasing Plan, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Reptile Mitigation and Translocation Strategy shall be submitted to the local planning authority for approval.

REASON: To protect the ecology on the site.

- 22 Prior to the start of construction of Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long-term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring the success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

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

REASON:

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

- 23 No external lighting shall be installed on Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy (adopted February 2020) are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

**REASON:**

In the interests of the amenities of the area, the appearance of the heritage assets on the site, and to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

- 24 Prior to the commencement of development the buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref: 1249.P.001) shall be made wind and water tight with protection in place to prevent damage during construction.

**REASON:** To prevent further decay of the heritage assets on the site.

- 25 The buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref: 1249.P.001) shall be fitted out to a standard capable of occupation in accordance with the following timetable, unless otherwise agreed in writing by the Local Planning Authority:

- prior to occupation of the 50th dwelling for Innox Place
- prior to occupation of the 100th dwelling for the Brewery
- prior to occupation of the 150th dwelling for the Dye House
- prior to occupation of the 200th Dwelling for Innox Mills

**REASON:** To ensure the heritage benefits associated with the application are delivered alongside the outline planning consent in the interests of securing the vitality and viability of the heritage assets in the long term.

- 26 No development shall commence on each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005 Rev C) above ground floor slab level until details and samples of the new materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON:** In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

- 27 No development shall commence on each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005 Rev C) until a sample wall panel/s for all new brick work, not less than 1

metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

- 28 No development shall commence on each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005 Rev C) until large-scale details of architectural features including parapets, windows, (including elevations and sections of the windows, head, sill and window reveal details), external doors, vents and extracts, rainwater goods have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

- 29 No new signage or wayfinding shall be erected on each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005 Rev C) until details have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area, preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal, and in the interests of sustainable development.

- 30 No development on each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005 Rev C) shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development in the interest of visual amenity and the character and appearance of the area.

INFORMATIVE:

The central spine road on the parameter plan (128-005) is situated over a Wessex Water easement. It is shown with limited to no tree planting as a result. There are a number of ways to successfully integrate tree planting into utility wayleaves which use industry standard best practice. The Trees and Design Action Group (<https://www.tdag.org.uk/>) is a cross industry organisation that provides detailed guidance on the design of tree pits and tree trenches to successfully integrate them into the urban realm. Of particular use would be their guidance on 'trees in hardscape' ([https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag\\_tihl.pdf](https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_tihl.pdf)) along with



'Trees in the Townscape'  
([https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag\\_treestownscape2021.pdf](https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_treestownscape2021.pdf)).

The Local Planning Authority would expect any detailed landscaping plans to consider tree planting within this easement in line with the advice above, unless it is demonstrated not to be feasible in consultation with Wessex Water.

- 31 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following:
- a) the first occupation of the building(s) of a particular Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)); or,
  - b) the completion of each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005));

whichever is the sooner.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping for each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) shall be carried out in accordance with the approved details prior to the occupation of any part of that Phase or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development in the interest of visual amenity and the character and appearance of the area.

- 32 Prior to the commencement of development of Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, a scheme for the delivery of public art across the site shall be submitted to and approved in writing by the local planning authority. The scheme can comprise but is not limited to, bespoke street furniture, hard surfacing materials and boundary treatments and/or stand-alone art installations, and should be reflective of the history of the site (as indicated in section 7.4 of the Design and Access Statement). The scheme shall also include a programme for delivery which should be set out to ensure public art is delivered in line with each Phase of the development. The development shall be carried out in accordance with the approved scheme and programme for delivery.

REASON: To ensure an integrated approach to the delivery of public art across the site in the interests of good design and place-shaping, to enable harmonious treatment of the public realm and to respect the character and setting of the heritage assets on the site.

- 33 No development shall commence on Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, until a final drainage strategy incorporating sustainable drainage details has been submitted to and approved in writing by the Local Planning Authority. No Phase of the development (as set out on the phasing parameters plan ref: 1249.P.005) shall be first occupied until the means of drainage for that Phase has been constructed in accordance with the approved strategy.

REASON: To ensure that surface water runoff from the site can be adequately drained with no flooding on site for a 1 in 100 year plus climate change rainfall event and that the flood risk from all sources will be managed without increasing flood risk to the development itself or elsewhere.

- 34 With regards to those elements of the application in full form in Phase 1 as defined on the approved Phasing Plan, no development shall commence until a plan is provided demonstrating overland exceedance flow routes overlaid onto the finalised development masterplan. The plan shall include topographical and finished floor levels in order to demonstrate that overland exceedance will be safely managed on-site.

REASON: To minimise the risk to people and property during high return period storm events.

- 35 With regards to the elements of the application proposed in full form defined as Phase 1 on the approved Phasing Plan, no development shall commence until the applicant has submitted calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment / pollution control for those parking bays that drain to the storage tank and are not designated as permeable paving.

REASON: Based on the masterplans submitted, it appears that some of the proposed parking throughout the development will not be drained via permeable paving and this matter is required to be agreed prior to the commencement of development to prevent pollution of the receiving watercourse.

- 36 Notwithstanding the diversion details of the Strategic Wessex Water Sewers crossing the site that are shown on the Proposed Drainage Strategy (ref: 13310-CRH XX-XX-DR-C-5050-P5), no development shall commence on Phases 2-6 on the approved Phasing Plan until an alternative diversion route, strategy and timetable for implementation is submitted to and agreed in writing by the Local Planning Authority. The details shall include the provisions for access to the infrastructure for maintenance and repair purposes. Development shall be carried out in accordance with the agreed details, strategy and timetable.

REASON: To ensure Wessex Water's existing customers are protected from a loss of service and sewer flooding, to ensure Wessex Water have suitable access arrangements to maintain their infrastructure on site, and to ensure there is no pollution to the River Biss.

- 37 Prior to use commencing in any non-residential building an assessment of the acoustic impact arising from the operation of the use and any externally mounted plant shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- be undertaken in accordance with BS 4142: 2014+A1:2019; and,
- include a scheme of attenuation measures to demonstrate the rated level of noise shall be -5dB (LAeg) below typical background (LA90) level at the nearest noise sensitive location.

If the precise detail of the scheme, such as specific use or plant specifications, is not known, then likely worst-case scenarios with respect to noise impact on residential premises should be

assumed. Development shall be carried out in accordance with the approved details prior to the use commencing.

Background levels are to be taken as a LA90 1 hour and the ambient noise levels shall be expressed as al LAeq 1 hour during the daytime (0700 – 2300) and shall be expressed as an LA90 and LAeq 5 minutes during the night (2300 – 0700) at the boundary of the nearest residential noise-sensitive receptor.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 38 Prior to use commencing in any non-residential building that requires mechanical air extraction or ventilation systems, a scheme of works for the control and dispersal of any atmospheric emissions from them, including odours, fumes, smoke & other particulates, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development.

The scheme must include full technical details and a risk assessment in accordance with Appendix 2 and 3 respectively of the EMAQ "Control of odour and noise from commercial kitchen exhaust systems" Guidance (Gibson, 2018).

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

INFORMATIVE:

In discharging this condition we recommend the applicant ensures that the ventilation system discharges vertically at a height of at least 1m above the heights of any nearby sensitive buildings or uses and not less than 1m above the eaves.

- 39 Prior to occupation of the first non-residential building, a schedule of opening hours for each commercial unit on the site shall be submitted to and approved in writing by the Local Planning Authority. The non-residential uses on the site shall be operated in accordance with the approved schedule of opening hours.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 40 Deliveries and collections for all non-residential uses on the site shall be restricted to 08:00 – 21:00 Monday to Sunday (including Bank Holidays). No deliveries or collections shall take place outside of these hours.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

Prior to commencement of works on Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, an Acoustic Design Scheme for the protection of the proposed dwellings from road traffic noise, railway noise and ground borne vibration is submitted to and approved in writing by the Local Planning Authority. The Acoustic Design Scheme shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise New Residential Development (May 2017 or later versions)) to achieve the following noise limits:

- a) bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an L<sub>Amax,F</sub> of 45dB
- b) living rooms and dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
- c) external noise levels within private external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300)

The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained. For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. Should windows need to be closed to meet the noise criteria above full details of the ventilation scheme will be included with the assessment.

A post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to the LPA to a timetable as detailed within the approved Acoustic Design Scheme to confirm compliance with the approved scheme and approved in writing by the LPA. Any additional steps required to achieve compliance shall be taken, as necessary. The report shall provide evidence that the approved Acoustic Design Scheme has been fully implemented.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

**INFORMATIVE:**

A good acoustic design process should be followed to ensure that the internal noise criteria are achieved with windows open. Using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. When relying on closed windows to meet the internal guide values, there needs to be an appropriate method of ventilation that does not compromise the façade insulation or the resulting internal ambient noise level.

- 42 Notwithstanding the submitted details, no works shall commence on Phases 2-6 until details of the Railway Station access road have been submitted to and approved by the Local Planning Authority. The road shall be no less than 6.5m wide with segregated footway/cycleway provision as necessary in broad compliance with the 'main road' detail within the submitted masterplan. The details shall include full construction and geometric details including vehicle swept path analysis for a 11.3m refuse truck and Coach Rail Replacement. Prior to occupation of the first dwelling unit served from the road, the road shall be completed in all respects with the approved details up to the site boundary with the railway station and maintained as such thereafter.

REASON: To ensure satisfactory and safe vehicular access is provided to the railway station in the interests of highway safety, highway capacity enhancement and in compliance with Core Strategy Policy 60, 61 and 62.

- 43 Prior to commencement of development full design and construction details of the proposed vehicular access shall be provided to and approved by the local planning authority. Prior to first occupation, the access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

REASON: To ensure a safe and sufficient vehicular access is provided in the interests of highway safety and in compliance with Core Strategy Policy 60, 61 and 62.

- 44 Prior to commencement of works on Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, a walking and cycling movement framework plan shall be submitted to and approved by the Local Planning Authority. The walking and cycling movement framework plan shall include full details of route design, construction and material treatment, with all cycle and pedestrian routes complying with current national and local guidance as appropriate. The walking and cycling movement framework plan shall consider the treatment, alignment and diversion as necessary of on-site Public Rights of Way and any necessary connectivity works to external networks, including the railway station. All routes shall be designed to accommodate all abilities, with change of level, including steep ramps or steps avoided unless agreed by the Local Planning Authority. The walking and cycling movement routes, as identified in the approved plan, shall be completed in all respects in accordance with the approved plan and maintained as such thereafter.

REASON: To ensure safe and convenient walking and cycling routes to the site are provided in the interests of highway safety and sustainability in compliance with Core Strategy Policy 60, 61 and 62.

- 45 Notwithstanding the submitted detail, no works shall commence on Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, site until a strategy for Electric Vehicle charging points has been submitted to and approved by the Local Planning Authority. The strategy shall seek to avoid delivering dwellings that may not be directly served by a charging point. Prior to first occupation of each individual dwelling unit allocated a charging point, the dwellings charging point shall be made operational and ready for use.

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

- 46 Prior to commencement of Phases 2-6 development a phasing and specification plan for a Mobility Hub shall be submitted to and approved by the Local Planning Authority. The Mobility Hub shall include as a minimum real time information for bus and rail transit, cycle parking including electric cycle charging points, electric vehicle fast and rapid charging points and car share parking bay. The Mobility Hub shall be completed in all respects in accordance with the approved specification and delivered in full in accordance with the approved phasing plan.

REASON: to ensure that a Mobility Hub is delivered in a timely manner to maximise the use of sustainable travel modes in compliance with Core Strategy Policy 60, 61 and 62.

- 47 Prior to first occupation of the first residential dwelling under Phases 2-6, as shown on the approved Phasing Plan, a Residential Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by residents and these shall include but not be exclusive to Green Travel Vouchers, travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. Survey methods shall include but not be exclusive to the provision of Permanent Automated Traffic Counters at the vehicle access and pedestrian cycle counters at pedestrian and cyclist access points. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 48 Prior to first occupation of the first employment unit, an Employment Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by employees of the site and these shall include travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

### Listed Building Consent Conditions

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249-E-003
- Dwg Ref: Boundaries for the Application: 12149.E.002

- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan
- Dwg Ref: 1249.2.IMW.03 Innox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Innox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Innox Mills Works Elevations
  
- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan
- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations
  
- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

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

## Appendices

**Appendix 1: 29/11/2023 Committee Report**

**Appendix 2: 17/04/2024 Committee Report**

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**REPORT FOR STRATEGIC PLANNING COMMITTEE**

|                            |  |
|----------------------------|--|
| <b>Date of Meeting</b>     | 29 November 2023   |
| <b>Application Number</b>  | PL/2021/08064  |
| <b>Site Address</b>        | Innox Mills, Stallard Street, Trowbridge, BA14 8HH   |
| <b>Proposal</b>            | <p>Hybrid (full and outline) planning application descriptions (i) &amp; (ii)</p> <p>(i) Outline planning application: the erection of up to 284 dwellings, erection of a convenience store (Class E), erection of up to 872 sqm of new commercial floor space (Class E); and associated access, public realm; and landscaping works.</p> <p>(ii) Full planning application: Erection of convenience store (333 sqm GIA) and 12 No. apartments, part demolition and external works to Innox Mills and change of use to Class E; external works and extension (180 sqm GIA ) to Innox Place and change of use to (Class E); external works to Dyehouse and Brewery for as bat mitigation and change of use to a dual use internal market/Class E; demolition of former Cloth Factory Building; and associated access, public realm and landscaping work in commercial courtyard and along the Stallard Street frontage.</p> <p>The listed building consent application proposes internal and external works and part demolition of Innox Mill; internal and external works, and extension to Innox Place. Although a separate application, the issues relevant to the impact upon the listed buildings (Innox Place and Innox Mill) are considered under this report.</p> |
| <b>Applicant</b>           | Innox Mills Ltd  |
| <b>Town/Parish Council</b> | TROWBRIDGE   |
| <b>Electoral Division</b>  | Trowbridge Central (Cllr Palmen)   |
| <b>Type of application</b> | Outline, Full Planning and associated Listed Building Consent  |
| <b>Case Officer</b>        | Ruaridh O'Donoghue   |

**Reason for the application being considered by Committee**

The application is before the Strategic Planning Committee at the request of Councillor Palmen. His reason is due to the scale of development within the central part of Trowbridge; it is of major interest to the public and therefore should be discussed at the planning committee.

## **1. Purpose of Report**

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

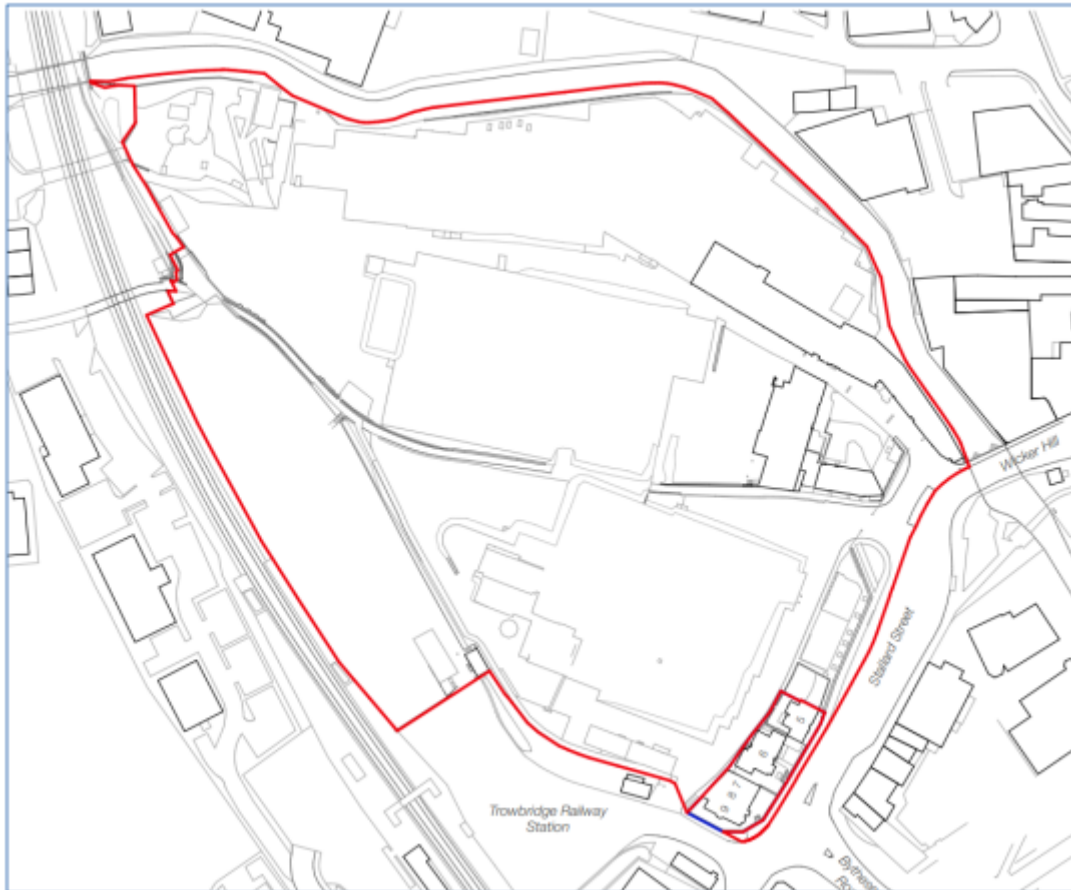
## **2. Report Summary**

The main issues to be considered are:

- Whether the proposed development is acceptable in principle (CP 1 and 2);
- Whether the proposed development constitutes high quality design (CP 57);
- Whether the proposed development would preserve or enhance the historic environment (CP 58)
- Whether the proposed development would have an acceptable landscape impact (CP 51);
- Whether the proposal makes all the necessary provisions to incentivise sustainable travel choices, provides safe and suitable means of access, sufficient parking and ensuring the proposal does not have a negative effect upon highway safety (CP 60, 61 62 and 64)?;
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67);
- Whether there would be any harmful impacts upon protected species or priority habitats (CP 50)?
- Whether there will be any land contamination / air quality issues that would affect the delivery of the site or require suitable mitigation/remediation to protect the surrounding environment and people (CP 55)?
- What planning obligations are required to make the development acceptable in planning terms (CP 3)?
- Are there any viability issues that effect the provision of affordable housing and/or securing of the planning obligations required to make the development acceptable in planning terms?
- Are there any other planning issues raised by the development?

## **3. Site Description and location**

The site of approximately 4.07ha in area (see figure 1 below) is located within Trowbridge Town Parish. The site comprises the whole former Bowyer's site with the exception of Nos. 5-9 Stallard Street.



**Figure 1 – Site Local Plan**

The site lies adjacent to Trowbridge town centre. Trowbridge Railway station and branch line lie to the west of the site with housing and Stallard Recreation Field behind. The River Biss adjoins the western and northern boundary of the site with the industrial parks known as Riverway, The Maltings, Shails Lane lying on the other side of the River Biss along with Hill Street and Kitcheners Court. Stallard Street lies to the east and south of the site which comprises a range of commercial uses with residential units above as well as individual dwellings and blocks of flats.

Running across the site are a couple of public rights of way (PRoW) – TROW73 and TROW72. TROW 73 runs from the site entrance at Innox Place across the site in a diagonal line to the rear of the site linking up with Innox Road. TROW72 runs from the entrance to the site by Innox Place, along the back of No.'s 5-9 Stallard Street linking up with the Station Car Park.

The River Biss (a main river) borders the site and consequently a large part of the site lies within Flood Zone 2 and a smaller part within Zone 3.

Within the site itself lies Innox Mill and Innox Place which are Grade II listed buildings with No,'s 5-8 Stallard Street also at Grade II adjoining the south-eastern boundary. The Brewery and Dyehouse building which are also located on the site are considered to be non-designated heritage assets.

The Trowbridge Conservation Area covers a small section of the site frontage with Stallard Street. The majority of the site, though outside, is considered to be within its setting.

Other heritage assets that are within close proximity to the site include:

- Nos. 50-58 Stallard Street – Grade II
- Studley Mill, Stallard Street – Grade II
- Town Bridge – Grade II
- Malthouse and Outhouse at rear of Nos. 19 and 21 Hill Street – Grade II
- Kitcheners Arms, Hill Street – Grade II\*
- Buildings at the rear of No. 12 Hill Street – Grade II

Being a near town centre location, there are a number of other listed buildings along Stallard Street, Hill Street, Fore Street, Wicker Hill and Back Street that are in reasonable proximity to the site such that their settings could be affected by the development.

The western and northern boundaries of the site adjoin the Yellow Zone (Medium Risk) defined in the Trowbridge Bat Mitigation Strategy with the Railway and River Biss Corridor noted as key foraging and commuting routes for bats within the Bath and Broadford on Avon Bat SAC.

The site is identified as having potential contamination from former uses (railways sidings, pie and bacon factories, brewery industry and former cloth mill).

#### 4. Planning History

The site has been subject to numerous applications relating to former uses. These are not considered to be relevant. However, previous permissions for different forms of development have been allowed. These are set out below.

| Reference      | Description   | Decision                 |
|----------------|---|--------------------------|
| W/09/00582/FUL | Redevelopment of the former factory site to provide new campus for Wiltshire College comprising college buildings, theatre, sports hall, all-weather sports pitch, car parking and ancillary open spaces  | Withdrawn                |
| W/11/02689/FUL | Demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site comprising a cinema (Use Class D2), food and drink floorspace (Use A3/A4), and food superstore (Use Class A1), together with associated car parking, new access and landscaping                          | Refused                  |
| W/11/02690/LBC | Demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site comprising a cinema (Use Class D2), food and drink floorspace (Use A3/A4) and food superstore (Use Class A1), together with associated car parking, new access and landscaping                           | Approved with conditions |
| W/12/02299/FUL | Demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site comprising a food store (Use Class A1), non-food retail units (Use Class A1), leisure floorspace (Use Class D2), food and drink floorspace (Use Class A3/A4), and associated petrol filling station (sui | Approved with conditions |

|                |   |                          |
|----------------|---|--------------------------|
|                | generis) together with associated car parking, new access and landscaping   |                          |
| W/12/02300/LBC | Demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site comprising a food store (Use Class A1), non-food retail units (Use Class A1), leisure floorspace (Use Class D2), food and drink floorspace (Use Class A3/A4), and associated petrol filling station (sui generis) together with associated car parking, new access and landscaping | Approved with conditions |

The former Bowyer’s factory was closed in 2008 by the then owners, Northern Foods. Wiltshire College submitted an application (W/09/00582/FUL) to relocate there existing Trowbridge campus onto the site. However, due to a lack of committed funding from the Learning Skills Council this application was withdrawn. The site was then purchased by Morrisons who secured planning permission for the re-development of the site for two alternative schemes for a supermarket with ancillary leisure uses in 2013 and 2014 (Refs: W/11/02689/FUL & W/12/02299/FUL). Following changes in the retailing marketplace, which reduced demand for large format stores, Morrisons decided not to proceed with the implementation of these permissions. Furthermore, the development of St Stephens Place which had delivered a cinema for Trowbridge took up the demand in that respect.

With regards the above permissions by Morrisons, it is useful to set out what masterplan was approved for the last approval on the site (W/12/02299/FUL). Although lapsed, this gives an indication as to what layout and form of development was previously considered acceptable by the Planning Committee. See figure 2 below which shows the scheme that was centred around a large Morrisons supermarket with petrol station. The ancillary leisure uses are on the right-hand side.

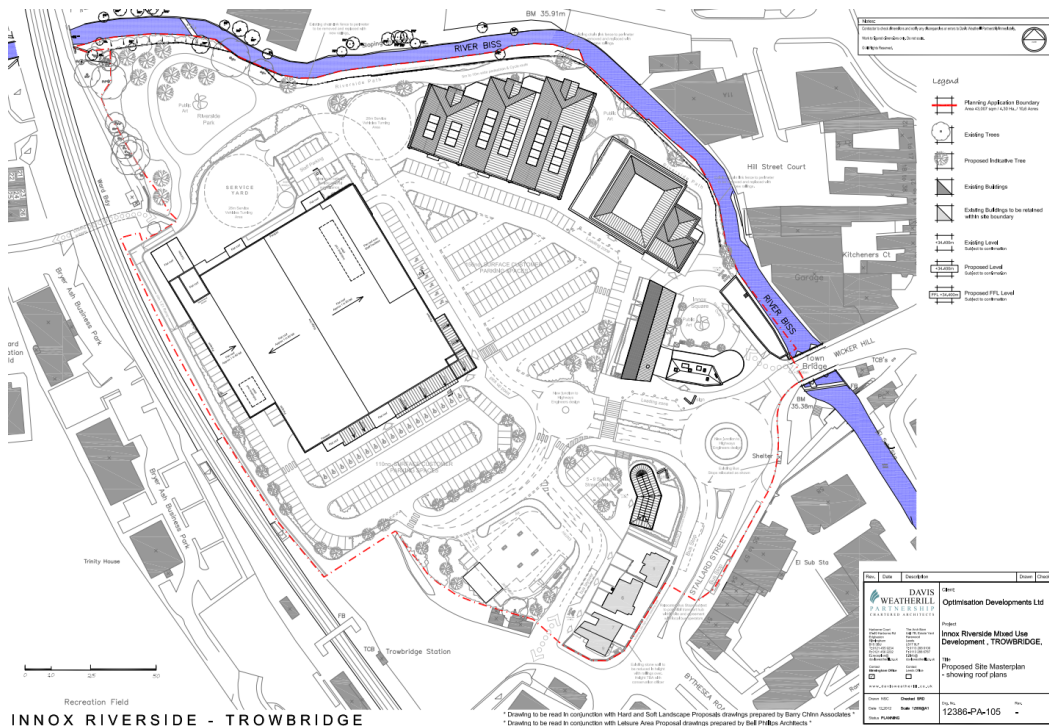


Figure 2 – Masterplan for W/12/02299/FUL

Following the demolition of the 20<sup>th</sup> Century factory buildings the site was subsequently sold to the applicant in 2016.

## 5. The Proposal

The proposal is a hybrid (full and outline) planning application. The area of the site that is covered by the full and outline aspects of the proposal can be seen in figure 2 below. The development description for the site is as follows:

(i) Outline planning application: the erection of up to 284 dwellings, erection of a convenience store (Class E), erection of up to 872 sqm of new commercial floor space (Class E); and associated access, public realm; and landscaping works.

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

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

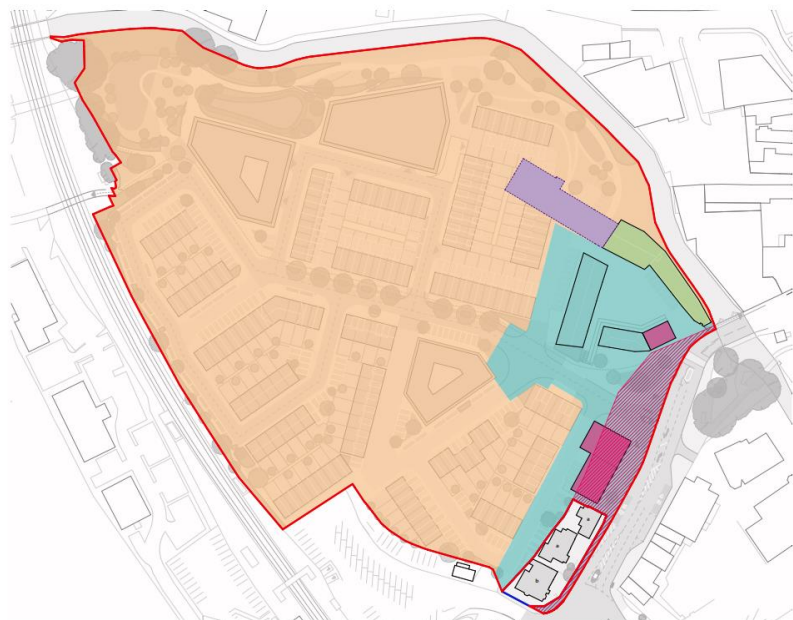
**Hybrid (full and outline) planning application descriptions:**  
**Outline planning application:** the erection of up to 284 dwellings, erection of a convenience store (Class E), erection of up to 872 sqm of new commercial floor space (Class E); and associated access, public realm; and landscaping works. Scope of reserved matters to be included at the outline stage: 'access' and 'landscape'

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

**Listed Building Consent Application Description:** Internal and external works and part demolition of Innox Mill; internal and external works, and extension to Innox Place.

**Key**

- Application Boundary
- Ownership Boundary
- Conservation Area
- Listed Building Consent
- Demolition
- Non-designated Heritage Assets
- Outline Application with all Matters Reserved Except Access
- Full Plans
- Full Plans Application (Proposed Buildings Within Setting of Listed Building and Within Conservation Area)
- 5 & 6 Stallard Street to be Subject of Standalone Planning and Listed Building Consent Application
- Internal and External Works Approved Under Planning Permission 20/08558/FUL and 20/08980/LBC



**Figure 3 – The area covered by the FULL and OUT application.**



The application has been accompanied by the following documents:

- Affordable Housing Statement: Knight Frank
- Air Quality Assessment: Entran
- Arboricultural Report: Silverback
- Archaeology Statement: Amour Heritage
- Condition Survey of Listed Buildings: Campbell Reith
- Construction Transport Management Plan: MWT
- Design and Access Statement: Keep
- Ecology Report (including Biodiversity Net Gain report): Engain
- Flood Risk Assessment and Drainage Strategy: Campbell Reith
- Flood Risk Sequential Test Statement: Knight Frank
- Heritage Statement: Amour Heritage
- Landscape Strategy: GLA
- Land Quality Statement: Campbell Reith
- Noise Assessment: Entran
- Planning Statement: PlanningSphere
- Statement of Community Engagement: Cadence PR
- Transport Assessment: MWT
- Travel Plans (Residential and Commercial): MWT
- Waste Minimisation Statement: PlanningSphere
- Accommodation Schedule: Keep
- Viability Statement: Knight Frank (NB. to be submitted post-submission)

The Design and Access Statement (DAS) provides an in-depth description of the proposals across the site. Noting this is a hybrid application the DAS covers a design and landscape strategy for the outline element, accompanied by parameter plans (see Section 5, 6 and 7) and detailed discussions and plan for the full element (see section 8 and 9).

In summary, this is first and foremost a regeneration scheme offering the potential to deliver significant benefits to the town, economically, environmentally and socially. Housing would underpin the other mix of uses proposed for the site which is not uncommon on brownfield sites such as this where residential development is usually required to enable the other uses to come forward from a viability perspective. That said, the scheme would deliver 4,078 sqm GIA of commercial floor space.

It would be delivered in a phased manner to ensure that the site can become active as early as possible and to ensure that the development remains viable with income generated through each phase of the build. There would be 7 phases (see figure 4 below) and each phase of development would broadly but not entirely correspond with a particular character area identified within the DAS (see page 72).

The first phase would comprise the front section of the site. Moving in a roughly clockwise direction, the other 6 phases would follow. At certain points throughout the build the heritage assets on the site would be restored and made fit for occupation. This would safeguard the implementation of the repair and restoration works to the heritage assets to ensure this part of the proposal is delivered and not left.

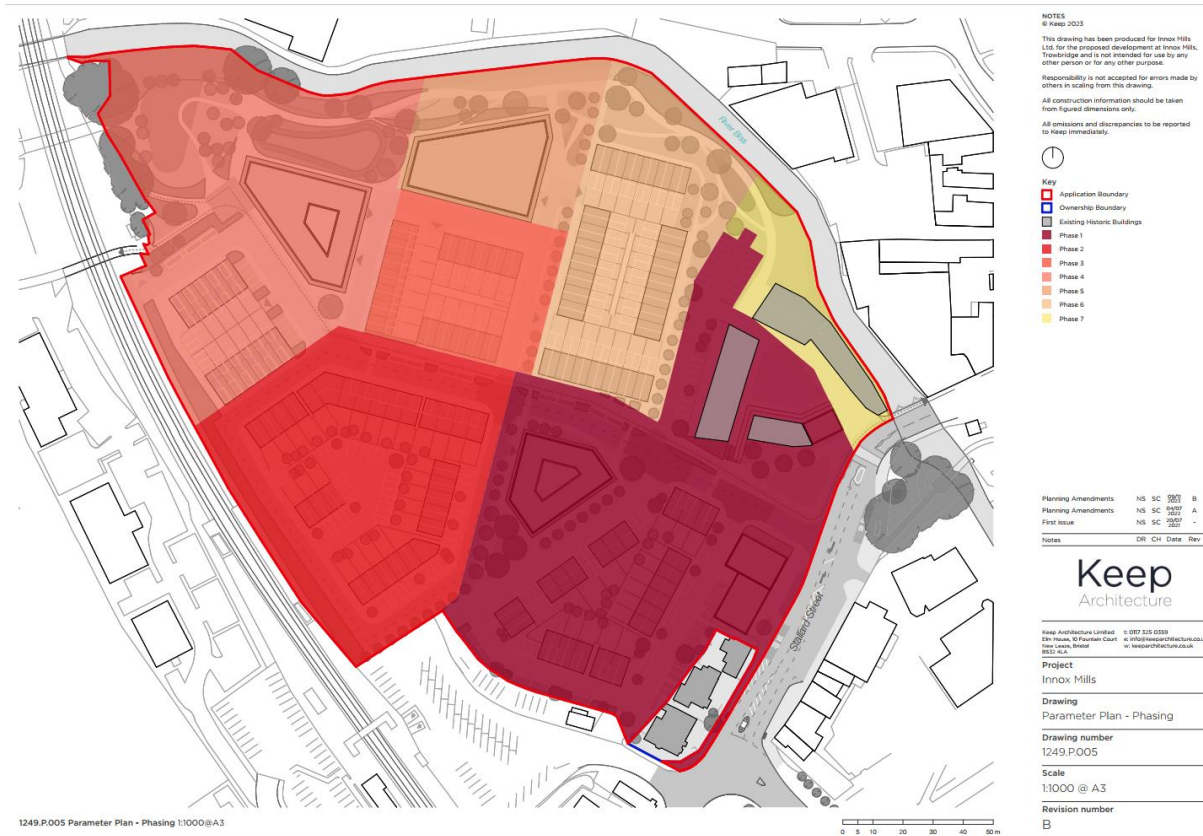


Figure 4 – Phasing Plan

The illustrative masterplan for the site is shown at figure 5. This seeks to show a possible layout for the proposal including the outline elements, to demonstrate how the scheme could fit on the site in an acceptable and policy compliant manner. As mentioned above, the site would be delivering a significant amount of commercial floor space (see table 1 below).

| Building              | Proposed Use   | Floor Area sqm GIA |
|-----------------------|--|--------------------|
| New build (Block A)   | Flexible Commercial (Class E)                                  | 133                |
| New build (Block B)   | Flexible Commercial Class E                                    | 712                |
| New build (Block C)   | Flexible Commercial (Class E)                                  | 160                |
| Innox Mill            | Coworking (Class E)  | 1,320              |
| Innox Place           | Coworking (Class E)  | 295                |
| Innox Place Extension | Ancillary Café (Class E)                                       | 180                |
| Dyehouse              | Indoor Market / Flexible Commercial (Class E)                  | 439                |
| Brewery               | Indoor Market / Flexible Commercial (Class E) / Bat Mitigation | 839                |
| <b>Total</b>          |  | <b>4,078</b>       |

Table 1 – Commercial Floor Space

The above table shows where this commercial space is to be delivered throughout the site and therefore, it is useful to read it in conjunction with the illustrative masterplan (figure 5) shown below.





Figure 5 – Illustrative Masterplan

The masterplan above is not fixed (insofar as the outline proposals are concerned) but it gives an indication of the different character areas that are intended to be brought about by the development as set out in the DAS. From this plan and in conjunction with the DAS, the following points are a very brief overview of the proposals:

- A riverside park is to be formed alongside the river Biss that would contain public open space, play space, drainage attenuation, landscape and ecological buffers.
- Housing would be delivered predominantly in terrace form with the western side by the railway line being more traditional and reflecting the character of Bradford and Innox Road (referred to as The Sidings in the DAS).
- The block of housing behind Stallard Street would be reflective in character and scale of those listed properties that front Stallard Street (referred to in the DAS as Bowyers Place).
- The northern blocks of housing to the west of Innox Mill would be terraced but of a more contemporary design reflective of the existing and former mill buildings that occupy/occupied the site (referred to as The Mill Quarter in the DAS).
- These blocks of houses would be broken up by taller focal buildings that would comprise of some active ground floor uses (commercial) with a focus on flats above.
- The two northern blocks of flats would share the character of ‘The Mill Quarter’ along with the central block as they would be reflective of the former industrial buildings on the site.
- Innox Square and The Old Chapel would be formed primarily from the retained buildings on the site (with some modest extension) and would provide the commercial focus of the development with a range of uses (e.g., retail to food and beverage outlets).
- A corner building is proposed on Stallard Street that would provide a focal point at the entrance to the site. This building is informed by the scale, proportions and character of the listed buildings on Stallard Street that lie to its southwest. It would comprise a convenience store at ground floor with 12 flats above.

- Vehicular access would be formed off Stallard Street at the existing vehicular access point into the site (opposite 58 Stallard Street). Pedestrian and cycle access would also be formed at this existing access point along with connections through to Trowbridge Train Station and onto the wider strategic path leading to the Kennet and Avon Canal Towpath (National Cycle Route 4).
- Other elements of the proposal beyond the buildings would be designed in a reflective manner to compliment the former uses of the site e.g., hard landscaping is to include some weaving patterns in the blockwork to reflect the former cloth making industries of the site.

Save for the elements subject of the full application and the access proposals on the outline application, the plan and commentary in the DAS is not set in stone. However, it provides a good framework for any future reserved matters applications that are submitted for the outline part of the site. Accordingly – and on the assumption that planning permission is given – it would be prudent to ensure that the development is carried out in general accordance with the DAS to ensure the development comes forward in line with the masterplan principles outlined at this stage. This would be conditioned.

Noting that figure 4 above is indicative, there are a number of elements that do need ‘fixing’ at this stage with regards to the outline part of the site, such as, landscape and ecological buffers, an 8m easement for the River Biss as an EA Main River, access, land use and buildings heights. To this end, a number of parameter plans have been submitted in respect of the outline part of the proposal to deal with such matters (see figures 6 and 7 below). These parameter plans set the ‘fixers’ within the site and, if approved as part of this application could not be altered at reserved matters stage (unless a variation to the outline consent is submitted).



Figure 6 – Parameter Plan



On the above plan the building blocks, roads, footpaths, public open spaces and green infrastructure are fixed. Whilst the outline application only includes access in full, with layout, appearance, scale and landscaping left to reserved matters, it is clear from the above that quite a lot of the parameters within these reserved matters are in any event fixed by this plan.

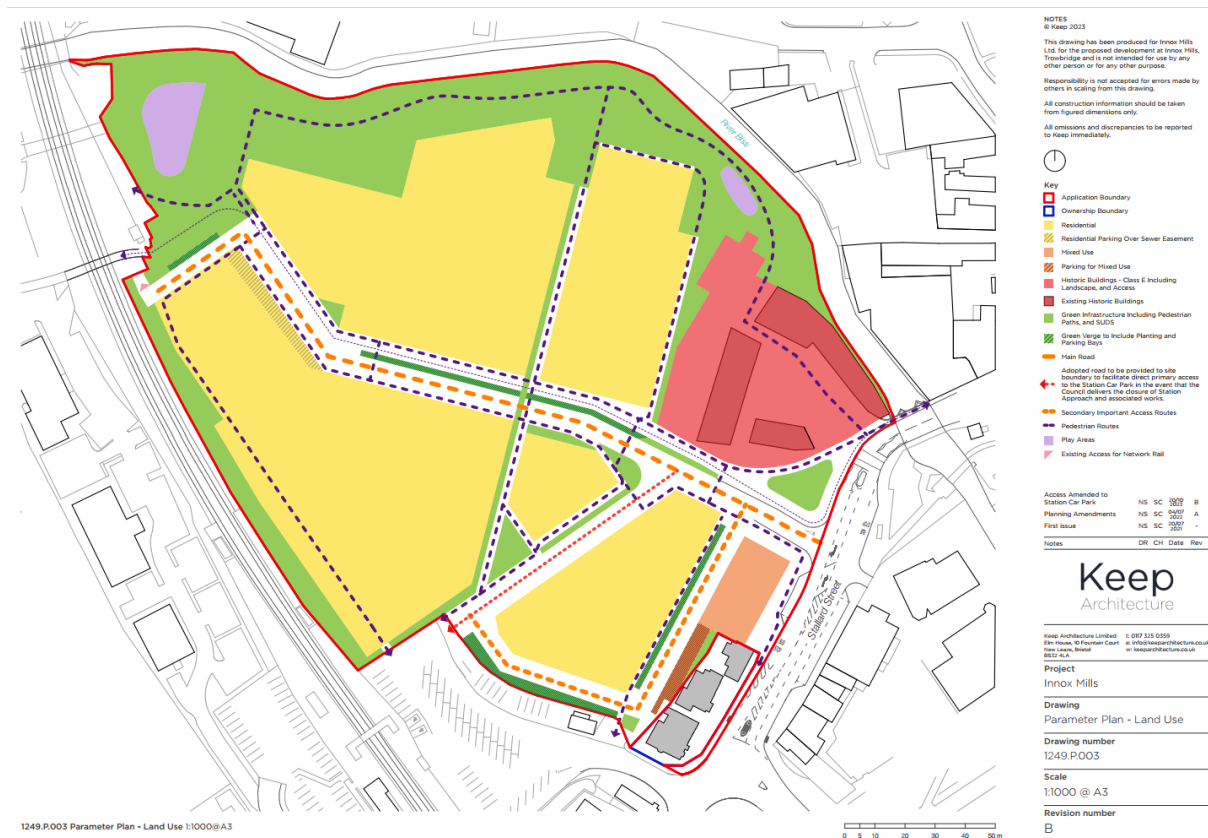
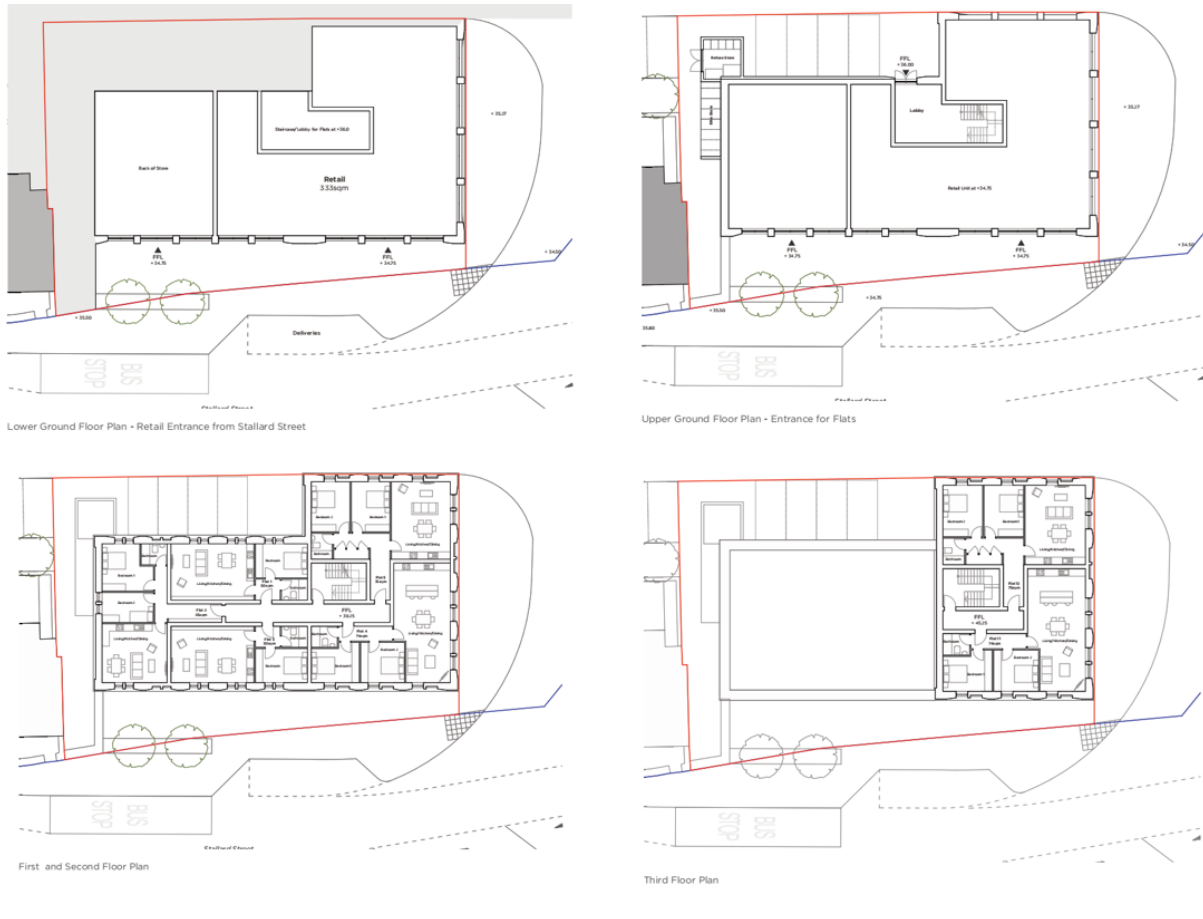


Figure 7 – Access and Land Use Parameters Plan

Turning to the full element of the proposals, these are of course fixed and the DAS sets out in detail, along with separate plans the proposal for the two new buildings – The Old Chapel, an extension to Innox Place and The Gateway Building.

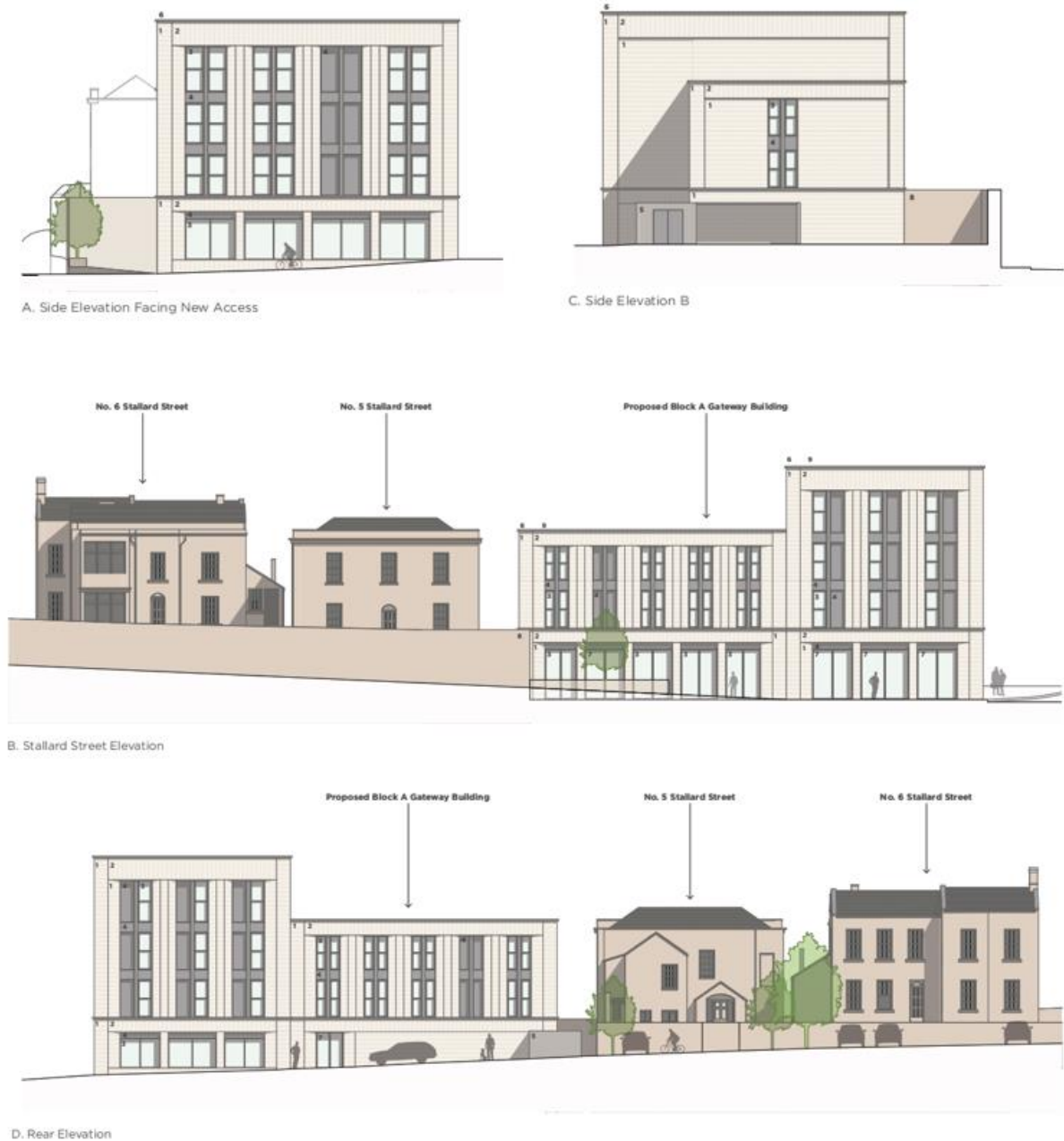
The Gateway Building would be a 4-storey building. The lower ground floor would comprise a retail unit totalling 333m<sup>2</sup> with access from Stallard Street. The upper ground floor would provide level access from the street to the flats that would sit above the shop. The first and second floors would comprise of 5 flats each and have the same floor area as the ground floor. The third floor would provide 2 flats and is located over just half of the building at the corner with the new street and Stallard Street. This is intended to provide a higher nodal corner which draws focus within the streetscene and also into the new development. Plans and elevations can be seen at figure 8 and 9 respectively.



**Figure 8 – Gateway Building Floor Plans**

The building is proposed to be constructed out of buff brick, with grey metal framed windows and doors, timber bin and bike store, grey metal coping, and stone walling to match the existing along Stallard Street.

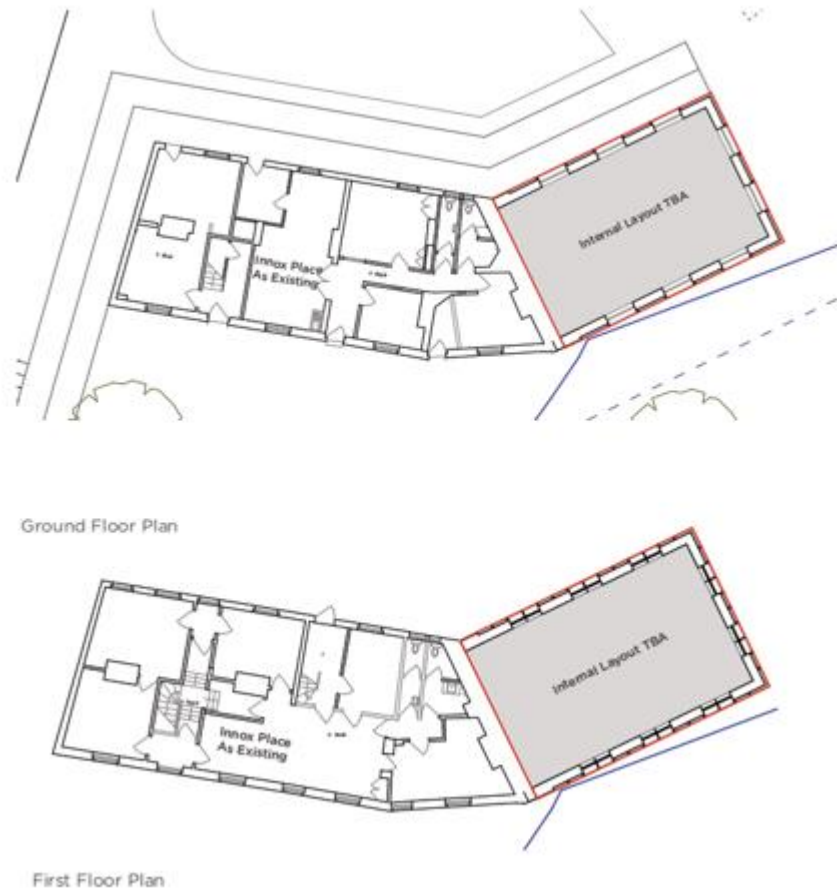
Its scale, height and proportions are taken from the listed buildings on Stallard Street whose rhythm is echoed in the elevations of this new gateway building.



**Figure 9 – Gateway Building Elevations**

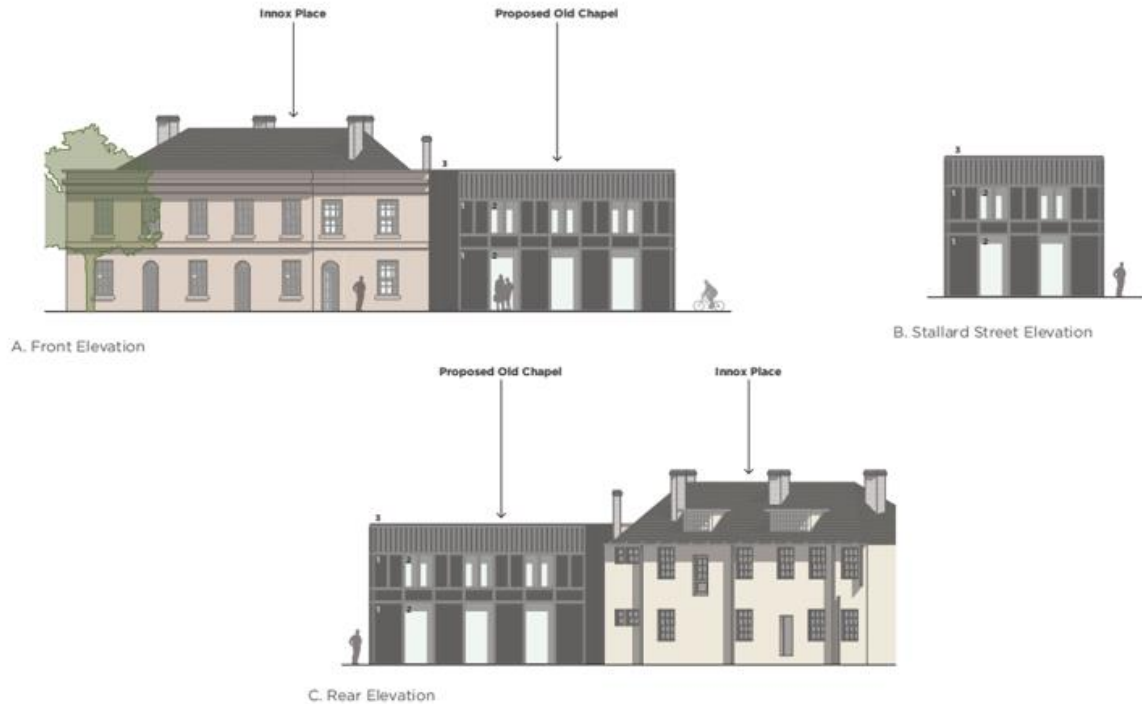
The Old Chapel would sit adjacent to Innox Place on the site of an historic Methodist Chapel that has subsequently been demolished. It is currently an empty part of the site with an unattractive blank gable on the end of Innox Place. The building would enclose this part of the site and provide a gateway into the 'Innox Quarter' as well as masking the unattractive blank gable wall and enabling overhead signage.

It would be contemporary in design reflective of the former industrial heritage of the site and would comprise of 2-storeys with a largely glazed exterior, the proportions of which have been informed by Innox Place (see figures 10 and 11 respectively).



**Figure 10 – The Old Chapel Floor Plans**

It would be constructed out of metal cladding with grey framed windows and doors. It is proposed to have a green roof with PV panels on top.



**Figure 11 – The Old Chapel Elevations**

The remainder of the retained buildings that form part of the full application comprise Innox Place, Innox Mills, The Brewery, Dyehouse and Cloth Mill. As noted from the development description for the full planning application, the works merely relate to the external aspects of these buildings (save for the Cloth Mill which is due to be demolished). There are no internal works proposed. Any internal works would either be the subject of further listed building consent applications where the building is listed (Innox Place and Innox Mills) or where not listed, no further action necessary (the case for The Brewery and Dyehouse).

However, the full application does involve the change of use of these buildings to an E class use save for the Dyehouse and Brewery which would form bat mitigation and a change of use to a dual use comprising internal market and Class E.

With regards to external works, Innox Place and Innox Mills would see all existing windows and doors repaired to match existing, and brickwork, stonework, rainwater goods and roofing repaired where required. Some minor demolition works are proposed to the Mill to remove small modern additions and also sections of render are to be removed to expose the brickwork.

The Dyehouse and Brewery would have the same repair treatment applied to it. The clothing factory that adjoins the Brewery is to be demolished with a new gable elevation designed in matching brickwork to cap off the end section of the building. In the northern elevation a new metal door would be inserted with grills for bat access.

The elevation and plans for these buildings can be seen on the online file. Due to this aspect of the application largely being repair work, the plans have not been included in the report as the status quo will largely remain and can be garnished from the photos below. .

Below are photographs taken at various locations in and around the site during the month of September 2021. The full set can be seen on the online file under the reference, Site Visit Photos and dated 21 September 2021.





View from inside 'Innox Square' looking west. Innox Place is to the left of the photograph, Innox Mills to the rear and the Brewery and Dyehouse Façade is visible on the right.







View looking south-easterly towards Town Bridge along the River Biss Corridor from behind the former Cloth Mill (proposed to be demolished).



View from the site looking in a northerly direction towards the industrial estates on the other side of the River Biss. This area is to form part of the public open space.



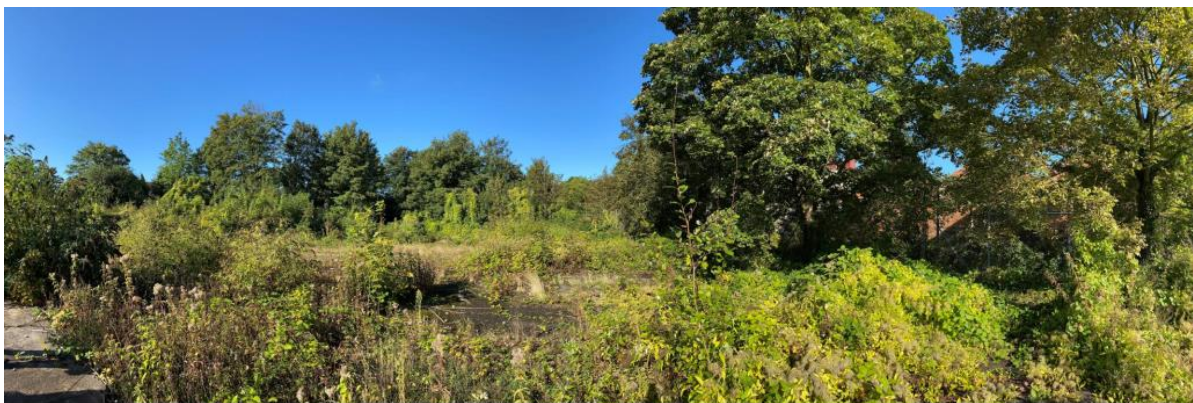
View looking in a south easterly direction towards the rear of the former Cloth Mill (to be demolished), Brewery and Dyehouse. This will form public open space and parking for 'Innox Square.'







View from the rear of the site looking in a south-westerly direction. The former Mill, brewery and dyehouse buildings that will make up 'Innox Square' can be seen on the left hand side of the photograph, with the buildings on Stallard Street in the middle and the Station and spire of Holy Trinity Church (visible) to the right.



View looking in a north-westerly direction of the rear of the site that borders the River Biss which will form part of the public open space. Glimpses of the Maltings Industrial Park buildings can be seen through the trees.



View from the car park to the rear of Trowbridge Train Station looking in a southerly direction. This area is proposed as terraced housing and is referred to as 'The Sidings' in the proposals outlined above.







View from the Station Railway Bridge looking north-easterly across the site towards the former mill buildings and Innox Place.



View from Stallard's Street in front of Beauford Mansions looking in a north-westerly direction towards the site frontage. The buildings on the left hand side are No.'s 5-9 Stallard Street (refurbished as part of a separate application). The central gap will be the location of the Gateway Building with access and 'Innox Quarter' on the far right.



A closer view of the vehicular access point into the site from the bus stop opposite on Stallard's Street. The access will be formed to the left of Innox Place which is the Georgian terrace at the front of the group of buildings. To the left of the access will be the new cornerstone building referred to as 'The Gateway Building.'







View from inside Innox Mills first floor looking west across the site towards Trowbridge Train Station. On the left hand side you can see the buildings of Stallard Street and the gap where 'The Gateway Building' is proposed. The middle to right hand side of the photograph shows the area known as Bowyers Place in the DAS which will be a range of family housing with access through to the Station.



View from inside the first floor of Innox Mill looking in a north-westerly direction towards the rear of the site. The area of the site that is predominantly shown in this photograph is what is referred to in the DAS as The Mill Quarter – high density residential with a mill like character.



View from the rooftop of The Dyehouse looking in a westerly directly over what will become 'Innox Square.' You can see the blank elevation of Innox Place and the space to the side of it that will be the location of the building referred to as 'The Old Chapel.'





Internal view of the first floor of Innox Mills. This photograph shows the general state of the interior of these buildings and how the proposed development can bring much needed repair works to the building. It also highlights how important the restoration of this and the other heritage assets on the site is to secure their long term vitality and viability.

## 6. Planning Policy

### Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP28 – Trowbridge Central Areas of Opportunity
- CP29 – Trowbridge Community Area Strategy
- CP30 – Trowbridge Low-Carbon Renewable Energy Network
- CP41 – Sustainable Construction and Low Carbon Energy
- CP43 – Providing Affordable Homes
- CP45 – Meeting Wiltshire's Housing Needs
- CP48 – Supporting Rural Life
- CP50 – Biodiversity and Geodiversity
- CP51 – Landscape
- CP52 – Green Infrastructure

- CP55 – Air Quality
- CP56 – Land Contamination
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk

#### Wiltshire Waste Core Strategy

WCS6 (Waste Audit)

#### Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

- U1a Foul Water Disposal
- U2 Surface Water Disposal
- U4 Ground Source Protection Areas

#### Other

- The Wiltshire Waste Core Strategy (adopted 2009)
- Wiltshire Housing Site Allocations Plan (adopted Feb 2020)
- Revised Wiltshire Planning Obligations SPD (October 2016)
- Policy WCS6 - Waste Reduction and Auditing
- Waste storage and collection: guidance for developers SPD
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- West Wiltshire Leisure and Recreation DPD (2009)
- National Planning Policy Framework
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation
- “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3” (HE GPA3)
- Trowbridge Bat Mitigation Strategy (TBMS) SPD

#### Emerging Policy: Wiltshire Local Plan Review

At the current time, the Wiltshire Local Plan Review (LPR) is in the early stages of preparation and cannot be afforded material weight at this stage. On 18 July, members of the Full Council voted to progress to Regulation 19 stage for the emerging Local Plan and consultation commenced on the plan in September 2023. As drafted, the emerging Plan does however allocate Innox Mills. The draft text for this allocation in italics below and the concept plan for the site is shown at figure 12.

#### *Land at Innox Mills*

**4.290** *Innox Mills is a highly sustainable brownfield site in the centre of Trowbridge. Allocating the site will provide high quality homes and other facilities through regeneration and redevelopment. There will be a variety of dwelling types, including potential for apartments in converting existing heritage stock and new housing will reflect the site's context and urban setting. The development will also provide mixed commercial, recreation and cultural uses with public realm and landscaping to blend a commercial feel and green spaces.*

**4.291** *The delivery of homes on the site will create a new neighbourhood of the town that should include services and facilities to serve it. A small retail element could provide convenience without undermining the primary role of the town centre. Educational provision would be sought offsite and developer contributions made for this.*

**4.292** *The site is well connected to the town centre, with walking and cycling routes adjacent to the site that can be incorporated into the design of the development to deliver vibrancy and legibility. The railway station is opposite the site and there are already regular bus services on Stallards Street. Potential light pollution from the railway station will need to be considered through the planning application process. Future residents would be able to easily access the town centre on foot or bike. The development would be seen as a consolidating extension to the heart of the town, which would help to increase footfall and boost local trade. It is also in close proximity to a range of employment opportunities within the town centre and at Canal Road Industrial Estate. The proposals support place-shaping priorities for a more vibrant town centre and sustainable travel choices.*

### **Policy 55**

#### **Land at Innox Mills, Trowbridge**

*Land at Innox Mills, Trowbridge, as identified on the Policies Map, is allocated for the development of approximately 175 dwellings with a minimum of 10% affordable housing provision, and mixed commercial, recreation and cultural uses.*

*A single comprehensive masterplan, phasing and delivery strategy for the development, must be prepared and approved by the local planning authority in advance of any planning application being submitted for the whole or part of the allocated site. This must take account of the requirements of this policy and the principles shown within the concept plan and be prepared in consultation with the local community and local planning authority. Subsequent planning applications must be in accordance with the approved masterplan.*

*Infrastructure and mitigation requirements include:*

- *a new vehicular access off Stallard Street and improvements to connectivity to the railway station through a new entrance to the site which will incorporate a bus loop;*
- *enhancements should be made to Stallard Street to increase the standard and size of bus stops and waiting areas and pedestrian infrastructure, wherever possible this should tie in with the council's Future High Streets Fund scheme;*
- *improvements to cycling and walking routes through the site to link to the existing network ensuring that the linkages from the site to the town and key destination points;*
- *access to the railway station should also be served by a new lift access to the railway line bridge in order to facilitate disabled access to both platforms from within the station;*
- *core bat habitat to be protected and enhanced. Design and layout will be informed by appropriate surveys, impact assessments and the Trowbridge Bat Mitigation Strategy (TBMS) and include funding contributions towards management, monitoring and any-off site measures as necessary, as informed by the TBMS;*
- *high quality design which allows for vistas into and through the site to the key features of the town including the architectural buildings and church. The layout of the site should be in accordance with easements required for the infrastructure below ground;*
- *sensitive design and layout, which ensures the significance of heritage assets and their settings, on and adjacent to the site, including the Trowbridge Conservation Area and its setting, are not subject to unacceptable harm;*

- *securing appropriate retention, restoration and reuse of heritage assets to ensure they are converted to viable new uses. This shall be informed by appropriate heritage and archaeological assessments;*
- *developing the riverside with attractive river frontage with public realm improvements to incorporate bat mitigation, flood alleviation and open space provision to enhance the River Biss corridor;*
- *moderate off-site infrastructure reinforcement for both water supply and foul water drainage as necessary;*
- *design and layout to take into consideration wastewater infrastructure crossing the site;*
- *an odour assessment to assess the potential impacts of the odour buffer of the sewage treatment works. Results of the assessment and any mitigation measures should be adopted;*
- *a noise assessment to assess the potential impacts of the highway network. Results of the assessment and any mitigation measures should be adopted; and*
- *financial contributions towards early years, primary and secondary education school places.*

**4.293** How the site may be developed is shown on the concept plan as shown in Figure 4.40. This illustrates one treatment of the site that considers mitigation requirements and the homes, other uses and infrastructure envisaged.

Land at Innox Mills, Trowbridge

Concept Plan



Figure 12 Land at Innox Mills, Trowbridge Concept Plan



The agent has made representations on the draft allocation policy for Innox Mills. They have principally set out their objection to the numbers proposed on the allocation and have cited the detailed viability appraisal that has accompanied their application as justification for a higher quantum of development. The higher numbers proposed by the applicant are to ensure the scheme remains viable.

## 7. Summary of consultation responses

Trowbridge Town Council (initial comments) – No objection subject to the following conditions, details and informatives:

- a. *The consolidation of all play equipment into the LEAP (7B) to the north of the site, leaving the area allocated as a LAP (7E) as open greenspace.*
- b. *That the LEAP (7B) should have a metal hoop-topped fence around it.*
- c. *That the main spine route through the development from the railway underbridge/ NCN link to Stallard Street/Town bridge should be clearly designated as shared space for cycling as the most direct route for cyclists.*
- d. *That the pedestrian link (6) alongside the railway line and the riverside walk (7) should also be designed as shared use routes for pedestrians and cyclists.*
- e. *The inclusion of 'Henry de Bohun' as either a significant street name or building name within the development.*
- f. *That the development should include high quality historical interpretation which references the previous uses of buildings and other parts of the site.*
- g. *That the LEAP is transferred to Trowbridge Town Council once completed.*
- h. *Inclusion of Swift bird boxes.*
- i. *Relocation of bus stop on Stallard Street – opposed to the proposed location which results in a reduction in on-street parking and has no suitable space for a shelter. The bus stop should remain in almost its current location, not requiring relocation of the bus shelter as per the drawing below.*
- j. *Retention (in a suitable location on Stallard Street Trowbridge, if it has to be moved) of the original 'Haden' iron gully which is currently located close to the bus stop which is proposed to be moved, with suitable historic interpretation provided related to the manufacture of this item.*
- k. *Provision of a drinking water refill point in partnership with Wessex Water on a suitable route through the development from the railway station to the town centre.*

Trowbridge Town Council (final comments)

*Minor changes to the masterplan have been made to accommodate some of the Highway's objections, including better provision for pedestrian access to the railway station and potential future vehicular access to the railway station. No significant material changes have been made. The committee may therefore wish to retain its existing previous comments.*

Local Highways Authority - Objection

As it stands, the Highways Authority consider the proposals to present an additional traffic impact upon a highway network subject to continuing congestion thereby exacerbating existing highway vehicle capacity and reducing the attractiveness of walking and cycling routes as a result of congestion.

In addition to the above, the Highway Authority considers that the illustrative masterplan makes no consideration of vehicular access to the Railway Station thereby preventing any

realistic mitigation to traffic movements on the local highway network and fails to maximise connectivity to a major transport hub.

The proposals also make limited consideration for the necessary public realm improvements to enhance walking and cycling connectivity with the site, to reduce the severance of the site with routes to the Town Centre and to enhance public transport infrastructure.

The Highways Authority have presented a proposal which includes:

- access from the site to the Station Car Park
- closing off the existing station approach road from Stallard Street
- removing the mini roundabout opposite the entrance to the station and reconfiguring the junction
- consolidating the signal-controlled crossings to just one on Stallard Street
- public realm improvements along Stallard Street towards Wicker Hill

In order to achieve the above, planning obligations are necessary with commuted sums presented to cover the costs of works in addition to Highways Dedication works and other legal processes associated with Highways. If this scheme of mitigation is delivered, then the Highways Authority would accept that this proposal could then be delivered without having an unacceptable impact as this proposal would improve traffic flows in this part of the Town. In addition to planning obligations they have suggested a number of conditions that would be necessary in the event such proposals are presented to cover all relevant and necessary highways matters to make the development acceptable in planning terms. These would cover:

- full design details of the vehicular access into the site
- detailed designs of the access roads to the station and delivery timescales
- detailed scheme for all the pedestrian and cycle paths
- details of EV Charging points
- details for the provision of mobility hub offering sustainable travel information and facilities

However, as the applicant have not sought to propose the scheme presented by the Council due to viability concerns, the Highways Authority object to the proposal on the basis that the scheme is contrary to Core Policies 60, 61 and 62.

Lead Local Flood Authority (final comments) – no objection

For the outline planning application, no objections subject to a detailed surface water drainage strategy.

For the full planning application, no objections subject to conditions.

Environment Agency (final comments) – no objection

No objection subject to a number of conditions, primarily to ensure there are no harmful impacts to the River Biss through controls to prevent pollution, excess surface water discharge and to ensure its continued function from an ecological point of view. They have also sought to ensure that the EA retains an access point to the river via planning condition..

Network Rail – no objection

*Network Rail has no objection in principle to the revised proposals but due to the proposal being next to Network Rail land and infrastructure they want to ensure that no part of the*

*development adversely impacts the safety, operation and integrity of the operational railway. They have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.*

*Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).*

*Any change to the access into the Station Car park will require regulatory consultation and approval to be obtained, together with potential changes to Station Documentation and legal costs associated with this. We would expect the promoter of such works to be responsible for funding the costs and working with NR and GWR to discuss and agree proposals which would have to be consulted through Station Change (Regulatory consultation process). If the access to the station is to be re-routed through the new development, a right of access will need to be granted to NR along this route until this is adopted and the legal costs for this documentation funded by the proposer of these works.*

*Network Rail have a right of access under a Conveyance dated 29 December 1983 made between The British Railways Board and Unigate Properties Limited which would need to be retained at all times and this would need to include Network Rail's right to take access to the gate at the far north west corner of the proposed site (as noted on the site masterplan).*

*The applicant should be made aware of the covenants contained in the Conveyance, particularly clause 3 concerning the requirement to obtain Network Rail's approval for any works within 3 metres of Network Rail's ownership boundary.*

*The applicant should be made aware of the covenants contained in the demarcation agreement dated 6th December 1995 as updated by a Deed of Rectification dated 13th November 1997, and also the covenants contained in the Conveyance dated 9th November 1967 made between The British Railways Board and Bowyers (Wiltshire) Limited.*

Wiltshire Council Education – no objection subject to S106

The Council's Education Team have no objections to the development subject to securing s106 money towards the provision of early years, primary and secondary education. The money requested is set out in more detail within the report.

Wiltshire Council Economic Development – no objection

Throughout the application they have shown continued support for the scheme.

Wiltshire Council Landscape Officer – comments

They have concerns about the fact that the River Biss remains largely canalised in the proposals set out, the lack of street trees down the main street, and SUDs features being more fully incorporated into the scheme. After a meeting was held with the Landscape Officer and applicant's team, the issues have been somewhat addressed subject to further conditions/details at REM stage. Comments are included on this in the report.

Wiltshire Council Conservation Officer – no objection and comments

The full response can be viewed on the file; however their summary is as follows:

*“The redevelopment of the Bowyers site offers an opportunity to reverse the pattern of long-term erosion which has blighted this area and current government policy suggests that a successful application should fully exploit this opportunity for enhancement in order to realise and maximise both aesthetic and economic benefits. Previous approvals for the site imply that the principle of the scheme is acceptable from the point of view of the built historic environment and, overall, the current proposals are more appropriate in terms of their scale and relationship to the street of the proposed new development and of access arrangements. There is an opportunity for well-designed units within wider scheme to be far more appropriate in townscape terms than a petrol fillings station and supermarket.*

*On this basis the impact of the proposals on heritage assets will be largely positive and the requirements of current conservation legislation, policy or guidance are considered to be met and I have no fundamental objection to make to the approval of the current scheme although I urge that the above matters relating to the mechanisms for securing the proposed heritage benefits from the scheme be addressed.*

*In addition, conditions should be added to secure an appropriate level of detail required to underpin a high quality scheme:*

- *Full details of all new materials, including samples;*
- *Large scale details of architectural features including: parapets, windows, (including elevations and sections of the windows, head, sill and window reveal details), external doors, vents and extracts, rainwater goods;*
- *Construction of sample panels to control details of new brickwork walling, including details of feature panels and decorative treatments. The sample panels shall then be left in position for comparison whilst the development is carried out.*
- *Details of hard and soft landscaping*
- *Details of lighting and signage”*

Wiltshire Council Public Open Space – no objection

The outline planning application requires 8,487.5m<sup>2</sup> of public open space (including 430.11m<sup>2</sup> equipped play space) to be provided on site. Noting the POS area is short of the requirements, they request a financial contribution to deliver off-site POS. They have identified Stallard Recreation Field.

They also require money for the improvement or development of sports pitches or associated facilities that enable their use. They have also identified Stallard Recreation Field as the target site for this.

They have no requirements for the FULL element of the application.

The space requirements and contribution requested is set out in more detail within the report.

Wiltshire Council Public Protection - no objections subject to conditions.

Wiltshire Council Ecology (final comments) - no objection subject to conditions.

Natural England – no objection

Having reviewed the Appropriate Assessment Natural England concurs with the conclusion of Wiltshire Ecology that subject to the mitigation identified being secured, an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC can be avoided.



Wiltshire Council Urban Design (final comments) – no objection

This is a key historic site within the centre of Trowbridge, it also presents many constraints to new development. The Design and Access Statement (D&AS) clearly explains how these opportunities and constraints have been addressed by the architects. As a result, the proposed scheme responds well to the site's location and historic buildings that are to be retained. They therefore have no objections to what is being proposed here. Some recommendations are set out in their response.

Wessex Water (initial comment) – Comments

*The masterplan shows buildings and a SuDS feature / tree planting over the existing strategic surface and foul water sewers crossing the site. The applicant's consultants have indicated that the apparatus will be diverted to achieve the required easements (6 metres either side of the outside edge of both sewers) There is no current evidence to show that a diversion will work within the masterplan layout in terms of easements (especially close to the riverbank) and levels (to ensure flow velocities can be maintained).*

*We recommend a drawing be submitted showing the proposed diversion. Whether or not a diversion can be achieved will be subject to application to Wessex Water, a fee and engineering assessment. The cost of the diversion will be borne by the developer. Any damage of our apparatus by a third party will result in a claim for damages. Should this application gain approval it is recommended that a condition is applied to ensure a scheme of diversion works can be agreed prior to construction on site to ensure existing customers are protected from a loss of service and sewer flooding and there is no pollution to the River Biss.*

Wessex Water (Final Comment)

The main issues:

- *The strategic sewers are shown to be diverted too close to the watercourse. There will be construction and future access issues. (especially where the sewers pass between the attenuation basin and the river).*
- *The diversion appears to redirect all foul flows into just one sewer that crosses the railway. There are two sewers crossing the railway to ensure uninterrupted service should one sewer fail or require maintenance.*
- *It appears that a new on site surface water passes beneath the surface water detention basin. The surface water network has not been designed to Water Industry guidelines and in its current form will not be adopted by Wessex Water.*
- *There are no distances marked on the drawings – the 1200mm diameter sewer crossing the site that is shown as remaining in-situ must be 6 metres away from any building. Any changes to vertical levels will need to be agreed. A build near application will be required for this sewer.*

*The current layout does not appear to be able to accommodate strategic infrastructure crossing the site. This will need to be agreed to Wessex Water's satisfaction prior to determination.*

Wiltshire Council Waste and Recycling – no objection subject to S106

They have no objection to the proposal subject to conditions. The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit to be delivered via a s106. At REM stage they would require vehicle tracking to

demonstrate manoeuvrable space for refuse lorries and the identification of collection and storage points for dwellings and flats.

#### SUSTRANS - comments

In summary, they require:

- 1) The proposed pedestrian and cycle link from NCN 4 spur through the development site should be compliant with the Cycle Infrastructure Design Guidance in Local
- 2) Transport Note 1/20; and the direct link proposed from the development site to Trowbridge Station should be a designated pedestrian and cycling route.

#### Wiltshire Council Rights of Way

Footpaths TROW72 and TROW73 run through this site and must be accommodated. The previous development on the site applied for diversions, the legal orders were undertaken but the diversions were not completed on the ground as the development did not proceed.

The developer has acknowledged the presence of the rights of way and has shown how they propose to accommodate them. Slight realignments would be required and the developer has appreciated that this will require them to apply for legal orders.

Therefore, they have no concerns about the proposals at this point in time.

### **8. Publicity**

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

20 objections letters have been submitted (a small number for a development of this scale. The material planning considerations that have come out of all of this are summarised below.

#### Need

- We do not need more housing in Trowbridge.
- Where are the leisure facilities Trowbridge so clearly need?
- The commercial (leisure/retail and offices) element of this site should be a much higher percentage of the overall built area
- The recent pandemic has changed our ways of working and socialising and I'm not sure a large amount of new office space is needed
- Many years ago Graham Payne was an advocate of using future housing developments to draw people using the Universities in Bath away from Bath and into Trowbridge by using flats for student accommodation, bringing perhaps a more educated base of people into the area and making full use of the bus and rail services.
- Disappointing that the early promise of improved facilities for the town have been trumped by the drift to 'quick-buck' housing development but a more activist local authority involvement is required to solve something the commercial market will not offer alone

#### Ecology / Environment

- Need to accommodate swift boxes in the development due to their declining populations.

### Design / Character of the Area

- As wonderful as a cultural hub is, the reality should be all the buildings on the site should be torn down. There is no nostalgia for buildings that have been sitting to rot for 10+ years.
- The site has fantastic potential and to skew the plans by working around these disused building is just going against the vision of the town's future.
- Trowbridge deserves better, the developer should give up their profiteering plans, the Council should step in, and we could really transform the gateway to Trowbridge so much that people would flock here.
- We should be building new public realm space to enhance the train station's gateway access to the town centre, as well as fixing the broken traffic problems, not allowing a developer to shove as many homes as possible into an unsuitable site.

### Infrastructure

- There is not adequate infrastructure to accommodate all this extra housing e.g. health services and schools.
- Disappointing to see no plans to include anything at all to enhance everyday life in our town, when we are crying out for leisure and cultural facilities and this is a prime location in the town centre. Houses and a convenience shop aren't going to do much to benefit the townspeople in the long run.
- More houses will cripple the infrastructure of Trowbridge.

### Pollution

- Concerns over emissions from all the extra cars in the town centre.

### Contrary to Development Plan

- My objection is based on this part of the Wiltshire Core Strategy as adopted in 2015: Trowbridge Area Strategy, 5.148 (page 179). "Improvements associated with the need to better integrate the various modes of public transport are also needed, including the potential for a fundamental re-design of the railway station as the gateway to the town centre." This application does not seem to address this opportunity to make the railway station part of the gateway to the town centre.

### Highways / Parking

- There is a lack of access and the development will lead to an already congested town centre.
- The roads are not equipped especially Stallard's street. Unless they plan on adding a dual carriage way and traffic light system at the already busy round about adjacent Asda and station.
- This application doesn't provide a clear route for traffic to the railway station via the vehicular access from Stallard Street to help alleviate existing traffic problems.
- Lacks sufficient parking provision.
- The main entrance to the proposed housing estate from Stallard Street should be a mini roundabout. This mini roundabout should also have an exit into the carpark of the Clark Mills complex. As the road is so wide there, there is plenty of space and no demolition or extra asphalt would be required; just repainting of road markings. This change would make exit from both sites safer and easier plus would slow traffic on Stallard Street making the road safer for pedestrians crossing the road and cyclists.

### Heritage

- Concern with the scheme as presented due to the non-listed heritage assets (Dyehouse and Brewery) being progressed in the final phase of the scheme and the listed buildings at 5-9 Stallard Street are subject to a separate application - stranding these 'problem buildings' from the overall scheme and risking that commercial pressures/imperatives will be applied to an unsatisfactory (aka a cheap but 'only commercially viable') treatment of these buildings in the future.

### Impact upon existing businesses

- Introducing too much housing into commercial areas/town centres can have a detrimental impact on Businesses due to complaints regarding noise and light pollution.

There has been under 10 letters of support for the scheme. Most of the comments relate to how this development is much welcomed given that the site has been derelict for some time now. Support is from local businesses who have commented on what the site has already done for the town in hosting markets and outdoor cinema events. It is noted that this figure is not perhaps representative of the town as there would appear to be much greater support for the redevelopment of this site including the Trowbridge Chamber of Commerce. Furthermore, a lot of the objection letters received were in favour of the redevelopment of the site just not wishing to see as much, if any, housing proposed.

## **9. Planning Considerations**

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

### **9.1 Principle of Development (outline application)**

Trowbridge is identified as a Principal Settlement in the WCS. Core Policy 1 identifies Principal Settlements as ones that will provide significant levels of jobs and homes. There is a presumption in favour of sustainable development within the Limits of Development (LoD) of Principal Settlements as identified by Core Policy 2.

Core Policies 28 and 29 of the WCS address the Spatial Strategy for Trowbridge and the Trowbridge Central Area. The explanatory notes with these policies state that the regeneration of Trowbridge is a priority and a number of development sites have been identified – “*the development of these sites should incorporate a mix of retail, leisure, business and residential uses and be compatible with Core Policy 36 [Economic Development] ...*”.

The outline element of the scheme proposes 243 dwellings. As the site is within the LoD of Trowbridge, one can accept that it is an acceptable location in principle for new housing. With regards the scale of housing proposed, 243 dwellings is not considered to exceed the growth levels envisaged at Principal Settlements i.e. significant levels of growth. This element of the outline proposal can, therefore, be considered acceptable in principle.

In addition to housing, the outline element also includes the erection of a convenience store (Class E) and up to 872 sqm of new commercial floor space (also Class E). The same conclusions are drawn as above – the site is within the LoD and thus supported by Core Policy 2 and the scale of provision is compliant with Core Policy 1. This element of the outline proposal can also be considered acceptable in principle.

However, it should be noted that what constitutes sustainable development in Wiltshire is the development plan when read as a whole. The development is considered acceptable in principle, but, whether it constitutes sustainable development depends very much on how it is measured against the other relevant policies of the development plan. These will be considered in the next sections of this report.

## **9.2 Principle of Development (full application)**

The full application includes the following:

- Erection of convenience store (333 sqm GIA)
- 12 No. apartments
- Change of use of Innox Mills to Class E
- 80 sqm GIA extension to Innox Place and change of use to Class E.
- Conversion and change of use of Dyehouse and Brewery for use as bat mitigation and change of use to a dual use internal market/Class E.

The 12 No. apartments are considered acceptable in principle for the reasons already stated above i.e., within LoD and of suitable scale (both individually and in combination with the 243 dwellings proposed in outline form). The same conclusions are drawn for the commercial uses as with the outline consent (permitted with LoD at a scale commensurate to that set out at Core Policy 1).

## **9.3 Need**

The Council cannot currently demonstrate a 5-year housing land supply (5YRHLS). The provision of housing would count as a significant material benefit of the scheme. On the planning balance, this would weigh heavily in favour of permitting the development. In light of the lack of a 5YRHLS, there is a need for further housing in the county and, Trowbridge being a Principal Settlement (in the WCS), means it is one of the most suitable locations in which to make up the shortfall in supply. It should be noted that 'need' is determined at a county level and, therefore, any sustainable housing development within Wiltshire is capable of contributing towards the supply.

Notwithstanding the above, it is noted that a number of third parties have queried the need for further housing within Trowbridge and also whether this site is appropriate for said housing. Comments have also been made regarding the lack of infrastructure within the town and the significant need for more retail, office and leisure facilities. In response, this is a regeneration scheme, on a brownfield site, that has had various industrial uses over the previous decades. This history of the site does throw up challenges to delivering a commercially viable scheme as former industrial processes will have contaminated the land, with significant remediation costs required to address this – this is evident in that the site has remained vacant since 2008 with the last proposals presented in 2012.

Whilst it may be the preference of some third parties to see more retail and leisure facilities provided on the site, the Council must have regard to commercial viability if it is to ever see planning approvals get built out. In this regard, the developer has submitted a viability report which has been independently reviewed for the Council. From this report it is evident that the housing element of the proposal is required to make it 'stack up' financially, especially the large costs envisaged with repairing and converting the former mill buildings as well as the remediation strategy for the contaminated land issue.

Furthermore, as seen above, the scheme is not without a significant element of commercial space (over 4000m<sup>2</sup>). It is considered that the right balance has been struck between the

need to ensure the site delivers facilities for the town as part of regeneration proposals and the provision of housing. It should be noted that locations close to or adjacent to town centres are very much locations where the government is keen to see housing growth as they offer the most sustainable options for accessing services, facilities, and jobs (as opposed to the much objected to, but needed, greenfield developments on the outskirts of the town). Moreover, the residential element compliments the commercial aspects of the scheme with future occupants bringing their economic expenditure to support the E Class Uses. The dwellings would also provide natural surveillance, overlooking the commercial uses, public open space and footpaths of the development, providing a safer and more welcoming environment. Although there is some objection to the housing, without it, the scheme wouldn't stack up and the town would not see the additional retail and leisure uses that are proposed in this application.

#### **9.4 Design**

In supporting the regeneration of the central area of Trowbridge, Core Policy 28 specifically requires proposals to 'meet high quality design and sustainability standards including exemplary public realm and strong pedestrian and sustainable travel linkages'. Core Policy 57 compliments this policy and looks at how development can achieve high quality design.

Page 52 of the Design and Access Statement (DAS) sets out the vision for the site. It states that:

*"The site at Innox Mills provides an excellent opportunity for a comprehensive and sustainable mixed use development that will enhance the character and improve the environment and vibrancy of the immediate context and wider town of Trowbridge.*

*This significant and major urban regeneration site provides the opportunity to provide much needed new homes in a sustainable location. the site will act as a new focus for the area and will reconnect and establish new urban realm, environmental corridors and improved townscape in Trowbridge.*

*This new vision for the site will be underpinned by the introduction of new high quality housing that will promote the town centre as an attractive place for urban living. a range of homes will be provided with high quality urban spaces, active frontages at street level and individual private gardens. Car parking and servicing requirements will be carefully considered and will be balanced with the need to provide a strong sense of place for the residents and wider community of Trowbridge.*

*A range of tenures and architectural styles will be provided within the overall development to meet and exceed the current housing demand.*

*An appropriate balance of suitably designed new homes and other building uses that promote reduced energy use that fit into the historic character of the area will be provided. The new buildings will be well built with natural materials that match the historic context, scale, proportion and typology of the surrounding architecture.*

*The site has excellent connectivity to Bath, Bristol and the south Coast and is adjacent to the vibrant town centre. The location along with the proposed mixed use for the site and facilities will encourage more sustainable and less carbon intensive choices including train travel, cycling and walking. the vision for the site will promote healthy lifestyles for residents and the existing community and encourage the adoption of more environmentally and socially acceptable decisions including WFH (Work From Home), live/Work, reduced car ownership, car sharing, cycling and designated electric vehicle hook up points.*

*The overall vision of the development proposals will very much enhance the wider character of the town well beyond the application boundary.*

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

This has culminated in a scheme as described in section 5 above. Whilst the majority of the site is in outline form, and therefore the detailed considerations in respect of design cannot be considered under the outline application (i.e., the layout, scale, appearance and landscaping of the development are points to be determined as part of a Reserved Matters application) the application has been accompanied by a significant volume of supporting information. This information has been provided to demonstrate how the scheme could work in design terms and to also demonstrate that the proposal would not have an adverse impact on the character and appearance of the area.

The indicative masterplan (see figure 5 above) shows one possible way in which the site could be laid out in a manner that would not have adverse impacts. The plan is detailed and is considered to be a realistic fit bearing in mind the constraints of the site identified above. The masterplan is accompanied by a series of parameter plans (see figures 6 and 7) which identify the development constraints of the site/policy requirements that necessitate land take so they can be safeguarded at REM stage. These plans act as 'fixers' as to how the layout of the development will be delivered at reserved matters stage e.g., detailing ecological buffers zones and statutory easements. These plans should be viewed alongside this section as they form the basis on which the proposals have been deemed to be acceptable from a design point of view.

Whilst the draft allocation policy in the Local Plan Review (LPR) looks to allocate 175 dwellings, the LPA is required by NPPF policy to make the most efficient use of land. If a higher quantum of units can be accommodated on the site without giving rise to material planning harm then there would be no sound basis in which to refuse permission. This application has done a more detailed analysis of the site and its constraints and considered just that, that a higher quantum can be accommodated (a high quantum is also relied upon for viability issues too, which have unlikely been tested for an allocation). Given the sites location adjacent to the town centre and railway station, this is an ideal place for having a higher density of development and is supported by NPPF para 124 where it states that "*planning policies and decisions should support development that makes efficient use of land...*" and at para 125 where it states that plans should seek significant uplift in average density in areas well served by public transport.

The scheme relies on predominately terraced housing and blocks of flats to deliver the quantum of dwellings proposed in this scheme. Terraced housing is characteristic of the surrounding area, notably, Bradford, Innox and Newtown Road which are examples of residential roads lying close to the development.

Naturally the presence of flats within a development proposal will push up the density of development and more critically, usually require greater building heights. The indicative plans show these flat blocks as being 4 storeys in height save for one 5 storey building. Noting the presence of 4 and 5 storey buildings within the vicinity of the site, this is not considered to be

an issue were such heights to come forward at reserved matters stage i.e., it is compatible development. Furthermore, flats are common forms of development in town centre locations.

The indicative masterplan demonstrates how the housing through the development can be adapted to suit the different character areas that are identified in the DAS and as summarised in Section 5 above. The variance through the site being key to the successful delivery of this site in design terms, creating a well-considered place with locally grounded context.

Active frontages are shown at ground floor level throughout the development on certain blocks to provide a range and mix of uses amongst the residential element and satisfactorily shows how the 872m<sup>2</sup> of commercial space can be accommodated within the outline proposals in a suitable manner. This arrangement also allows for natural surveillance of the public realms and commercial spaces below which is fundamental to achieving well designed places and meets the requirements of point viii. of Core Policy 57.

The indicative masterplan demonstrates that each house would be provided with a small private amenity space to its rear which is considered sufficient for an adjacent to town centre location. The location being key to the acceptance of perhaps lesser standards here but, noting also that Wiltshire Council does not have minimum garden space standards for dwellings. Car parking provision is accommodated for each of the dwellings to a satisfactory level with individual spaces for the houses and parking courts for the flats. Sufficient visitor spaces are accounted for along with parking for Innox Square and the other commercial elements of the proposal. The parking is designed in a manner so as to reduce the presence of on street vehicles and takes account of the town centre location when looking at overall provision – a reduction in standards being permissible in areas well served by public transport.

Public open space, play space, ecological and landscape buffers, statutory easements for Wessex Water infrastructure that crosses the site as well as maintaining public rights of way and existing connection points is demonstrated on the indicative material. Sufficient space is left for road infrastructure including safeguarding a route to the Station Car Park through the site for any future plans to shut off the current Station Approach.

In light of the above, the illustrative material accompanying the outline proposals is sufficient to demonstrate that the scale of development proposed can be delivered on the site without the appearance of overdevelopment and whilst ensuring key policies elements relevant to the delivery of this scheme are adhered to.

Whilst the DAS provides largely indicative material in relation to the outline proposals, it contains some important principles regarding the different character areas of the site, the phasing of the development and plans and sketches showing how each area may look within the development. As set out earlier, it would be prudent to ensure that the development is carried out in general accordance with the DAS so that these principles can form the foundations blocks for the detailed design presented at reserved matters stage.

Access and movement through the site are covered in more detail in the highways section of this report in including any necessary conditions. That said, from a design perspective, officers are satisfied that the outline proposals demonstrate sufficient space has been left to deliver the necessary pedestrian and cycle connectivity through the site and along the obvious routes/desire lines. Conditions suggested by the Highways Officer would cover the detailed design of these to ensure they are accessible from all abilities. In addition, a scheme of wayfinding is required to signpost people to different parts of the site and the wider town beyond. This can be conditioned and aid in the legibility of the site as well as ensuring a site wide signage scheme is devised in the interests of creating a high quality and attractive public realm (meeting CP 57 requirements again).



A scheme of public art is required and would be secured via planning condition. This can include a range of different elements such as, stand alone art installations or bespoke street furniture and hard landscaping. The DAS touches upon the use of different surfacing material laid in a weaving pattern to reflect the former Mill uses on the site. It is features such as this that, when applied throughout the site, can constitute a scheme of public art and often prove to be more effective in reflecting the history of the site/area than standalone art installations. This condition is necessary to in line with Core Policy 57 to ensure an attractive and high quality public realm that gives a sense of place.

Conditions are also necessary to cover the finer details of the design elements of the outline development proposals. Samples of materials, and submission of architectural details would be required before the construction of any of the buildings. This is to ensure the scheme delivers a high quality and attractive built environment and to prevent the standard of the development being watered down post permission in line with paragraph 135 of the NPPF. This is fairly common with larger schemes where specific materials may not be known until the site is ready to be build out.

The proposals relating to Innox Mills, Innox Place, The Dyehouse, The Brewery, The Old Chapel and The Gateway Building are proposed in full not outline form. As such, these elements of the application can, in so far as what is being applied for be assessed in detail in relation to their design and impact upon the character and appearance of the area.

Innox Mills, Innox Place, The Dyehouse and The Brewery, are to be converted into E Class uses. At this stage, it is only the external works and change of use of the buildings that is the subject of the full application. The principle of the change of use has already been covered. Turning to the external works, as outlined in Section 5 these relate to repair works only. These are prominent buildings all of heritage value (both listed and non-designated heritage assets) which, once restored/repared, would be able to positively contribute to the character and appearance of the area. There are no concerns from a design perspective with the restoration of these buildings. In any event, most of the works are repair works which would not need planning permission. Works that materially alter the character of the building would require planning consent but, regardless of whether consent is required or not, what is set out is acceptable.

The detailed plans do not show any internal works or subdivision of these buildings into different units and so there is nothing further to consider. However, in principle, it is accepted that E Class Uses can come forward in each of these buildings without giving rise to design concerns. The works outlined in the full application in respect of these buildings accords with Core Policy 57 of the WCS.

As and when further works are proposed, additional consent may be required for advertisements, flues, ducting etc. and listed building consent would be required for any works to the listed buildings. Consideration would be given to the character and appearance of the area at that time as well as the character and setting of the heritage assets. However, as set out above, such works are not envisaged to cause any issues that would prevent the building being fitted out for the various E Class Uses that may come forward.

The Old Chapel and The Gateway Building are both new builds to which details plans have been submitted. The plans of these buildings shown in Section 5 above can be seen in a larger format in Sections 8 and 9 of the DAS.

The Old Chapel is contemporary in design with a modern palette of materials as detailed in Section 5. Its proportions and scale are reflective of Innox Place to which it will adjoin; in doing

so it will mask the blank unattractive gable elevation that is currently in situ. Its scale is respectful of the adjoining building and will, subject to conditions to control materials and detailing, be an interesting component within the streetscene. Its position assists in repairing the frontage of the site and restoring the sense of enclosure that once existed when the chapel was still there. The floor plans do not show any internal works and so this is, the same as the existing buildings - i.e. yet to be confirmed. However, as with the existing buildings, it is accepted in principle that E Class Uses can come forward in this building without giving rise to design concerns. With the conditions in place to secure architectural details and materials, the building accords with the requirements of Core Policy 57.

The Gateway Building is informed by the scale, height and proportions of No.'s 5-9 Stallard's Street but also draws context from the Mill buildings. Its position, height and size ensure that it will have significant presence on the streetscene and help provide further enclosure, order/rhythm to Stallard Street which is welcomed (the previous Morrisons scheme was lacking in this regard as the building proposed was smaller in scale and size). Whilst a large building totalling 4-storeys, it is respectful of the surrounding development noting the presence of 4-storey development already on Stallard's Street and it would not dominate or overpower the adjoining dwellings (these being set on higher ground). The overall style of the building is contemporary and so too are the materials. However, this is acceptable given its scale, proportions and fenestration are respectful of the surrounding development. Furthermore, as it is serving as a key nodal/cornerstone building at the entrance to the whole development it does need to stand out somewhat.

As with the Old Chapel, the success of the building will lie very much in the architectural detailing and the materials employed. To this end, conditions would be required as per the Old Chapel to control these details to ensure the finer elements of the design are controlled in the interest of high-quality design.

The E Class Space at ground floor is left as a blank space to come forward at a later date which is the same as the existing buildings and the Old Chapel. Again, it is accepted in principle that an E Class Use can come forward in this building without giving rise to design concerns. Any further external changes to this building are likely to require consent e.g., advertisements where the amenities of the area would be considered.

The residential element of the building occupying the first, second and third floors does not pose any design concerns. There is residential use above ground floor commercial spaces on Stallard's Street and the building would be compatible with the character of the area.

The wall that runs along the front of No.'s 5-9 Stallard Street would be continued for a short section before dropping down to provide an active frontage with the street and for level access into the Gateway Building. The introduction of the retail frontage is welcomed and would add to the character of the area offering a more open and active street. This, coupled with the pavement widening proposed as part of the s278 works would help to improve the public realm in this section of the town.

With the conditions outlined above in place, the Gateway Building would accord with the requirements of Core Policy 57 in that it would provide a high quality and attractive building that would add interest and enclosure to the current streetscene whilst respecting its surroundings.

Turning away from the buildings, the parameter plan shows a number of key spaces that would be introduced as part of this regeneration scheme which would see new public realm created. Notably, space to the front of Innox Place, the external area within 'Innox Square', the space

to the west of Block B (as identified on the masterplan) and the considerable amount of public open space alongside the River Biss.

Naturally, some of these spaces are meeting policy requirements (e.g., Core Policy 52 – Green Infrastructure requires the provision of accessible open spaces in accordance with the requirements of the adopted Wiltshire Open Space Standards), however, all the spaces are considered to be enhancements to the public realm of the town. They offer a variety of ways in which people can interact with and navigate through the built form and provide vibrancy and vitality to the commercial areas of the development. Subject to the conditions outlined above regarding a scheme of public art and wayfinding, along with highways conditions to ensure surfacing and routes within these spaces are accessible for all abilities, they would contribute towards the achievement of well-designed places – notably, meeting points ix. and xii. Of Core Policy 57.

With regards design consultation, the Urban Design Team have been involved in the scheme since its submission. The scheme has seen some additional information submitted and changes made to the scheme during the determination period to take account of points raised. The latest response from the UDO states that:

*“The Design and Access Statement (D&AS) clearly explains how these opportunities and constraints have been addressed by the architects. As a result, the proposed scheme responds well to the site’s location and historic buildings that are to be retained. I therefore have no objections to what is being proposed here.”*

In light of the above observations, and the final comments received from the UDO, officers consider that the design of the scheme, in so far as what is presented as part of the outline and full proposals, meets with the requirement of Core Policy 57 of the WCS.

## **9.5 Neighbour Amenity**

With regard to the outline proposal, the precise details needed to fully assess this will come at the reserved matters stage. However, the indicative layout and building heights plan satisfactorily demonstrates that adequate levels of amenity can be achieved throughout the development for future occupants.

The application was accompanied by an Environmental Noise Assessment which has highlighted potential noise issues at the boundaries of the site, notably, Stallard Street and the railway line. It has also noted the potential for noise issues between the commercial activities on the site and the residential uses. The Environment Agency have also outlined in their response potential noise issues arising from waste activities to the north of the site.

Mitigation in the noise assessment suggests the façades facing such noise sources will need to be upgraded by using selective glazing and ventilation elements to achieve the accepted noise levels internally. This is not considered an issue in principle that would prevent the outline proposals from coming forward. Mitigation is achievable and this would need to be subject to condition as suggested by the Environmental Health Officer (EHO). With such conditions in place, it is considered that the proposals can proceed without noise and disturbance having an adverse impact upon the reasonable living conditions of the future occupants of the development site.

Sufficient spacing has been shown on the illustrative masterplan to demonstrate the outline proposals can be delivered without giving rise to undue loss of light, privacy or overshadowing to future occupants of the development site. The finer details of this would be secured and

controlled at detailed design stage; the REM application would not be permitted were issues to arise e.g. inappropriate window placement.

There are no adjoining properties that stand to be adversely affected by the proposals. The nearest residential properties are located along Stallard Street where the noise from pedestrian and vehicular traffic as well as commercial activities is already present such that the scheme would not have a material impact. Properties on Innox Close/Road are separated from the development by the railway line and, the outline proposals for this part of the site largely consist of residential properties and public open space which is compatible. In principle, no issues of concern are raised here. The EHO does not raise any concerns in that regard either i.e., in principle, subject to their suggested conditions there would be no adverse impacts from the proposal on adjoining residents.

The River Biss separates the site from the properties to the north which are, in any event, business and industrial uses which would not be impacted upon in principle by a mixed used commercial and residential scheme by reason of noise and disturbance.

Given the site is separated from existing development by the railway line, Stallard Street, the River Biss and playing fields, with public open space and ecological buffers also proposed round over half of the perimeter of the site, it is not considered that the outline proposals would give rise to any loss of light, privacy or overbearing impacts to adjoining buildings/occupants.

Noting that this element of the scheme is proposed in outline form, with layout, landscaping, appearance and scale left to reserved matters, subject to the conditions referred to above, the outline elements of the proposal accord with the requirement set out in point vii of Core Policy 57.

The Old Chapel is positioned in a manner that would not cause adverse loss of light to nearby buildings nor would it result in significant overshadowing. Whilst large format glazing is proposed at second floor it is serving commercial spaces and, due to the distance and outlook would not affect the privacy of any of the nearby properties.

The use of the Old Chapel is proposed as an E Class Use (commercial) which would be compatible with the existing uses in the area and those proposed as part of the development. The same would apply for the E Class Uses proposed in Innox Mill, Innox Place, The Dyehouse and Brewery – all acceptable uses for town centre locations. In principle, one can assume no adverse impacts in this regard.

However, the E Class Use Class contains a wide variety of uses with some having the potential for greater impacts than others e.g., bars and restaurants. Although this element of the application is proposed in full, the actual breakdown of the buildings into units and the exact uses has not been proposed at this stage. Notwithstanding this, the potential impacts of noise, disturbance, smell and odour are matters that still need to address as part of this application. In that regard, it is considered that the use of planning conditions would be sufficient to address these issues. It is recommended that conditions cover the following:

- a) details of all new extraction equipment, flues vents etc. that are required to facilities any of the uses proposed in the interests of pollution control (noise and smells).
- b) details of the hours of operation of the units in the interests of noise and disturbance.

With regards to condition a), these details would need to be submitted to the LPA and agreed prior to any such equipment being installed and for b), prior to the occupation of the first unit. With such conditions in place, it can be concluded that the use of these buildings would not

have an adverse impact upon the amenities of the area/nearby properties by reason of noise, smell or disturbance. Details of ventilation and extraction equipment would be required in the interest of preserving the character and setting of the heritage assets on the site therefore, the condition noted above would be addressing more than environmental issues. The EHO is content that with such conditions these uses would not have an adverse impact on the amenities of nearby residents.

The Gateway Building contains an E Class Use at ground floor level with flats above. The same conclusions can be drawn for this E Class Use as has been applied to the other buildings that are proposed in the full application. Furthermore, the same conditions would be necessary to ensure it has the same acceptable impact.

The flats above the ground floor use would look out onto Stallard's Street and the development site itself. Despite being 4-storeys, the distance and outlook from these windows is such that they would not result in significant loss of privacy to existing properties. Regarding the impacts on the outline proposal, careful consideration would need to be given to the arrangement of properties to the rear of this building at reserved matters stage to ensure future occupants are not adversely impacted. That said, a certain amount of 'buyer beware' comes into play when prospective purchasers are looking at the plans/properties on the site.

Residential use above ground floor E Class Uses is common within town centres and would therefore be a compatible use with the wider area. It would also help to provide more natural surveillance onto Stallard's Street giving it a safer feel when travelling along it in the evenings/night. Conditions a and b referred to above would, protect the flats above from any unreasonable impacts from the E Class Use proposed at ground floor level.

## **9.6 Heritage Impacts**

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Section 66 requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.

Part of the site lies within the central Trowbridge Conservation Area and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The NPPF outlines government policy for planning. It sets out three overarching objectives for the planning system in the interests of achieving sustainable development – an economic objective of building a strong economy; a social objective of fostering well-designed, beautiful and safe places and an environmental objective of protecting and enhancing our natural, built and historic environment. Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out policies concerning heritage and sustainable development and requires a balanced approach (paras 201-3) to decision making with harm weighed against the public benefits resulting from proposals. Paragraph 197 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy 'Core Policy 58: Ensuring the conservation of the historic environment' requires that designated heritage assets and their settings will be conserved and where possible enhanced. It is also required that distinctive elements of Wiltshire's historic

environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced.

The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments. Proposals are required to demonstrate how the proposal will make a positive contribution to the character of Wiltshire and enhance local distinctiveness by responding positively to the natural and historic environment and the existing pattern of development and to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate development into its setting.

Additional guidance is provided within the Trowbridge Town Centre Conservation Assessment (2006), The River Biss Public Realm Design Guide, Urban Design Framework for Trowbridge and Transforming Trowbridge Vision Report.

The heritage assets considered in this assessment are the following:

- Innox Mills (Grade II)
- Innox Place (Grade II)
- The Dyehouse (non-designated heritage asset)
- The Brewery (non-designated heritage asset)
- The Cloth Factory (non-designated heritage asset)
- No.'s 5-8 Stallard Street (Grade II)
- No. 9 Stallard Street (non-designated heritage asset)

In addition to the listed and unlisted heritage assets within the site, there are a number of fine buildings/structures (largely listed) in the immediate vicinity, the setting of which will be affected by the proposals. These include the Town Bridge and Lock Up and the group on the eastern side of Stallard Street (including the grade II\* listed No. 58).

The Conservation Officer (CO) notes in her response the requirement under paragraph 194 of the NPPF which expects applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The CO acknowledges this requirement has been met through the applicants "Heritage Statement" and "Design and Access Statement" which provide sufficient information to understand the impact of the proposals and are proportionate to their scope.

In summary the CO in her response sets out clearly what the significance of the heritage assets on the site are. They state:

*"In this case the significance of the remaining historic buildings lies with their historic fabric and construction and the evidence they provide for their development and industrial uses. The site also has significance in its history and the contribution that the industry that the site housed made to the economic development of the town. The key buildings are attractive and well-built examples of their type which are valued within the town and which contribute to the character and appearance of the conservation area and setting of the nearby listed buildings."*

The principle of restoring the buildings (Innox Mills, Innox Place, The Dyehouse and Brewery) and converting them to commercial uses is welcomed by the CO and was something that had been agreed in an earlier consent for the Morrisons supermarket proposals (W/12/02299/FUL). Whilst it is accepted that this largely relies upon detail that is not provided with this application, it is not felt that the works to the buildings to make them available for E Class Use will adversely harm the heritage assets. The ability through conditions (e.g.,

materials and architectural detailing) and the controls one can apply under any necessary future LBC, advertisement or planning applications is sufficient to ensure the finer details are acceptable from a heritage perspective. With that in mind, the proposed Innox Square is stated by the CO as having *“the potential to become an attractive and well used public space.”*

The site access vs. the previously approved scheme is considered to be a vast improvement with a more understated access that allows for more street enclosure and public realm in front of the buildings. The previous consent proposed a roundabout (see figure 2) with a dual carriageway into the site. The current access proposals are much more understated and will have a better relationship with the heritage assets on the site and allow for enhanced public realm improvements to Stallard Street. Therefore, the element of the scheme is considered to be an improvement and would not cause any adverse harm to the settings of any of the heritage assets on or near to the site.

There are no objections from the CO to the new Gateway Building stating that it *“will have a greater townscape presence and contribution to enclosure of the street.”* Due to its size and positioning close to the street, it will help to screen the outline proposals. As with the converted buildings, the finer details will need conditioning. Subject to these conditions, it will not adversely affect the setting of heritage assets including the character and appearance of Trowbridge Conservation Area to which it will just lie in. Furthermore, it is considered to be an improvement upon the previously consented building (see figure 2) for this location which was smaller and with greater set back from the street, not offering the same contribution and/or enhancement.

The Old Chapel would mask a current unattractive and blank gable elevation on Innox Place. It would reintroduce the sense of enclosure in this part of the site and its scale and proportions are respectful of the adjoining and nearby heritage assets. It would appear a more respectful building than the previously consented modification and extension to Innox Place under W/12/02299/FUL. With the detailing controlled via planning conditions it would not adversely affect the setting of heritage assets including the character and appearance of Trowbridge Conservation Area which it would partially be in.

There are no objections to the principle of the outline elements of the proposal. The CO notes that subject to the details, *“the mix of uses and scale of development offers the opportunity to create a well-connected and designed place that enhances this area of the town”* Furthermore, they note the outline proposals to the rear of No.'s 5-9 Stallard Street have the *“potential for a much-improved relationship with the heritage assets.”* The previously approved scheme saw some landscaping and a petrol station located behind these buildings which was not ideal from a heritage perspective.

In light of the above the CO concludes that:

*“On this basis the impact of the proposals on heritage assets will be largely positive and the requirements of current conservation legislation, policy or guidance are considered to be met and I have no fundamental objection to make to the approval of the current scheme...”*

Noting the previous scheme consisted primarily of a large format supermarket, car park and petrol station, it is fair to say that the current scheme offers the ability to present a better relationship with the heritage assets on and off the site. Whilst the comments above are broadly positive, the conclusions are based upon a number of details that still need to be secured via condition. These are:

- Full details of all new materials, including samples;

- Large scale details of architectural features including: parapets, windows, (including elevations and sections of the windows, head, sill and window reveal details), external doors, vents and extracts, rainwater goods;
- Construction of sample panels to control details of new brickwork walling, including details of feature panels and decorative treatments. The sample panels shall then be left in position for comparison whilst the development is carried out.
- Details of hard and soft landscaping
- Details of lighting and signage

The conditions above are reasonable and necessary to ensure the development comes forward in an acceptable manner with regard to, amongst other issues, heritage matters. Such conditions are considered necessary not just from the point of view of the heritage assets but also from the perspective of achieving high quality design. Therefore, the conditions are necessary on the planning permission as well to ensure it covers the wider outline proposals and the non-designated heritage assets. As such, these do not need to appear on the LBC application – that would be duplication.

Furthermore, another key component of the CO's acceptance of the scheme is ensuring that the heritage benefits (the restoration and conversion of the existing buildings) of the scheme are brought forward i.e., to ensure that not just the outline permission comes forward and the money from that spent elsewhere without the full element being implemented.

It is therefore necessary to secure a mechanism for their delivery to ensure that the outline proposals don't just come forward without the Innox Square development taking place. This can be secured via a condition which has been agreed with the applicant. The applicant has agreed to the following in table 2 below.

|                    | <b>When will the buildings be made wind and watertight?</b>                 | <b>When will the buildings be ready for use?</b>      |
|--------------------|---|---|
| <b>Innox Mill</b>  | Prior to commencement of development  | Prior to occupation of the 200 <sup>th</sup> dwelling |
| <b>Innox Place</b> | Prior to commencement of development  | Prior to occupation of the 50 <sup>th</sup> dwelling  |
| <b>Dye House</b>   | Prior to commencement of development  | Prior to occupation of the 150 <sup>th</sup> dwelling |
| <b>Brewery</b>     | Prior to commencement of development (including the provision of bat roost) | Prior to occupation of the 100 <sup>th</sup> dwelling |

**Table 2 – Delivery of 'Innox Square' Development**

With the above condition in place, the outline proposals would not be able to be commenced until the heritage assets are made wind and watertight to prevent any further decay. This would include providing adequate protection of them from any construction works occurring under the outline permission. Furthermore, the condition ensures the outline proposals cannot be completed without, at various stages throughout the build, the heritage assets on the site being made ready for occupation by an E Class Use. Whilst it may be desirable for these to come forward sooner, they are set out in this manner to ensure sufficient money is available from the sale of the outline phases to invest back into the heritage assets.

With the above conditions in place, the CO is accepting of the scheme. Whilst a scheme of this size and nature will not be devoid of any harm, the limited concerns raised by the CO above need to be weighed against the substantial public benefits that arise from the redevelopment and regeneration of this site. Notably, that the long-term vitality and viability of



the heritage assets on the site is secured and that a derelict site is redeveloped with a mix of uses providing an enhancement to the character and appearance of the wider area. The provision of much needed housing and the wider public realm improvements would also be of considerable public benefit.

In light of the above, it can be concluded that there is no material conflict with CP 58 of the WCS and that the provisions under the statutory act to preserve and enhance the character and setting of listed buildings and the character and appearance of the conservation area is met. Any limited harm arising is far outweighed by the public benefits.

### **9.7 Landscape, Open Space and Visual Impact**

The site is currently an eyesore with ruderal vegetation taking over parts of the derelict concrete hardstandings that exists across most of the area. It is fair to say, therefore, that there exists the potential to provide much visual enhancement to this area of the town.

Core Policy 51 requires development to protect, conserve and where possible enhance landscape character. The proposed hard and soft landscaping strategy demonstrates that the outline proposals will lead to enhancements to the character of this part of the town. The landscape strategy for the site will look to deliver these enhancements by implementing the following:

- To create a green corridor along the River Biss which will include footpaths, open space, formal recreation space and planting;
- To create opportunities to increase biodiversity across the site;
- To celebrate the sites industrial heritage through the hard and soft landscaping proposals;
- To provide further areas in and around the site for play and recreation;
- To provide structured planting throughout the development;
- To enhance planting along the railway line; and,
- To provide garden corridors running north-south linking new Green Infrastructure (GI) with the River Biss corridor.

In order to deliver the aims of the strategy it is necessary to ensure that space is reserved on the site for the delivery of GI. To this end the application includes a land use parameters plan (see figure 7 above) which fixes GI within the site and provides space for play areas etc, to ensure the broader aims of the landscape strategy can be delivered at reserved matters stage. Conditions will be necessary to secure this parameters plan as an approved plan and to ensure that development is carried out in general accordance with the landscape strategy (same as imposed for the DAS).

The Landscape Officer (LO) had some misgivings over the strategy, namely the interaction with the River Biss and the lack of trees down the central street. These areas are affected by other issues.

In respect of the central street this is designed around a Wessex Water easement zone above their infrastructure. It is not possible to build above this but, it may be possible to accommodate trees within the easement. Accordingly, there is no reason why at reserved matters stage planting could not come forward in this area as part of the reserved matter 'landscaping.' An informative can be imposed to ensure this matter is looked into with a view to delivering trees within the easement. Should there be barriers to the delivery of such landscaping that was accepted by the LPA then the matter would be dropped.

With regards the River Biss, the EA have concerns about the de-canalising of the river channel which effects the ability to provide the softer edges and interaction that the LO is after. However, the greater section of the River Biss is contained within the outline part of the proposals where the detailed matters relating to this aspect are yet to be approved. This matter could be further investigated at reserved matters stage and the EA have suggested a condition requiring a detailed management plan for the enhancement of the River Biss and its corridor. This would help shape the proposals at REM stage with a view to alleviating part of the LO's concerns. The LO is, therefore, in broad agreement that the scheme could progress on this basis. With that in mind, the outline aspect of this scheme would not conflict with CP51 subject to the conditions outlined above being secured.

The full element relates to the existing buildings on the site along with the two new buildings, The Old Chapel and The Gateway Building. As with the outline proposals, the regeneration of this part of the site will have a positive impact on the townscape. Subject to the aforementioned conditions, the full proposals fit in from a heritage perspective and satisfy the requirements of design policy. In light of this, it is not considered that there are specific landscape considerations that need addressing here. The full elements would be subject to a hard and soft landscaping condition which would provide a satisfactory landscaped setting for the proposals.

### **9.9 Flood Risk and Drainage**

The application is accompanied by a site-specific Flood Risk Assessment (FRA) and drainage strategy (see figure 10). The drainage and flood mitigation strategy has been informed by topographical surveys, flood modelling, percolation testing and pre-application liaison with the Environment Agency and Wessex Water.

The strategy to deal with surface water relies on two outfalls into the River Biss. The outfalls are required to achieve betterment against the existing drainage flows rates from the site and allow for climate change.

In order to achieve this the drainage strategy relies upon a combination of SUDs features throughout the development. This includes, permeable paving, blue and green roofs, swales, rain gardens, underground cellular storage as well as traditional drainage infrastructure such as attenuation ponds. All of these methods are designed to capture at source to slow the rate of flow into the River Biss and enable control over discharge rates.

The Lead Local Flood Authority (LLFA), having reviewed all the relevant information, including the additional documentation sought by them and the EA during the application, and have removed their initial holding objection to both the full and outline schemes.

In respect of the outline application, the LLFA have no objections subject to the submission of a detailed drainage strategy as part of a planning condition to accompany the proposals submitted at reserved matters stage. This condition is considered reasonable and necessary to ensure that the outline proposals do not lead to increased risks of flooding elsewhere.

The full application relies upon the same strategy as the outline application. It is the intention to use the outfalls into the River Biss that are located within the part of the site covered by the outline proposals. As such, it will be necessary to impose the same condition to the full application i.e. that no development commences under a surface water drainage strategy is submitted to and approved in writing by the LPA.

With this condition in place, your officer's assert that the scheme now complies with current policy (Core Policy 67 of the WCS and paragraph 167 of the NPPF).

The EA have also reviewed the submitted FRA and do not raise any objections to it subject to conditions to cover the following:

- Submission of plans and cross-sections, to demonstrate that finished floor levels across the site are set to at least 300mm above the 100yr 35% climate change flood level.
- No development or ground raising shall take place on the existing land within flood zone 3 (35%cc outline) as per the submitted model outputs. If ground raising or re-profiling is necessary, no development approved by this permission shall be commenced until an updated flood risk model and detailed plans are submitted.

These conditions are considered necessary to reduce the risk of flooding to people and property and to ensure flood risk is not increased. These conditions would be in addition to those requested by the LLFA.

The Environment Agency also has a statutory duty to maintain the channel of the River Biss in this location. Such maintenance involves clearing vegetation and debris from the channel in order to minimise flood risk from blockages. Currently their operatives have no safe access points to the river. Therefore, they request that the developer includes a proper access point alongside the channel at a position of their choosing. This would include a ramp into the channel and vehicular access. This request can be sought via a planning condition to which officers consider is reasonable and necessary.

Wessex Water have infrastructure that crosses the site (see figure 11). This plan shows 2 foul sewers and a surface water sewer running across the site in a north westerly direction. Such infrastructure cannot be built over and contains easements of 6m either side of the apparatus. Wessex Water have stated that the masterplan shows buildings and a SuDS feature / tree planting over the existing strategic surface and foul water sewers crossing the site.

With regards to the planting of street trees along the central spine road which is considered by Wessex Water to impact the most southerly of these foul sewers, this has been addressed in revisions to the parameters plans which shows the removal of these trees. Whilst this has raised concerns from the LO, as stated previously, this can be explored during the submission of the detailed landscaping schemes as part of a discharge of condition process to see if any planting can be accommodated within the statutory easements.

Turning to the other foul and surface water sewer that run to the north of the one referred in the above paragraph, it is proposed by the applicants to divert these. The applicants have provided a revised drainage strategy to cover the site (see figure 10). The proposed drainage strategy shows the diversions route with a dotted red line. The applications would need agreement with Wessex Water to divert but, the proposals below show a possible diversion route.

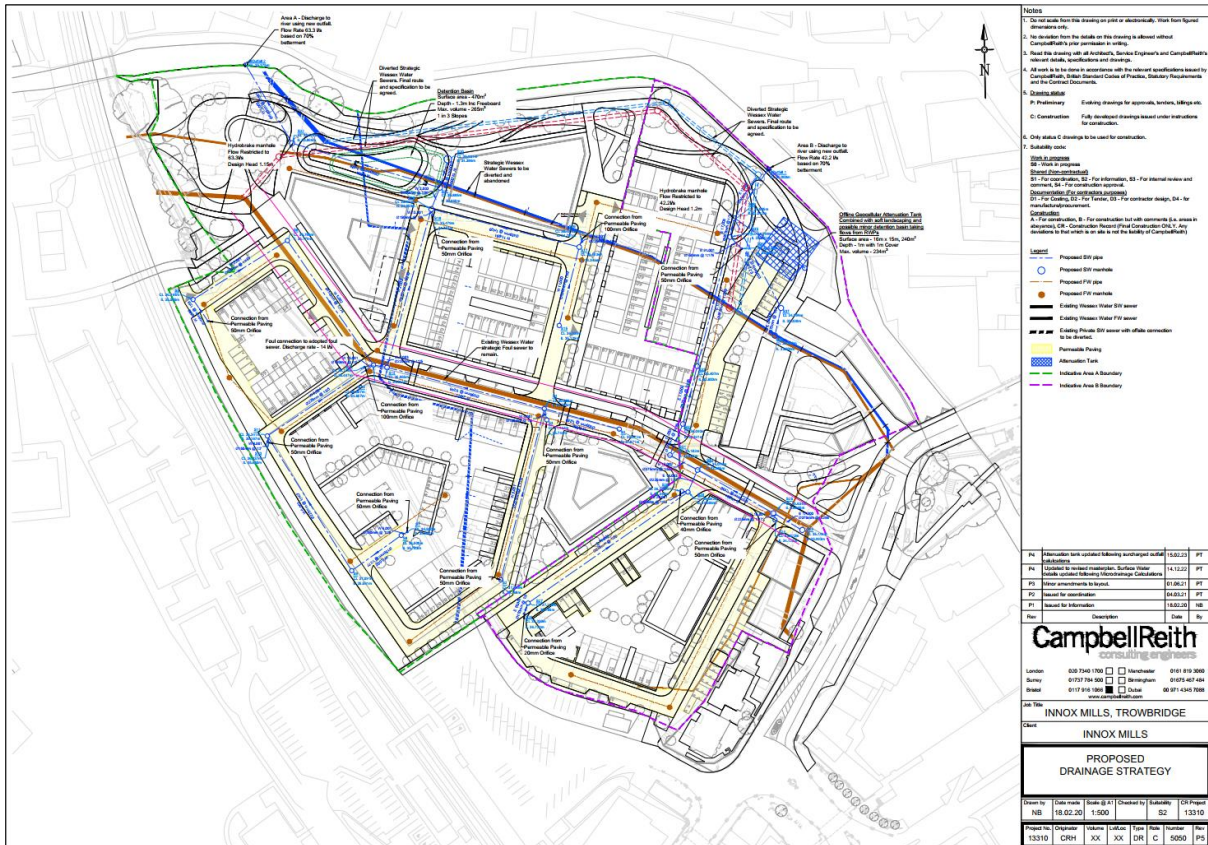


Figure 13 – Proposed Drainage Strategy

Having consulted with Wessex Water on the above proposals they have several concerns and have ultimately concluded that the current layout does not appear to be able to accommodate strategic infrastructure crossing the site. However, this is an outline application with all matters reserved bar access. As such, the precise layout of the site is yet to be determined. It is therefore reasonable to assume that the layout submitted at reserved matters stage can be altered to find an acceptable diversion route for Wessex Water’s strategic infrastructure that crosses the site.

In order to overcome Wessex Water’s concerns revised details of the diversion routes would need to be agreed with the LPA. A condition stating that notwithstanding the details set out on the proposed drainage strategy the diversion routes need to be agreed with the LPA prior to the commencement of development would address this. Such submitted details would then be consulted upon with Wessex Water for their agreement. This would ensure no development can commence until this matter has been resolved to Wessex Water’s satisfaction, and thus their concerns are ultimately addressed.



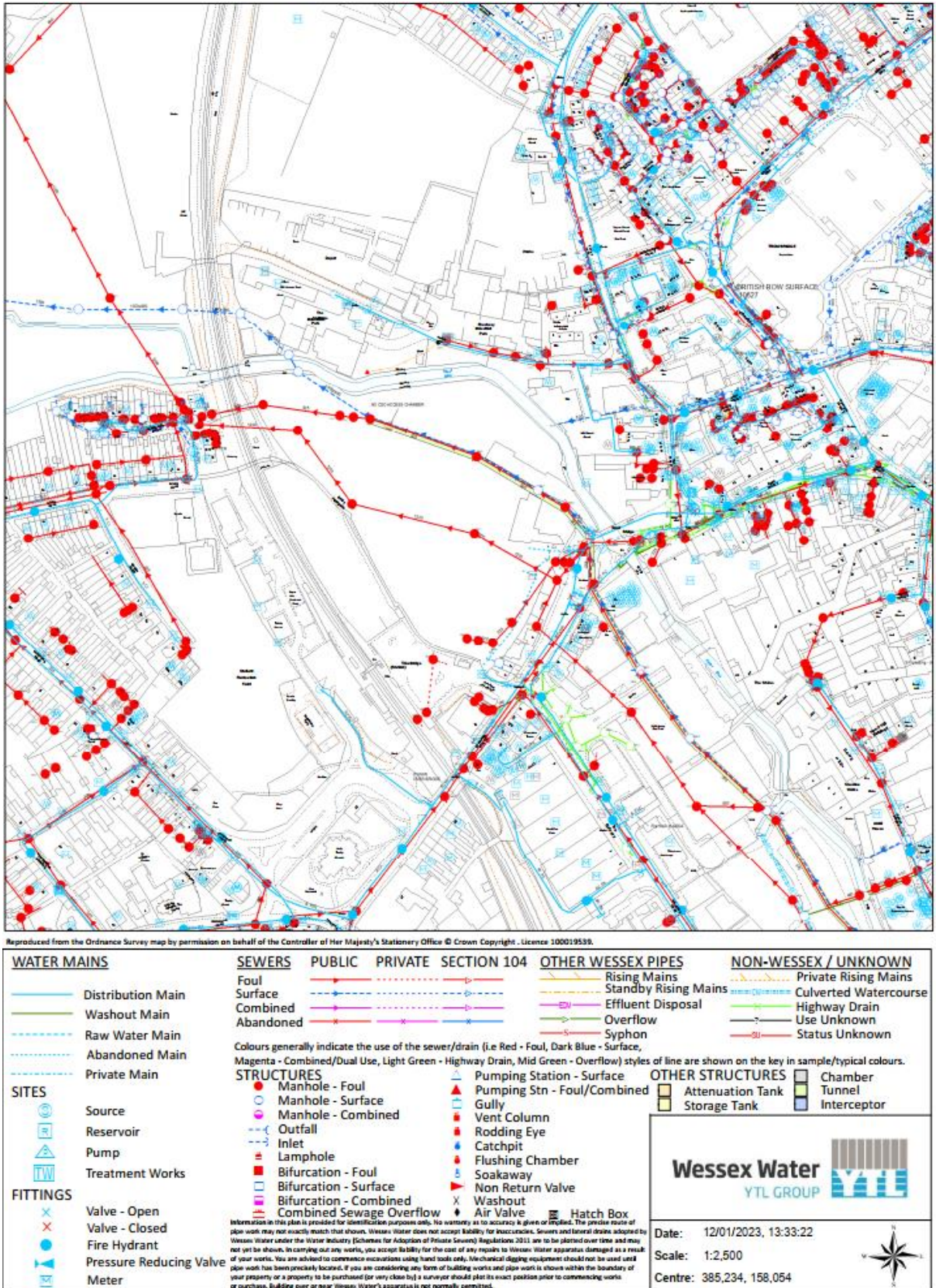


Figure 14 – Wessex Water Infrastructure

9.10 Environmental Impact

A Phase I Geoenvironmental Desktop Study' by Campbell Reith has highlighted many previous site uses on the site that pose a potential risk to groundwater and the adjacent River Biss. The report recommends that a detailed site investigation is undertaken. The EA support the need for this and therefore request conditions to enable this work to be undertaken as recommended, plus others to protect controlled waters. In this regard, conditions to cover the following are requested:

- Submission of a remediation strategy to deal with the risks associated with contamination of the site.
- Prior to use of the development a verification report demonstrating the completion of works set out in the approved remediation strategy needs to be submitted and approved.
- A condition to cover the eventuality that further contamination is identified that wasn't previously identified.
- A condition to ensure piling and other foundation methodologies using penetrative methods is not carried out other than with the written consent of the local planning authority.

These conditions are reasonable and necessary to ensure the protection of the water environment (River Biss) from pollution in line with paragraph 170 of the National Planning Policy Framework.

The Ecological Technical Note submitted by Engin confirms the presence of Japanese knotweed on the site. In light of this, the EA request a condition to manage the spreading of this invasive non-native species, noting that it is an offence to allow the spread of Japanese knotweed in the wild (Wildlife & Countryside Act, 1981 as amended). This condition is required for the aforementioned reason.

The EA note that the Landscape strategy (by Greenhalgh and dated August 2021) does not detail whether there will be any modifications to the riverbank itself. The riverbank currently consist of concrete walls, sheet piling & capping beams. Improvements to the river including removal of sheet piles, installation of coir rolls and planting of aquatic marginal plants has been approved previously on the site and this is something the EA wish to see here. As such, they recommend a condition is placed on any approval requiring the submission of a detailed management plan for the enhancement of the River Biss and its corridor to improve the biodiversity value of the river and its corridor, and contribute to biodiversity net gain. This request is reasonable and necessary.

To help reduce abstraction pressure on water resources and riverine ecosystems as well as contribute towards climate change resilience by minimising the impacts of drought, the EA suggest a water efficiency condition be applied to the permissions. The site is within Wessex Water's remit which is known to be a seriously water stressed area. In light of this and in the interests of sustainable development and climate change adaptation, this condition is necessary.

To ensure the prevention of pollution to the water environment (River Biss) during the course of construction, the EA have requested the submission a Construction Environmental Management Plan (CEMP). This can be left to condition. Noting that there is likely to be other consultees requesting this e.g., ecology, public protection and highways, the condition suggested by the EA will need to be amended to cover the concerns raised by other parties. This makes better sense than having a separate CEMP for each issue.

The Council's Public Protection team have no objection to the development provided the following elements are covered by condition to ensure appropriate levels of an environment free from obtrusive noise and other forms of pollution:

1. Prior to use commencing of any individual unit in The Brewery, The Dyehouse, Inox Mills, Inox Place, and Block A (convenience store) an assessment of the acoustic impact arising from (including mitigation) required to operate the use and any externally mounted plant needs to be carried out and submitted to the LPA for approval.
2. Prior to use commencing of any individual unit which requires mechanical air extraction or ventilation in The Brewery, The Dyehouse, Inox Mills, Inox Place and Block A (convenience store) a scheme of works for the control and dispersal of any atmospheric emissions, including odours, fumes, smoke & other particulates shall be submitted to and approved in writing by the Local Planning Authority.
3. Opening hours shall be restricted to 07:00 – 23:00 Monday to Sunday (including Bank Holidays) for units within The Brewery, The Dyehouse, Inox Mills, Inox Place, and Block A (convenience store).
4. Deliveries and collections shall be restricted to 08:00 – 21:00 Monday to Sunday (including Bank Holidays) at The Brewery, The Dyehouse, Inox Mills, Inox Place, and Block A (convenience store) no deliveries or collections shall take place outside of these hours.
5. No development shall commence on site until an Acoustic Design Scheme for the protection of the proposed dwellings from road traffic noise, railway noise and ground borne vibration is submitted to and approved in writing by the Local Planning Authority.
6. The submission and approval of a construction management statement (CMS).
7. The submission and approval of a ground contamination report.

The above conditions are reasonable and necessary to make the development acceptable in planning terms. However, it is noted that some of the conditions would need altering slightly to fit the phasing of the development etc.

In respect of condition 3, it is noted that some operators on the site may wish to operate later than 23:00hrs e.g., bars and restaurants. It is, therefore, recommended that this condition is altered to require a schedule of operating hours to be submitted to and agreed with the LPA prior to the occupation of any non-residential use on the site. This allows later hours to be considered on an individual basis by the LPA in consultation with Public Protection.

In respect of condition 6, the requirement set out by public protection can be added to the CEMP condition covering EA, Ecology and Highways issues.

Regarding condition 7, the reason for this will be added to the condition already requested by the EA. This will ensure the condition is designed to cover more than the control of polluted waters.

It is noted that the EHO has missed off The Old Chapel Building which is also intended for commercial use, as well as the commercial aspects within the outline proposals. This will need to be governed by the same conditions as The Brewery, The Dyehouse, Inox Mills, Inox Place, and Block A.

With the above conditions in place, the application would not have any unacceptable impact upon the amenities of the area – including existing and future occupants of this part of the town.

### 9.11 Ecological Impact

The River Biss and the railway corridor are both located within the yellow medium risk zone of the Trowbridge Bat Mitigation Strategy (TBMS). The yellow medium risk zone represents the areas where habitat has been shown to be of importance, or is highly likely to be of importance, for bats associated with the Bath and Bradford-on-Avon Bat SAC (Bechstein's, greater horseshoe and / or lesser horseshoe bats). Impacts will arise on individual sites and in combination with other sites as a result of loss and/degradation of habitat such as this which is of importance to the qualifying bats. The application site is also located within the greater horseshoe Core Buffer Zone. An Appropriate Assessment is therefore necessary to consider any potential significant effects on the Bath and Bradford on Avon Bat SAC due to the potential degradation of this habitat.

In addition to this, the Bat surveys have recorded bat roosts for lesser horseshoe (qualifying feature of the Bath and Bradford on-Avon Bat SAC), in the former factory buildings, close to the river. Results have indicated that the buildings (notably, the Cloth Mill) are inhabited by horseshoe bats all year round, and therefore of high conservation significance. Common pipistrelle bats have also been recorded roosting under roof tiles.

As the Cloth Mill is proposed to be demolished an artificial roost has been designed in an adjacent building (The Brewery). Bat boxes would also be incorporated on structures at appropriate locations around the site to mitigate for crevice dwelling species like common pipistrelle recorded on site and enhance biodiversity post-development. The Council's Ecologist has stated that the construction of both the artificial roost and installation of bat boxes must take place prior to demolition – this can be secured via planning condition.

Scrub and rough grassland in the northwest corner are physically well-connected with the railway corridor, which links to the surrounding countryside. In the survey of this area reptiles (notably slow worms) were recorded. The Council's Ecologist requested that sufficient alternative habitat is created to mitigate for the loss of the habitat on site. This has been achieved through providing a buffer zone along the railway corridor to incorporate reptiles. They have recommended that the mitigation strategy must be prepared prior to the commencement of the development and that it can be incorporated into the CEMP.

The Appropriate Assessment has been completed and Natural England consulted, and they concur with the conclusion that subject to the mitigation identified being secured, an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC can be avoided.

The above conclusions are drawn with the following conditions in mind:

- that the development is carried out in accordance with the Parameters Plan (PP) Drawing no. 128-005. P1 (Greenhalgh, 21.12.2023)
- that the replacement bat roost in Building D takes place prior to the commencement of demolition of the existing roost.
- The lesser horseshoe and common pipistrelle bat roost will be incorporated into the development in accordance with Bat Mitigation Proposal Drwg. No. 1249.4.FBW.05 (Keep Architecture, 26/07/2021) and Appendix 4 Artificial Briefing Note of the Ecological Mitigation Strategy (Engain, 13th October 2021) or as otherwise specified in a relevant European Protected Species Licence superseding this permission.
- Submission and approval of a CEMP prior to commencement of development
- Submission and approval of a Reptile Mitigation and Translocation Strategy prior to commencement of development
- Submission and approval of a LEMP prior to commencement of development



- No external lighting to be installed unless details are first agreed with the LPA
- Submission and approval of a scheme for the removal of the Japanese Knotweed on the banks of the River Biss.

The requested conditions are reasonable and necessary to make the development acceptable in planning terms and to ensure the ongoing maintenance and management of the site for the benefit of ecology.

Overall, with these conditions and s106 in place, and the positive recommendation on the AA, it can be concluded that the development can proceed without unacceptable harm to protected species or priority habitats.

### **9.13 Highways / Rights of Way**

Traffic Impacts associated with the development –

The Highways Officer's (LHA's/HO's) position on this is set out clearly in their consultation response. It is the HO's opinion that the development would have a severe impact on what is already a congested traffic network through the introduction of additional vehicles. In the absence of a suitable mitigation package to offset these additional movements, the HO has recommended that the application be refused (refusal reason 1 in their consultation response) on the grounds that:

*".... the proposals present an additional traffic impact upon a highway network subject to continuing congestion thereby exacerbating existing highway vehicle capacity, reducing the attractiveness of walking and cycling routes as a result of congestion, increasing severance and reducing the reliability of local bus service provision in conflict with Core Strategy Policy 60, 61 and 62 and National Planning Policy Framework paragraph 111."*

In reaching that conclusion, The HO has referred to paragraph 104 of the Framework which states that:

*'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*

*b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated'.*

It is the opinion of the LHA that this development, by virtue of its location and through the use of previously used transport infrastructure (Station Approach), has the potential to radically alter the congested nature of the localised network to secure betterment - but, that the application has not sought to do this.

Further to the above suggested reason for refusal, the LHA assert that the application should also be refused (refusal reason 2 in their consultation response) on the grounds that the:

*"...planning submission makes selective consideration of the Local Highway Network omitting key junctions and infrastructure that directly influence local highway operation. The assessment of proposals is therefore considered insufficient to determine the suitability of the highway network to accommodate additional development and contrary to Core Strategy Policy 60, 61 and 62."*

With regards the above, the absence of the Bythesea Road/The Shires junction within the applications Transport Assessment (TA) undermines the technical acceptability of the TA, which seeks to determine the impact of the development on the localised network.

The current submission does not incorporate the adjoining station land or offer any other tested mitigation for consideration that would reduce the traffic impacts of the development. Therefore, in the absence of mitigation, the Highways Officer remains of the view that the scheme conflicts with Core Policies 60, 61 and 62 of the WCS.

It is the view of the applicant's Transport Consultant that development is always permissible in situations where congestion is already present, even if the capacity of the network has been reached. It has also been suggested by the applicants that the previously approved use on the site, which also did not provide the station access, would have generated a greater quantum of vehicular movements as it proposed a large supermarket with ancillary leisure uses. Accordingly, the consultant does not see the need for the comprehensive suite of mitigation that is set out by the Highways Officer in their response.

Delivery of the Railway Station Access to provide site mitigation for transport impacts –

The location of the application site adjacent to the railway station provides an opportunity to deliver improved access to the station via the proposed development. A consequence of this would be the ability to close the current station access on Stallard Street which would allow for highways improvement works to take place (these being the consolidation of the existing controlled pedestrian crossings on Bythesea Road and Stallard Street (both north and south) into a single signal-controlled junction, following the removal of the mini roundabout).

To this end, the Highways Officer has requested access is provided through the development to the Station Car Park via planning condition with obligations sought (£60,000) to enable the access works to be delivered. The highways enhancement works referred to above can only be delivered once the alternative station access is in place. To deliver the enhancements the LHA request a commuted sum of £450,000 be paid to the Council by the developer. The need for the highway enhancement is established through acknowledgment of existing congestion, accommodation of development traffic and the avoidance of rat-running/displacement. Such works would provide the necessary mitigation measures to address the increased traffic use arising from the development on Stallard Street and the wider network.

In the absence of securing the monies and obligations for this work, the Highways Officer has recommended a further refusal reason (refusal reason 3 in their consultation response) stating the following:

*“The illustrative masterplan makes no consideration of vehicular access to the Railway Station thereby preventing any realistic mitigation to traffic movements on the local highway network and fails to maximise connectivity to a major transport hub, contrary to Core Strategy Policy 60, 61 and 62.”*

The applicant's position is that the delivery in full of the station access and highway improvement works is not necessary and/or reasonable given their views on the proposals impact. However, that is not to say that the applicant is unwilling to provide any of the above requirements. The Access and Land Use Parameters Plan (see Figure 7 above) shows a potential future access point into the Station Car Park from the development site. The Plan is annotated stating that *“the adopted road to be provided to site boundary to facilitate direct primary access to the Station Car Park in the event that the Council delivers the closure of Station Approach.”* It is also shown on the other parameter plan (see figure 6) with the same annotation and hatched in blue.

The road is to be provided right up to the boundary with no parcel of land in between which helps to prevent any form of ransom strip being created. Tracking was also submitted to demonstrate its suitability for rail replacement buses etc. The applicant considers that providing the access up to the boundary is a proportionate and reasonable response to the proposal's impact and allows the concerns of Wiltshire Highways to be delivered at a future date. It is of note that Network rail have no objections to the delivery of such an access subject to a third party covering the costs of the works and any legal agreements.

The parameter plan only secures the alignment, width and length of the road, not the details. To this end, if the application is to be approved a condition would be required to cover the details in line with that recommended by the Highways Officer in their response. The road would also need to be constructed in full upon occupation of a certain number of dwellings to avoid this part of the proposal simply not coming forward (as there is currently no requirement in legislation for a development to be finished – only a time limit on when it must commence). As a belt and braces approach, the s106 can cover the delivery of this access road as well, in line with the rail station access road obligation set out by the LHA in their response. It would also need to cover the issue of preventing any ransom strip.

Furthermore, it is clear that viability is affecting the delivery of this development and that the provision of the full set of obligations and works required by the Wiltshire Highways is something the applicants are claiming simply cannot be realised. The issue and relevance of viability is considered later in this report – and should be read alongside this section.

In light of the above, it is accepted that some element of the required mitigation work is being delivered by the applicant albeit well short of what the Highways Officer considers necessary to mitigate the full impacts of the development proposals. The harm identified here needs to be considered on the planning balance. However, it must be born in mind that this scheme is not without significant viability concerns and the applicant has asserted that s106 obligations as set out in the Highways Officer response cannot be met as a result. The commercial viability of the scheme will also need to be considered alongside this harm.

#### Site Sustainability and Sustainable Travel Options –

This is an edge of town centre location and, as such, the site is in close proximity to a range of local services and facilities with the site itself proposing to add to the current offerings. The current and proposed pedestrian and cycle infrastructure offers in principle, reasonable walking and cycling opportunities. However, the finer details would need to be controlled to ensure, amongst other things that the routes are designed to accommodate all abilities, with change of level, including steep ramps or steps avoided unless agreed with the authority. To this end, the condition suggested by the Highways Officer to submit a walking and cycling movement framework plan prior to commencement of development is considered reasonable and necessary. As an example, it is noted that there are level changes between the site and station with steps currently in situ which would need to be designed out to accommodate all abilities.

The site is also very accessible by public transport services being located next to the train station, a number of bus stops and a short distance from taxi ranks which further add to the sustainability credentials of the site.

In addition to pedestrian and cycle demands, in accordance with national and local direction, the details supporting the site should establish an EV charging strategy to maximise the use of sustainable private vehicles where active and public transport modes cannot accommodate necessary trips. The condition suggested by the LHA would address EV delivery on the site.

In addition, the LHA have requested that a specification plan be submitted for a Mobility Hub as part of a planning condition. This Hub would include as a minimum, real-time information for bus and rail transit, cycle parking including electric cycle charging points, electric vehicle fast and rapid charging points and car share parking bays. The delivery of such a Hub would further help to maximise the use of sustainable travel modes in compliance with Core Strategy Policy 60, 61 and 62 and therefore, this condition is also considered necessary and reasonable.

A Travel Plan is also required to be submitted to the LPA for approval for both the residential element of the scheme and the commercial. The scheme should signpost and encourage new residents and employees towards sustainable travel modes. The obligation suggested by the Highways Officer would cater for this, albeit without monetary commitments due to the aforementioned viability concerns.

Subject to the conditions above, there would be sufficient opportunities and signposting for future occupants to travel via sustainable modes as opposed to the private car as one should expect with a development of this nature.

#### Vehicular Access and Stallard Street Works –

The site access for vehicular traffic is as detailed in figure 15 below. It is the only vehicular access proposed into the site and is located more or less at the point of the existing vehicular access point. There are no objections to the principle of providing the access in this location and the layout shown above has been accepted. This is on the proviso that the full design and construction details of the proposed vehicular access are provided to the LPA as part of a planning condition for approval prior to commencement and, that those details are adhered to during construction and maintained thereafter. This condition is necessary to ensure a safe and sufficient vehicular access is provided in the interests of highway safety and in compliance with Core Strategy Policy 60, 61 and 62.

The access drawings also detail works to Stallard Street which include:

- Bus stop and shelter reconfiguration on eastern side of Stallard Street;
- Bus stop shelter provision on western side;
- Additional footway provision/widening;
- The provision of a delivery bay; and,
- The provision of a ghost turning lane

Naturally some of these works are required to facilitate the development but the additional footway and bus stop shelter would provide some public realm improvements to this part of Stallard Street that would weigh positively in the planning balance. That said, it is noted the Highways Officer has some concerns that the developer has not fully addressed the necessary highway improvements works in this part of the town to enhance walking and cycling connectivity with the site, to reduce site severance with routes to the Town Centre and to enhance public transport infrastructure. The HO has requested this is addressed as part of the 'River Biss Public Realm Design Guide' SPD and current planning policy.

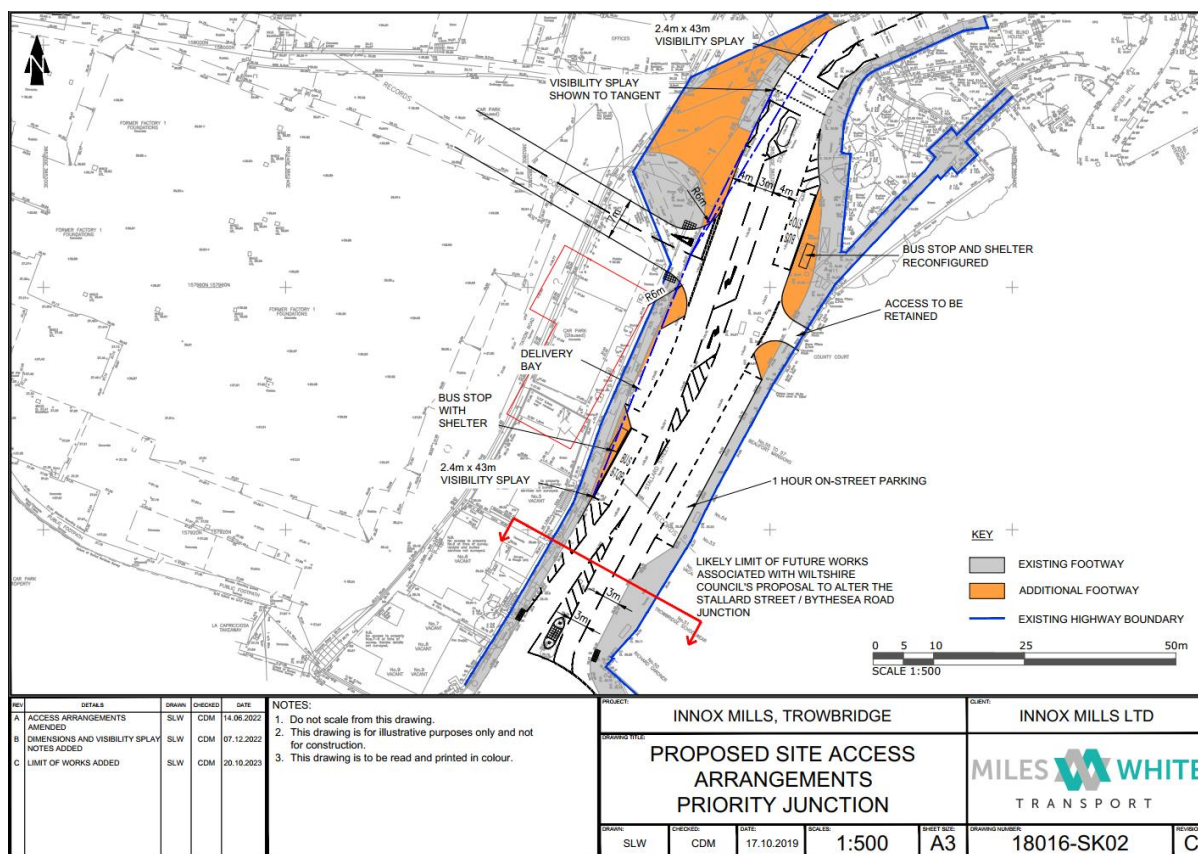


Figure 15 – Site Access Arrangements

Without such works, the HO has suggested a final reason for refusal (reason for refusal 5 in their consultation response). It states that:

*“The proposals make limited consideration for necessary public realm improvements to enhance walking and cycling connectivity with the site, reduction of site severance with routes to the Town Centre and enhancement of public transport infrastructure contrary to Core Strategy Policy 61 and 61.”*

Construction Impacts –

Finally, the construction of the development and build out of the site would need to be closely monitored and secured, in order to avoid materially detrimental impact upon the local highway network and use of the Railway Station. The LHA request a CMS condition to control construction works. The requirements set out by the LHA can be incorporated into the wider CEMP condition already proposed by other consultees.

**9.14 Financial Viability / Developer Contributions**

Core Policy 3 (Infrastructure Provision) states that all new development should provide for the necessary infrastructure requirements arising from the proposal – these are what are normally the s106 matters. However, the policy also states that where there maybe issues around viability, then an independent viability assessment should be undertaken. On this assessment the policy specifically states the following –

*.... If the viability assessment adequately demonstrates that development proposals are unable to fund the full range of infrastructure requirements, then the council will –*

- i. *prioritise seeking developer contributions .....*
- ii. *use an appropriate mechanism to defer part of the developer contributions requirement to a later date .....*

Core Policy 43 states that on sites of 5 or more dwellings, affordable housing (AH) provision of at least 30% will need to be delivered. As the site is clearly over this threshold of 5 dwellings, AH should be provided. It is noted however that Core Policy 43 also states that:

*“The provision of affordable housing may vary on a site-by-site basis taking into account evidence of local need, mix of affordable housing proposed and, where appropriate, the viability of the development.”*

Regarding viability of development in general, the RICS guidance entitled Financial Viability in Planning (2012) defines the term as:

*‘An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate Site Value for the landowner and a market risk adjusted return to the developer in delivering that project.’*

The viability guidance in the national Planning Practice Guidance makes clear that the residual value generated by a development must be above the estimated benchmark land value (BLV) for comparable land in the local market for the site to be considered viable.

To accompany this application, a Viability Report has been submitted by Knight Frank. This has set out the abnormal costs that are relevant to the site (see table 3 below).

| <b>Abnormal Item</b>             | <b>Cost</b>       |
|----------------------------------|-------------------|
| Demolition/Site Clearance        | £750,000          |
| Gas membrane                     | £350,000          |
| 600mm capping layer              | £1,500,000        |
| Contamination remediation        | £500,000          |
| Raising ground levels            | £300,000          |
| HV main diversion                | £600,000          |
| FW sewer diversion               | £465,000          |
| Allowance for existing services  | £100,000          |
| Knotweed removal                 | £50,000           |
| Reinforce substructure (culvert) | £50,000           |
| Bat roost                        | £10,000           |
| <b>TOTAL</b>                     | <b>£4,675,000</b> |

**Table 3 – Abnormal Costs**

It is largely due to these abnormal costs that the scheme’s viability is jeopardised by the additional costs of affordable housing and other policy requirement contributions such as education, highways, and public open space. The viability report concludes in section 7 that:

*“7.1 Our appraisals clearly demonstrate that when a policy level of affordable housing is provided on site, development is made unviable, as a competitive return to the landowner cannot be provided.*

*7.2 Furthermore, when a nil affordable housing scenario is applied the scheme value still fails to exceed the BLV. We are therefore of the view that the scheme as presented is not viable with the inclusion of affordable housing.”*

In accordance with Core Policy 3 the viability report has been independently reviewed, and the review has reached a broadly similar conclusion stating:

*“Following the above testing work it is my considered conclusion that the revised proposed development is unable to support any planning policy requirements.”*

In addition to the above, the applicant’s valuer has provided a spreadsheet to demonstrate the impact of 4 different scenarios with a nil provision of affordable housing. These are:

1. No financial s.106 contributions
2. The applicant’s proposed s.106 contribution of £50,000.00
3. The total cumulative requested s.106 contribution package: £2,674,610.00
4. The total cumulative requested s.106 contribution package less the education contributions: £785,704.00

Under all scenarios the proposal has been found to fall below the benchmark land value (BLV).

Accordingly, it is the view of officers that the application should be determined on the basis of there being no affordable housing provision and largely without any of the other contributions that have been requested by consultees. Of course, it follows that without providing affordable housing or policy required contributions the scheme will conflict with a number of Core Strategy policies. However, these conflicts must be considered in the context of the overarching Core Policy 3 (Infrastructure Provision) which, as explained above, does allow for reduced, or even no, infrastructure provision where there is non-viability.

In light of the significant impact viability has had on the ability to deliver the necessary infrastructure and AH associated with the proposal, and with regard to Core Policy 3, the Council’s viability assessors have stated that later review of the viability of the scheme would be prudent stating that:

*“... a review clause might be appropriate as a condition of the permission, in line with paragraph 009 of the PPG Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities’ ability to seek compliance with relevant policies over the lifetime of the project.”*

This can be built into the s106 legal agreement to enable a review of the scheme’s viability post permission. Notably, this would look at the abnormal costs identified in Table 3 to see if the actual costs were as high as the estimates, and it would also take account of any changes in the property market. Should a lower cost figure be reached for say site clearance and remediation than was estimated, then a mechanism such as an overage clause can ensure that money is provided to the LPA to deliver infrastructure in any event - e.g. off-site AH provision or highways works.

Despite the conclusions of the viability report, it should be noted that the scheme is still delivering a substantial package of benefits/contributions to the town and these will also need to be weighed in the planning balance alongside the policy conflicts referred to in this section. These benefits include, but are not limited to the following:

- Certainty of regeneration of a brownfield site that has been derelict for over a decade, offering a mixed-use development with public open space and public realm improvements.
- A package of s278 highways works to Stallard Street to deliver highway safety and public realm improvements.

- Safeguarding of a route into the Station Car Park to enable the existing Station Approach to be closed off (works to be carried out by the Council at a future date, tbc) improving traffic flows and highway safety in this part of the town as well offsetting the impacts of the development.
- The restoration of heritage assets on the site and their long-term safeguarding through allowing appropriate new uses.

The above benefits – and notably the regeneration of a long term, derelict site – must be weighed against the inability of the proposal to deliver infrastructure and related contributions. Even without the infrastructure and related contributions the site would still deliver significant benefits for Trowbridge and act as a catalyst for further re-development schemes and investments in the town. These benefits will not otherwise materialise if the contributions are insisted upon and/or the application is refused for this reason as the resulting non-viability and uncertainty would prevent the development from happening and so the status quo would remain – that is, a derelict and unsightly site positioned in a key area with an uncertain prospect for the future.

Furthermore, it would not be the first brownfield site to be granted consent with no policy required contributions. A local example of where this has happened is Kingston Mills in Bradford on Avon which had similar contaminated land issues that required significant expenditure on remediation, and which so resulted in no affordable housing delivered through s106 (although see further comment below concerning Homes England separate funding of affordable housing).

### **9.15 Community Infrastructure Levy (CIL)**

The new dwellings would be liable for CIL in any event. The site would fall under charging zone 2 where the sum equates to £55 per square metre of residential floor space created. Floor space calculations can only be provided at detailed design stage and thus CIL calculations would happen at reserved matters stage.

## **10. S106 Obligations**

This section of the report must be read with due regard to the matters addressed in paragraph 9.14 above. The confirmed non-viability of the proposed development if expected to provide affordable housing and other infrastructure financial contributions is a material consideration to be weighed on the planning balance.

Core Policy 3 advises that ‘All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework. These are:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The infrastructure items listed below are those that are relevant to the application site and have been raised by consultees as necessary in order to mitigate the impact of the proposed scheme.

### Affordable Housing



CP43 states that on sites of 5 or more dwellings affordable housing provision of at least 30% will be needed to be provided and transferred to a Registered Provider. CP45 also requires affordable dwellings to address local housing need and to incorporate a range of different types, tenures, sizes of homes in order to create a balanced community. CP46 requires in suitable locations, new housing to meet the needs of vulnerable people.

A scheme of this size would generate the need to provide 76 AH units at nil subsidy. However, in light of the conclusions of paragraph 9.14, AH cannot be delivered on site at nil subsidy and therefore it is concluded that this is cannot required in the s106.

This said, it should be noted that the housing delivery partner that the applicant is working with is likely to deliver as much as 50% of the homes as grant funded AH. Noting that this is a brownfield site, it would be potentially eligible for funding from Homes England which would mean that there could in any event be AH on site, albeit not as a requirement of the s106. A comparative example of where this has happened is the Kingston Mill development in Bradford on Avon where through grant funding by Homes England the scheme did end up delivering 30% AH.

#### Recreation and Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 98 of the NPPF. Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport/recreation provision an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhanced open spaces, to be delivered through s106.

The proposal generates a public open space (POS) requirement of 8,487.5m<sup>2</sup> with 430.11m<sup>2</sup> of this as equipped play area, all of which should be secured in perpetuity. As this cannot all be provided on site, the shortfall of 1760.2m<sup>2</sup> should be made up as an off-site contribution of £61,378.17 (1760.2m<sup>2</sup> x £34.87 (cost of provision per m<sup>2</sup>)) towards Stallard Recreation Field. A leisure contribution of £57,348.00 is also required for the upgrade of Stallard Recreation Field.

In light of the conclusions of paragraphs 9.14, no recreation or leisure contributions can be sought. However, a management company is still required to maintain the onsite POS that is proposed, and this will need to be included in the s106.

#### Education

The NPPF (paragraph 95) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. In order to ensure this, Core Policy 3 lists the provision of education as a priority 1 theme where it is required due to the impacts of a development proposal.

Early Years - A contribution of £385,484 is required to go towards the funding of 22 pre-school places within the area. The Early Years Officer has advised that the existing Early Years provision will not be able to support the needs of additional families requiring Early Years and childcare in this area as they are all operating at high capacity.

Primary School – This development would result in a need for 51 primary school places. This translates to a total financial contribution of £956,658 (51 x £18,758) which would be used towards expanding the local Primary Schools.

Secondary School – There is currently no spare capacity at a secondary level in the Trowbridge area (Clarendon, John of Gaunt and St Augustine’s RC Schools). The proposal would generate a need for 36 places at a cost of £22,940. A total contribution of £825,840 would therefore be required which will be put towards the provision of a new secondary school to serve Trowbridge.

Again, in light of the conclusions of paragraphs 9.14, no education contributions can be sought from this development.

However, it should be noted the Department for Education (DfE) have produced guidance for securing developer contributions towards education in August 2023 which addresses viability issues with new development. It sets out that in circumstances where development viability is so poor that planning obligations cannot be secured, there is a potential safeguard in place to fund school places. This is referred to in the document as Basic Need Funding.

### Refuse

The Wiltshire Core Strategy at para 4.41 Core Policy CP3 identifies sustainable waste management facilities as essential components of daily life and therefore critical to delivering our strategic goal of building more resilient communities. Waste management is listed as place shaping infrastructure under priority theme 1 of Core Policy 3 of the WCS.

A contribution of £32,306 (see Waste and Collection: Guidance for Developers for how this has been costed out) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development.

However, in light of the conclusions of paragraphs 9.14, no waste and recycling contributions are being sought from this development.

### Public Art

An indicative public art contribution figure (based on £300 per dwelling) for the applicant to deliver the integration of public art for this site would be £76,500 for up to 255 dwellings.

In view of the conclusions of section 9.14, no public art contribution can be sought for this development. However, the DAS sets out some of the ways the proposal can reflect the history of the site – e.g. through the use of teasel art work in benches and by laying block paving in weaving patterns to reflect the former mill industries that operated on the site. It is therefore considered that a scheme could be delivered via condition rather than a financial contribution with measures such as those examples referred to above being provided as the scheme of public art.

### Highways

WCS Core Policy 61 states that, where appropriate, contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives. CP 63 identifies transport strategies for Wiltshire’s Principal Settlements which seek to achieve a major shift to sustainable transport by helping to reduce reliance on the private car and by improving sustainable transport alternatives. Part of the funding for these strategies is to be derived from developer contributions. Such requirements are also listed under Core Policy 3 as infrastructure priority theme 1. Accordingly, the following planning obligations are sought by the LHA:

- £60,000 or lesser sum thereafter agreed, for the completion of road infrastructure between on-site roads and the Railway Station Car Park facility.
- The requirement to enter into a Highway Dedication agreement (Section 38 Highway Act 1980) with the Local Highway Authority to dedicate constructed roads and footways connecting the site vehicular access to the Railway Station Car Park.
- £50,000 towards the design development of a scheme of works to remove Stallard Street/Bythesea Road roundabout and consolidation of pedestrian crossing facilities into a single signal controlled junction facility.
- A Contribution of £400,000 to the Highway Authority for the construction and completion of the Highway Enhancement works.
- Provision of Green Travel Vouchers at a minimum of £300 per dwelling to encourage more sustainable travel choices.
- £1000 cycle map contribution to provide printed cycle maps for inclusion in travel packs for each dwelling as associated with the Travel Plan.
- A Travel Plan Monitoring Contribution of £7000 to be paid upon first occupation

A more detailed explanation of the contributions and trigger points is detailed in the LHA consultation response.

Such contributions are considered necessary to mitigate the impacts of the development on the surrounding highways network, to encourage more sustainable travel movements to and from the development, to deliver highway improvements to the town and provide better connectivity to Trowbridge Train Station.

In the context of the conclusions of section 9.14, the applicant is unable - due to the viability issue - to provide the highways works commuted sums. However, the applicant is agreeable to provide a link and access (and/or the land for these) within the site as far as the Station car park. It is noted the Highways Officer details an obligation to enter into a Highway Dedication agreement (Section 38 Highway Act 1980) with the Local Highway Authority to dedicate constructed roads and footways connecting the site vehicular access to within 2m of the site boundary with the Railway Station Car Park. And that:

*“The road shall be complete to at least base course before any occupation of any dwelling served from the road and fully complete prior to the occupation of the last dwelling to be occupied that provides frontage to the road. The dedication Agreement shall also include the dedication of intervening land between the constructed road and the boundary and the landowner/developer (as appropriate) shall provide unfettered access to the land to the Highway Authority from commencement of development for purposes of extending the constructed or planned road.”*

In order to safeguard the delivery of this road, it is important to ensure that the land required would be transferred to the Council at nil cost. With this safeguarding measure built into the s106, the Council would not be at risk of being ransomed to create the access over the land.

This obligation does not refer to a commuted sum and is necessary to ensure the delivery of the access road which when implemented would mitigate the impact of the development. It is therefore considered reasonable for this element to be part of the s106.

### Review Mechanism

This is necessary given the abnormal costs affecting the site which have led to the viability issues. The review of viability would need to occur prior to the occupation of the 200<sup>th</sup> dwelling

to determine whether the actual abnormal costs are less than the initial estimates and to take into account any changes in market conditions.

If the abnormal costs are less than those estimated or market conditions improve, then the applicant would need to agree with the Council that surplus funds would be used against any of the s106 requests that have been identified in this report e.g., to provide off-site leisure contributions, or provide some of the highways commuted sums.

## **11. Conclusion (The Planning Balance)**

At the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11d of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

With regards to the above, the plan is not up-to date in all aspects as the Council finds itself without a 5YRHLS and so paragraph 11d is engaged. But notwithstanding this, the proposal is considered to accord with the development plan when taken as whole.

In relation to the first bullet point of paragraph 11d, it has not been found that the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the application.

In light of the above, the second bullet point of paragraph 11d is engaged which means that, any harm identified must be significant and demonstrable if it is to be considered grounds to refuse the application.

In order to reach a recommendation on the application, it is clear from this report that the following applies:

- The application site occupies an important position in the town and its redevelopment should be seen as a priority.
- Successful redevelopment of the site is fundamental in achieving the aims and objectives set out in Core Policy 28 of the WCS.
- There are a number of significant constraints within and around the site which limit the number of viable options.
- The current application represents a viable and funded scheme which the applicant assures is capable of delivery.

With this in mind, it is clear that the fundamental need to develop this site is a consideration to be given substantial weight on the planning balance, and that the constraints mean that opportunities to achieve this are limited; this is evident from the planning history. In this background, the following benefits and harms are noted.

### The benefits

*Regeneration of a derelict brownfield site adjacent to the town centre –*

This is a comprehensive proposal to redevelop the site providing not just housing but commercial floor space, new public open space alongside the River Biss and additional pedestrian and cycle connections to the wider network. It would see the heritage assets on the site restored and their long-term vitality and viability safeguarded. The regeneration of the site would remove an eyesore from the town and undoubtedly act as a catalyst for further regeneration proposals in Trowbridge. The proposal is considered to be a significant improvement over the previously proposed for the site. This point should be afforded substantial weight.

*Provision of market housing to address 5YRHLS shortfall –*

Given the lack of a 5YRHLS within the county and the widely acknowledged nationwide housing crisis, the provision of 255 dwellings is a consideration to be given significant weight. The development would make a very important contribution to the Council's housing land supply.

*Economic growth and expenditure –*

The NPPF at paragraph 81 states that “*significant weight should be placed on the need to support economic growth and productivity...*” The scheme would see significant investment in this part of Trowbridge with notably new commercial floor space, which when occupied would provide jobs and economic expenditure in the town, and encourage regeneration and growth in other areas.

There would also be a boost to the economy through the provision of associated construction jobs with a development of this scale. The construction industry has been highlighted by the government as one of the key areas for growth post pandemic and more generally. Positive weight can also be attributed to the economic expenditure from future occupants of the development within the local economy. These economic benefits should be afforded significant weight.

The ‘harms’

As noted above, any harm identified would need to be both significant and demonstrable in order to justify refusing the planning application.

Certain detailed policies of the Core Strategy are not complied with because they require financial contributions or obligations that the development is unable to meet for viability reasons. The obligations/contributions are required to mitigate the full impacts of the development. The policies are as follows:

- Core Policy 3 – the development does not provide the infrastructure required to mitigate the impacts of the development (e.g. those referred to in Section 10 of this report), although the application has demonstrated the non-viability as required by this policy.
- Core Policy 43 – Affordable Housing - not providing 30% of the dwellings as affordable.
- Core Policy 52 – Green Infrastructure – not making the full provision for accessible open spaces in accordance with the requirements of the adopted Wiltshire Open Space Standards.
- Core Policy 60 & 61 - Transport and new development – not providing contributions towards sustainable transport improvements to encourage the use of sustainable transport alternatives.
- Core Policy 60 & 61 – Development impacts on the transport network – not providing the mitigation measures to offset any adverse impacts on the transport network during the operational stage of the development.

Ordinarily, this conflict should be afforded significant weight. Notably the impacts upon the local highway network as a result of the extra vehicles born out of the proposal. However, Core Policy 3 caters for this scenario and requires an 'open book' viability assessment which has been carried out and which concludes that the development would be unviable with affordable house and other developer contributions.

In light of Core Policy 3 allowing for contributions not being met in full if there are viability concerns, the conflict with the policies identified above can be given less weight. The scheme simply would not be deliverable if they were to be insisted upon. The site would then in all probability remain derelict and the benefits the scheme would deliver would not be realised. This is arguably a worse outcome.

Furthermore, it should be noted that the site may deliver affordable housing by other grant funding (a realistic prospect that has played out at other sites e.g., Kingston Mill). Open space is provided on site, albeit it is falling short of the full policy requirements by a relatively modest amount. The provision of the access up to the Station Car Park boundary coupled with the s278 works on Stallard Street would provide a small proportion of the mitigation package required to offset the impacts of the development on the highway network. It is also relevant that funding can potentially be secured from the DfE to fund new school places where viability is preventing a developer from addressing such costs directly with the LPA.

Additionally, through the detailed design process at REM stage, the use of appropriately worded planning conditions, and via the s106 obligations outlined in Section 10, some further mitigation of impacts is possible.

### Neutral

It is noted that lack of identified harm against other policies of the WCS is not a benefit of the scheme but would be a neutral aspect of it. The lack of technical land use objections and the conformity with other policies of the development plan are therefore neutral on the balance.

### Conclusion

It is considered that the substantial benefits of revitalising a site that has been a derelict eyesore for years outweighs its inability to delivery all the desired/required mitigation. Notably the following benefits -

- the regeneration of the site;
- the safeguarding of heritage assets;
- economic growth and expenditure; and,
- the provision of market housing.

In the context of paragraph 11d)ii it is, therefore, concluded that the harm identified, does not significantly or demonstrably outweigh the benefits that this development would deliver.

It is recommended that the hybrid application for full and outline planning permission and the associated listed building consent application is, therefore, approved subject first to the satisfactory completion of a s106 legal agreement containing the obligations identified in section 10 of this report and subject to planning conditions.

## **RECOMMENDATION:**

**That the Head of Development Management be authorised to grant planning permission and listed building consent subject to first completion of a planning obligation/Section 106 agreement covering the matters set out in this report and as summarised below, and subject also to the planning conditions listed further below.**

### **Planning Obligations**

- Securing a review of the viability of the scheme prior to occupation of the 200<sup>th</sup> dwelling
- Safeguarding the provision of the Station Car Park link road and access to ensure no ransom strip is formed and that any land required to facilities it is transferred to the Council at nil cost.
- The setting up of a management company to manage all the public open space and strategic landscaping within the site as well as ensuring it is managed in accordance with the approved LEMP details.

### **Full and Outline Planning Conditions**

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

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

- 2 With regard to those elements of the application in outline form, no development shall commence on those parts of the site until details of the following (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site.

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

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

- 3 With regard to those elements of the application in outline form, an application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

Location, demolition and application type plans:

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249/E/003
- Dwg Ref: Boundaries for the Application: 12149.E.002

Parameter Plans:

- Dwg Ref: Phasing Parameter Plan: 1249-P-005
- Dwg Ref: Parameter Plan: 128-005-P3
- Dwg Ref: Land Use Parameter Plan: 1249-P-003
- Dwg Ref: Height Parameter Plan: 1249-P-004

Access and Drainage Plans:

- Dwg Ref: Proposed Stallard Street Access: 18016-SK02 Rev C
- Dwg Ref: Proposed Drainage Plan: 13310-CRH-XX-XX-DR-C-5050-P

Innox Mills Building:

- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan
- Dwg Ref: 1249.2.IMW.03 Innox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Innox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Innox Mills Works Elevations

Innox Place Building:

- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan
- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations

The Brewery and Dyehouse Buildings:

- Dwg Ref: 1249.4.FBW.01 Factories Building Works Ground Floor Plan
- Dwg Ref: 1249.4.FBW.02 Factories Building Works First Floor Plan
- Dwg Ref: 1249.4.FBW.03 Factories Building Works Second Floor Plan
- Dwg Ref: 1249.4.FBW.04 Factories Building Works Elevations
- Dwg Ref: 1249.4.FBW.05 Bat Mitigation Proposal

The Cloth Factory Building:

- Dwg Ref: 1249.5.CFW.01 Cloth Factory Existing Ground Floor Plan
- Dwg Ref: 1249.5.CFW.02 Cloth Factory Existing First Floor Plan
- Dwg Ref: 1249.5.CFW.03 Cloth Factory Existing Second Floor Plan
- Dwg Ref: 1249.5.CFW.04 Cloth Factory Existing Elevations

The Gateway Building:

- Dwg Ref: 1249.HT.BlockA 100 Gateway Building – Lower GND Floor Plan
- Dwg Ref: 1249.HT.BlockA 101 Gateway Building – Upper GND Floor Plan
- Dwg Ref: 1249.HT.BlockA 102 Gateway Building First Floor Plan
- Dwg Ref: 1249.HT.BlockA 103 Gateway Building Second Floor Plan
- Dwg Ref: 1249.HT.BlockA 104 Gateway Building Third Floor Plan
- Dwg Ref: 1249.HT.BlockA 200 - Gateway Building Front Elevation
- Dwg Ref: 1249.HT.BlockA 201 - Gateway Building Rear Elevation
- Dwg Ref: 1249.HT.BlockA 202 - Gateway Building Side Elevations
- Dwg Ref: 1249.HT.BlockA 203 - Gateway Building Stallard Street Elevation



The Old Chapel Building:

- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

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

- 6 Those elements of the application subject to the outline application shall be carried out in general accordance with the design and layout principles in the following:

Dwg Ref: Inox Mills Design and Access Statement (August 2021)

Dwg Ref: 1249.P001 Illustrative Masterplan

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

- 7 The development hereby permitted shall make provision for the following:

(a) Up to 255 dwellings;

(b) Up to 4078 sqm of commercial space;

(c) Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 6,727.3 sq m of general public open space and at least 430.11 sq m of equipped play space.

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate the above broadly in accordance with the Illustrative Masterplan (no. 1249.P.001) and the Parameter Plan (128-005).

Prior to commencement of the development, a programme, or phasing plan (in accordance with drawing No. 1249.P.005 – Phasing Parameter Plan), for the delivery and completion of the dwellings, the commercial space and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings, the commercial space and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

REASON: To ensure the creation of a sustainable development which is in character with its surroundings and in accordance with the terms of the planning application.

- 8 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

a. all previous uses

b. potential contaminants associated with those uses

c. a conceptual model of the site indicating sources, pathways and receptors

d. potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**REASON**

To ensure ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 9 Prior to any phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**REASON**

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

**REASON**

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 11 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

**REASON**

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 12 Piling and other foundation methodologies using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 13 No development shall commence until a management plan for the treatment and monitoring of Japanese knotweed on the site has been submitted and approved by the LPA. The plan shall be submitted as agreed.

REASON

It is an offence to allow the spread of Japanese knotweed in the wild (Wildlife & Countryside Act, 1981 as amended).

- 14 No development shall commence until a detailed management plan for the enhancement of the River Biss and its corridor is submitted and approved by the Local Planning Authority, in consultation with the Environment Agency. This shall include the provision of an 8m wide buffer strip alongside all banks of the river within the site. The management plan shall be implemented as agreed.

REASON

To improve the biodiversity value of the river and its corridor, and contribute to biodiversity net gain.

- 15 No development approved by this permission shall be commenced until plans and cross-sections, to demonstrate that finished floor levels across the site are set to at least 300mm above the 100yr 35% climate change flood level, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans shall be fully implemented in any timescales agreed.

REASON

To reduce the risk of flooding to people and property.

- 16 There shall be no development or ground raising on existing land within the flood zone 3 35%cc outline as per the submitted model outputs. If ground raising or re-profiling is necessary no development approved by this permission shall be commenced until an updated flood risk model and detailed plans are submitted to, and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans and ground treatment shall be implemented as agreed.

REASON

To ensure flood risk is not increased.

INFORMATIVE - Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 17 No development approved by this permission shall be commenced until plans, drawings and cross-sections showing a vehicular access point, including a suitable ramp down to the River Biss channel, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The approved plans/drawings/cross-sections shall be implemented as agreed.

#### REASON

To allow the Environment Agency to safely maintain the River Biss channel in order to prevent any increase in flood risk to the development site and surrounding areas.

#### INFORMATIVE

- Access must be for Environment Agency vehicles via a road through the development and must be available/accessible 24 hours a day, every day of the year
- Access must be at least 5 metres wide
- The ramp gradient must have a 1 in 12 slope
- Surfacing must be grasscrete down to below-normal river level
- Edge protection fencing must be provided
- Access to the river channel should be for use by the Environment Agency only. We would prefer it to be gated off and locked with our padlock.

We would encourage the developer to work with our Asset Performance team on the details of the design at an early stage. The developer should first email Sustainable Places on [swx.sp@environment-agency.gov.uk](mailto:swx.sp@environment-agency.gov.uk) to arrange contact.

- 18 The dwellings shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change in the interests of sustainability, and to use natural resources prudently in accordance with the National Planning Policy Framework.

#### INFORMATIVE

The development should include water-efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

- 19 The development hereby permitted shall be carried out in accordance with the Parameters Plan (PP) Drawing no. 128-005. P1 (Greenhalgh, 21.12.2023). This document will form the basis for the site layout and will not be altered at Reserved

Matters without detailed justification based on additional habitat and wildlife species surveys.

REASON: To protect the ecology on the site

- 20 As Building E will be demolished under an EPS Mitigation Licence, an artificial roost has been designed into an adjacent building (Building D). This replacement bat roost in Building D which is located within the River Biss 15m buffer zone will take place prior to the commencement of demolition of the existing roost.

The lesser horseshoe and common pipistrelle bat roost will be incorporated into the development in accordance with Bat Mitigation Proposal Drwg. No. 1249.4.FBW.05 (Keep Architecture, 26/07/2021) and Appendix 4 Artificial Briefing Note of the Ecological Mitigation Strategy (Engain, 13th October 2021) or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development

- 21 The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
  - ii. A description of management responsibilities;
  - iii. A description of the construction programme;
  - iv. Site working hours and a named person for residents to contact including telephone number;
  - v. Detailed Site logistics arrangements;
  - vi. Details regarding parking, deliveries, and storage;
  - vii. Details regarding dust mitigation;
  - viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
  - ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
  - x. Details of how surface water quantity and quality will be managed throughout construction;
  - xi. Details of the safeguarding measures to deal with the following pollution risks:
    - the use of plant and machinery
    - wheel washing and vehicle wash-down and disposal of resultant dirty water
    - oils/chemicals and materials
    - the use and routing of heavy plant and vehicles
    - the location and form of work and storage areas and compounds
    - the control and removal of spoil and wastes
  - xii. Details of safeguarding measures to highway safety to include:
    - A Traffic Management Plan (including signage drawing(s))
    - Routing Plan and vehicle log and means to submit log to the Highway Authority upon request
    - Details of temporary/permanent Traffic Regulation Orders

- pre-condition photo survey - Highway dilapidation survey
- Number (daily/weekly) and size of delivery vehicles.
- Number of staff vehicle movements.

xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
- Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of TBMS zones A and B and predevelopment provision of hedgerow mitigation/ translocation along Firs Hill A361.
- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
- Method statement to include pollution prevention measures for construction of causeway over Lambrok Stream to minimise harm to the watercourse and protected and notable species.
- Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
- Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

Construction and demolition hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

**REASON:** To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and in compliance with Core Strategy Policy 62.

**INFORMATIVE: PRE CONDITION SURVEY**

A photographic pre-condition highway survey to be carried out and copies of pre and post condition survey to be supplied to WC.

The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

- 22 Prior to the commencement of development, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment

works, a Reptile Mitigation and Translocation Strategy shall be submitted to the local planning authority for approval.

REASON: To protect the ecology on the site.

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

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

REASON:

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

- 24 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy (adopted February 2020) are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON:

In the interests of the amenities of the area, the appearance of the heritage assets on the site, and to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

- 25 Prior to the commencement of development the buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref:

1249.P.001) shall be made wind and water tight with protection in place to prevent damage during construction.

REASON: To prevent further decay of the heritage assets on the site.

26 The buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref: 1249.P.001) shall be fitted out to a standard capable of occupation in accordance with the following timetable:

- prior to occupation of the 50th dwelling for Innox Place
- prior to occupation of the 100th dwelling for the Brewery
- prior to occupation of the 150th dwelling for the Dye House
- prior to occupation of the 200th Dwelling for Innox Mills

REASON: To ensure the heritage benefits associated with the application are delivered alongside the outline planning consent in the interests of securing the vitality and viability of the heritage assets in the long term.

27 No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) above ground floor slab level until details and samples of the new materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

28 No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until a sample wall panel/s for all new brick work, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

29 No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until large-scale details of architectural features including parapets, windows, (including elevations and sections of the windows, head, sill and window reveal details), external doors, vents and extracts, rainwater goods have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

30



No new signage or wayfinding shall be erected on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until details have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area, preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal, and in the interests of sustainable development.

- 31 No development on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development in the interest of visual amenity and the character and appearance of the area.

INFORMATIVE:

The central spine road on the parameter plan (128-005) is situated over a Wessex Water easement. It is shown with limited to no tree planting as a result. There are a number of ways to successfully integrate tree planting into utility wayleaves which use industry standard best practice. The Trees and Design Action Group (<https://www.tdag.org.uk/>) is a cross industry organisation that provides detailed guidance on the design of tree pits and tree trenches to successfully integrate them into the urban realm. Of particular use would be their guidance on 'trees in hardscape' ([https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag\\_tihl.pdf](https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_tihl.pdf)) along with 'Trees in the Townscape' ([https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag\\_treestownscape2021.pdf](https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_treestownscape2021.pdf)).

The Local Planning Authority would expect any detailed landscaping plans to consider tree planting within this easement in line with the advice above, unless it is demonstrated not to be feasible in consultation with Wessex Water.

- 32 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following:

- a) the first occupation of the building(s) of a particular phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)); or,
- b) the completion of each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005));

whichever is the sooner.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased

shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping for each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) shall be carried out in accordance with the approved details prior to the occupation of any part of that phase or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development in the interest of visual amenity and the character and appearance of the area.

- 33 Prior to the commencement of development, a scheme for the delivery of public art across the site shall be submitted to and approved in writing by the local planning authority. The scheme can comprise but is not limited to, bespoke street furniture, hard surfacing materials and boundary treatments and/or stand-alone art installations, and should be reflective of the history of the site (as indicated in section 7.4 of the Design and Access Statement). The scheme shall also include a programme for delivery which should be set out to ensure public art is delivered in line with each phase of the development. The development shall be carried out in accordance with the approved scheme and programme for delivery.

REASON: To ensure an integrated approach to the delivery of public art across the site in the interests of good design and place-shaping, to enable harmonious treatment of the public realm and to respect the character and setting of the heritage assets on the site.

- 34 No development shall commence on site until a final drainage strategy incorporating sustainable drainage details has been submitted to and approved in writing by the Local Planning Authority. No phase of the development (as set out on the phasing parameters plan ref: 1249.P.005) shall be first occupied until the means of drainage for that phase has been constructed in accordance with the approved strategy.

REASON: To ensure that surface water runoff from the site can be adequately drained with no flooding on site for a 1 in 100 year plus climate change rainfall event and that the flood risk from all sources will be managed without increasing flood risk to the development itself or elsewhere.

- 35 With regards to those elements of the application in full form, no development shall commence until a plan is provided demonstrating overland exceedance flow routes overlaid onto the finalised development masterplan. The plan shall include topographical and finished floor levels in order to demonstrate that overland exceedance will be safely managed on-site.

REASON: To minimise the risk to people and property during high return period storm events.

- 36 With regards to the elements of the application proposed in full form, no development shall commence until the applicant has submitted calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment / pollution control for those parking bays that drain to the storage tank and are not designated as permeable paving.

REASON: Based on the masterplans submitted, it appears that some of the proposed parking throughout the development will not be drained via permeable paving and

this matter is required to be agreed prior to the commencement of development to prevent pollution of the receiving watercourse.

37

Notwithstanding the diversion details of the Strategic Wessex Water Sewers crossing the site that are shown on the Proposed Drainage Strategy (ref: 13310-CRH XX-XX-DR-C-5050-P5), no development shall commence until an alternative diversion route, strategy and timetable for implementation is submitted to and agreed in writing by the Local Planning Authority. The details shall include the provisions for access to the infrastructure for maintenance and repair purposes. Development shall be carried out in accordance with the agreed details, strategy and timetable.

REASON: To ensure Wessex Water's existing customers are protected from a loss of service and sewer flooding, to ensure Wessex Water have suitable access arrangements to maintain their infrastructure on site, and to ensure there is no pollution to the River Biss.

38

Prior to use commencing in any non-residential building an assessment of the acoustic impact arising from the operation of the use and any externally mounted plant shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- be undertaken in accordance with BS 4142: 2014+A1:2019; and,
- include a scheme of attenuation measures to demonstrate the rated level of noise shall be -5dB (LAeq) below typical background (LA90) level at the nearest noise sensitive location.

If the precise detail of the scheme, such as specific use or plant specifications, is not known, then likely worst-case scenarios with respect to noise impact on residential premises should be assumed. Development shall be carried out in accordance with the approved details prior to the use commencing.

Background levels are to be taken as a LA90 1 hour and the ambient noise levels shall be expressed as a LAeq 1 hour during the daytime (0700 – 2300) and shall be expressed as an LA90 and LAeq 5 minutes during the night (2300 – 0700) at the boundary of the nearest residential noise-sensitive receptor.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

39

Prior to use commencing in any non-residential building that requires mechanical air extraction or ventilation systems, a scheme of works for the control and dispersal of any atmospheric emissions from them, including odours, fumes, smoke & other particulates, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development.

The scheme must include full technical details and a risk assessment in accordance with Appendix 2 and 3 respectively of the EMAQ "Control of odour and noise from commercial kitchen exhaust systems" Guidance (Gibson, 2018).

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

INFORMATIVE:

In discharging this condition we recommend the applicant ensures that the ventilation system discharges vertically at a height of at least 1m above the heights of any nearby sensitive buildings or uses and not less than 1m above the eaves.

- 40 Prior to occupation of the first non-residential building, a schedule of opening hours for each commercial unit on the site shall be submitted to and approved in writing by the Local Planning Authority. The non-residential uses on the site shall be operated in accordance with the approved schedule of opening hours.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 41 Deliveries and collections for all non-residential uses on the site shall be restricted to 08:00 – 21:00 Monday to Sunday (including Bank Holidays). No deliveries or collections shall take place outside of these hours.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 42 No development shall commence on site until an Acoustic Design Scheme for the protection of the proposed dwellings from road traffic noise, railway noise and ground borne vibration is submitted to and approved in writing by the Local Planning Authority. The Acoustic Design Scheme shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise New Residential Development (May 2017 or later versions)) to achieve the following noise limits:

- a) bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an LAmax,F of 45dB
- b) living rooms and dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
- c) external noise levels within private external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300)

The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained. For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. Should windows need to be closed to meet the noise criteria above full details of the ventilation scheme will be included with the assessment.

A post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to the LPA to a timetable as detailed within the approved Acoustic Design Scheme to confirm compliance with the approved scheme and approved in writing by the LPA. Any additional steps required to achieve compliance shall be taken, as necessary. The report shall provide evidence that the approved Acoustic Design Scheme has been fully implemented.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

**INFORMATIVE:**

A good acoustic design process should be followed to ensure that the internal noise criteria are achieved with windows open. Using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. When relying on closed windows to meet the internal guide values, there needs to be an appropriate method of ventilation that does not compromise the façade insulation or the resulting internal ambient noise level.

- 43 Notwithstanding the submitted details, no works shall commence on site until details of the Railway Station access road have been submitted to and approved by the Local Planning Authority. The road shall be no less than 6.5m wide with segregated footway/cycleway provision as necessary in broad compliance with the 'main road' detail within the submitted masterplan. The details shall include full construction and geometric details including vehicle swept path analysis for a 11.3m refuse truck and Coach Rail Replacement. Prior to occupation of the first dwelling unit served from the road, the road shall be completed in all respects with the approved details up to the site boundary with the railway station and maintained as such thereafter.

**REASON:** To ensure satisfactory and safe vehicular access is provided to the railway station in the interests of highway safety, highway capacity enhancement and in compliance with Core Strategy Policy 60, 61 and 62.

- 44 Prior to commencement of development full design and construction details of the proposed vehicular access shall be provided to and approved by the local planning authority. Prior to first occupation, the access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

**REASON:** To ensure a safe and sufficient vehicular access is provided in the interests of highway safety and in compliance with Core Strategy Policy 60, 61 and 62.

- 45 Prior to commencement of works a walking and cycling movement framework plan shall be submitted to and approved by the Local Planning Authority. The walking and cycling movement framework plan shall include full details of route design, construction and material treatment, with all cycle and pedestrian routes complying with current national and local guidance as appropriate. The walking and cycling movement framework plan shall consider the treatment, alignment and diversion as necessary of on-site Public Rights of Way and any necessary connectivity works to external networks, including the railway station. All routes shall be designed to accommodate all abilities, with change of level, including steep ramps or steps avoided unless agreed by the Local Planning Authority. The walking and cycling movement routes, as identified in the approved plan, shall be completed in all respects in accordance with the approved plan and maintained as such thereafter.

**REASON:** To ensure safe and convenient walking and cycling routes to the site are provided in the interests of highway safety and sustainability in compliance with Core Strategy Policy 60, 61 and 62.

- 46 Notwithstanding the submitted detail, no works shall commence on site until a strategy for Electric Vehicle charging points has been submitted to and approved by the Local Planning Authority. The strategy shall seek to avoid delivering dwellings that may not be directly served by a charging point. Prior to first occupation of each

individual dwelling unit allocated a charging point, the dwellings charging point shall be made operational and ready for use.

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

- 47 Prior to commencement of development a phasing and specification plan for a Mobility Hub shall be submitted to and approved by the Local Planning Authority. The Mobility Hub shall include as a minimum real time information for bus and rail transit, cycle parking including electric cycle charging points, electric vehicle fast and rapid charging points and car share parking bay. The Mobility Hub shall be completed in all respects in accordance with the approved specification and delivered in full in accordance with the approved phasing plan.

REASON: to ensure that a Mobility Hub is delivered in a timely manner to maximise the use of sustainable travel modes in compliance with Core Strategy Policy 60, 61 and 62.

- 48 Prior to first occupation of the first residential dwelling, a Residential Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by residents and these shall include but not be exclusive to Green Travel Vouchers, travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. Survey methods shall include but not be exclusive to the provision of Permanent Automated Traffic Counters at the vehicle access and pedestrian cycle counters at pedestrian and cyclist access points. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 49 Prior to first occupation of the first employment unit, an Employment Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by employees of the site and these shall include travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

### Listed Building Consent Conditions

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249/E/003
- Dwg Ref: Boundaries for the Application: 12149.E.002
  
- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan
- Dwg Ref: 1249.2.IMW.03 Innox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Innox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Innox Mills Works Elevations
  
- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan
- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations
  
- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

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

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**REPORT FOR STRATEGIC PLANNING COMMITTEE**

|                            |  |
|----------------------------|--|
| <b>Date of Meeting</b>     | 17 April 2024  |
| <b>Application Number</b>  | PL/2021/08064  |
| <b>Site Address</b>        | Innox Mills, Stallard Street, Trowbridge, BA14 8HH   |
| <b>Proposal</b>            | <p>Hybrid (full and outline) planning application descriptions (i) &amp; (ii)</p> <p>(i) Outline planning application: the erection of up to 284 dwellings, erection of a convenience store (Class E), erection of up to 872 sqm of new commercial floor space (Class E); and associated access, public realm; and landscaping works.</p> <p>(ii) Full planning application: Erection of convenience store (333 sqm GIA) and 12 No. apartments, part demolition and external works to Innox Mills and change of use to Class E; external works and extension (180 sqm GIA ) to Innox Place and change of use to (Class E); external works to Dyehouse and Brewery for as bat mitigation and change of use to a dual use internal market/Class E; demolition of former Cloth Factory Building; and associated access, public realm and landscaping work in commercial courtyard and along the Stallard Street frontage.</p> <p>The listed building consent application proposes internal and external works and part demolition of Innox Mill; internal and external works, and extension to Innox Place. Although a separate application, the issues relevant to the impact upon the listed buildings (Innox Place and Innox Mill) are considered under this report.</p> |
| <b>Applicant</b>           | Innox Mills Ltd  |
| <b>Town/Parish Council</b> | TROWBRIDGE CP  |
| <b>Electoral Division</b>  | TROWBRIDGE CENTRAL (Cllr Stuart Palmen)  |
| <b>Type of Application</b> | Outline, Full Planning and associated Listed Building Consent  |
| <b>Case Officer</b>        | Ruaridh O'Donoghue   |

**1. Purpose of Report**

The purpose of the report is to update the committee on changes that have occurred following publication of the revised NPPF in December 2023 that may have a material impact on this planning application, and to consider the recommendation that the application still be granted planning permission subject to completion of the legal agreement.

**2. Background**

On 29 November 2023 the Strategic Planning Committee resolved to grant planning permission for this application subject to the applicant first entering into a S106 legal agreement (committee report attached as Annex 1). Work commenced on the legal agreement, although it has not yet been completed and so the planning permission has not been given. In making its decision to approve subject to the legal agreement the Committee took account of all matters

relevant at the time. These included the development plan policies and national legislation/guidance.

In the broadest terms, planning law requires the local planning authority in dealing with a planning application to have regard to the development plan and all material considerations. Where the issuing of a decision is delayed between the point in time at which the authority resolves to make the decision and when the decision notice is actually issued, and if during this 'gap' the authority becomes aware of new, or changed, material considerations, then the relevant law requires the authority to have regard to these considerations before finally determining the application.

In December 2023 the government issued its revised National Planning Policy Framework (NPPF). This is a changed material consideration that must be taken into account in determining this planning application.

It is the opinion of officers that the changes to the NPPF do not materially affect the Committee's original decision for this particular application. However, as the Committee (and not officers) was the original 'decision maker', it is necessary for the Committee to consider the changes and then make the decision. For completeness, and so that the Committee has the full picture, the relevant NPPF changes are set out below. A detailed explanation as to why these changes do not affect the original decision follows on from this.

### **3. Housing land supply and delivery**

The December 2023 NPPF contains two important amended/new paragraphs concerning housing supply and delivery, as follows –

76. *Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:*

a) *their adopted plan is less than five years old; and*

b) *that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*

77. *In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.*

Paragraph 226 referred to in paragraph 77 states the following –

226. *From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a*

*minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.*

For the purposes of the revised NPPF Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing. Previously, and at the time this application was being considered by the Committee a 5-year housing land supply was required to be demonstrated.

#### **4. Consequences for the 'planning balance'**

The Council's most recent Housing Land Supply Statement (published May 2023; base date April 2022) sets out the number of years supply against local housing need as 4.60 years. In subsequent appeals this figure has been reassessed to be 4.59 years. These figures exceed the 4-year threshold now relevant to Wiltshire, and for the planning balance this means that it is not 'tilted' by virtue of a lack of housing land supply.

That said, the tilted balance can still apply even with a sufficient housing land supply in situations where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (paragraph 11(d) NPPF). A recent appeal decision at Land off Pound Lane, Semington (ref: PL/2022/09397) considered this issue and concluded that the most important policies for determining that application (CP 1 and 2, and the area-based policy for Melksham (CP 14)) were not out of date and as such the titled balance was not engaged by virtue of this point.

The same conclusions can be drawn for this site and therefore, in terms of paragraph 11 of the NPPF, for decision making part 11(c) is now relevant i.e. it is a 'flat', or level, rather than titled, balance.

#### **5. Consequences of the changes to the NPPF in relation to this application**

As the site is located within the Limits of Development of Trowbridge, on brownfield land that is a draft allocation in the Wiltshire Local Plan Review, the changes within the NPPF should not affect or change the Committee's decision to approve this application for the following reasons:

- The site remains in principle a proposal that is supported by WCS Core Policies 1 and 2 as it lies within the Limits of Development of a Principal Settlement that is capable of accommodating this quantum of development.
- There remain no technical objections to the scheme against any of the WCS policies when read as a whole and, therefore, the scheme is considered to be in compliance with the development plan. Whilst it is noted that viability concerns were an issue that caused some conflict with development plan policy (owing to the lack of s106 obligations), CP3 of the WCS accounts for this and the position of the applicants was accepted.
- At the time the Committee considered its resolution to grant planning permission on this site the committee report did not identify any 'other material considerations' (e.g. policies within the NPPF) that were relevant to the recommendation to approve the application

that would now no longer be relevant in light of the changes.

As such, and for the above reasons, the issue of housing land supply was not a determinative factor for this case; or in other words, at the time of the Committee's decision in February 2023, the recommendation would have still been to approve regardless of whether the planning balance was flat or tilted. The Council's housing land supply position is therefore of lesser relevance to this application. Paragraph 11(c) of the NPPF applies; that is, to approve development proposals that accord with an up-to-date development plan without delay.

Although the planning balance is now flat, rather than titled, the conclusions contained within Chapter 11 of the original committee report (attached at Annex 1) remain valid. The scheme is considered to comply with the development plan when taken as a whole and would still be delivering the positive benefits that are identified in the original report – notably, in terms of regenerating a brownfield site that has been derelict for over a decade and delivering policy compliant market housing.

It should be noted that despite only needing to demonstrate 4-years' worth of housing land supply, this is still a matter that can be afforded significant positive weight (especially the delivery of affordable housing) – noting the Government's objective of significantly boosting the supply of homes. This is explained in paragraph 60 of the NPPF where it states:

*To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.*

## 6. Conclusion

With due regard to the changes set out in the December 2023 NPPF, it is recommended that the application continues to be supported for the aforementioned reasons. Notably, the fact this is an WHSAP allocated site and so a case where the titled planning balance was not a determinative factor in the original recommendation to the Committee to grant planning permission.

### **RECOMMENDATION:**

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

### **Planning Obligations**

- Securing a review of the viability of the scheme prior to occupation of the 200<sup>th</sup> dwelling
- Safeguarding the provision of the Station Car Park link road and access to ensure no ransom strip is formed and that any land required to facilities it is transferred to the Council at nil cost.
- The setting up of a management company to manage all the public open space and strategic landscaping within the site as well as ensuring it is managed in accordance with the approved LEMP details.

## Full and Outline Planning Conditions

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

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

- 2 With regard to those elements of the application in outline form, no development shall commence on those parts of the site until details of the following (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site.

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

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

- 3 With regard to those elements of the application in outline form, an application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

Location, demolition and application type plans:

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249/E/003
- Dwg Ref: Boundaries for the Application: 12149.E.002

Parameter Plans:

- Dwg Ref: Phasing Parameter Plan: 1249-P-005
- Dwg Ref: Parameter Plan: 128-005-P3
- Dwg Ref: Land Use Parameter Plan: 1249-P-003
- Dwg Ref: Height Parameter Plan: 1249-P-004

Access and Drainage Plans:

- Dwg Ref: Proposed Stallard Street Access: 18016-SK02 Rev C
- Dwg Ref: Proposed Drainage Plan: 13310-CRH-XX-XX-DR-C-5050-P

Innox Mills Building:

- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan
- Dwg Ref: 1249.2.IMW.03 Innox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Innox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Innox Mills Works Elevations

Innox Place Building:

- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan
- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations

The Brewery and Dyehouse Buildings:

- Dwg Ref: 1249.4.FBW.01 Factories Building Works Ground Floor Plan
- Dwg Ref: 1249.4.FBW.02 Factories Building Works First Floor Plan
- Dwg Ref: 1249.4.FBW.03 Factories Building Works Second Floor Plan
- Dwg Ref: 1249.4.FBW.04 Factories Building Works Elevations
- Dwg Ref: 1249.4.FBW.05 Bat Mitigation Proposal

The Cloth Factory Building:

- Dwg Ref: 1249.5.CFW.01 Cloth Factory Existing Ground Floor Plan
- Dwg Ref: 1249.5.CFW.02 Cloth Factory Existing First Floor Plan
- Dwg Ref: 1249.5.CFW.03 Cloth Factory Existing Second Floor Plan
- Dwg Ref: 1249.5.CFW.04 Cloth Factory Existing Elevations

The Gateway Building:

- Dwg Ref: 1249.HT.BlockA 100 Gateway Building – Lower GND Floor Plan
- Dwg Ref: 1249.HT.BlockA 101 Gateway Building – Upper GND Floor Plan
- Dwg Ref: 1249.HT.BlockA 102 Gateway Building First Floor Plan
- Dwg Ref: 1249.HT.BlockA 103 Gateway Building Second Floor Plan
- Dwg Ref: 1249.HT.BlockA 104 Gateway Building Third Floor Plan
- Dwg Ref: 1249.HT.BlockA 200 - Gateway Building Front Elevation
- Dwg Ref: 1249.HT.BlockA 201 - Gateway Building Rear Elevation
- Dwg Ref: 1249.HT.BlockA 202 - Gateway Building Side Elevations
- Dwg Ref: 1249.HT.BlockA 203 - Gateway Building Stallard Street Elevation

The Old Chapel Building:

- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

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

- 6 Those elements of the application subject to the outline application shall be carried out in general accordance with the design and layout principles in the following:

Dwg Ref: Innox Mills Design and Access Statement (August 2021)  
Dwg Ref: 1249.P001 Illustrative Masterplan

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

- 7 The development hereby permitted shall make provision for the following:

(a) Up to 255 dwellings;

(b) Up to 4078 sqm of commercial space;

(c) Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 6,727.3 sq m of general public open space and at least 430.11 sq m of equipped play space.

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate the above broadly in accordance with the Illustrative Masterplan (no. 1249.P.001) and the Parameter Plan (128-005).

Prior to commencement of the development, a programme, or phasing plan (in accordance with drawing No. 1249.P.005 – Phasing Parameter Plan), for the delivery and completion of the dwellings, the commercial space and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings, the commercial space and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

REASON: To ensure the creation of a sustainable development which is in character with its surroundings and in accordance with the terms of the planning application.

8 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - a. all previous uses
  - b. potential contaminants associated with those uses
  - c. a conceptual model of the site indicating sources, pathways and receptors
  - d. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

#### REASON

To ensure ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 9 Prior to any phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 11 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 12 Piling and other foundation methodologies using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 13 No development shall commence until a management plan for the treatment and monitoring of Japanese knotweed on the site has been submitted and approved by the LPA. The plan shall be submitted as agreed.

REASON

It is an offence to allow the spread of Japanese knotweed in the wild (Wildlife & Countryside Act, 1981 as amended).



- 14 No development shall commence until a detailed management plan for the enhancement of the River Biss and its corridor is submitted and approved by the Local Planning Authority, in consultation with the Environment Agency. This shall include the provision of an 8m wide buffer strip alongside all banks of the river within the site. The management plan shall be implemented as agreed.

REASON

To improve the biodiversity value of the river and its corridor, and contribute to biodiversity net gain.

- 15 No development approved by this permission shall be commenced until plans and cross-sections, to demonstrate that finished floor levels across the site are set to at least 300mm above the 100yr 35% climate change flood level, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans shall be fully implemented in any timescales agreed.

REASON

To reduce the risk of flooding to people and property.

- 16 There shall be no development or ground raising on existing land within the flood zone 3 35%cc outline as per the submitted model outputs. If ground raising or re-profiling is necessary no development approved by this permission shall be commenced until an updated flood risk model and detailed plans are submitted to, and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans and ground treatment shall be implemented as agreed.

REASON

To ensure flood risk is not increased.

INFORMATIVE - Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 17 No development approved by this permission shall be commenced until plans, drawings and cross-sections showing a vehicular access point, including a suitable ramp down to the River Biss channel, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The approved plans/drawings/cross-sections shall be implemented as agreed.

#### REASON

To allow the Environment Agency to safely maintain the River Biss channel in order to prevent any increase in flood risk to the development site and surrounding areas.

#### INFORMATIVE

- Access must be for Environment Agency vehicles via a road through the development and must be available/accessible 24 hours a day, every day of the year
- Access must be at least 5 metres wide
- The ramp gradient must have a 1 in 12 slope
- Surfacing must be grasscrete down to below-normal river level
- Edge protection fencing must be provided
- Access to the river channel should be for use by the Environment Agency only. We would prefer it to be gated off and locked with our padlock.

We would encourage the developer to work with our Asset Performance team on the details of the design at an early stage. The developer should first email Sustainable Places on [swx.sp@environment-agency.gov.uk](mailto:swx.sp@environment-agency.gov.uk) to arrange contact.

- 18 The dwellings shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change in the interests of sustainability, and to use natural resources prudently in accordance with the National Planning Policy Framework.

#### INFORMATIVE

The development should include water-efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

- 19 The development hereby permitted shall be carried out in accordance with the Parameters Plan (PP) Drawing no. 128-005. P1 (Greenhalgh, 21.12.2023). This document will form the basis for the site layout and will not be altered at Reserved

Matters without detailed justification based on additional habitat and wildlife species surveys.

REASON: To protect the ecology on the site

- 20 As Building E will be demolished under an EPS Mitigation Licence, an artificial roost has been designed into an adjacent building (Building D). This replacement bat roost in Building D which is located within the River Biss 15m buffer zone will take place prior to the commencement of demolition of the existing roost.

The lesser horseshoe and common pipistrelle bat roost will be incorporated into the development in accordance with Bat Mitigation Proposal Drwg. No. 1249.4.FBW.05 (Keep Architecture, 26/07/2021) and Appendix 4 Artificial Briefing Note of the Ecological Mitigation Strategy (Engain, 13th October 2021) or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development

- 21 The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
  - ii. A description of management responsibilities;
  - iii. A description of the construction programme;
  - iv. Site working hours and a named person for residents to contact including telephone number;
  - v. Detailed Site logistics arrangements;
  - vi. Details regarding parking, deliveries, and storage;
  - vii. Details regarding dust mitigation;
  - viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
  - ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
  - x. Details of how surface water quantity and quality will be managed throughout construction;
  - xi. Details of the safeguarding measures to deal with the following pollution risks:
    - the use of plant and machinery
    - wheel washing and vehicle wash-down and disposal of resultant dirty water
    - oils/chemicals and materials
    - the use and routing of heavy plant and vehicles
    - the location and form of work and storage areas and compounds
    - the control and removal of spoil and wastes
  - xii. Details of safeguarding measures to highway safety to include:
    - A Traffic Management Plan (including signage drawing(s))
    - Routing Plan and vehicle log and means to submit log to the Highway Authority upon request
    - Details of temporary/permanent Traffic Regulation Orders

- pre-condition photo survey - Highway dilapidation survey
  - Number (daily/weekly) and size of delivery vehicles.
  - Number of staff vehicle movements.
- xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
- Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
  - Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of TBMS zones A and B and predevelopment provision of hedgerow mitigation/ translocation along Firs Hill A361.
  - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
  - Method statement to include pollution prevention measures for construction of causeway over Lambrok Stream to minimise harm to the watercourse and protected and notable species.
  - Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
  - Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
  - Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
  - Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

Construction and demolition hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

**REASON:** To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and in compliance with Core Strategy Policy 62.

**INFORMATIVE: PRE CONDITION SURVEY**

A photographic pre-condition highway survey to be carried out and copies of pre and post condition survey to be supplied to WC.

The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

- 22 Prior to the commencement of development, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment

works, a Reptile Mitigation and Translocation Strategy shall be submitted to the local planning authority for approval.

REASON: To protect the ecology on the site.

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

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

REASON:

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

- 24 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy (adopted February 2020) are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON:

In the interests of the amenities of the area, the appearance of the heritage assets on the site, and to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

- 25 Prior to the commencement of development the buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref:

1249.P.001) shall be made wind and water tight with protection in place to prevent damage during construction.

REASON: To prevent further decay of the heritage assets on the site.

26 The buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref: 1249.P.001) shall be fitted out to a standard capable of occupation in accordance with the following timetable:

- prior to occupation of the 50th dwelling for Innox Place
- prior to occupation of the 100th dwelling for the Brewery
- prior to occupation of the 150th dwelling for the Dye House
- prior to occupation of the 200th Dwelling for Innox Mills

REASON: To ensure the heritage benefits associated with the application are delivered alongside the outline planning consent in the interests of securing the vitality and viability of the heritage assets in the long term.

27 No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) above ground floor slab level until details and samples of the new materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

28 No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until a sample wall panel/s for all new brick work, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

29 No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until large-scale details of architectural features including parapets, windows, (including elevations and sections of the windows, head, sill and window reveal details), external doors, vents and extracts, rainwater goods have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

- 30 No new signage or wayfinding shall be erected on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until details have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area, preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal, and in the interests of sustainable development.

- 31 No development on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development in the interest of visual amenity and the character and appearance of the area.

INFORMATIVE:

The central spine road on the parameter plan (128-005) is situated over a Wessex Water easement. It is shown with limited to no tree planting as a result. There are a number of ways to successfully integrate tree planting into utility wayleaves which use industry standard best practice. The Trees and Design Action Group (<https://www.tdag.org.uk/>) is a cross industry organisation that provides detailed guidance on the design of tree pits and tree trenches to successfully integrate them into the urban realm. Of particular use would be their guidance on 'trees in hardscape' ([https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag\\_tihl.pdf](https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_tihl.pdf)) along with 'Trees in the Townscape' ([https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag\\_treestownscape2021.pdf](https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_treestownscape2021.pdf)).

The Local Planning Authority would expect any detailed landscaping plans to consider tree planting within this easement in line with the advice above, unless it is demonstrated not to be feasible in consultation with Wessex Water.

- 32 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following:
- a) the first occupation of the building(s) of a particular phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)); or,
  - b) the completion of each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005));

whichever is the sooner.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased

shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping for each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) shall be carried out in accordance with the approved details prior to the occupation of any part of that phase or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development in the interest of visual amenity and the character and appearance of the area.

- 33 Prior to the commencement of development, a scheme for the delivery of public art across the site shall be submitted to and approved in writing by the local planning authority. The scheme can comprise but is not limited to, bespoke street furniture, hard surfacing materials and boundary treatments and/or stand-alone art installations, and should be reflective of the history of the site (as indicated in section 7.4 of the Design and Access Statement). The scheme shall also include a programme for delivery which should be set out to ensure public art is delivered in line with each phase of the development. The development shall be carried out in accordance with the approved scheme and programme for delivery.

REASON: To ensure an integrated approach to the delivery of public art across the site in the interests of good design and place-shaping, to enable harmonious treatment of the public realm and to respect the character and setting of the heritage assets on the site.

- 34 No development shall commence on site until a final drainage strategy incorporating sustainable drainage details has been submitted to and approved in writing by the Local Planning Authority. No phase of the development (as set out on the phasing parameters plan ref: 1249.P.005) shall be first occupied until the means of drainage for that phase has been constructed in accordance with the approved strategy.

REASON: To ensure that surface water runoff from the site can be adequately drained with no flooding on site for a 1 in 100 year plus climate change rainfall event and that the flood risk from all sources will be managed without increasing flood risk to the development itself or elsewhere.

- 35 With regards to those elements of the application in full form, no development shall commence until a plan is provided demonstrating overland exceedance flow routes overlaid onto the finalised development masterplan. The plan shall include topographical and finished floor levels in order to demonstrate that overland exceedance will be safely managed on-site.

REASON: To minimise the risk to people and property during high return period storm events.

- 36 With regards to the elements of the application proposed in full form, no development shall commence until the applicant has submitted calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment / pollution control for those parking bays that drain to the storage tank and are not designated as permeable paving.

REASON: Based on the masterplans submitted, it appears that some of the proposed parking throughout the development will not be drained via permeable paving and



this matter is required to be agreed prior to the commencement of development to prevent pollution of the receiving watercourse.

37

Notwithstanding the diversion details of the Strategic Wessex Water Sewers crossing the site that are shown on the Proposed Drainage Strategy (ref: 13310-CRH XX-XX-DR-C-5050-P5), no development shall commence until an alternative diversion route, strategy and timetable for implementation is submitted to and agreed in writing by the Local Planning Authority. The details shall include the provisions for access to the infrastructure for maintenance and repair purposes. Development shall be carried out in accordance with the agreed details, strategy and timetable.

REASON: To ensure Wessex Water's existing customers are protected from a loss of service and sewer flooding, to ensure Wessex Water have suitable access arrangements to maintain their infrastructure on site, and to ensure there is no pollution to the River Biss.

38

Prior to use commencing in any non-residential building an assessment of the acoustic impact arising from the operation of the use and any externally mounted plant shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- be undertaken in accordance with BS 4142: 2014+A1:2019; and,
- include a scheme of attenuation measures to demonstrate the rated level of noise shall be -5dB (LA<sub>eq</sub>) below typical background (LA<sub>90</sub>) level at the nearest noise sensitive location.

If the precise detail of the scheme, such as specific use or plant specifications, is not known, then likely worst-case scenarios with respect to noise impact on residential premises should be assumed. Development shall be carried out in accordance with the approved details prior to the use commencing.

Background levels are to be taken as a LA<sub>90</sub> 1 hour and the ambient noise levels shall be expressed as a LA<sub>eq</sub> 1 hour during the daytime (0700 – 2300) and shall be expressed as an LA<sub>90</sub> and LA<sub>eq</sub> 5 minutes during the night (2300 – 0700) at the boundary of the nearest residential noise-sensitive receptor.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

39

Prior to use commencing in any non-residential building that requires mechanical air extraction or ventilation systems, a scheme of works for the control and dispersal of any atmospheric emissions from them, including odours, fumes, smoke & other particulates, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development.

The scheme must include full technical details and a risk assessment in accordance with Appendix 2 and 3 respectively of the EMAQ "Control of odour and noise from commercial kitchen exhaust systems" Guidance (Gibson, 2018).

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

**INFORMATIVE:**

In discharging this condition we recommend the applicant ensures that the ventilation system discharges vertically at a height of at least 1m above the heights of any nearby sensitive buildings or uses and not less than 1m above the eaves.

- 40 Prior to occupation of the first non-residential building, a schedule of opening hours for each commercial unit on the site shall be submitted to and approved in writing by the Local Planning Authority. The non-residential uses on the site shall be operated in accordance with the approved schedule of opening hours.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 41 Deliveries and collections for all non-residential uses on the site shall be restricted to 08:00 – 21:00 Monday to Sunday (including Bank Holidays). No deliveries or collections shall take place outside of these hours.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 42 No development shall commence on site until an Acoustic Design Scheme for the protection of the proposed dwellings from road traffic noise, railway noise and ground borne vibration is submitted to and approved in writing by the Local Planning Authority. The Acoustic Design Scheme shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise New Residential Development (May 2017 or later versions)) to achieve the following noise limits:

- a) bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an LAmax,F of 45dB
- b) living rooms and dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
- c) external noise levels within private external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300)

The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained. For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. Should windows need to be closed to meet the noise criteria above full details of the ventilation scheme will be included with the assessment.

A post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to the LPA to a timetable as detailed within the approved Acoustic Design Scheme to confirm compliance with the approved scheme and approved in writing by the LPA. Any additional steps required to achieve compliance shall be taken, as necessary. The report shall provide evidence that the approved Acoustic Design Scheme has been fully implemented.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

**INFORMATIVE:**

A good acoustic design process should be followed to ensure that the internal noise criteria are achieved with windows open. Using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. When relying on closed windows to meet the internal guide values, there needs to be an appropriate method of ventilation that does not compromise the façade insulation or the resulting internal ambient noise level.

- 43 Notwithstanding the submitted details, no works shall commence on site until details of the Railway Station access road have been submitted to and approved by the Local Planning Authority. The road shall be no less than 6.5m wide with segregated footway/cycleway provision as necessary in broad compliance with the 'main road' detail within the submitted masterplan. The details shall include full construction and geometric details including vehicle swept path analysis for a 11.3m refuse truck and Coach Rail Replacement. Prior to occupation of the first dwelling unit served from the road, the road shall be completed in all respects with the approved details up to the site boundary with the railway station and maintained as such thereafter.

**REASON:** To ensure satisfactory and safe vehicular access is provided to the railway station in the interests of highway safety, highway capacity enhancement and in compliance with Core Strategy Policy 60, 61 and 62.

- 44 Prior to commencement of development full design and construction details of the proposed vehicular access shall be provided to and approved by the local planning authority. Prior to first occupation, the access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

**REASON:** To ensure a safe and sufficient vehicular access is provided in the interests of highway safety and in compliance with Core Strategy Policy 60, 61 and 62.

- 45 Prior to commencement of works a walking and cycling movement framework plan shall be submitted to and approved by the Local Planning Authority. The walking and cycling movement framework plan shall include full details of route design, construction and material treatment, with all cycle and pedestrian routes complying with current national and local guidance as appropriate. The walking and cycling movement framework plan shall consider the treatment, alignment and diversion as necessary of on-site Public Rights of Way and any necessary connectivity works to external networks, including the railway station. All routes shall be designed to accommodate all abilities, with change of level, including steep ramps or steps avoided unless agreed by the Local Planning Authority. The walking and cycling movement routes, as identified in the approved plan, shall be completed in all respects in accordance with the approved plan and maintained as such thereafter.

**REASON:** To ensure safe and convenient walking and cycling routes to the site are provided in the interests of highway safety and sustainability in compliance with Core Strategy Policy 60, 61 and 62.

- 46 Notwithstanding the submitted detail, no works shall commence on site until a strategy for Electric Vehicle charging points has been submitted to and approved by the Local Planning Authority. The strategy shall seek to avoid delivering dwellings that may not be directly served by a charging point. Prior to first occupation of each

individual dwelling unit allocated a charging point, the dwellings charging point shall be made operational and ready for use.

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

- 47 Prior to commencement of development a phasing and specification plan for a Mobility Hub shall be submitted to and approved by the Local Planning Authority. The Mobility Hub shall include as a minimum real time information for bus and rail transit, cycle parking including electric cycle charging points, electric vehicle fast and rapid charging points and car share parking bay. The Mobility Hub shall be completed in all respects in accordance with the approved specification and delivered in full in accordance with the approved phasing plan.

REASON: to ensure that a Mobility Hub is delivered in a timely manner to maximise the use of sustainable travel modes in compliance with Core Strategy Policy 60, 61 and 62.

- 48 Prior to first occupation of the first residential dwelling, a Residential Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by residents and these shall include but not be exclusive to Green Travel Vouchers, travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. Survey methods shall include but not be exclusive to the provision of Permanent Automated Traffic Counters at the vehicle access and pedestrian cycle counters at pedestrian and cyclist access points. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 49 Prior to first occupation of the first employment unit, an Employment Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by employees of the site and these shall include travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

### Listed Building Consent Conditions

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249/E/003
- Dwg Ref: Boundaries for the Application: 12149.E.002
  
- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan
- Dwg Ref: 1249.2.IMW.03 Innox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Innox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Innox Mills Works Elevations
  
- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan
- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations
  
- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

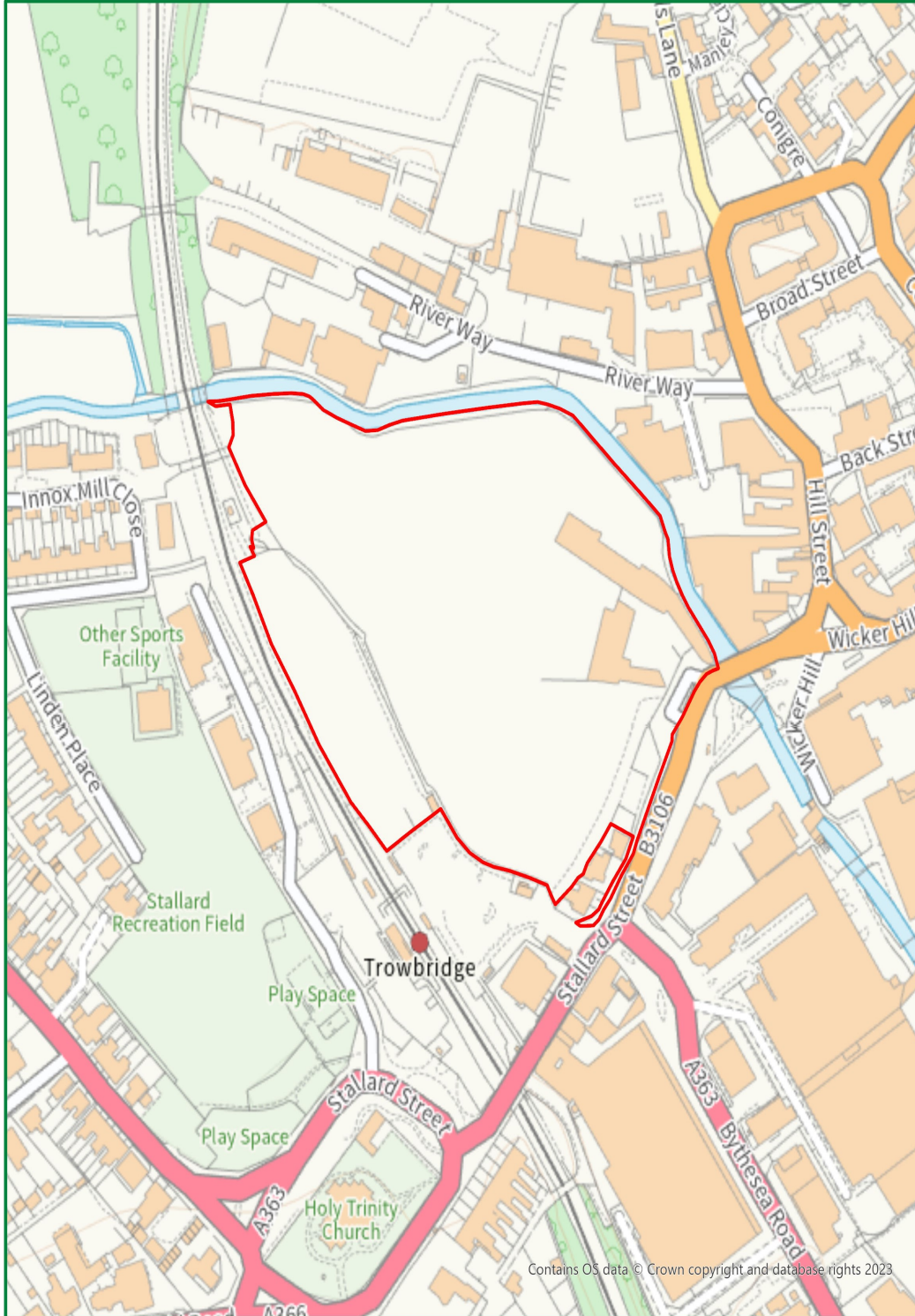
REASON: For the avoidance of doubt and in the interests of proper planning.

### Annex A: 29/11/2023 Committee report

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**Wiltshire Council**

PL/2021/08064  
Innox Mills, Stallard Street,  
Trowbridge BA14 8HH



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## REPORT FOR THE STRATEGIC PLANNING COMMITTEE

|                              |  |
|------------------------------|--|
| <b>Date of Meeting</b>       | 11 December 2024   |
| <b>Application Number</b>    | PL/2024/08255  |
| <b>Site Address</b>          | Land at former East Wing Site, Bythesea Road, Trowbridge, BA14 8JN |
| <b>Proposal</b>              | Construction of a Leisure Centre and Ancillary Works               |
| <b>Applicant</b>             | Wiltshire Council  |
| <b>Town / Parish Council</b> | Trowbridge Town Council  |
| <b>Electoral Division</b>    | Trowbridge Central - Cllr Stewart Palmen                           |
| <b>Grid Ref</b>              | 51.317793, -2.209172   |
| <b>Type of Application</b>   | Wiltshire Council Regulation 3 application                         |
| <b>Case Officer</b>          | Russell Brown  |

### Reason for the application being considered by Committee

This application is brought before the Strategic Planning Committee in accordance with the Council's Constitution in recognition that the application is submitted by Wiltshire Council (a regulation 3 application made pursuant to The Town and Country Planning General Regulations 1992); and is the subject of third-party objection.

The application is a major application and has strategic and community interest that merits a referral to the Strategic Planning Committee.

### 1. Purpose of Report

This report considers the relevant planning considerations for the above proposal, including the consultation responses and considers local and national planning policy and guidance. The report identifies the planning constraints and opportunities and considers whether this represents a sustainable form of development having regard to the social, environmental and economic dimensions of the scheme.

### 2. Report Summary

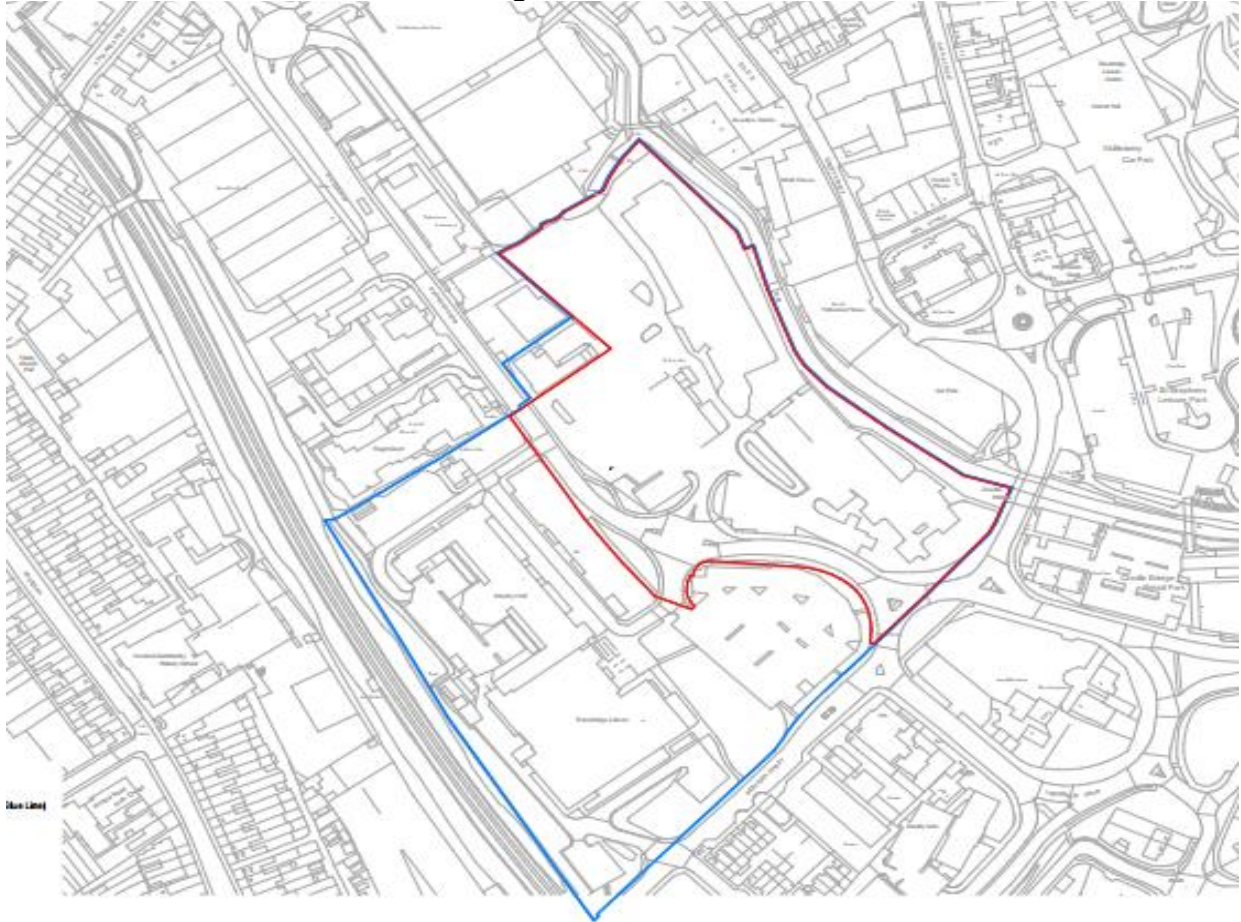
The key issues for consideration are:

- Principle of development;
- Design, scale and visual impact upon the surrounding area;
- Landscaping
- Residential amenity and relationship to adjoining properties;
- Ecology;
- Heritage;
- Drainage and flooding; and
- Highways safety issues

### 3. Site Description

The application site as illustrated below is within the centre of Trowbridge and sits opposite County Hall to the northeast.

Fig. 1: Location Plan

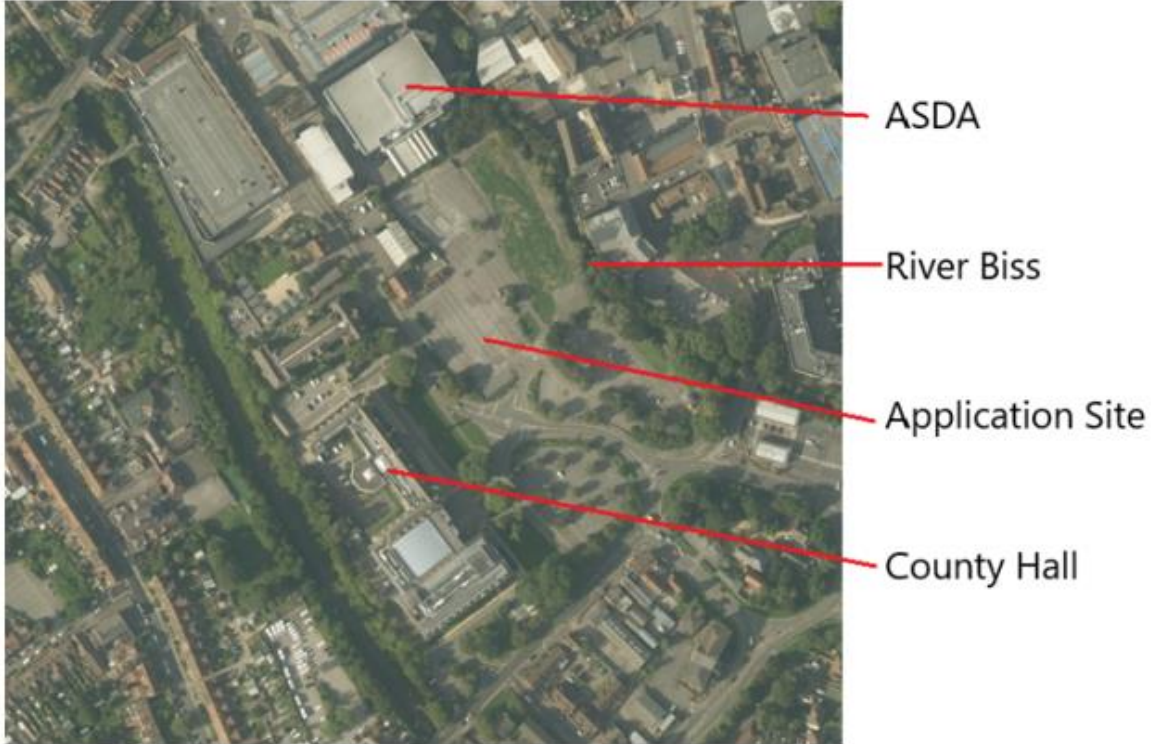


To the north of the site is the rear of the ASDA building. The northeast boundary is formed by the River Biss with tall buildings beyond, including historic former mills. The riverbank is lined with mature trees and vegetation below the tree canopy. The south and west of the site is bounded by Castle Street and Bythesea Road.

The site is outside of, but immediately adjacent to, the Trowbridge Town Centre Conservation Area. The Conservation Area sits to the northeast and includes the River Biss.

The site predominantly lies within the Grey Zone of the Trowbridge Bat Mitigation Strategy (TBMS); with the river corridor being located within the Yellow Zone of the TBMS.

Fig. 2: Aerial view showing vegetation



#### 4. Relevant Planning History

W/10/03933/REG3 – Extension and remodelling of County Hall to consolidate Library services and Registry Office into the main campus – **Approved**

15/04488/DEM - Application for prior notification of proposed demolition of East Wing Complex - **Approved**

16/05686/FUL - Provision of 93 new parking spaces – **Approved**

17/07693/OUT - Outline application for proposed mixed use development comprising the demolition of all existing buildings on site and redevelopment to include the provision of up to 690m<sup>2</sup> of retail floor space (Classes A1, A2 and A3); up to 1,100m<sup>2</sup> of restaurant/public house floor space (Classes A4/A5/AA and including the provision of ancillary staff and/or bed & breakfast accommodation the upper floors); up to 54 residential apartments (Class C3); new health facility (Class D1) of up to 4,000m<sup>2</sup> floor space; a new leisure centre (Class D2) with up to 1,800m<sup>2</sup> leisure floor space and provision of an integral energy centre within the proposed leisure facility. Provision of associated vehicular access, car parking and service vehicles access. Creation of new footpaths/cycleways across the site, new riverside walkway, public amenity space, new landscaping, removal of existing trees and replacement tree planting. Provision of new pedestrian footbridge across the River Biss, along with steps on the eastern side of River

Biss to connect into the existing riverside footpath. Realignment of existing and the provision of new drainage infrastructure. – **Withdrawn by the Council.**

## **5. The Proposal**

The proposal under this application seeks detailed planning permission to redevelop part of the Council's East Wing car park and erect a purpose-built leisure centre with associated parking, landscaping and highways works.

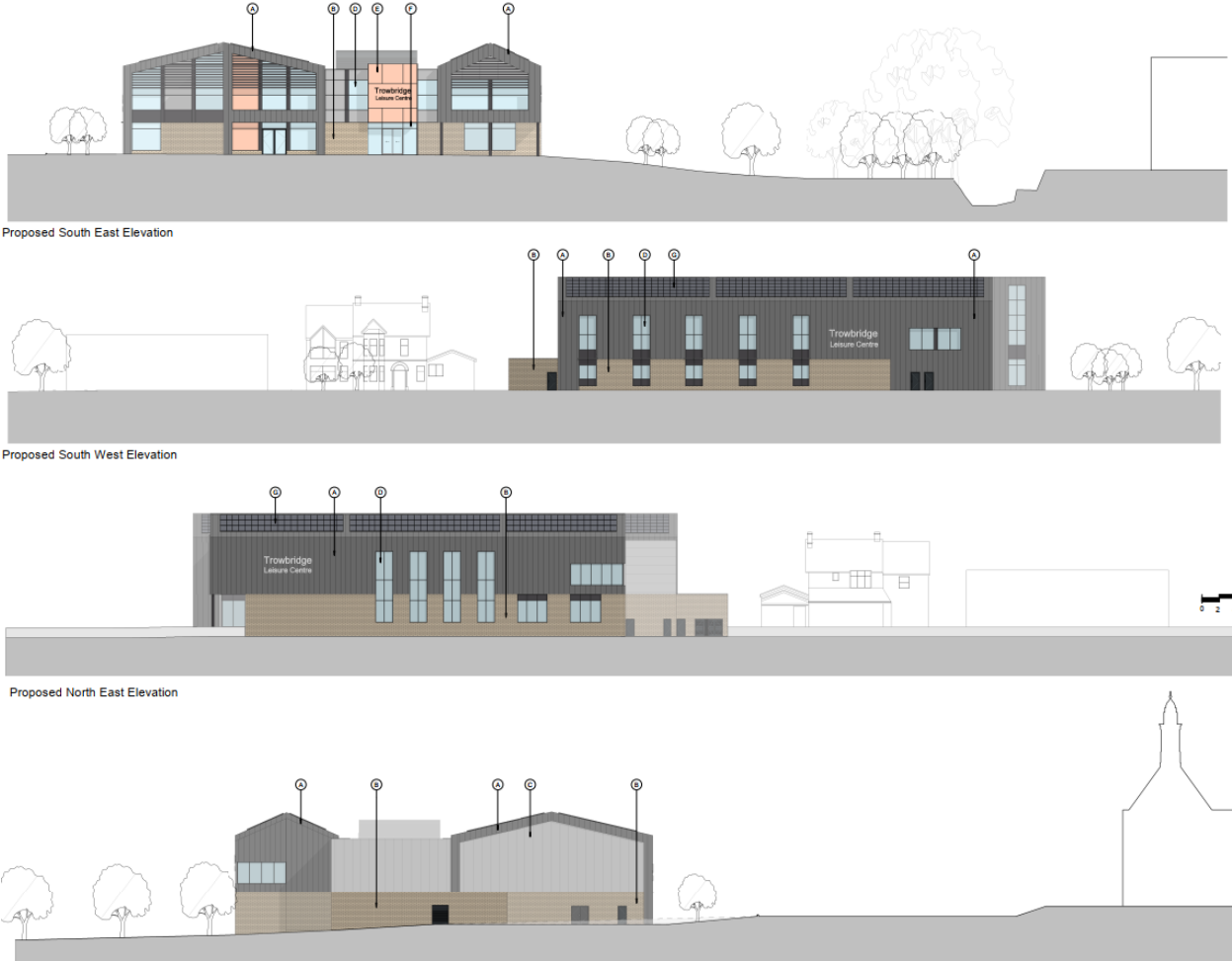
The proposed leisure centre would include the following:

- Café (up to 60 covers)
- 6-lane, 25m swimming pool with easy-going steps and pool pod
- Spectator gallery for 130 people
- Learner pool with full-width easy going steps
- Changing village
- Fitness Suite for circa 120 customers (circa 600 sq.m.)
- 1 x 3-person fitness studio, 1 x 25-person fitness studio, 1 x 30-person group cycle studio
- Live-well Fitness Suite
- Community meeting room
- Turnstiles, stairs and lifts
- Adventure Play Area



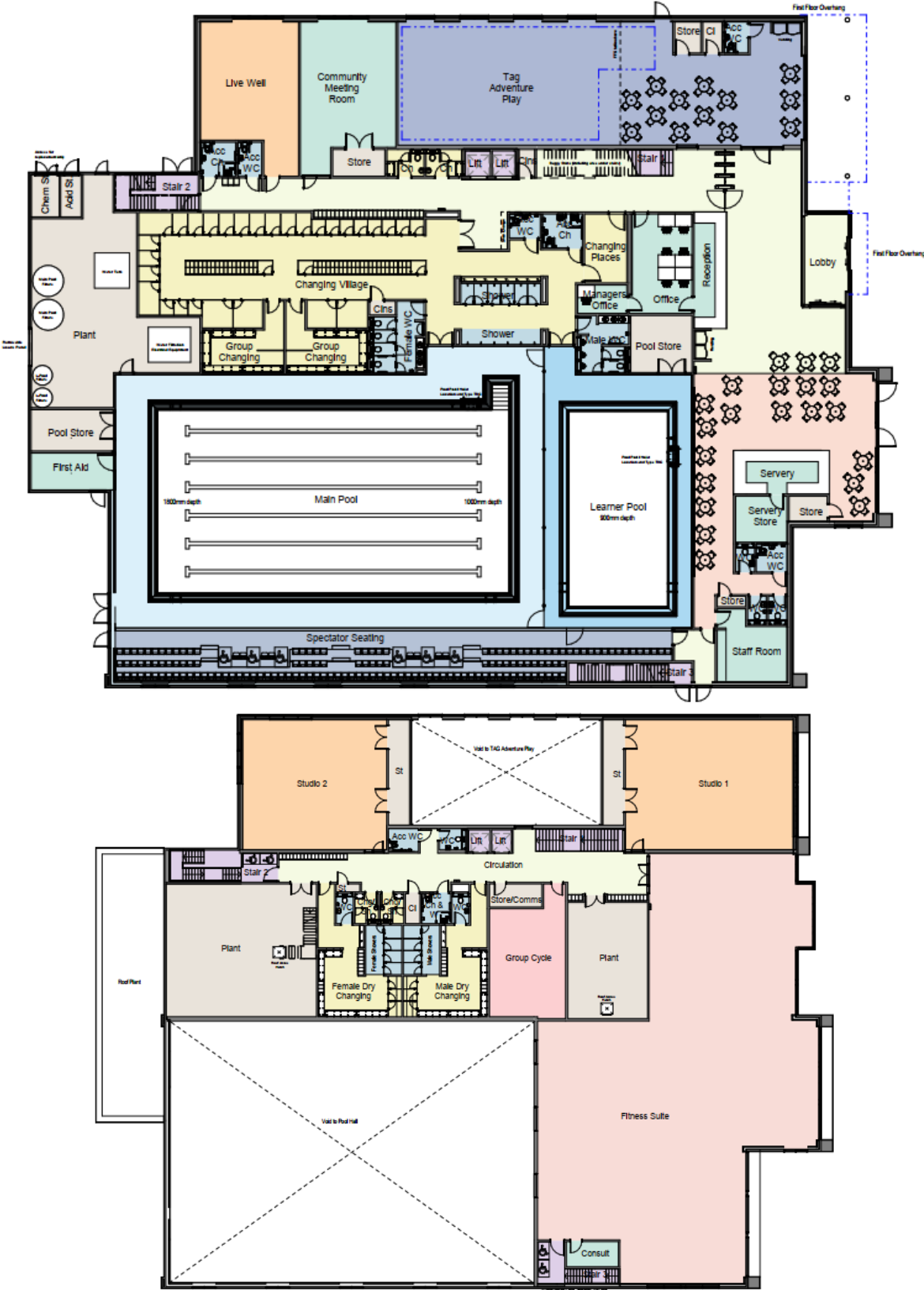


Fig. 4: Proposed elevations



The proposed floor plans (Fig. 5) reveal that the building would accommodate a range of leisure uses as well as having a café, with the layout having been carefully designed to make the best use of the space and providing the users of the facility with adequate privacy levels.

Fig. 5: Proposed ground and first floors



## 6. Planning Policy

### National Planning Policy Framework (NPPF, The Framework)

The adopted Wiltshire Core Strategy (WCS) 2015 - Relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 3: Infrastructure Requirements; Core Policy 28: Trowbridge Central Areas of Opportunity; Core Policy 29: Spatial Strategy Trowbridge Community Area; Core Policy 29: Spatial Strategy: Trowbridge Community Area; Core Policy 38: Retail and Leisure; Core Policy 41: Sustainable Construction and Low Carbon Energy; Core Policy Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 57: Ensuring High Quality Design and Place Shaping; Core Policy 58: Historic Environment; Core Policy 60: Sustainable Transport; Core Policy 61: Transport and New Development; Core Policy 62: Development Impacts on the Transport Network; Core Policy 64: Demand Management; Core Policy 67: Flood Risk

West Wiltshire District Local Plan (1st Alteration) - saved policies U1a Foul Water Disposal

### Other Material Considerations

Planning Practice Guidance (PPG)

Wiltshire Council's Design Guide

Wiltshire's Local Transport Plan 2011- 2026

Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)

Wiltshire's Community Infrastructure Levy - Charging Schedule (Charging Schedule)

Wiltshire's Community Infrastructure Levy - Regulation 123 List (123 List)

In terms of Neighbourhood Planning, Trowbridge does not have a made Neighbourhood Plan.

## 7. Summary of Consultation Responses

**Trowbridge Town Council:** No objection, subject to conditions. The Town Council welcomes the identification and future facilitation of a pedestrian link to Asda in the northern corner of the site, and the quality of the proposed pedestrian links and public open spaces along the River Biss. The Town Council requests the installation of Swift boxes within the scheme.

**Wiltshire Council Highways Authority:** No objections to providing a new public leisure centre on land currently used as staff car parking for the Wiltshire Council offices at County Hall. Due regard has also been given to the previous application proposals for the site under 17/07693/OUT, which was withdrawn.

The proposals submitted provide a new leisure centre, including swimming pools, gym, fitness studios and cafe, with a stated internal floor area of 3,948m<sup>2</sup>. Additionally, the Easternmost part of the site is shown retained as County Hall staff parking.



Additional revised details have recently been submitted in support of this application, following Highway Authority requests – with the latest information being subject to a full and thorough assessment and subsequent Highway recommendation.

### **Principle**

In highway terms, the principle of the development in this location is accepted. The history of the site should be noted, which consisted of a significant amount of office floor space, as well as a public library, all of which have since been demolished.

### **Access Arrangements**

The vehicular access arrangements to the site are to be altered, with the existing mini roundabout replaced with a four-way signal-controlled junction, with pedestrian crossing phases on every arm. The original Transport Assessment (TA) submitted lacked some justification for the provision of the signalised junction but has now clarified the reasons for the junction upgrade. The proposed leisure centre does require better pedestrian and cycle connectivity to ensure it is easily accessible for all users and the implementation of a signal-controlled junction allows for the provision of controlled crossing points. These controlled crossing points are built into the signal phases and will be demand triggered. As existing and as observed within the TA, existing crossing manoeuvres required use of the roundabout splitter islands, which was not ideal and the proposed controlled crossing points will provide a significant benefit compared to the existing situation.

It should be noted that as part of the access improvements to the site, the northern footway along Bythesea Road will be widened to a minimum of 3m across the frontage of the development site, to facilitate shared pedestrian and cycle use. This, along with the crossing improvements, will significantly aid access to the development and other destinations on Bythesea Road for active modes of travel, which is something that should be supported.

I note that alternative options have also been considered to improve the crossing facilities on Bythesea Road for pedestrians and cyclists, including standalone controlled crossing points with the retention of the mini roundabout, however, for various reasons including the lack of sufficient forward visibility, a standalone crossing location was not feasible. Having seen and considered those alternative options, I believe the proposed access arrangements do represent the best option for all modes.

Notwithstanding this, the proposed signalised junction must also be demonstrated to not represent a severe highway capacity issue on Bythesea Road and the adjacent Longfield Gyratory, both of which already experience high traffic volumes. The suitability of the proposed access works in capacity terms is considered further below.

### **Trip Generation/ Junction Assessments**

The TA has assessed the impact of the proposals in terms of vehicle trips, using actual count data for the existing use of the site and TRICS for forecast data for the proposed use of the site. The data shows that overall, the proposed use is expected to represent a net reduction in vehicle trips to/from the site across a 12-hour daytime period, with less trips

in the AM peak period and a similar number of trips in the intervening daytime period and the PM peak period. I am content that the methodology used to determine this is robust.

The data has also been used to compare the proposals with the previous leisure centre proposals under application 17/07693/OUT and as a result of the previous application containing additional mixed use proposals, the likely vehicular trips were significantly more than that now forecast for these latest proposals. Additionally, whilst data has not been provided for the historical use of the site as offices and a public library, my perception is that those historical uses could have generated even more traffic than the existing use of the site and thus, the proposed use of the site.

Notwithstanding this, the access is changing significantly with a new four-arm signal controlled junction now proposed. Whilst the overall number of vehicle trips to the site is unlikely to increase significantly, the change in junction treatment necessitates a full capacity assessment of both the site access and also, the impact to the nearby Longfield Gyratory.

Both the site access and the gyratory have been assessed using LINSIG and the data has been subject to a 5-year growth period using TEMPRO, which is an industry standard methodology. The site access itself, as expected with the overall reduction in vehicle trips to the site, is shown to operate within capacity in the 2029 forecast scenario.

Likewise, all arms of the Longfield Gyratory are shown to operate within capacity in the 2029 scenario and whilst a few arms are starting to approach saturation, this is unlikely to be a result of the development. What was a concern for this Highway Authority was the backing up of traffic at the new signalised junction towards the gyratory, however, this is shown to create a maximum queue length of 6 vehicles to the East of the new junction and this confirms that no queue is expected to back-up on to the gyratory itself.

What is important to note is that these trip and junction assessments have been designed for a worst-case scenario and included a pedestrian crossing phase on every arm in every cycle. The reality is unlikely to result in so many crossing phases, but it demonstrates that the methodology used in assessing these junctions is robust. It also demonstrates that the new signalised junction could be implemented as a standalone junction, without being linked to the gyratory signals. Currently, the signal equipment in use on the gyratory would not allow the new junction to be linked, however, Wiltshire Council also have a planned upgrade of this equipment in the next 12 months, and this would thus allow the equipment to be linked at that time. Whilst the timescales for construction of the proposed development cannot be confirmed currently, I understand that the development related highway works, and the gyratory signal upgrade is intended to be delivered together if possible. The linking of the two junctions will further ensure that no detrimental impacts from the new junction will occur at the gyratory.

I am thus satisfied that the proposed access and highway works represent a net improvement for active modes, whilst also ensuring that no highway safety or highway capacity issues are created. The highway works, including the new signal junction,

footway/cycleway improvements and bus stop relocation would normally require the applicant to enter into a S.278 Highways Agreement, however, as the developer in this case is Wiltshire Council, discussions will be held internally about the best way to deliver these works.

### **Non-Motorised Users (NMUs)**

As already touched upon, one of the primary considerations of these proposals should be that of access to, from and through the site by sustainable modes of travel, in particular walking and cycling. Permeability of the site with the surrounding area should be a primary consideration in terms of site layout, with both existing and likely future desire lines highlighted. The site does include the improvement of the northern footway on Bythesea Road to a 3m wide shared use path, which is welcomed and has confirmed that it will fund the relocation of the East-bound bus stop on Bythesea Road to enable improved waiting facilities to be provided. The proposed bus stop location is not shown on plan but should form part of the proposed access/highway works. I would expect the bus stop to be located in the South-West frontage of the site. This can be agreed at a later date.

I note the various pedestrian routes within the site, which provide a more attractive route to Castle Street/the Town Centre and safeguards future River Biss crossings to the North and West. Whilst it is disappointing that the potential river crossings cannot be delivered alongside these proposals, the complexity and costs of doing so is noted. Safeguarding the potential for these links is welcomed, as this would be considered to aid permeability of the site and promote active travel. The proposals as submitted do however appear to compliment and connect to the ongoing Future High Streets Fund schemes and the Trowbridge Local Cycling & Walking Infrastructure Plan (LCWIP).

In terms of cycle parking, it is pleasing to see both short and long-stay cycle parking options proposed, with a total number of 61 spaces in total. Sheffield style stands will be provided at the front of the building near to the entrance and a cycle hub will provide further parking to the rear of the building. The provision of 61 cycle parking spaces exceeds WC's minimum requirements for a development on this scale.

To compliment the active travel infrastructure, a site travel plan will be required. I note that a Framework Travel Plan is provided in the submission, which is considered adequate, and a full travel plan will be required for approval prior to the site being brought in to use.

### **Car Parking**

The submission shows 112 car parking spaces are proposed, including 7 blue badge and 13 electric vehicle charging spaces. Wiltshire's Maximum Car Parking Standards requires the development to provide up to 145 car parking spaces, when the appropriate sustainability discounts are applied. Whilst the proposals provide less than this number, the TA has produced a parking accumulation study based on the TRCIS trip data (accepted above), which states that a maximum of 57 spaces are likely to be used at any one time.

In addition to this, the TA has assessed the Melksham Campus site as a comparison. Whilst the Melksham site is significantly larger and has other uses than that proposed, the

car parking ratios have been factored accordingly. Based on the surveyed occupation of parking spaces at Melksham (61% max occupancy), the Trowbridge site is expected to have a maximum occupancy of 53 spaces. The Melksham Campus has a parking provision equivalent to 1 space per 46m<sup>2</sup> of internal floor space for all uses and applying the same ratio to the Trowbridge site would require 86 parking spaces.

Therefore, based on the evidence provided, I am happy to accept the provision of 112 car parking spaces for the development, especially as other local public car parks are within close proximity and parking is restricted on the local highway network. I note that the parking will be restricted to 3 hours, which is in line with other nearby car parks.

What is acknowledged within the submission, is that the proposals will represent the loss 266 car parking spaces for staff based at the Wiltshire Council offices at County Hall. This is a significant number, and the TA includes a full assessment of this loss and a 'Parking Strategy' for how this will be managed. Wiltshire Council thus intend to provide the equivalent number of lost parking spaces by changing the existing use of existing car parks at County Hall, as well as extending staff parking permits to other Council run public car parks in the town. This would thus result in no net loss of parking provision for staff at County Hall.

Despite this, whilst the loss of existing staff car parking may create concern for Wiltshire Council staff and potentially the public/nearby residents, it is important to note that currently, the County Hall campus far exceeds the Maximum Car Parking Standards for this use class in planning terms. Ultimately therefore, any tensions and issues created by the displacement of car parking associated to County Hall will need to be managed by Wiltshire Council as an employer. The 'Parking Strategy' is a welcome inclusion in this submission, but I am aware that the County Hall complex does not currently benefit from a Staff Travel Plan and as a result of the significant change in car parking arrangements at the site due to these development proposals, I view the implementation of a County Hall Staff Travel Plan to be essential to mitigate the impacts of the development.

### **Internal Layout**

In terms of the internal layout, the internal road network and car parking layout appears sensible, with 5.5-6m wide vehicle routes and 2m wide pedestrian routes. The location of the drop-off and disabled parking spaces are not ideal, as they would be better located to the front of the building. However, as the building fronts the site access, having parking in this area could create conflict and so they are acceptable as shown.

The swept paths for a Refuse Collection Vehicle and a coach are welcomed. Whilst the 'U' turn required by the coach is tight, it is shown to be achievable.

The Easternmost part of the site, which is shown as WC staff parking, is shown as a simple priority junction, which is sufficient, however, consideration should be given to ensure suitable visibility is available and provision of signage to ensure leisure centre users do not use this area. Signage should also be considered for the coach parking area.

## **Conclusion**

Therefore, on the basis of that submitted and as discussed above, the proposals would not present an unacceptable highway safety issue, and nor are they likely to create a severe highway capacity issue.

The proposals include adequate means of mitigation, with improvements to pedestrian and cycle infrastructure in the vicinity, as well as a site Travel Plan and bus stop improvements. The proposals have also been demonstrated to provide adequate provision for car and cycle parking.

Therefore, no Highway objection is raised, subject to conditions and informatives being attached to any consent granted.

**Active Travel England:** No comments made as the proposal does not meet the statutory threshold.

**Wiltshire Council Drainage Authority:** Supportive subject to conditions. The application is supported by a Site-Specific Flood Risk Assessment (FRA).

**Environment Agency:** No objections following the submission and review of a revised FRA. The EA concur with the findings of the revised FRA and raise no concern subject to planning conditions and informatives.

**Wiltshire Council Arboricultural Officer:** No objection in principle. The design of the site is considered acceptable from an arboricultural perspective, but some concern was expressed regarding the tree protection within the root protection area (RPA) of the trees labelled T10 and G6 along the River Biss, pursuant to the proposed installation of the proposed river walk once the hardstanding has been removed.

[officer note: revised information has been submitted to deal with this issue in greater detail]

**Wiltshire Council Climate Team:** Supportive in principle, subject to conditions. Climate change is central to the development plan since its adoption in 2015, with the Council's adopted Climate Strategy (2022) setting the framework for reducing carbon emissions in Wiltshire and making the County resilient to climate change.

The NPPF states that planning needs to shape places in ways that contribute to radical reductions in greenhouse gas emissions.

The Climate Team was heavily involved with this Council project prior to the planning application being lodged, and the approach taken is consistent with the Council's acknowledgement of the Climate Emergency and commitment to reach carbon neutrality by 2030.

It is also consistent with the Council's Environment Policy aims to ensure new builds are as close to operational net zero as possible, incorporating climate change adaptation measures and encouraging the use of active travel.

At the time of writing, in planning policy terms, the development plan requires:

- A sustainable energy strategy that demonstrates a low carbon approach
- Relevant BREEAM 'Excellent'.

The application includes a sustainable energy strategy that exceeds current planning policy requirements (as set out within WCS CP41). Whilst operational net zero is not possible, the approach manages the energy hierarchy, and includes ASHPs, and total roof coverage of solar PV panels.

**Wiltshire Council Conservation officer:** Supportive, subject to conditions. Historic assets to be considered include the non-designated County Hall located to the south-west of the site across Bythesea Road, as well as a number of grade II listed buildings to the north-east of the site, namely Castle Factory, Brick Mills and the angled mill on Mill Street, Grade II Longfield House is also located nearby being centrally nestled on the Longfield roundabout to the south-east and is well screened from the application site.

The Trowbridge Conservation Area extends from the town centre across the river and into the north-east edge of the site.

#### Significance of assets and contribution of setting

The site has remained undeveloped until relatively late, with only some early C20 piecemeal speculative residential development emerging alongside the road; Rothermere House and the semi-detached properties of the Amber Foundation the earliest examples which remain extant. The 1980s reconfiguration of the road to create the ring road swept away other dwellings to the east. The former Cradle Bridge Mill bedding factory, and the 'Civil Defence Depot' have also since been demolished with the site left largely vacant and in temporary car parking use pending development.

Longfield House, sited on the roundabout to the south-east, has lost its context due to the road development now entirely enclosing and well-screened to mitigate traffic impact. This means only a small, enclosed area and wall contribute to its significance as a remnant of its garden setting, and development to the wider area would have little further impact on its understanding. As such, Longfield House is not considered further.

County Hall sits to the south-west and is a prominent and significant example of postwar municipal architecture and should be considered as a non-designated heritage asset.

The Conservation Area includes a number of listed mill buildings to the northeast of the river as remnants of Trowbridge's wealthy industrial past, demonstrating their immediate relationship with the river and continue to aid the understanding of the history and development of the town.

Recent years have seen a push to improve the quality and biodiversity of the riverside environment to contribute to the aesthetic value of the area and wellbeing of residents.

Views across the site and between heritage assets were previously limited but with recent demolitions, views have opened up – fortuitous rather than designed, and are therefore of no historic significance, but do allow appreciation of the historic mills which line the river and have some value on this basis.

### Impact of Proposals

The revised scheme has been designed to reflect the character and massing of the historic mills which line the river; and their solidity and relative architectural simplicity makes sense in this context. As a result, despite its scale, the building avoids competing with the more formal architecture of County Hall.

However, the design detailing and selection of high-quality natural materials would be absolutely key to the scheme's success. Whilst some details are set out within the Design and Access Statement, the final details of actual cladding are not provided, and these can vary significantly and the quality of appearance.

The use of buff brick within the scheme is noted. However, orange toned brick is frequently used in the local mill architecture along with natural stone in a variety of finishes. As such, buff brick is not considered reflective of the area and is unlikely to provide the quality of finish required and should not be used as a cheaper alternative to natural stone. Further consideration of the material choice is recommended.

The proposed roadside edge, presumed to be lawned, would be wide enough to appear as a deliberately designed foil to the County Hall frontage. The entrance area and new plaza would improve legibility of the main entrance and hopefully would enhance the experience of the area which is currently dominated by road and traffic.

The siting of the building would also screen views of the rear wall of the Asda supermarket from through routes.

Siting the car park to the rear, would allow for the retention of views through to the listed mills, and allows space for new planting, including trees, enabling a potentially attractive and usable space adjacent to the river. This would require care and attention to detailing and mechanisms to secure implementation. It is hoped that concerns for the natural environment will be compatible with the creation of an attractive, open and accessible area from the existing off-putting riverside character.

### Conservation Summary Conclusion

There would be material heritage benefits through the delivery of the proposed community facility on this car park site which also includes some neglected and under used land (the former Chapman's building site).

Subject to appropriate detailing and landscaping, the proposals have the potential to be high quality and provide new public spaces and draw people to the area and enhance the experience of the wider area and surrounding assets.

Subject to further consideration of materials, the impact of the proposals on surrounding heritage assets would be largely positive and the requirements of current conservation legislation, policy and guidance are met and there is therefore, no conservation-based objection.

**Historic England:** No comment.

**Wiltshire Council Archaeologist:** No objection. The application includes an Archaeology Report, documenting the results of an archaeological trial trench evaluation within the proposed development footprint, with the on-site surveying taking place in August 2024. After reviewing the trenching results, the site has very low archaeological potential and there is no need for further investigations to take place prior to determination.

**Wiltshire Council Ecologist:** No objection subject to conditions. The submitted information was reviewed against various mapping of the area. The brownfield site comprises hardstanding, modified grassland, introduced shrub and ruderal vegetation, scattered trees, a line of mature trees and one building.

Whilst not within the Trowbridge Bat Mitigation Strategy area (TBMS), the site is adjacent to the River Biss which is a designated yellow coloured medium risk zone of the TBMS, representing an area of importance for bats within the Bath and Bradford Bat SAC, that is understood to be a foraging area and below bat flight-lines of horse shoe species, and as such, the application must be considered under the Habitat Regulations.

A 15m dark buffer zone for commuting/foraging bats would be provided along the River Biss, and there would be no net loss of trees within the area. New lighting within the scheme has been designed to ensure there would be no light spill on the River Biss and the submitted lighting lux levels satisfy the TBMS criteria.

The site's existing car parking use involves high levels of artificial light, and it has been confirmed that the existing on-site building; a small well sealed substation, has no potential bat roosting features.

Trees are mainly found around the site perimeter with a few internal breaks of hardstanding. Of the 9 trees proposed for removal, a large horse chestnut tree (T2) and small group of rowan (G2) are covered with dense ivy so there is low potential for bat roosting features.

The proposal includes new tree planting of 129 trees, such that a net gain tree canopy can be achieved in the long term.



It is noted that the submitted Landscape Masterplan and Design and Access Statement indicate a future bridge crossing the River Biss, however this is not part of this application and would be the subject of a separate planning application.

Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), this application is required to deliver 10% biodiversity net gain (BNG), with the Biodiversity Gain Plan condition automatically being applied if the committee is minded to grant planning permission.

This would require the submission of a Biodiversity Gain Plan demonstrating how the 10% biodiversity objective would be met.

A completed statutory biodiversity metric calculation confirming pre- and predicted post-intervention biodiversity values of the site has been submitted (including the condition assessment sheets and maps). The onsite baseline habitat tabs are accepted as being accurate based on the information submitted.

If off-site BNG is proposed, this would need to be registered as a gain site and would require a separate legal agreement.

An appropriate assessment has been completed and Natural England were consulted on 22/10/2024, and planning conditions are recommended to secure the necessary mitigation and enhancement.

**Natural England:** No comment, stating they have no specific comments to make on the proposal, and confirmed having no objection to the Council ecologist's HRA Appropriate Assessment.

**Wiltshire Police Architectural Design Liaison Officer:** No consultation response received.

**Dorset and Wiltshire Fire and Rescue:** No objections subject to a planning informative being imposed relating to appropriate access, water supplies, and commercial sprinkler protections.

**Wiltshire Council Public Open Space officer:** No objection. The proposals comprise an urban setting and would not affect any existing public rights of way, and there are no requirements for improvement to the network. With regard to the riverside walk, and links to this, these are not recorded public rights of way.

**Wiltshire Council Public Protection Team:** Supportive, subject to conditions.

On noise, the applicant submitted an Environmental Noise Assessment (Hydrock, dated 30 August 2024) that identifies 2 nearby noise sensitive receptors; NSR 1 and 2 highlighted in the excerpt below.





NSR1 has various commercial uses and provides homeless assistance including temporary residential accommodation. This building is on the busy Bythesea Road with traffic noise being the predominant noise source.

NSR2 relate to residential properties in a town centre location.

Attended and unattended noise monitoring has taken place. Location ML1 (as shown in blue on the excerpt on the previous page) was used as a representative location to obtain background noise levels away from traffic noise, with AL1 being used to determine traffic noise from Bythesea Road.

The monitoring identified that any installed plant would need to achieve a rating level of 5dB below the typical background level at the existing NSR's, in line with Public Protection recommendations, to ensure localised amenity is not affected.

The building is proposed to be mechanically ventilated with internal housing of plant to assist in reducing noise emissions. The report suggests additional mitigation measures to comply with the design rating levels, such as switching plant off and operating at reduced levels during quieter periods or using acoustic louvres.

Provided plant is chosen and designed to ensure a rating level of 5dB below background levels, and in conjunction with recommendations set out within the noise report, no detrimental impacts to existing residential amenity is considered likely.

On contaminated land, the Council's Public Protection team support the proposed measures.

**Sport England:** Confirmed the following:

*"Following our response on 11th October objecting to the above application, we have since received further information from the Council detailing the supporting evidence which assesses the need for the facilities. This includes work undertaken using Sport England's Strategic Outcomes Planning Guidance (SOPG) as well as a Leisure Needs Assessment (2021).*

*"This information provides detailed analysis and assessment work which considers the outcomes; characteristics and need for the facilities including consultation and engagement with the community and other partners/stakeholders.*

*"Sport England is satisfied that this work supports the need for the new facilities and the approach taken which identifies that the application is intended as replacement for existing facilities: Trowbridge Sports Centre and Castle Place Leisure Centre.*

*"On that basis, Sport England is content to withdraw our objection and to amend our position to that of support for the application. We consider that it is capable of meeting our planning objectives and Planning for Sport principles."*

**Wiltshire Council Waste Team (Refuse and Management):** In recognition that no residential properties are proposed, no waste related s106 contributions are required. The waste requirements would however fall under commercial collections and the following advisory note applies:

Non-residential premises require suitable storage space for waste containers that is accessible to a refuse collection vehicle (RCV).

**Wessex Water:** No comments provided.

## **8. Publicity**

The application was publicised by individually posted notification letters sent to neighbouring/properties within close proximity of the application site as well as the display of site notices. As a result of this publicity, four representations have been received, one of which objects to the scheme, and three submitted mixed comments. The representations have been summarised as follows:

**The objection representation raised the following points:**

**Trowbridge Civic Society** Objects to the scheme on the following basis:

Whilst investment in the town through the provision of a leisure centre, aspects are disagreed with, with an overall mixed response, with concerns that the development would detract rather than enhance the overall contribution to Trowbridge.

- The scheme should have a residential element
- A more creative use of the site, enabling access to the River Biss, with an outdoor café extension would be an attractive feature and contribute to the improvement of the river corridor.
- Disappointing building massing and use of materials, with the external design lacking legibility or regard to local distinctiveness.
- The proposed structure seems to turn its back on the iconic neo-classical County Hall.
- The outside areas present as a disjointed assemblage of parking spaces that lack connectivity to the riverside footway on the far side of the River Biss.

In addition, the three separate third party mixed responses highlighted the following:

Whilst supporting the development in principle, the design is not appropriate to the surrounding area, the stone façade of County Hall or the Brick Mills. Whilst inspiration from the County Hall extension is acknowledged, this is only on one elevation and does not add value to the character of Bythesea Road, which was once a row of bath stone cottages.

The proposed 4-way junction should deliver traffic improvement, but sensors would be required to avoid artificially impeding traffic flow outside peak use hours and would require careful synchronization with the Longfield Gyratory and the gateway car park.

When appraised against the adopted Wiltshire Core Strategy, the design should be revisited so that the building adds to the character of the town centre, linking design elements from the brick mills to the County Hall's grand frontage. Whilst costing more, it would boost the town's image and make the area more attractive.

**Salisbury and Wilton Swift Group:** Commented as set out below and signposted relevant guidance which can be secured as a planning informative.

The RSPBs Swift Mapper identifies small colonies of swifts in the vicinity. Wiltshire Council supports swift nesting provision as per the emerging Local Plan and encouragement of Critical Species.

It is therefore disappointing that the Ecological Impact Assessment recommends only two bird boxes, without specific swift nesting provision. Various external boxes are available and can be colour matched to building fabric. Ideally nesting provision should be on the north, east and west elevations, clear of windows, with clear flight access and no protruding

ground floor roofs. It is recommended that the inclusion of at least 20 swift nests be conditioned and evidenced for the subsequent discharge of condition stage.

A single third-party comment received in support of this application, stated that the development would provide much needed resource for a growing town. The projected impact upon the existing swimming pools in Trowbridge and Bradford on Avon was also raised.

## **9. Assessment**

### **9.1 Principle of Development and Public Engagement**

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

Adopted Wiltshire Core Strategy (WCS) Core Policy 28 identifies numerous sites within central Trowbridge as a priority for regeneration; and this site forms part of one of the priority sites (referred to holistically as the East Wing) with the site being identified as suitable for "*comprehensive regeneration supporting high quality, vibrant, mixed use development*".

CP28 requires that new development at this location should be of high-quality design and sustainability standards, including exemplary public realm and strong pedestrian and sustainable travel linkages.

Following a lengthy engagement with the commissioned architects and a wide range of professionals the Council's project team advanced with a designed scheme that will deliver a significant community facility on the edge of the town centre and make an efficient use of the existing car park and some derelict land to bring about positive public realm, heritage and environmental improvements.

The proposal has also been predicated on delivering a landmark building along one of the key routes into the town centre and with highway improvements, the scheme would improve way-marking and bring about tangible betterment along the riverside and to create a new public space centred along the river Biss.

Separate to the application's publicity exercise the Council's planning service completed, the Council's project team and architects completed a series of public consultation events, and with the support of the Council's development management team, the application was also exposed to a design review panel appraisal which was completed by Design West (which section 9.2 refers).

The public engagement events were very well attended with 962 people either completing a questionnaire at the event or online and provided feedback on a range of questions from people's exercise levels, what type of leisure use they would use, and how they would travel to the site.



The feedback was collated and presented within the submitted Statement of Community Involvement that supports the application and outlines the community engagement and the consultation outcomes which were overwhelmingly positive and supportive.

In summary, the key findings of the community involvement identified the following:

**Activity Levels and Patterns** – A very high percentage of people would like to be more active – 89% in Wiltshire– the challenge is moving them from being aware of the benefits of physical activity and wanting to do more activity, to actually start doing it.

**Leisure Centres and Health Clubs** – For those that used a leisure centre, the activity participated in the most was swimming (lane or family swimming sessions) at 31%, followed by use of the gym at 21% whilst 13% attended fitness classes in the studio.

**Barriers and Encouragement Factors** – In terms of barriers to being more active generally, and specifically using existing facilities more, access to good quality facilities with an improved range of equipment/facilities was identified as the key barrier that needs addressing.

**Active Travel** – Nearly half of the sample public responses said that they would move from current travel method to walk or bike more, and the key to encouraging this would be improved lighting, dedicated cycle paths and cycle training. 33% said safety was a consideration when thinking of walking more.

WCS Core Policy 38 seeks to ensure that leisure facilities are located at the most central site available. The proposed location is within the central part of Trowbridge, between County Hall and library to the south, and the retail centre to the north. The new leisure centre would be located within a highly sustainable location and the proposal therefore accords with this policy.

WCS Core Policy 36 also supports this application proposal as a brownfield redevelopment within a Principal Settlement. This policy seeks to enhance the vitality and viability of the town centre by introducing a range of active uses that complement the existing town centre, and officers recognise the scheme would have significant potential to maximise existing economic synergies created from the redevelopment of the St Stephens Place and the former Peter Black sites.

This leisure centre would further connect the retail and park areas of the town centre to the library and municipal uses of County Hall. This connection would be further aided by the active travel infrastructure within the proposed scheme, which will be discussed later in this report.

The above aims are also echoed by the NPPF, particularly paragraphs 90 (a) and (d), 96 (c), and 97 (a).

**The proposed leisure centre and associated works is supported by officers in principle when tested against the adopted WCS and NPPF. The following sections appraise the application proposals in detail starting with design.**

#### 9.2 Design, scale and visual impact upon the surrounding area

Adopted WCS Core Policy 57 requires a high standard of design in all new development and states that development should respond positively to the existing townscape and landscape in terms of building layout, built form, height, mass, scale, building line, plot size, design, materials and streetscape.

The proposal has been subject to officer assessment as well as being opened up to a multiple design review process (DRP) with Design West Wiltshire – who completed their review confirming the following:

*“Overall, the panel is supportive of the progress that has been made in the positioning, entrance location and landscape setting of the building, as well as the active travel measures and town centre links being increasingly integrated into the design”.*

As with many planning applications, this proposal has followed an iterative process in terms of progressing toward a finalised designed scheme which satisfies the project team’s aspirations in delivering a high-quality public asset on a prominent site and positively regenerate a significant part of a site that is used as a car park, and in part, has no current active use.

The scheme design has materially evolved from pre-application stage to the final proposal and the comments and recommendations of the DRP were taken on board and strongly informed the scheme – with the following quotation set out within the supporting Planning Statement:

*“This extensive design process has resulted in a building that has been designed with high-quality robust materials including glazed façades to deliver active frontages and a ‘shop front’ ‘showcasing’ the main activity areas inside the Leisure Centre. The external glazing also provides natural surveillance of extended areas to help generate a safe and secure environment for staff and customers to use and enjoy the new Leisure Centre and surrounding landscaped site. The overall design of the building has been influenced by the prominent industrial heritage found within Trowbridge in terms of the form of the building and the materials palette, a design principle that was supported by the design review panel (DRP).”*

*“The prominent entrance elevation appropriately addresses County Hall and delivers a bold gateway design to frame the entrance to the northern section of Bythesea Road. The main entrance leads to an open foyer with views of the activities on offer within the Leisure Centre. The site plan has been heavily influenced by the requirements to create a civic space in front of and around the new building. The main civic space in front of the building draws together all the routes through the site and the wider connections along the River*



*Biss and to the town centre, as per the aims of Core Policy 28 and the request contained in the feedback provided by the DRP.”*

Having engaged positively with the Council’s project team and the appointed architects and advisors, planning officers have concluded that the proposed development satisfies the relevant Core Strategy policies and commitment to delivering a high-quality public asset set within three coherent, yet distinctive parkland settings referenced as a green plaza, car park and riverside which would have significant tree planting to create a people friendly environment.

At present the site is a brownfield site used for car parking and does not contribute to a high-quality environment as illustrated by the following site photos.

Fig. 6: Existing Site Entrance and Interior Photographs











The proposed leisure centre would front Bythesea Road and would create a visually prominent focal building that draws together local references in terms of scale, design, and materials.

Fig. 7: Visuals of the proposed leisure centre



The revised scheme has been designed to reflect the character and massing of the historic mills which line the river; their solidity and relative architectural simplicity makes sense in this context. As a result, despite its scale, the building avoids competition with the more formal architecture of County Hall.

The proposed materials comprise aluminium standing seam cladding with a brick base, with additional composite cladding and large glazed sections. When combined with the scale of the building this is an appropriate design response to the locality. The position of the building would be well related to the neighbouring buildings.

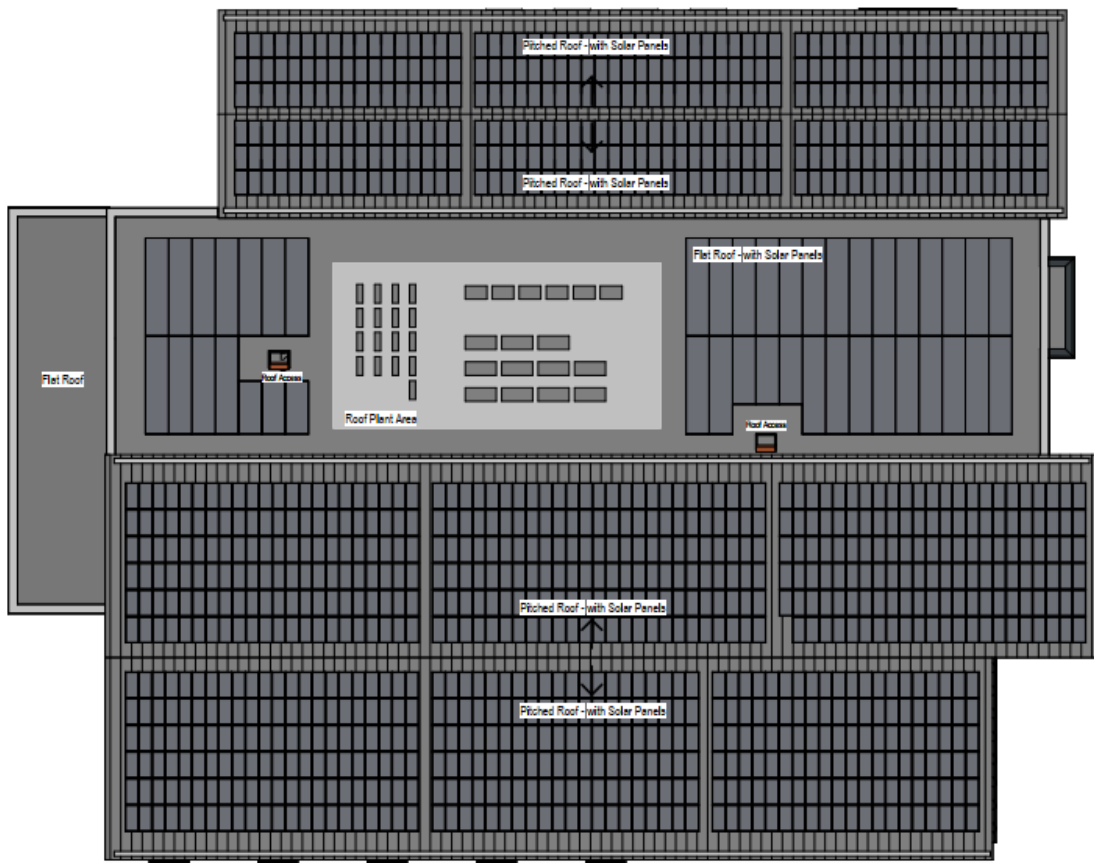
The use of buff brick has been raised as a concern; however alternative materials such as orange brick has also been put forward. If Cllrs are minded to support this application, the

finalised materials can be suitably controlled by a planning condition to ensure that the materials palette is high quality and deliver the policy expectations.

For the above reasons, officers are satisfied that the proposed building, along with its landscaping, would deliver a high-quality new development that would have some mill architecture references, but would be an honest modern form of architecture that would read as being consistent with the redeveloped St Stephens Place and former Peter Black sites, and would contribute to the vibrancy and vitality of the town centre.

In terms of sustainable construction, WCS Core Policy 41 seeks to ensure that new development incorporates design measures to reduce energy demand. All non-residential development is required to achieve BREEAM Excellent standards. As presented, the proposals demonstrate an approach to energy that would exceed the Council's planning policy requirements. Whilst operational net zero is not possible, an approach has been taken that accords with the Energy Hierarchy, would be highly efficient, and avoids the use of fossil fuels through the use of air source heat pumps, and producing its own energy through near total roof coverage of solar PV panels as shown below.

Fig. 8: The Proposed Roof Plan showing extent of solar panels



The measures taken would result in energy savings of around 70% over and above the minimum building regulations and would future proof the development so that it could become operational net zero as the grid decarbonises in the coming decades.

Furthermore, decisions on operational carbon have been considered in tandem with embodied carbon meaning that a holistic whole life approach has been embraced.

**Officers have concluded that the proposed building in terms of its design, siting and scale would be well related to the surrounding buildings, including County Hall, and the nearby listed mills and nearby Conservation Area. The design would create a complementary structure within a part of the town that contains a mixture of historic and modern buildings, and by fronting it along Bythesea Road, it would further enhance the approach into central Trowbridge, and would satisfy the Council's Core strategy policies, design guide and NPPF.**

### 9.3 Landscaping

The existing site contains a mixture of low shrubbery, grass banks and some trees, most of which would be retained, but the site is predominantly a hard surfaced car park with some derelict land in the far northern corner.

The scheme is accompanied by a full landscaping proposal which would incorporate trees and other vegetation throughout the parking areas as well as upgrading the river corridor.

The comments from the Council's Arboricultural officer have been taken on board by the project team and architects and a revised Arboricultural Method Statement was submitted to address the issues of root protection zones, particularly where existing hard standing needs to be broken up to safeguard well-established trees.

The loss of the Horse Chestnut tree on Bythesea Road is most regrettable, but this is a necessary element of the scheme to deliver the necessary forward visibility and highway improvement works. This will be explored later in the report within the Highways Impact section.

The proposed landscaping scheme would include 129 new trees with some "feature trees" being advanced to deliver upfront landscape betterment, four of which would be close to the location of the existing horse chestnut, to compensate for the amenity value of the lost tree.

**The landscaping scheme would integrate trees and other vegetation throughout the site and would result in a positive impact in terms of visual amenity and biodiversity.**

### 9.4 Residential Amenity Impacts and relationship to adjoining properties

Adopted WCS Core Policy 57 requires a high standard of design in all new development that is required to have regard to the compatibility of adjoining buildings and uses and the impact on the amenities of existing occupants including the consideration of noise, odour and light pollution.



Predominantly, the surrounding land uses are commercial or municipal. There is a residential retirement development approximately 30m to the west at Regal Court, across Bythesea Road.

The application is accompanied by an Environmental Noise Assessment, which quantifies the existing acoustic environment and assesses both the noise levels that would be produced by the proposed development and how the external noises would impact upon the use of the development.

The Council's Public Protection team are satisfied that, subject to conditions, the development can operate without resulting in noise and nuisance to the neighbouring properties.

In terms of design and overlooking to the nearby residential building, given the separation distance involved and in recognition that the proposed windows on the southwest elevation would provide natural daylight to the swimming pool, and the absence of any first-floor windows in this location, officers are satisfied there would be no substantive overlooking concerns (see Figs. 4 and 5).

**Due to the separation distances, the position and relationship of windows to nearby housing and other neighbouring uses, the development would have no adverse impact on the amenity of neighbouring residents/occupants in terms of overlooking/ loss of privacy or overbearing impacts, and the proposal would accord with the adopted WCS, design guide and NPPF.**

#### 9.5 Ecology Issues

Adopted WCS Core Policy 50 requires all development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale, with the expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term.

Furthermore, the policy specifies that all development should seek opportunities to enhance biodiversity.

Whilst the site is not located within designated core area covered by the adopted Trowbridge Bat Mitigation Strategy (TBMS), it is located adjacent to the River Biss which is within the yellow coloured medium risk zone of the TBMS – which represents the areas likely to be of importance for bats associated with the Bath and Bradford-on-Avon Bat SAC, and takes into consideration the foraging areas and flightlines of horseshoe bat species and must therefore be considered under the Habitat Regulations.

The proposals include planting approximately 129 new trees and it is anticipated that a net-gain in tree canopy would be achieved in the long-term. A 15m dark buffer zone for commuting/foraging bats is provided along the River Biss, and there would be no loss of

trees within the area; and all the proposed lighting has been designed to ensure there would be no light spill on the River Biss and lux levels would meet the TBMS criteria.

An appropriate planning condition is recommended to secure swift boxes being included in the construction on the north-west elevation, which would require the submission of evidence to discharge the said condition prior to the development being brought into use.

In terms of Biodiversity Net Gain, the scheme as proposed would produce a 6.79% increase, which falls short of the 10% requirement. However, this shortfall would be addressed by the use of local off-site credits, which is an appropriate alternative in this particular case. In the interests of being fully transparent, the loss of the horse chestnut is the cause of the on-site deficit, but the tree removal is essential for the highway improvement works to be delivered. The Government has mandated that the BNG target shall be secured via an automatically imposed 'default' planning condition that applies to all qualifying planning permissions requiring a Biodiversity Gain Plan to be submitted to and approved by the local planning authority prior to the commencement of the development.

**The incorporation of these measures has the support of the Council's ecologist who completed an HRA Appropriate Assessment that was ratified by Natural England, and subject to the compliance and discharge of planning conditions, the proposal would satisfy adopted Core Policy 50 and the NPPF which encourages development to seek opportunities to enhance biodiversity.**

#### 9.6 Heritage Matters

The Council's archaeologist is satisfied that the completed on-site trial trenching has established that the site has a very low level of archaeological potential, and that no further archaeological work is required.

The Conservation Area follows the riverbank and along the north-east edge of this site, with the majority of the site falling outside of the Conservation Area, and no operational development taking place within it. To the north-east of the river, there are a number of listed mill buildings, including the Grade II Castle Factory, Brick Mills and the angled Mill on Mill Street.

Until relatively recently views across the site and towards these heritage assets were limited up until the demolition of the imposing modern-built Council's storage building (which was known as the Chapman's building). Following its demolition along with other associated buildings, the entire site opened up these views across to the town centre and Conservation Area. These views are fortuitous rather than designed and are of no historic significance, but they do provide an enhanced appreciation of the historic mills which line the river from a wider area, and this has some value.

The proposed siting of the leisure centre has been carefully designed to retain many of these views from within the parking areas and along Bythesea Road. The Council's Principal Conservation Officer also commented as follows:



*“There is heritage benefit from securing the positive community use of a currently rather neglected and under-used site. Subject to appropriate control over detailing and mechanisms for securing benefits such as the landscaping (the quality of materials, detailing and the accompanying landscaping will be absolutely key in the success of the project and should ideally be detailed within the initial application) the proposals have potential to be high quality and to provide new public spaces which can draw people into the area and enhance the experience of the area and surrounding assets.”*

**The materials and landscaping can be controlled by a suitable planning condition and in light of the above, the proposal would not result in any material harm to the recognised nearby heritage assets.**

#### 9.7 Drainage Matters

A site-specific flood risk assessment (FRA) has been submitted to support of the application proposal which has been revised to include additional data to satisfy the Environment Agency. The FRA confirms that the western part of the site where the proposed leisure centre would be constructed is located in Flood Zone 1, which relates to land having the least risk of flooding, whereas existing car park land to the south and east is located largely within Flood Zone 2, and would remain for such purposes with a small area along the eastern boundary in Flood Zone 3 that would not be subject to development.

The land where the leisure building is proposed is also recorded as having “no risk” of ground water flooding on the Council’s relevant mapping.

The existing site is predominantly impermeable hardstanding whereas the proposed scheme would introduce soft landscaping thus creating permeable areas that would help with surface water drainage issues.

In order to ensure that the drainage of the site is dealt with effectively, some minor releveling in the east and northeast parts of the site is required to maintain falls suitable for the proposed drainage system to positively discharge.

Various flood risk mitigation measures are proposed to deal with flooding, such as ensuring that the finished floor levels within the building are above the 1-in-1000-year fluvial flood; as well as requiring the preparation of a Flood Evacuation Management Plan and, once operational, signing up to the Environment Agency’s flood warning system.

The Council’s drainage team also required some minor adjustments to the drainage submissions to ensure that the right levels of storage etc can be achieved, which has been satisfied through revised plans.

**Following the submission of the updated FRA, the EA confirm that they have no objection drainage and flooding management approach subject to conditions.**

## 9.8 Highway/ Access/ Parking Matters

Adopted WCS Core Policy 61 seeks to ensure that all new development is capable of being served by a safe access to the highway network, and Core Policy 64 sets out to manage the demand for parking and sets residential parking standards based on minimum parking standards.

Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed car parking strategy provides enough parking for the proposed leisure centre, and the reduction in parking spaces for County Hall has been subject to a wider car parking survey and the loss of staff car parking is considered acceptable on the basis that there are sufficient Council run car parks elsewhere within the town centre and near to County Hall.

The proposal also includes a coach parking area, a drop off zone and electric vehicle charging spaces. The proposal includes secure cycle storage, connected footpaths with crossings throughout the site and along the river, as well as civic spaces around the building to promote this as a multi-use meeting space

In addition, the proposal includes active travel provisions to aid connection of the site to other town centre uses.

The junction at the site entrance off Bythesea Road would be rearranged into a 4-way signalised junction with an additional lane as shown in Fig. 9. This is the reason for the loss of the Horse Chestnut tree, and this work would require separate approval via a s278 agreement and would be fully detailed through that process.

The Highways team have confirmed that they have no objection to the scheme subject to conditions. They also confirm that the existing junction is acceptable as an access for the proposed use, and therefore the proposed junction need not be tied to the development, only the internal site arrangements need to be conditioned.

Fig. 9: Proposed New Junction Layout



The proposal also includes the potential for a new footbridge from the north corner of the site across the river to the footpath network beyond. However, it should be noted that a new bridge is beyond the remit for this application, but the layout safeguards this route for any future scheme the Council (or another party) wishes to advance.

**There are no objections to the scheme from the Council's highway team and the proposal accords with the NPPF and paragraphs 114 and 115, and local plan policies.**

### **10 Conclusion (The Planning Balance)**

Planning law requires that applications seeking planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal seeks to erect of new leisure centre on brownfield land on the edge of Trowbridge town centre and deliver a key Council aspiration of regenerating yet another priority site in and around the town centre.

Planning officers have been central to the advancement of this application along with support across many specialisms which has culminated in a finalised design that officers can fully support.

The proposed development would not harm neighbouring properties or the amenities thereof and subject to a range of planning conditions, the heritage, highway, drainage, ecological and environmental considerations and mitigation measures, the application is hereby recommended for permission.

**RECOMMENDATION: That the application be approved subject to the following conditions:**

**Conditions**

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

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

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

Arboricultural Impact Assessment (Tyler Grange, 4th September 2024), Statutory Biodiversity Metric completed by Tyler Grange (Vicky King-Cline) 4th September 2024, Construction Environmental Management Plan (Tyler Grange, 19th August, 2024), Ecological Impact Assessment (Tyler Grange, 4th September, 2024), Drawing Nos. 16262\_TSS01, 16262\_P02 received on 6<sup>th</sup> September 2024

Application Forms, External Services, External Lighting. Drawing. No. 31436-HYD-ZZ-ZZ-DR-E-9000. Rev 01. (Hydrock, 03/09/2024), Drawing Nos. 31436-HYD-00-ZZ-DR-C-7000 Rev P03, 31436-HYD-00-ZZ-DR-C-7010 Rev. P03, 31436-HYD-ZZ-ZZ-DR-E-9001 Rev. P01, 31436-HYD-00-ZZ-DR-C-7200-P01, 31436-HYD-00-ZZ-DR-C-7011 Rev P03, 31436-HYD-ZZ-ZZ-DR-E-9000 Rev. P01, 31436-HYD-00-ZZ-DR-C-7201-P02, 11120-RL-XX-ZZ-DR-A-P0401-A3-C02, 11120-RL-XX-ZZ-DR-A-P0002-A3-C01, 11120-RL-XX-ZZ-DR-A-P0001-A3-C01, 11120-RL-XX-ZZ-DR-A-F0008-S2-C01, 11120-RL-XX-ZZ-DR-A-P2300-A3-C02 received on 10<sup>th</sup> September 2024

Drawing Nos. TLC-HYD-00-ZZ-DR-C-7410 P01, SoP Plan - received on 4<sup>th</sup> November 2024

Construction Phase Plan (Issue 3) – received on 7<sup>th</sup> November 2024

Trowbridge Leisure Centre Flood Risk Assessment, Hydrock now Stantec, dated 15/11/2024, doc ref: 31436-HYD-XX-XX-RP-WENV-0001, Landscape Masterplan. Drwg.no. RL.XX.ZZ.DR.L. Rev. C03 (Roberts Limbrick, 10.09.24), Drawing Nos.

11120\_P8001-C03, 11120-RL-XX-ZZ-DR-A-P2201-A3-C03, 11120-RL-XX-01-DR-A-P2102-A3-C03, 11120-RL-XX-01-DR-A-P2100-A3-C03, 11120-RL-XX-01-DR-A-P2101-A3-C03, 11120-RL-00-ZZ-DR-A-P2001-A3-C02 - received on 15<sup>th</sup> November 2024

Document 16262\_R03b\_AMS\_19112024\_RM\_WS (including drawings) - received on 19<sup>th</sup> November 2024

Drawing Nos. TLC-HYD-00-ZZ-DR-C-7001 P04 - received on 22<sup>nd</sup> November 2024

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

### **Pre-commencement Conditions**

#### BIODIVERSITY NET GAIN

3. Prior to the commencement of the hereby approved development a Biodiversity Gain Plan must be submitted to and be approved by the Local Planning Authority demonstrating the 10% biodiversity net gain would be achieved, including the details of any secured off-site credits.

REASON: To ensure the government target for biodiversity net gain is achieved.

#### RETAINED TREES AND HEDGING

4. Prior to any demolition, site clearance or development on site, and prior to any equipment, machinery or materials being brought on to site for the purpose of the hereby approved development, the mitigation measures set out in the approved Tree Protection Plan (drawing No. 16262\_P04 Rev. B) shall be fully implemented to the area of works, and;

The protective fencing shall be erected to the construction site where works are being carried out in accordance with the approved details. The protective fencing shall remain in place for the period of the construction works and until all equipment, machinery and surplus materials have been removed from the area of the site where works are being carried out. Such fencing shall not be removed or breached during construction operations.

No retained trees shall be cut down, uprooted or destroyed, nor shall any retained trees be topped or lopped other than in accordance with the approved plans and particulars unless agreed otherwise in writing. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

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

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

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

REASON: To ensure the retention of trees on the site in the interests of visual amenity and biodiversity.

### **Post Slab level Commencement Conditions**

#### **MATERIALS**

5. No development shall proceed above slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

#### **ACOUSTIC IMPACTS**

6. No development shall proceed above slab level until an assessment of the acoustic impacts arising from the operation of all mechanical plant associated with the development including condensers, ventilation systems and air source heat pumps shall be undertaken in accordance with BS 4142: 2014+A1:2019. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise shall be: 5dB below background and is protective of local amenity.

Background levels are to be taken as detailed in Table 4 of the Hydrock Environmental Noise Assessment (doc ref 31436-HYD-XX-XX-RP-AC- 0002) dated 30th August 2024.

The scheme shall be submitted to and been approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of commissioned plant being operational within the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

### LEMP

7. No development shall proceed above slab level until a Landscape and Ecology Management Plan (LEMP) has been prepared in accordance with the Statutory Biodiversity Metric completed by Tyler Grange (Vicky King-Cline) 4th September 2024 (or as per a revised and approved version of this document) and submitted to and been approved in writing by the Local Planning Authority.

The LEMP shall include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

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

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

### DRAINAGE

8. No development shall proceed above slab level until details of the following have been submitted to, and been approved in writing by, the Local Planning Authority in relation to the surface water drainage strategy:

a) The applicant has stated flows from the western catchment will be restricted to greenfield rates, while the eastern catchment will not be restricted, just treated. To mitigate the eastern catchment of the development being detrimental in the future accounting for climate change, the applicant must ensure the eastern catchment will attenuate the effects of climate change.

b) The applicant must provide detailed cross and long section drawings of each proposed SuDS intervention, including the attenuation tank, permeable paving, rain garden, tree pits, swales, to ensure they are designed appropriately, and in line with the Ciria C753 (SuDS Manual).

c) Observing Drainage Layout – Sheet 2, as these SuDS interventions are included in water quality calculations and the drainage calculations, the applicant must confirm that SuDS interventions will be proposed as per submitted plans, or if not, resubmit all drainage and water quality calculations omitting SuDS, and provide revised surface water drainage strategy details in accordance with Wiltshire Council policy.

d) The applicant must provide details of how, in an extreme rainfall event, the surcharging from the culverted watercourse, or from a 1-in-100 year storm, will be managed safely.

e) The applicant must provide a Flood Evacuation Plan to demonstrate how safe egress and access to the building can be maintained during such an event.

REASON: To mitigate any impact from the development onto flooding and drainage infrastructure.

### SWIFT BOXES

9. No development shall proceed above slab level until details of the swift boxes, that shall be incorporated into the north-west elevation of the building, have been submitted to, and been approved in writing by, the Local Planning Authority. The boxes shall be installed in accordance with the approved plans and details.

REASON: In order to support the local swift population.

### **Pre-Occupation Condition Trigger**

### RENEWABLE ENERGY

10. The development shall not be brought into operational use until final details of the low-carbon and renewable energy technologies (such as air source heat pumps and roof-mounted solar PV) have been submitted to and been approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with WCS policies CP41, CP55 and CP57.

### LANDSCAPING

11. All soft landscaping comprised in the approved details of landscaping (drawing No. P8001 Rev. C03 and the Arboricultural Method Statement) shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.



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

### EV CHARGING INFRASTRUCTURE

12. The development shall not be brought into operational use until the electric vehicle charging infrastructure has been provided and made available for use in accordance with the approved details.

REASON: To ensure that the objectives of sustainable development set out in WCS policies CP41, CP55, CP57 and CP60 are achieved.

### HIGHWAYS

13. The development shall not be brought into operational use until the on-site access, turning areas and parking spaces (112), as well as the cycle parking facilities, have been completed in accordance with the details shown on the approved plans. Thereafter, the areas shall be maintained for those purposes for the lifetime of the development.

REASON: In the interests of highway safety.

### CYCLING

14. The development shall not be brought into operational use until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. Thereafter, the cycle parking facilities shall be retained for use in accordance with the approved details for the lifetime of the development.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car in accordance with the objectives of sustainable development set out in WCS policies CP41, CP55, CP57 and CP60.

### WATER & WASTE CONNECTIONS

15. The development shall not be brought into use until the associated connections to the public water and sewer infrastructure have been completed following an agreement being reached with Wessex Water as the statutory undertaker.

REASON: To ensure that the development is provided with a satisfactory water and waste drainage connections.

### **Compliance Conditions**

### SUSTAINABLE DEVELOPMENT CONDITION

16. The Hydrock document Sustainability Statement and Energy Strategy (ref. 31436-HYD-XX-ZZ-RP-ME-0002 - P02) explaining the low-carbon approach of the scheme taken in the technical design stages shall be complied with and, where necessary, updated/finalised.

This shall include but not necessarily be limited to consideration of operational carbon, embodied carbon, climate change adaptation and sustainable transport. Thereafter, the development shall be carried out in accordance with the agreed details.

Any update to this document shall be submitted to the local planning authority for approval in writing.

REASON: To ensure that the objectives of sustainable development set out in WCS policies CP41, CP55, CP57 and CP60 are achieved.

#### TRAVEL PLAN

17. The development hereby permitted shall be carried out in strict accordance with the following documents:

Framework Travel Plan (Document Ref. 240830/SK22386/FTP01(-02)) 4th September 2024.

REASON: To protect and maintain highway safety and to encourage sustainable travel modes.

#### HIGHWAYS AND WATER

18. Notwithstanding the submitted details, the proposed development shall not be brought into use until means/works have been implemented to avoid private water from entering the highway.

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

#### HOURS OF CONSTRUCTION

19. During the construction phase no machinery shall be operated, no process shall be carried out and no delivery shall be taken or dispatched from the site outside of the following hours; Mon-Fri 07:30 to 18:00 (no machinery to be used prior to 08:00), Saturday 08:00 to 13:00, nor anytime on Sundays or public holidays.

REASON: In the interest of neighbouring amenity

#### CONSTRUCTION PHASE

20. The approved Construction Phase Plan shall be implemented on site and fully adhered to at all times unless agreed otherwise in writing.

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

### CONTAMINATION

21. The Hydrock document Phase 2 Ground Investigation Report (Ref. 31436-HYD-XX-XX-RP-GE-1001-S02-P01) shall be complied with in full. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development [or relevant phase of development] shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The remediation and verification report(s) shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: WCS Core Policy 56, To reduce the risks associated with land contamination and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

### LIGHTING

22. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, lamp post details, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01/21, "Guidance for the Reduction of Obtrusive Light" (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night" (ILP, 2023), issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted and approved in writing to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy (adopted February 2020) are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition would only be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the

approved lighting plans, having implemented and retested any necessary remedial measures.

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

#### BREEAM

23. The development hereby permitted shall achieve a BREEAM (Building Research Establishment Environment Assessment Method) rating of 'Excellent'. Within 12 months of the development hereby approved first being brought into use a BREEAM Certificate certifying that 'Excellent' status has been achieved shall be submitted to the Local Planning Authority unless agreed otherwise in writing.

REASON: In the interests of the conservation of energy resources.

#### TREE PLANTING RESTRICTION

24. No new tree planting within 8 metres of the main river (River Biss).

REASON: To allow ease of access to the River Biss for maintenance.

#### OIL AND PETROL SEPARATORS

25. Oil and Petrol separators or appropriately approved pollution prevention measures should be applied to any drainage scheme to minimise risk of pollution from surface water.

REASON: To prevent pollution of the water environment in line with paragraph 174 of the National Planning Policy Framework.

#### **Planning Informatives:**

Highways informative:

The proposal may require a separate s278 legal agreement to secure all the associated highway works. The applicant would normally be required to enter into a S.278 Highways Agreement for the proposed highway works. However, as the developer in this case is Wiltshire Council, discussions will need to be held internally about how these works will be secured.

Drainage informatives:

In addition, a separate Land Drainage Consent is required for the discharge into an ordinary watercourse and works within an ordinary watercourse. The proposal also

requires an agreement to be reached with Wessex Water for a foul water discharge rate from the site.

The applicant should also be mindful of the Wiltshire Council Flood Evacuation Guidance: <https://www.wiltshire.gov.uk/civil-emergencies-planning-for-an-emergency-plan>

EA Informatives:

Flood risk:

This development has been proposed within an area identified as being at risk of flooding and includes the provision of car parking. The applicant should be aware that vehicles can start to float in flood depths of less than 60cm – less if it is fast-flowing. The applicant must satisfy themselves that any relevant building will be constructed in such a way that vehicles floating or displaced as a result of flooding, would not jeopardise its structural stability.

In addition, the applicant should ensure that any sensitive infrastructure such as gas and water pipes or electrical cabling are located and designed to withstand the potential impacts of floating or displaced vehicles.

Movement of waste off-site:

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes.

The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: <https://www.gov.uk/government/data/waste-duty-care-code-practice-2016.pdf>

If the applicant needs to register as a carrier of waste, please follow the instructions here: <https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales>

If the applicant needs flood risk advice or guidance please contact your local Environment Agency office.

Characterisation and classification of waste:

In order to meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments.

Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high

temperature incineration in a directive compliant facility. More information on this can be found here: <https://www.gov.uk/how-to-classify-different-types-of-waste>

Waste hierarchy:

The developer must apply the waste hierarchy as a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here:

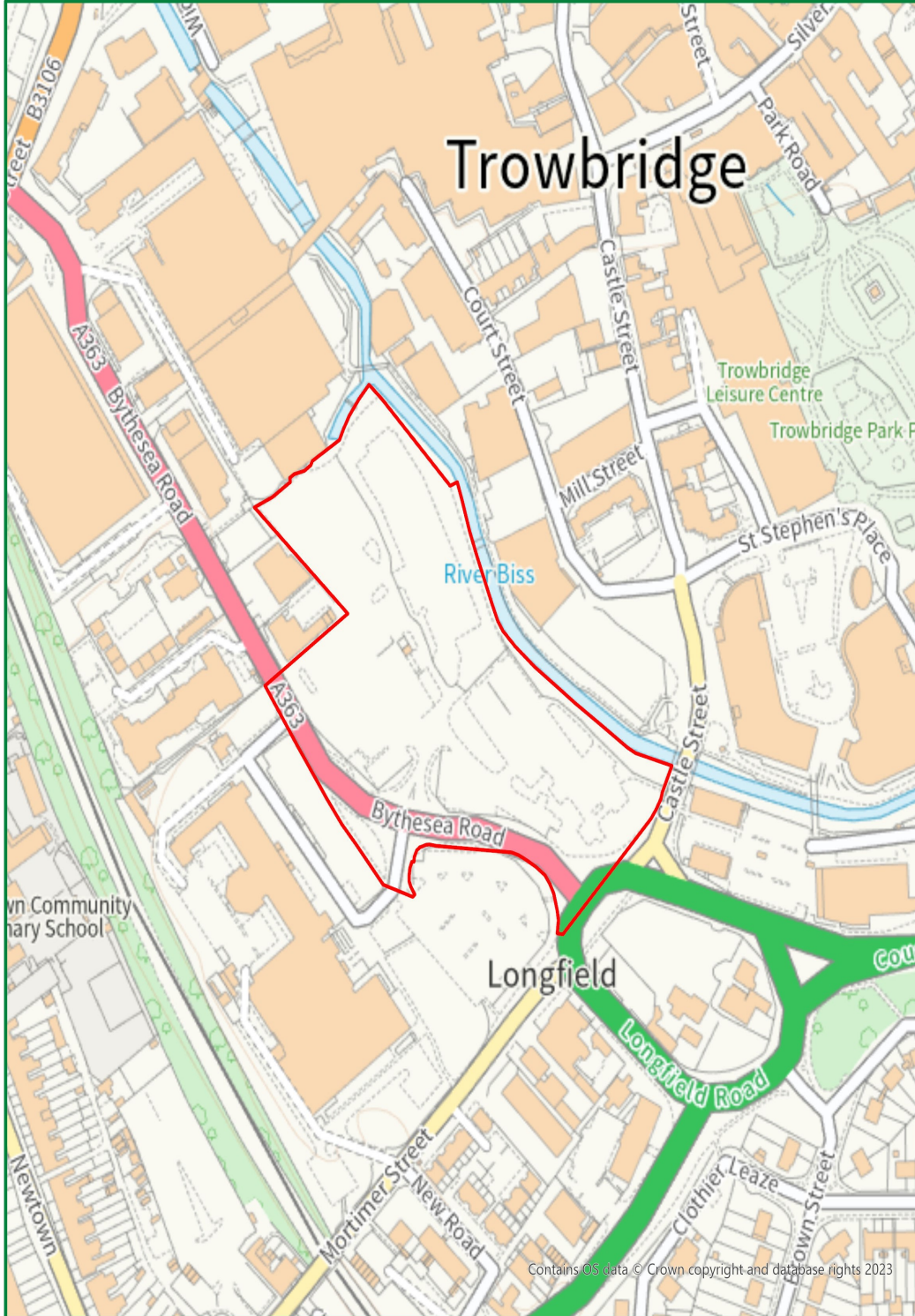
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69403/pb13530-waste-hierarchy-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf)

Site Waste Management Plans (SWMP) are no longer a legal requirement, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice.

Where applicable the Definition of Waste Code of Practice (DoWCoP) principles should be followed. If using this code of practice send a copy of their statement and any relevant documents to [Wessex.Waste@environment-agency.gov.uk](mailto:Wessex.Waste@environment-agency.gov.uk)

**Wiltshire Council**

PL/2024/08255  
Land at former East Wing Site,  
Bythesea Road, Trowbridge, BA14  
8JN



1:2,500



385526E 157677N m

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## REPORT FOR PLANNING COMMITTEE

|                            |  |
|----------------------------|--|
| <b>Application Number</b>  | PL/2022/08634  |
| <b>Site Address</b>        | Land Northwest of Crossing Lane, Lower Moor, Minety  |
| <b>Proposal</b>            | Solar Park and Energy Storage Facility together with associated works, equipment and necessary infrastructure. |
| <b>Applicant</b>           | Ecotricity Generation Ltd  |
| <b>Town/Parish Council</b> | Minety   |
| <b>Electoral Division</b>  | Minety – Councillor Chuck Berry  |
| <b>Grid Ref</b>            | 401366 192349  |
| <b>Type of application</b> | Full Planning Permission   |
| <b>Case Officer</b>        | Adrian Walker  |

### Reason for the application being considered by Committee

The application has been called-in by the Division Member Chuck Berry (Minety Division) (on the 12 January 2023) for the following reasons - 'scale of the development', 'visual impact on surrounding area', 'relationship to adjoining properties', 'design' and 'environmental/highway impact'. It was also stated that all solar applications need careful consideration.

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation to grant planning permission subject to conditions.

### 2. Report Summary

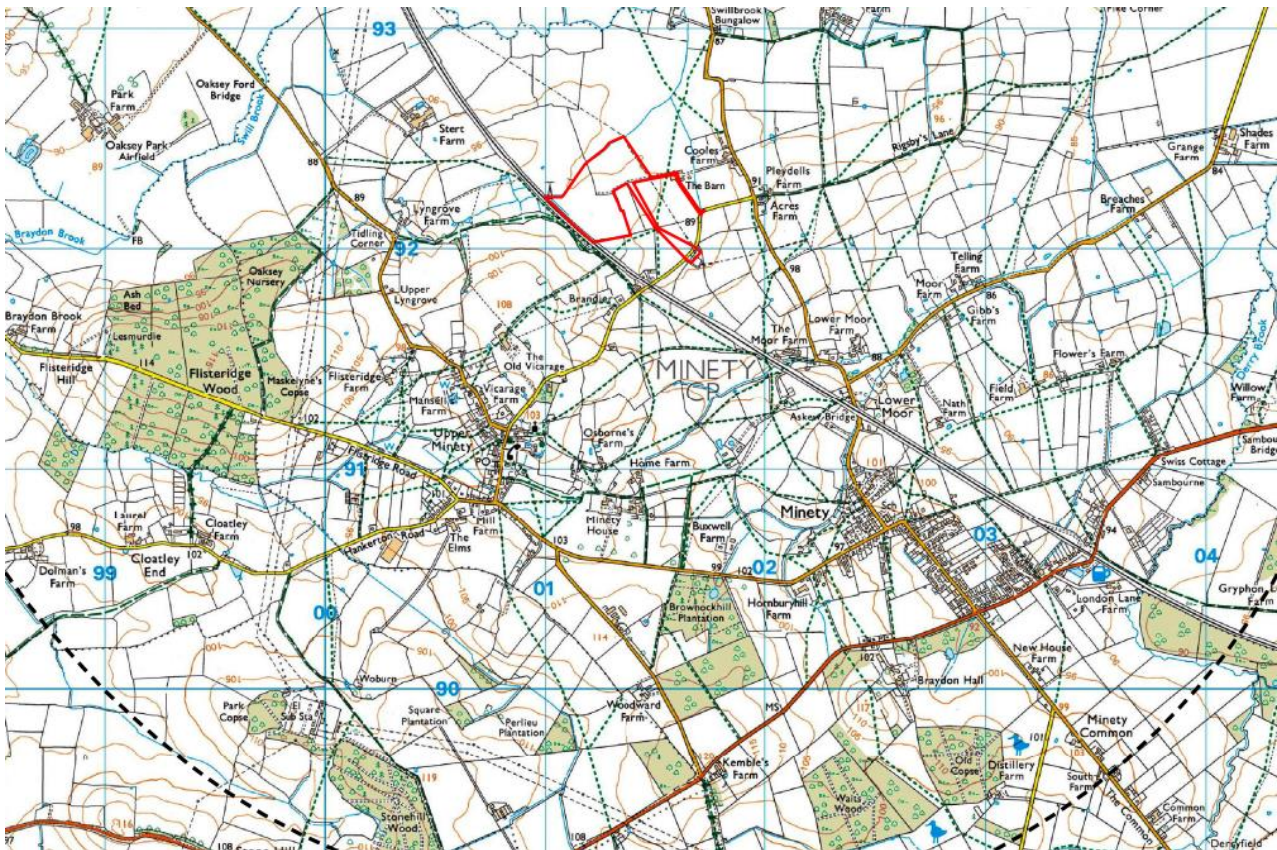
The main issues for consideration are:

- a) Whether the proposal is acceptable in principle;
- b) Whether the proposal would result in the loss of agricultural land;
- c) Whether the proposal would be harmful in terms of its landscape and visual impact;
- d) Whether the scheme would give rise to an adverse impact on residential amenity;
- e) Whether the proposal would have an adverse impact upon highway safety or public rights of way;
- f) Whether the scheme would cause harm to protected species and/or their habitats;
- g) Whether the proposal would result in the loss of trees and ancient woodland;
- h) Whether the scheme would cause harm to areas of archaeological interest or to heritage assets; and
- i) Whether the proposal would result in any other adverse environmental impacts.

### 3. Site Description

The application site comprises approximately 12.53ha of agricultural fields within the parish of Minety. The village of Minety itself is located approximately 1.2km to the south east of the site and the hamlet of Lower Moor is about 580m distance, also to the south east.

The western boundary of the site is adjacent to the mainline London to Cheltenham Railway. The access to the application site passes through the agricultural complex of buildings collectively known as The Barn. The remainder of the immediate adjacent land is in agricultural use.



The Planning Statement (October 2022) by Pegasus explains that there are no environmental designations on the Application Site. Within the wider context, the nearest environmental designation is Clattinger Farm SSSI and SAC approximately 610m to the north. Acres Farm Meadow SSSI is approximately 760m to the east of the application site.

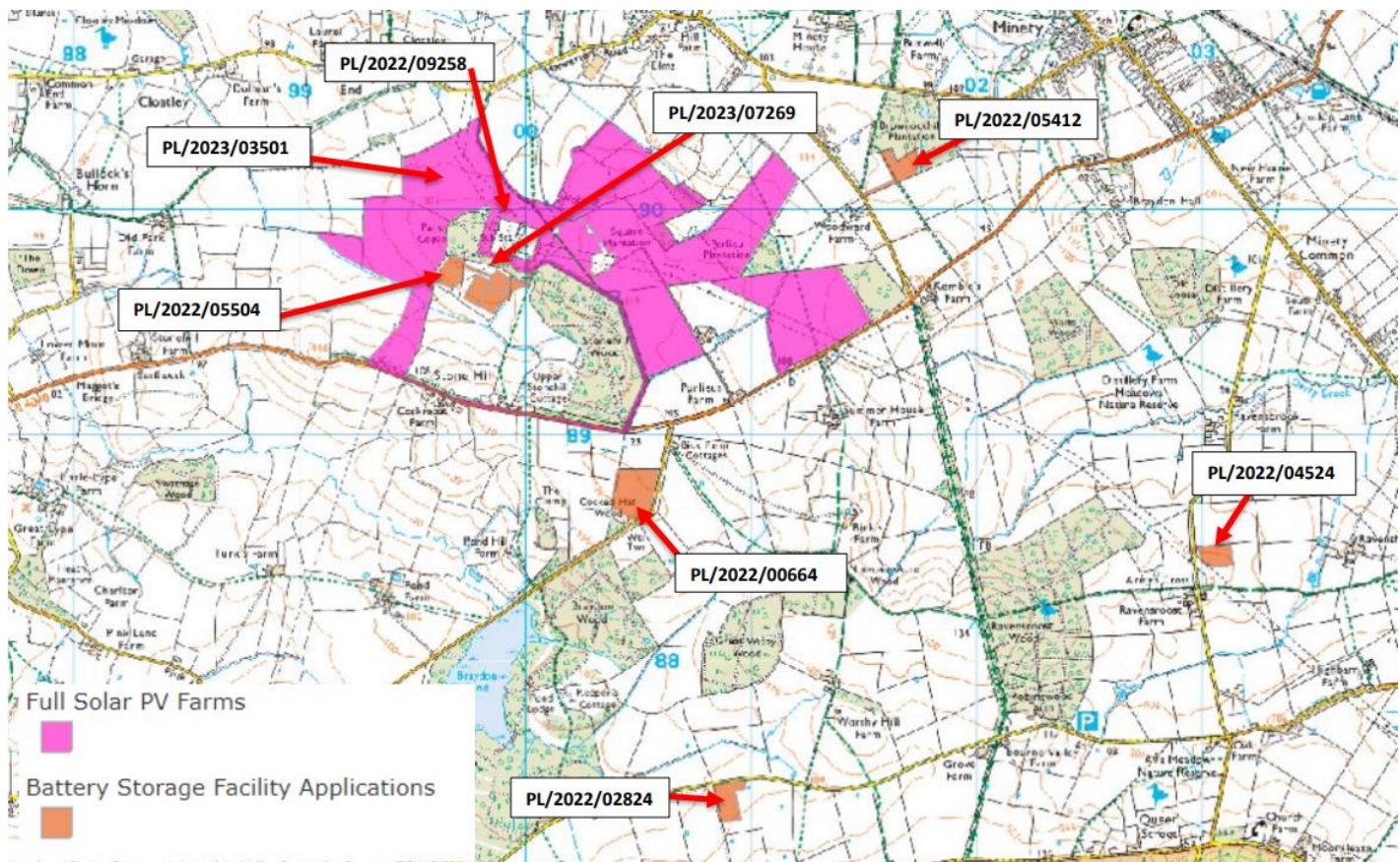
The closest Public Rights of Way (PRoW) are MINE25 and MINE26. Neither of the PRoWs cross the main development site where the panels and energy infrastructure will be located. The point at which they meet does, however, coincide at a point which will be crossed by the proposed cable route.

### 4. Relevant Planning History

The application site has not been the subject of any previous planning applications, however there are other recent planning applications for Solar Photovoltaic and Battery Energy Storage System developments. They are listed as follows and identified on the map below:-



- PL/2022/02824 - Land at Somerford Farm, Brinkworth, SN15 5AU - Proposed Development is for a battery storage facility and ancillary development. (2.6km South East of Substation) – Allowed on appeal 17 October 2024
- PL/2022/04524 - Land east of Ravensroost Road, Ravenshurst Farm, Minety, Malmesbury, SN16 9RJ - Installation of a Battery Energy Storage Facility, substation, underground cabling, access, landscaping, biodiversity enhancements and ancillary infrastructure & equipment to include acoustic fence, security fence & gates. (3.4km South East of Substation) Allowed on appeal 18 November 2024
- PL/2022/05412 - Land off Dog Trap Lane, Minety - Proposed Development is for a battery storage facility and ancillary infrastructure Revision of PL/2022/00404. (PL/2022/00404 was withdrawn) (1.5km East of Substation) Approved 31 May 2024
- PL/2022/05504 - Land at Stonehill, Minety, Wiltshire, SN16 9DX - Installation of a Battery Energy Storage System (BESS) together with associated ancillary infrastructure, equipment and access arrangements. (South West of Substation) Refused 24 June 2024
- PL/2023/03501 - Land near Minety Substation, Minety, SN16 9DX - Variation of condition 3, 4, 5, 6, 7, 11 & 20 of 20/03528/FUL -To allow modifications to the approved layout, increase from 12 battery units with 16 localised inverters to 22 battery units and 19 containerised inverters, alterations to location of vehicular access. Approved 8 May 2024.
- PL/2023/07269 - Land to the east and south of National Grid Minety Substation, Minety, Malmesbury, Wiltshire, SN16 9RP - Installation of a grid connection cable route for an



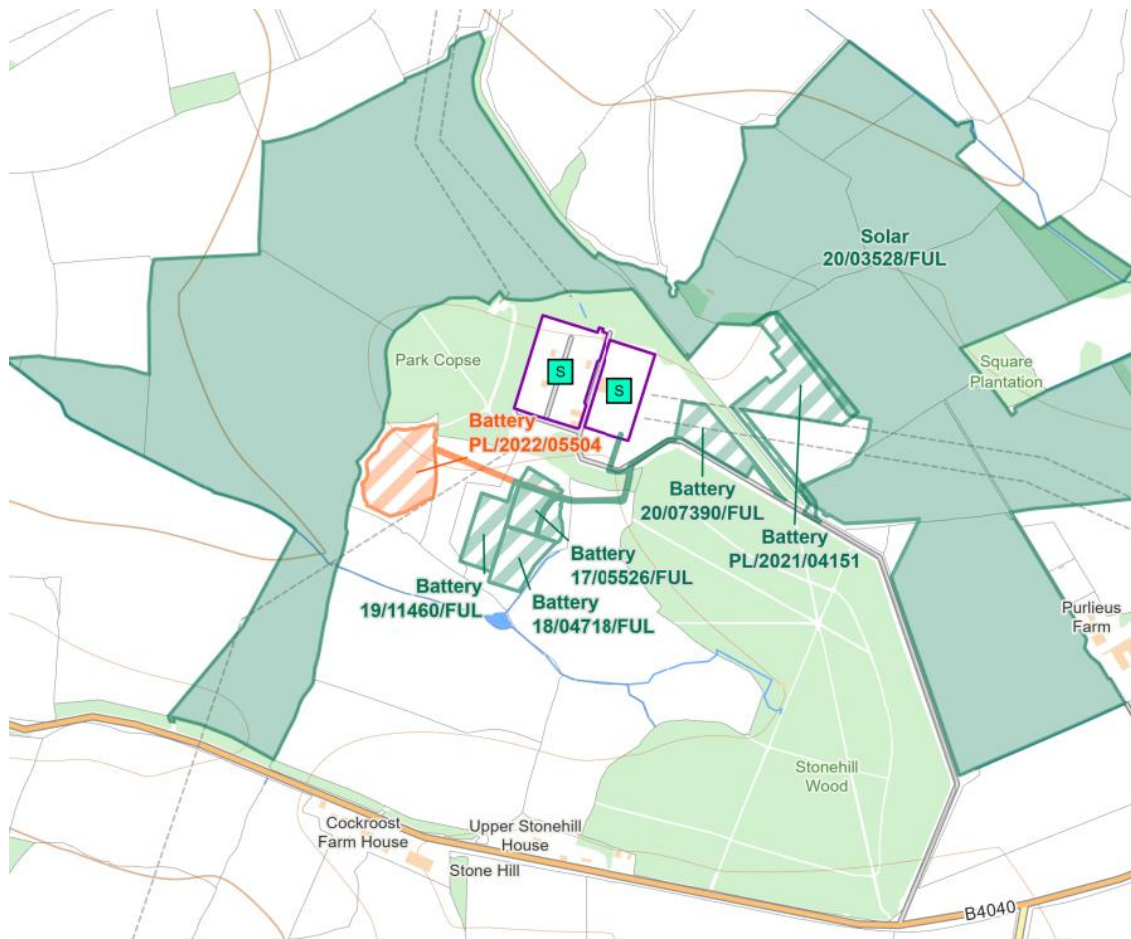
electrical connection between the approved Minety Battery Storage Facility (Planning ref:20/07390/FUL) and National Grid Minety substation. Under consideration.

The following current applications, for an extension to the Minety Substation and another Battery Energy Storage System, are also relevant to the assessment of the current proposal and are identified on the map above:-

- PL/2022/09258 - Minety Substation, Minety, Wiltshire, SN16 9DX - Extension of existing substation comprising installation of 400/132kV transformer, 3no. 400/33kV transformers, circuit breakers, construction of retaining wall and 33kV switchroom, formation of access road, culverting of watercourse, erection of fencing and associated works. Approved 19 Jul 2024
- PL/2022/00664 - Land off Pond Lane, Minety - Proposed Development is for a battery storage facility – Non-Determination Appeal ref APP/Y3940/W/23/3319392. (1.05km South East of Substation) Allowed 20 Feb 2024

There are also a number of approved applications for Solar Photovoltaic and Battery Energy Storage Systems around the Minety Substation, they are listed as follows with some of the key ones identified on the plan below:-

- 20/03528/FUL - Installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery-based electricity storage containers together with transformer stations; access; internal access track; landscaping; security fencing; security measures; access gate; and ancillary infrastructure - Approved 20/08/21 (north / east and west of the substation)



(source: planning application PL/2022/04524 / Conrad Energy (Developments) II Limited / dated 31.10.22)

- Planning Application 17/03936/FUL - Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track - Approved 20/07/2017 (*north of the substation*)
- Planning Application 17/03941/FUL - Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track - Approved 19/07/2017 (*north of the substation*)
- Planning Application 17/05526/FUL - Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV, landscaping and substation - Land adjacent to electricity sub station - Approved 21/09/2017 (*south of the substation*)
- Planning Application 18/04718/FUL - Energy Storage System, Comprising Battery Storage Containers, Ancillary Buildings, Security Fencing, CCTV and Landscaping - Land Adjacent to Electricity Sub Station - Approved 19/07/2018 (*south of the substation*)
- Planning Application 19/11460/FUL - Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV and landscaping - Approved 06/02/2020 (*north-east of the substation*)
- Planning Application 20/07390/FUL - Installation of a battery storage facility and ancillary development on land adjacent to National Grid's Minety Substation - National Grid Minety Substation Approved 25/01/2001 (*east of the substation*)

- Planning Application PL/2021/09101 - Variation of conditions 2 and 10 for application 17/03941/FUL - Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track - Approved 28/06/2022
- Planning Application PL/2021/04151 - Construction of a 2 hour duration containerised Battery Storage Facility with the ability to store and export up to 49.99 MW of electricity. The development will comprise 58 single storey steel cabins, known as E - Houses which are 12m long, 2.4m wide and 2.9m high, which house banks of lithium-ion batteries. 12 MV Blocks, also known as the transformers and control gear sit alongside E - Houses. The compound is protected with a 2.5 m high steel mesh fence. The proposed development would replace the approved Minety North substation (Minety North, 17/03936/FUL) – Approved 08/11/2021 (*north-east of the substation*)

There are operational Battery Energy Storage Systems directly to the north-east and south of the Minety Substation with other solar photovoltaic development within the wider landscape.

### **Environmental Impact Assessment**

The applicant requested a Screening Opinion from Wiltshire Council, under Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for the proposed development. The purpose of the request was to determine whether the proposed development, as described, would be likely to have significant effects on the environment and therefore require an environmental assessment. The Council issued a Screening Opinion on the 30 June 2022 confirming that an environmental impact assessment is not required for the proposed development.

### **5. The Proposal**

The application seeks full planning permission for the construction of a solar energy park with an expected installed capacity of around 8MW for a temporary period of 40 years from the date of first exportation of electricity from the site.

The Planning Statement (October 2022) by Pegasus provides a detailed description of the proposed development and provides a summary of the equipment and infrastructure to be installed:-

- Photovoltaic (PV) modules fixed to a steel and aluminium structure, to a maximum height of 3 metres
- Ancillary Electricity Generation Infrastructure (energy storage containers, inverters and transformers):
  - 5 x Transformer/Inverter Units (approximately 6m(l), 3m(w), 3m(h));
  - 6 x Energy Storage Container System Units (approximately 12m(l), 3m(w), 3m(h));
  - 1 x Spare Parts Container Unit (approximately 12m(l), 3m(w), 3m(h)); and
  - Control Room/Substation Building (approximately 12m(l), 6m(w), 3m(h)).
- Perimeter fencing
- CCTV monitoring equipment
- Use of existing site access
- Installation of underground cable to connect with sub-station to the south of Crossing Lane.
- Biodiversity enhancements through planting on the site





Site Layout and Planting Proposals (drawing ref. 5636\_T0205\_03)

The following extracts from the Planning Statement provide further information about the proposed development:-

- The solar energy park will consist of solar PV panels placed on steel and aluminium frames, arranged in rows to face south at angles of 10 to 20 degrees to maximise efficiency. The uppermost part of the solar arrays will be no more than 3m in height from ground level. The PV panels will be 'fixed' meaning that the orientation of the panels will not change during the day to track the course of the sun.
- The main location for the battery storage units will be in the centre of the site. Each station comprises containerised battery units/inverters, DC-AC converter boxes and ancillary equipment.
- Underground cabling will be placed around the site connecting the photovoltaic panels to the energy storage units and then on to the existing (DNO / SSE) substation to the south of Crossing Lane.
- It is proposed that the access for construction, operation and maintenance utilises the existing access to The Barn from Crossing Lane,
- The landscape treatment for the proposed solar park is intended to mitigate potential visual effects. Existing landscape elements, such as trees and hedgerows would be retained and enhanced wherever possible to integrate the proposals into the surrounding landscape.

The application is supported by the following plans and documents: -

- Drawing ref. P20-2372\_EN\_01 Rev. A – Site Location Plan
- Drawing ref. P20-2372\_11 Rev. B – Detailed Planting and Layout Plan

- Drawing ref. 5636\_T0205\_03 – Site Layout and Planting Proposals
- Drawing ref. 5636\_T0207\_01 – Solar Module Elevation
- Drawing ref. 5636\_T0208\_01 – Transformer / Inverter Container Elevation
- Drawing ref. 5636\_T0209\_0 – Control Room / DNO Substation Elevation
- Drawing ref. 5636\_T0210\_0 – CCTV and Fence Detail
- Drawing ref. 5636\_T0211\_0 – Energy Storage Container Elevation
- Drawing ref. 5328 Sheet 1 of 3 – Topographical Survey
- Drawing ref. 5328 Sheet 2 of 3 – Topographical Survey
- Drawing ref. 5328 Sheet 3 of 3 – Topographical Survey
- Drawing ref. 11445 TCP 01 Rev A (Overview) – Tree Constraints Plan
- Drawing ref. 11445 TCP 01 Rev A (1/4) – Tree Constraints Plan
- Drawing ref. 11445 TCP 01 Rev A (2/4) – Tree Constraints Plan
- Drawing ref. 11445 TCP 01 Rev A (3/4) – Tree Constraints Plan
- Drawing ref. 11445 TCP 01 Rev A (4/4) – Tree Constraints Plan
  
- Document. Planning Statement
- Document. Design and Access Statement
- Document. Statement of Community Involvement
- Document. Landscape and Visual Impact Assessment (with accompanying Detailed Landscape Planting Plan)
- Document. Flood Risk Assessment and Drainage Strategy
- Document. Arboricultural Tree Schedule and associated Tree Constraints Plans
- Document. Topographical Survey
- Document. Heritage Desk Based Assessment (Supported by geophysical survey)
- Document. Preliminary Ecological Assessment Report (Phase I)
- Document. Detailed Ecological Surveys and Assessment (Phase II)
- Document. Biodiversity Net Gain Calculation
- Document. Construction Traffic Management Plan

The application has been updated during the determination period through the submission of the following documents:

- Document. Noise Impact Assessment
- Document. Glint and Glare Study
- Document. Applicant's response to Highway Officer comments

Ecology documents– 3rd October

- Technical Note: bat Foraging Assessment Cooles Farm. (Ecotricity, September 2024).
- Technical Note: Brown Hare. Cooles Farm. (Ecotricity, September 2024).
- Biodiversity Net Gain Report Cooles Farm. (Ecotricity, September 2024).
- Mitigation Plan (September).
- Ecotricity: Statement of Professional competence.
- Detailed Planting and Layout Plan. Cooles Farm Solar. DWG No: 5636\_T0212\_01 Rev: C.

## 6. Planning Policy

**National Planning Policy Framework 2023** (NPPF)

**Wiltshire Core Strategy** 2006 – 2026, with particular regard to:

- Core Policy 42 Standalone Renewable Energy Installations
- Core Policy 50 Biodiversity and Geodiversity;



- Core Policy 51 Landscape
- Core Policy 52 Green Infrastructure
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport
- Core Policy 61 Transport & Development
- Core Policy 62 Development impacts on the transport network
- Core Policy 67 Flood Risk;

**North Wiltshire Local Plan 2011 (Saved Policies)**

- Policy NE12 Woodland (saved North Wiltshire Local Plan policy);
- Policy NE14 Trees and the control of new development (saved North Wiltshire Local Plan policy);
- Policy NE18 Noise and pollution (saved North Wiltshire Local Plan policy).

**Planning Practice Guidance** for Renewable and Low Carbon Energy (published 18 June 2015 / updated 14 August 2023).

Government policy for delivery of major energy infrastructure:-

- Overarching National Policy Statement for Energy (EN-1)
- National Policy Statement for Renewable Energy Infrastructure (EN-3)
- National Policy Statement for the Electricity Networks Infrastructure (EN-5)

**7. Consultations**

The application has been subject to formal consultation and publicity. The most recent response from each consultee is summarised below:

**Environment Agency** – No observations.

**Natural England** – No objection; “Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection”.

**National Grid** – No observations; “there are no National Grid Electricity assets affected in this area”.

**Network Rail** – No objection; “Network Rail has no objection in principle to the ... proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission”.

**Dorset & Wiltshire Fire and Rescue Service** – Standard advice provided.

**Council Archaeology** – No objection, subject to a condition to secure a scheme or archaeological investigation.

**Council Highways Department** – No objection, subject to the conditions to secure a full and final Construction Management Statement, for the access arrangements to be laid out as shown, and to secure a pre-construction highway photographic survey.

**Council Ecologist** – No objections subject to conditions.

**Council Landscape Officer** – No objection, subject to conditions to ensure the external finish and colour of all equipment and structures is amended/approved, the implementation of the landscape design scheme, and its long term maintenance and management via a Landscape and Ecological Management Plan.

**Council Drainage Officer** – No objection, subject to condition to secure further details to ensure the proposed drainage scheme is viable and can operate successfully for the lifetime of the development.

**Council Public Protection Officer** – No objection; “I have no adverse comments regarding the proposal”.

**Council Climate Officer** – Support; “The generation of renewable energy mitigates the impact of climate change and should be seen positively in the context of the National Planning Policy Framework (the Framework) and the Wiltshire Core Strategy (the development plan). Core Policy 42 of the development plan supports standalone renewable energy installations in principle”.

**Minety Parish Council** – No observations.

## 8. Publicity

As a result of publicity, 2 representations have been received from a local residents raising the following concerns:-

- “I have concerns about noise produced by a transformer or other items needed to run such a site. Will there be ambient noise produced by this site?”
- The infrastructure in this area is poor how will the company get all the construction equipment to the site without large disruption to the area? This area is single track roads used by horse riders, cyclists etc and having heavy vehicles on the road will be dangerous to all road users.
- We have just had a huge solar site approved not 1 mile from this proposed site? Surely Minety already has its fair share of renewable energy sites as well as taking up valuable farming land”.
- “Crossing lane is a small single track lane and is used and is home to walkers, cyclists, horses, children. It is not suited to this type of site. Access is either down a regularly flooded lane or through minety village or through upper minety village. This area already has a huge site being built and it will only blight the area further if more sites are built.”

## 9. Planning Considerations

### a) Whether the proposal is acceptable in principle

The NPPF advises that Local Planning Authorities should take a proactive approach to mitigating and adapting to climate change and to help increase the use and supply of renewable and low carbon energy and heat, plans should provide a positive strategy for energy from these sources (par 160). Furthermore, it advises that when determining planning applications for renewable or low carbon energy, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and should approve the application if its impacts are (or can be made) acceptable (paragraph 163).

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Planning policies and decisions must also reflect relevant international obligations and statutory requirements (NPPF, par 2). For the purpose of determining this application, the development plan comprises the Wiltshire

Core Strategy (adopted January 2015) and the Saved Policies of the former North Wiltshire Local Plan (2011). A core objective of the development plan is to address climate change and through Core Policy 42 'Standalone Renewable Energy Installations', the Council sets out the parameters within which standalone renewable energy installations, which would equally apply to supporting infrastructure, shall be supported. The policy is as follows: -

**Proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints. In particular, proposals will need to demonstrate how impacts on the following factors have been satisfactorily assessed, including any cumulative effects, and taken into account:**

- i. The landscape, particularly in and around AONBs**
- ii. The Western Wiltshire Green Belt**
- iii. The New Forest National Park**
- iv. Biodiversity**
- v. The historic environment including the Stonehenge and Avebury World Heritage Site and its setting**
- vi. Use of the local transport network**
- vii. Residential amenity, including noise, odour, visual amenity and safety**
- viii. Best and most versatile agricultural land.**

**Applicants will not be required to justify the overall need for renewable energy development, either in a national or local context.**

The supporting text within the WCS mentions that “standalone renewable energy installations, of all types, will be encouraged and supported. The policy focuses on the key criteria that will be used to judge applications, and gives a clear criteria-based framework to encourage greater investment by the renewable energy industry within Wiltshire” (par 6.38). However, “The development of most standalone renewable energy installations within Wiltshire will require careful consideration due to their potential visual and landscape impacts ... The size, location and design of renewable energy schemes should be informed by a landscape character assessment, alongside other key environmental issues as set out in Core Policy 42. This should help reduce the potential for conflict and delay when determining planning applications. Cumulative effects should be addressed as appropriate” (par 6.39).

The production of renewable sources of energy, on any scale, will inevitably contribute to the objective of the NPPF and local policy to address climate change and encourage the production of energy through renewable sources. The development is expected to have an installed capacity of around 8MW. The proposed development, in principle, is therefore supported. However, in order to establish the acceptability of the proposal on the site in question, all material planning consideration associated with the proposal must be considered. The Planning Practice Guidance (at paragraph 013 Reference ID: 5-013-20150327) outlines the planning considerations that relate to the deployment of large-scale ground-mounted solar photovoltaic farms and they are highlighted under sub-headings below. w.

In terms of the Ancillary Electricity Generation Infrastructure (energy storage containers, inverters and transformers), Battery Storage Facilities are a form of infrastructure that support the use and supply of renewable energy. The Planning Practice Guidance advises that “Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for

costly network upgrades and new generation capacity” (Paragraph: 032 Reference ID: 5-032-20230814).

The Overarching National Policy Statement for Energy advises that energy storage has a key role to play in achieving net zero and providing flexibility to the energy system. Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the National Electricity Transmission System Operator (NETSO) and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases (par 3.3.25 – 3.3.27).

Locally, Wiltshire Council has made a firm commitment to seek to make the county of Wiltshire carbon neutral by 2030 and has pledged as an organisation to become carbon neutral by 2030. The Council's Climate Strategy (2022 – 2027) sets out a clear commitment to increase the uptake of renewable energy, it states the Council seek to “Increase renewable electricity generation including microgeneration (and associated technologies such as storage) in Wiltshire by working in partnership with others” (p28).

The Council's Climate Strategy explains that “At present the grid supplies energy on demand. Once transport and heating are electrified, there will be a much greater demand. In order to manage this a flexible and ‘smart’ grid will be needed. The UK Net Zero Strategy sets a high level of ambition, stating that all electricity will come from low carbon sources by 2035, subject to security of supply, whilst meeting a 40-60% increase in demand” (p28).

Whilst each planning application must be considered on its own merits, it cannot be ignored that Wiltshire Council is dedicated to addressing the causes of climate change and is fully committed as an authority to promoting, encouraging and supporting (where appropriate) renewable energy proposals; and in so doing, help contribute to renewable energy and climate change targets, improving air quality (by not relying on fossil fuels), stimulate the UK renewable industry and address fuel security concerns.

It is fully acknowledged that these justifications are proportionately linked to the scale of development. Government policy however makes it very clear that renewable applications no matter how small should not be prejudiced because of their relatively small contributions; as every contribution helps.

It is equally necessary to note that this type of development is, in theory, not permanent; and when the development comes to an end it would be reasonable to insist on the restoration of the land. If permission is granted, a planning condition requiring the decommissioning of the site and the removal of panels and plant should be used.

#### **b) Whether the proposal would result in the loss of agricultural land**

The existing use of the site is agriculture. The NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by “...recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland, and of trees and woodland” (paragraph 180).

Natural England's Technical Information Note TIN049 '*Agricultural Land Classification: protecting the best and most versatile agricultural land*' explains that: "the Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system... The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (see Annex 2 of NPPF)".

The application is supported by an Agricultural Land Classification report (April 2022) by amet Property which confirms that 4.4ha of the site is Grade 3a and 6.3ha Grade 3b. The proposed development will therefore have an impact on some "best and most versatile agricultural land" albeit not a 'significant' amount for the purposes of the assessment under planning policy.

The DCLG Planning Practice Guidance for Renewable and Low Carbon Energy advises that if a proposal does involve Greenfield land, that it allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. Furthermore, Natural England's Technical Advice Note TIN101 '*Solar Parks: maximising environmental benefits*' is particularly relevant to this proposal and advises:-

"The long term capability of agricultural land, in particular the Best and Most Versatile agricultural land, needs to be safeguarded during the construction, operation and decommissioning of solar panels."

"Reversibility and permanence also need to be considered. How easy would it be to convert and decommission these areas and put them to other use?"

"Any development should leave the land capable of supporting agriculture, especially if it is Best and Most Versatile, and/or semi-natural habitats in the future."

The proposed development will involve the temporary change of use of the land, but due to the restricted nature of the development, the agricultural use will be retained particularly in the long term. The proposal also includes landscape and biodiversity enhancement measures, as outlined within the P20-ecological reports and shown on the Detailed Planting and Layout Plan (ref. 2372\_11 Rev. B). The proposed development has a low impact on the existing ground conditions and does not have significant foundation or infrastructure requirements. As such, the minimal physical intrusion of the development itself will mean that the panels are to be removed after the expiry of the proposed temporary 40-year period, and the land will revert swiftly to agricultural use, which should be a condition of any planning permission that may be granted.

### **c) Whether the proposal would be harmful in terms of its landscape and visual impact**

The NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment (par 180) and Core Policy 51 'Landscape' of the WCS outlines that new development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies.

In relation to proposed renewable energy scheme, the supporting text to Core Policy 42 states that the development of most standalone renewable energy installations within Wiltshire will require careful consideration due to their potential visual and landscape impacts. This is also stated at the national level, the Planning Practice Guidance for Renewable and Low Carbon Energy outlines that the development of large-scale solar farms can have a negative impact on the rural environment,

particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

The application is supported Landscape and Visual Impact Assessment (LVIA) (October 2022) by Pegasus which considers the impact of the proposed development on landscape character and visual amenity. The LVIA seeks concludes by stating it “demonstrates that the proposed development could be successfully accommodated within the existing landscape pattern and could be assimilated into the surrounding landscape without causing any long-term harm to the landscape character, visual amenity, or existing landscape attributes of the area. It is concluded that the landform of the site and surrounding area, in combination with existing vegetation, makes this location suited to a solar installation” (par 8.10 – 8.11).

The Council’s Landscape Officer has reviewed the proposed application and confirms that the scope of assessment appears proportionate to the scale and nature of development being proposed. The following assessment is provided by the Landscape Officer:-

#### Landscape Character

*The submitted LVIA has correctly identified the site to fall within the ‘Landscape Character Areas’ as indicated within the relevant Wiltshire Landscape Character Assessment (WLCA)<sup>2</sup> and the North Wiltshire Landscape Character Assessment (NWLCA)<sup>3</sup>. The site lies within the following identified landscape character areas 12A: Thames Open Clay Vale (WLCA) and Landscape Character Area 5: Minety and Malmesbury Rolling Clay Lowland (NWLCA).*

*The LVIA includes assessment of Landscape Character at Section 5, with a summary of predicted effects included within Table 1. I would typically expect an assessment of landscape character to include an assessment of the localised character of the site itself including its adjoining context to feature alongside the proportionate consideration of larger scale published landscape character assessments.*

#### Landscape features

*The LVIA includes assessment of landscape features and elements at Section 6, with a summary of effects included within Table 2. While I don’t necessarily concur with the LVIA’s justification and reasoning of value or susceptibility of landscape features and elements assessed to substantiate overall sensitivity, I do not identify these differences of professional opinion and judgement to ultimately culminate in likely unacceptable harmful resulting effects to landscape features and elements.*

*The LVIA includes a visual appraisal at Section 7, with a summary of predicted effects for the assessed representative receptor viewpoints included within Table 3. The visual assessment confirms that the greatest visual change effects will be experienced by users of the rural public footpaths MINE5 and MINE25 located to the northeast of the development site (LVIA, viewpoints 7 & 8). With proposed mitigation in the form of new hedgerow and tree planting, and reinforcement of existing hedgerows with appropriate establishment and management measures, then I do not raise concerns in relation to the resulting visual effects likely to arise from this development proposal. Views of the new development will be partial and localised for these receptors from these viewpoints.*

#### Landscape Strategy

*The LVIA outlines a Landscape Strategy at Section 4, paras 4.5 through to 4.9 and includes a ‘Detailed Planting and Layout Plan’ (Dwg. no. P20-2372\_11 Rev: B) included at Appendix 1. This strategy could help integrate development into the receiving landscape and leave a positive lasting landscape legacy following the decommissioning phase of development if it were successfully established and appropriately maintained thereafter. I support the proposed*

*approach in terms of strengthening existing landscape features and elements, but highlight the LVIA / strategy could have gone further to make recommendations on use/design of appropriate and sympathetic materials and colour for proposed structures, buildings, and boundary enclosures etc.”*

The Landscape Officer is therefore able to support the proposed development, but provides a holding objection until such time as the Energy Storage Containers are changed from the currently proposed ‘Signal White (RAL 9003) colour finish to a less visually contrasting/jarring neutral darker colour, and full details of the external finish and colour of all other infrastructure is agreed. The Officer does however state that if this point can be resolved, which could be via a condition of any planning permission, it is concluded that “the landscape would have sufficient capacity here to integrate the amount of currently proposed development without creating substantial visual harm subject to appropriate planting to provide additional screening as a mitigation measure”.

In light of the above, it is evident that the proposed development would result in a significant change in the land use which would be industrial in nature and not characteristic of the rural area, however as stated above, the impact on landscape character would be mitigated as far as possible through landscape measures in line with Core Policy 51 and the visual impact would be localised. The scale and extent of the landscape and visual impact will need to be considered within the overall planning balance against the benefits of the proposal.

#### **d) Whether the scheme would give rise to an adverse impact on residential amenity**

The NPPF advises that the planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability (par 180). This aim is also reflected within Core Policy 57 ‘Ensuring High Quality Design and Place Shaping’ of the WCS seeks to secure a high standard of design in all new development with one key element being the need for consideration be given to the compatibility with adjoining land uses and the impact on the amenities of existing occupants as a result of noise or air pollution etc.

The application is supported by a Noise Assessment (September 2023) by Hoare Lea which considers the potential noise impact from the proposed development. It concludes by stating:-

*“The assessment ... indicates that cumulative plant noise levels with all plant operating continuously a rated output would result in a BS 4142 condition of ‘significant adverse impact’ at the nearest residential property for both daytime and night time. Plant noise impact at the dwelling is relatively low and the assessment is attributable to the very low daytime and night time background sound levels at the dwelling.*

*It is noted that the provision of noise control measures would reduce the BS 4142 assessment to ‘low impact’ for the majority of the daytime period and to just within ‘adverse impact’ for the very quietest periods of the day and night.*

*Notwithstanding the findings of the assessment, BS 4142 advises that where assessing noise break-in sound levels within buildings, alternative guidance and standards may be more appropriate. Break-in sound levels at the dwelling with windows open would readily achieve BS 8233 criteria. It is considered that significant reductions in plant noise impact at the dwelling could be achieved by provision of control measures at source and/or screening measures around the plant compound. Screening measures alone would be expected to achieve a BS 4142 condition just within ‘adverse impact’ during the very quietest parts of the day but would be expected to achieve ‘low impact’ for the majority of the day”.*

The Noise Assessment therefore recommends mitigation measures to reduce noise being released from the site. It advises where control measures at source are not practicable, screening measures should be provided around the periphery of the compound area. There must therefore be a condition on any planning permission that may be granted to require full details of the noise mitigation measures and an updated assessment to demonstrate that noise levels generated by the development would be within acceptable limits at the nearest noise sensitive property.

The application is supported by a Glint Glare Study (January 2023) by PagerPower Urban & Renewables which specifies that in relation to the impact on the amenities of neighbouring dwellings, no unacceptable impacts are expected and therefore no further mitigation strategy should be implemented. The study also states no significant impacts upon road safety, aviation activity, or railway operations and infrastructure are predicted. No mitigation is recommended.

In terms of lighting, the application mentions that lighting will be minimal and limited to that needed for security and maintenance purposes, only to be used when required. It is however considered necessary to secure full details via condition to ensure no adverse impact on the surrounding environment and residential amenity.

As such, it is not considered that the solar panels would give rise to any nuisances in terms of noise, light or glint/glare and are therefore considered acceptable in this respect.

It is recognised that there may be some disturbance created during the construction phase, however the site is remote enough that impacts due to noise and dust from its construction is unlikely to significantly impact on local residents. It is however necessary to secure a Construction and Environmental Management Plan (CEMP) via condition, which would also control the construction hours and reduce construction impacts on the local community.

On this basis, it is considered that the proposed development will not conflict with the relevant policies of the plan, including Core Policy 57 of the WCS, or with relevant provisions of the NPPF.

**e) Whether the proposal would have an adverse impact upon highway safety or public rights of way**

The NPPF advises that transport issues should be considered from the earliest stages of plan-making and development proposals but ultimately it advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (par 115). Core Policy 62 'Development Impacts on the Transport Network' however advises that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

The application is supported by a Construction Traffic Management Plan (CTMP) (October 2022) by Pegasus, which provides details of the proposed access arrangement, considers the vehicular movements associated with the construction and operational phases of the development, including vehicle routing to the site from the primary road network, and proposed certain mitigation measures to aid the smooth operation of the construction period.

The CTMP explains that the site is proposed to be accessed from Crossing Lane during the construction and operational phases of the development via an existing gated access located approximately 245 metres to the east of the junction with Rigsby's Lane. This access currently provides access to Cooles Barn and is used by agricultural vehicles on a regular basis. The Highway Authority advised, following the submission of further information as requested within their original



consultation response and discussed with the applicant, it is satisfied that the access arrangements are suitable and road network is able to support the proposed development

In relation to traffic generation, the Highway Authority advises that “the most intense periods of activity are suggested to be within the initial 2 weeks of the construction programme and in the last 4-5 weeks. Within these periods, there is expected to be a maximum of 30 construction workers on site, with these staff being transported by three minibus trips (being 6 two-way trips) per day and remaining on site at the same time, with no shift patterns. This will ensure there is no potential conflict on the construction route in respect of the minibuses as they will be travelling to and from the site at the same time.

There has, however, been no detail of the likely HGV numbers within these peak periods. The only information on HGV trip generation relates to an average of 3 HGV deliveries per day (being 6 two-way movements per day) across the construction programme. A detailed programme of works which indicates the number of construction and delivery vehicles, as well as construction staff on a daily/weekly basis will be required as part of the final CTMP”.

The Highway Authority is satisfied that sufficient detail has been provided to demonstrate that the construction route would be acceptable to accommodate the type of construction traffic throughout the limited construction period, subject to the appropriate management through the CTMP. Such CTMP will require updating to include the detail of the programme of works, HGV and construction workers trip generation at peak and non-peak times, detailed site compound layout and the full access route into the site from Crossing Lane. This can be secured via condition along with the proposed access arrangements.

In light of the above, while the construction phase will result in a noticeable increase in vehicular movements on the local road network, it will be temporary in nature and road network is sufficient to accommodate the anticipate volume of movements. As such, subject to the management of the construction phase via appropriate conditions the proposal would not have an unacceptable adverse impact on highway safety and would not conflict with national or local transportation policies.

#### **f) Whether the scheme would cause harm to protected species and/or their habitats**

Core Policy 50 ‘Biodiversity & Geodiversity’ of the WCS requires all development proposals to incorporate appropriate measures to avoid and reduce disturbance to sensitive wildlife species and habitats throughout the lifetime of the development. The application is therefore supported by a Preliminary Ecological Appraisal (October 2022) by Five Valleys Ecology and a Phase II Detailed Ecological Surveys and Assessment (October 2022) by Five Valleys Ecology. The application explains that the site supports some habitat of intrinsic ecological value, specifically, Ditches (Dry), Scattered Broad-leaved Trees and Standing Water ((wet Ditches) which are of local value (Hedgerows and Semi-improved Grassland are also present). It is stated that the evidence submitted confirms that the ecological features of importance have been accommodated for within the proposed development. With the implementation of appropriate mitigation, compensation and enhancement, as set out in the Ecological Reports, the development would be in conformity with relevant planning policy and legislation.

Core Policy 50 seeks to secure ecological enhancement / Biodiversity Net Gain (BNG) for ‘major’ developments only. The application is supported by a Biodiversity Net Gain Calculation report which demonstrates the proposed development will secure significant BNG which would be achieved through the proposed landscape planting, habitat enhancements and long-term management as set out in the Ecology Report and Detailed Landscape Planting Plan.

The BNG is in excess of the national 10% requirement that became mandatory after the application was submitted. The proposed development will therefore comply with the requirements of Core Policy 50 of the WCS in this regard.

### **Habitat Regulations Assessment - North Meadow and Clattinger Farm SAC**

A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This concluded that given the scale and nature (non-residential) of the development combined with the separation of approximately 650 m between the SAC and the application site, there is no mechanism for adverse effect.

The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.

#### **g) Whether the proposal would result in the loss of trees and ancient woodland**

Core Policies 51, 52 and 57(i & ii) of the WCS require development proposals to conserve and enhance natural features including trees, hedges and woodland. Saved Policy NE12 of the North Wiltshire Local Plan supports the creation, conservation, enhancement and positive management of woodland. It also seeks to protect areas of ancient and semi-natural woodland. Saved Policy NE14 of the North Wiltshire Local Plan seeks to prevent the loss of trees, hedges and other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development.

The application is supported by a Tree Schedule report by aspect arboriculture and associated Tree Constraint Plans which identify and categorise the trees within the field boundaries within and along the boundaries of the application site. The Planning Statement highlights that the plans shows “the standoffs from field margins incorporated into the design will ensure that the proposed development would be acceptable from an arboricultural perspective. The retained trees and hedgerows can be adequately protected during construction activities to sustain their health and longevity. It is considered that an arboricultural method statement and finalised tree protection details can be agreed and submitted at a later stage as part of a pre-commencement planning condition” (par 7.21 – 7.22).

The proposed Detailed Planting and Layout Plan confirms that there will be an adequate set back from the trees although protection measures and an arboricultural method statement should be secured as a condition of any planning permission that may be granted.

The proposal will therefore have a negligible impact on existing trees and ancient woodland and therefore accords with Core Policies 51, 52 & 57 of the WCS and Saved Policies NE12 and NE14 of the North Wiltshire Local Plan.

#### **h) Whether the scheme would cause harm to areas of archaeological interest or to heritage assets**

Core Policies 57(i & iv) and 58 of the WCS deal with conservation of the historic environment. The supporting text states that heritage assets include listed buildings, conservation areas, scheduled ancient monuments, registered parks and gardens, registered battlefields, world heritage sites, and non-designated heritage assets such as buildings and archaeological sites of regional and local interest (paragraph 6.136). The policy seeks to ensure that developments protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings are to be conserved, and where appropriate enhanced in a manner appropriate to their significance.

The application is supported by a Heritage Desk Based Assessment (October 2022) by Pegasus and a Geophysical Survey Report (July 2022) by Magnitude Surveys. The heritage assessment accurately concludes by stating there are no designated heritage assets within the site or in its immediate vicinity. Due to the distance of the site from the designated heritage assets in the wider study area, the local topography, and intervening vegetation, there is no intervisibility between the site and any designated heritage asset.

In terms of below ground heritage assets, the Geophysical Survey Report states the survey work did not detect any anomalies suggestive of significant archaeological activity. Rather, the results reflect the long-term agricultural use of the survey area in the form of former mapped field boundaries and drainage features. Modern ploughing was also identified across parts of the survey area. However, several anomalies throughout the site have been classified as undetermined because it has not been possible to definitively determine whether these anomalies are the result of archaeological, agricultural, or natural processes. The County Archaeologist advised it is necessary to ground-truth the results of the latter piece of work by means of an archaeological trial trench evaluation. This will then enable a full assessment of the potential impact of the proposed development upon the archaeological resource. The requirement for a programme of archaeological works can be secured via condition to ensure compliance with Core Policies 57 & 58 of the WCS.

**i) Whether the development would result in any other adverse environmental impacts**

Core Policy 67 'Flood Risk' of the WCS requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to the soil and ground (sustainable drainage system) unless site or environmental conditions make these measures unsuitable.

The application is supported by Flood Risk Assessment & Surface Water Strategy (October 2022) by Pegasus which considers the potential flood risk and presents a surface water drainage scheme. It confirms that the site falls within Flood Zone 1 so is not at risk of flooding. The Lead Local Flood Authority highlights that the drainage strategy proposed is to allow water to drain via the natural drainage characteristics of the site. This is currently a mixture of infiltration into the ground and discharge to the drainage ditches bounding the site. The applicant states there will be no increase in impermeable area as a result of the development and this is therefore deemed an acceptable approach. It is however recommended that capacity and condition assessments for the drainage ditches, along with ownership details and future management, to ensure they are of sufficient condition to accept incoming flows. A condition can secure full details of the final scheme, and its implementation, to ensure the development would be in accordance with Core Policy 67 of the WCS.

Dorset & Wiltshire Fire and Rescue Service (DWFRS) advises that while they would not object in principle to the lawful development of a Battery Energy Storage System (BESS) or other alternative energy site, it is recognised that these installations pose some specific hazards in the event of fire. Any fire involving grid scale Li-ion battery storage would be treated as a hazardous materials incident in order that specialist technical advice can be obtained at the earliest opportunity.

DWFR further advises that current fire safety legislation (in particular, the Regulatory Reform (Fire Safety) Order 2005) is limited in its application to such developments due to the low life risk during normal occupation. Process fire risk is generally regulated by the Health and Safety Executive but in the absence of regulation under the Control of Major Accident Hazards Regulations (COMAH)

there is an expectation that fire and rescue services will initiate an emergency response in the event of an incident, in conjunction with the site operator's own plans.

It is advised that research is ongoing to determine the most suitable method to extinguish a fire within Li-ion battery cells although current guidance recommends copious (and significant) volumes of water for a prolonged period. As such, DWFRS provide a series of recommendations to limit the potential for fire and to ensure emergency plans are as robust as possible. The full letter from DWFRS will be appended to any planning permission that may be granted along with guidance produced by the National Fire Chiefs Council, as referred to within the Planning practice Guidance on Battery Energy Storage Systems (Paragraph: 034 Reference ID: 5-034-20230814).

#### **j) Whether the development would have an adverse cumulative impact**

The need to consider cumulative effects in planning and decision-making is set out in planning policy. The Overarching National Policy Statement for Energy advises that for NSIP developments "the considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:

- its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental enhancements, and any long-term or wider benefits
- its potential adverse impacts, including on the environment, and including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy" (par 4.1.5).

The material planning considerations would equally apply to any renewable energy scheme, and associated or standalone BESS development below 50MW, including any cumulative adverse impacts which would be need to considered within the overall planning balance. The NPPF advises that to help increase the use and supply of and supply of renewable and low carbon energy and heat, plans should "provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts)" (emphasis added) (par 160). The WCS requires development considered under Core Policy 47 to assess cumulative effects.

The Planning Practice Guidance advises that "The approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero" (Paragraph: 013 Reference ID: 5-013-20150327).

The relevant guidance (Paragraphs: 022 Reference ID: 5-022-20140306 & 023 Reference ID: 5-023-20140306) advises that the cumulative landscape impacts and cumulative visual impacts are best considered separately. The considerations are as follows:-

- **Cumulative landscape impacts** are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.

In identifying impacts on landscape, considerations include: direct and indirect effects, cumulative impacts and temporary and permanent impacts. When assessing the significance of impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change

- **Cumulative visual impacts** concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts

In assessing the impact on visual amenity, factors to consider include: establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views.

The LVIA submitted in support of this application considers the cumulative impact of the proposal with other solar park developments. It considers the impact of the proposed development alongside the renewable energy scheme comprising ground mounted photovoltaics with ancillary equipment, including battery storage on land near Minety Substation (application ref 20/03528/FUL). The LVIA outlines “The Site is approx. 1.88km northeast of Minety renewable energy scheme. The ZTVs for Cooles Solar Park and Minety renewable energy scheme show very little overlap, and therefore very limited opportunity to view both schemes cumulatively, primarily due to intervening topography. The Minety renewable energy scheme site is not visible in any of the assessed baseline views. It is concluded that there would be no cumulative visual effects”.

There are a number of other existing and permitted renewable energy scheme within the area, including a number of BESSs, as identified above. The solar farm quoted above surrounds Minety substation and the Council’s Landscape Officer is of the opinion that the series of individual planning applications seeking planning permission for BESSs is harmfully changing the existing rural character of pastoral farmland into an industrialising urban sprawl radiating outwards from Minety Substation. However, for the development currently proposed the Landscape Officer advises the landscape would have sufficient capacity to integrate the amount of currently proposed development without creating substantial visual harm subject to appropriate planting to provide additional screening as a mitigation measure. The proposed development would be visible from certain public vantage points, in particular the local public rights of way, however due to the topography of the site and intervening vegetation there is very little opportunity for inter-visibility between the proposed development and other renewable energy and energy infrastructure developments within the area. It is therefore considered that the proposal would not have an unacceptable cumulative landscape and visual impact.

## **10. Conclusion**

The application seeks full planning permission for construction of a solar energy park with an expected installed capacity of around 8MW for a temporary period of 40 years from the date of first exportation of electricity from the site, along with ancillary electricity generation infrastructure.

The principle of the proposed development is in accordance with both current national and local planning policies which are supportive of renewable energy schemes. The proposal is for a large scheme that would provide a valuable contribution towards cutting greenhouse gas emissions which warrants considerable weight within the overall planning balance, along with other benefits such as the ecological enhancements and biodiversity net gain that would be secured by the development, and associated local economic benefits associated with the construction phase.

It is recognised that the development would result in major effects on landscape character within the site; however, the impact on wider landscape character and visual amenity has been mitigated

against where possible through sensitive design and landscaping. The impacts would be localised and must be balanced by the benefits which would accrue through the installation of a renewable energy generator leading to lower carbon reliance. The proposed development would make a valuable contribution towards Wiltshire's renewable energy target and as such, on balance, it is considered that the overall environmental benefits associated with the proposal outweigh any adverse impacts and therefore it is recommended that planning permission be granted, subject to conditions to manage the detailed elements of the development and secure ongoing monitoring where appropriate.

## **RECOMMENDATION**

**The recommendation is to grant planning permission subject to the following conditions:**

1. The development hereby permitted shall begin 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 permission hereby granted shall be for a temporary period and shall expire 40 years from the date that electricity from the development is first exported to the electricity distribution network ('First Export Date') or no later than 44 years from the date of this decision, whichever is the soonest. Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after that First Export Date. Within 6 months of the date of expiry of this planning permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the inverter stations, security equipment, poles and fencing shall be removed from the land and the land restored to its former agricultural condition. A decommissioning and restoration plan must be submitted to and agreed with the council a minimum of 12 months prior to decommissioning. The plan will be supported by an impact assessment based on up to date baseline survey and carried out according to the current guidelines. It must set out clear aims of restoration to benefit key habitats and species.

REASON: In the interests of amenity, ecology and the circumstances of the use.

3. The development hereby permitted shall be carried out in accordance with the details shown in the following approved plans:

- Drawing ref. P20-2372\_EN\_01 Rev. A – Site Location Plan
- Drawing ref. P20-2372\_11 Rev. B – Detailed Planting and Layout Plan
- Drawing ref. 5636\_T0205\_03 – Site Layout and Planting Proposals
- Drawing ref. 5636\_T0207\_01 – Solar Module Elevation
- Drawing ref. 5636\_T0208\_01 – Transformer / Inverter Container Elevation
- Drawing ref. 5636\_T0209\_0 – Control Room / DNO Substation Elevation
- Drawing ref. 5636\_T0210\_0 – CCTV and Fence Detail
- Drawing ref. 5636\_T0211\_0 – Energy Storage Container Elevation
- Drawing ref. 5328 Sheet 1 of 3 – Topographical Survey
- Drawing ref. 5328 Sheet 2 of 3 – Topographical Survey
- Drawing ref. 5328 Sheet 3 of 3 – Topographical Survey

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

4. The development will be carried out in strict accordance with the following documents:

- Mitigation Plan (September).
- Mitigation and enhancement detailed in Cooles Farm Solar Park Land Northwest of Crossing Lan Lower Morr, Minety Wiltshire. Phase II Detailed Ecological Surveys and Assessment. (Five Valleys Ecology, 21 October 2022)
- Detailed Planting and Layout Plan. Cooles Farm Solar. DWG No: 5636\_T0212\_01 Rev:C

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

5. Notwithstanding the details shown on the approved plans, no development shall commence on site until details of the materials, colour and finish of any built structures and containers, poles, fencing, gates etc., have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use and retained as such for the lifetime of the development.

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

NOTE: The use of neutral earth tone colours for elevational building / container treatments (including roof materials) and security fencing is important in this rural area. The use of white or light-coloured materials / finishes on containers and battery storage units or other infrastructure elements must be avoided, set against dark landscape backdrops of woodland and trees etc. The proposed 'Signal White' (RAL 9003) colour finish for the Energy Storage Containers must be changed to a less visually contrasting/jarring neutral darker colour, which would not visually contrast with the darker landscape background of trees and hedgerows etc.

6. No development shall commence on site until a scheme for mitigating the effects of noise from the development hereby approved, as recommended within the Noise Assessment (September 2023) by Hoare Lea, and an updated Noise Assessment to confirm the predicted noise levels emitted from the development with mitigation measures are within an acceptable range i.e. the development shall not at any time exceed the prevailing background noise level at any residential dwelling, has been submitted to and approved by the Local Planning Authority. All works comprised in the approved scheme shall be completed before any part of the development is first brought into use.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise the disturbance which that could otherwise be caused to the residents of neighbouring properties by noise generated from the development.

7. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the submitted Noise Assessment approved by condition 5 of this permission and be submitted to the Local Planning Authority for approval in writing. Any additional steps required to achieve compliance shall thereafter be taken in accordance with a timetable to be agreed with the Local Planning Authority. The details as submitted and approved shall be implemented and thereafter be permanently retained.

Reason: To protect local amenity from adverse effects of noise.

8. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive

details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. 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 the construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- A specification for any ground protection within tree protection zones in accordance with British Standard 5837: 2012;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the layout of below ground infrastructure within tree protection zones
- A full specification for the construction of any arboriculturally sensitive structures and sections through them
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the 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 and section 197 of the Town & Country Planning Act 1990.

9. The proposed soft landscaping scheme, as shown on the Detailed Planting Layout Plan (drawing no.P20-2372\_11 Rev.B), shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the Local Planning Authority. 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 and the protection of existing important landscape features.

10. No development shall commence on site until:

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

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

11. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Ecological Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to



be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing around trees with bat roost potential.
- b) Working method statements for protected/priority species, such as nesting birds, amphibians, roosting bats and reptiles.
- c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

12. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
  - a. Description and evaluation of features to be managed;
  - b. Landscape and ecological trends and constraints on site that might influence management;
  - c. Aims and objectives of management;
  - d. Appropriate management options for achieving aims and objectives;
  - e. Prescriptions for management actions;
  - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over an 25 year period;
  - g. Details of the body or organisation responsible for implementation of the plan;
  - h. Ongoing monitoring and remedial measures;
  - i. Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, and to ensure successful establishment and management of new mitigation planting proposals and the appropriate future management of retained

hedgerows and woodland areas necessary to maintain a satisfactory landscape screening function for the life of the development.

13. Notwithstanding the detail within the Construction Traffic Management Plan (CTMP) (October 2022) by Pegasus, no development shall commence until a full and final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
  - ii. A description of management responsibilities;
  - iii. A description of the construction programme;
  - iv. Details of the area for parking of vehicles of site operatives and visitors;
  - v. Details of the area for loading and unloading of plant and materials;
  - vi. Details of the area for the storage of plant and materials used in constructing the development;
  - vii. Site working hours and a named person for residents to contact;
  - viii. Details of vehicle routing to the site
  - ix. Detailed site logistics arrangements;
  - x. A detailed programme of the works indicating the number of construction and delivery vehicles, and the number of construction staff vehicles on a daily/weekly basis;
  - xi. Traffic routeing signs and HGV turning warning signs (including signage drawings);
  - xii. Details confirming the passing bays on Sawyers Hill and Ashton Road to be fit for purpose, in terms of construction/surfacing and dimensions.
  - xiii. Details of the measures to control the emission of dust, dirt and noise during construction;
  - xiv. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
  - xv. Details of the proposed width of the access track from its junction with Crossing Lane, including any passing bays,
  - xvi. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

14. No development shall commence until a pre-construction highway photographic survey to be carried out along the sections of highway of Ashton Road, Sawyers Hill and Crossing Lane to the access to the application site has been carried out. Upon completion of the construction phases, a post construction survey shall be carried out at the same location. Details and results of both before and after survey shall have been submitted to the Council as the Highway Authority within 3 months of the first operation of the development. Those submitted details and results shall be accompanied by a plan and timing schedule for the repair of any damage identified and attributable to the construction of the development, to be carried out at the expense of the applicant, which shall have been agreed in writing with the Local Planning Authority beforehand.

REASON: To secure a scheme for the repair of the public highway following completion of substantive construction works

15. No development shall commence on site until the first 20m of the access track from its junction with Crossing Lane, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

16. No development shall commence on site until the visibility splays shown on the drawing ref. P-20-2372 Figure 3.2 Proposed Access Arrangements have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

Reason: In the interests of highway safety.

17. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals. Illumination levels shall not exceed those specified for Environmental Zone 1 as set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)"

The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to avoid illumination of habitat used by bats.

18. Notwithstanding the contents of the Flood Risk Assessment & Surface Water Strategy (October 2022) by Pegasus, no development shall commence on site until full details of the proposed scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To comply with Core Policy 67: Flood Risk of the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

NOTE: The final surface water drainage scheme will be required to address all points within the consultation response of the Lead Local Flood Authority, dated 20/02/2022, namely:-

- The applicant must provide capacity and condition assessments for the drainage ditches to ensure they are of sufficient condition to accept incoming flows.
- The applicant shall submit clear arrangements for the ownership and ongoing maintenance of the ditch network, to ensure this remains effective at accepting flows for the lifetime of the development.

#### INFORMATIVE

The attention of the applicant is drawn to the following advice and guidance from Network Rail:

#### SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).

#### DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

#### ACCESS TO RAILWAY

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. NR wish to retain their rights of access to our culvert as SWM1 87 24ch.

#### INFORMATIVE

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

#### INFORMATIVE

The attention of the applicant is drawn to the recommendations made by the Dorset and Wiltshire Fire and Rescue Service as outlined within their consultation response to the application, dated 16 December 2022, and the guidance produced by the National Fire Chiefs Council, as referred to within the Planning practice Guidance on Battery Energy Storage Systems (Paragraph: 034 Reference ID: 5-034-20230814).

#### INFORMATIVE

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

#### INFORMATIVE

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.

#### INFORMATIVE

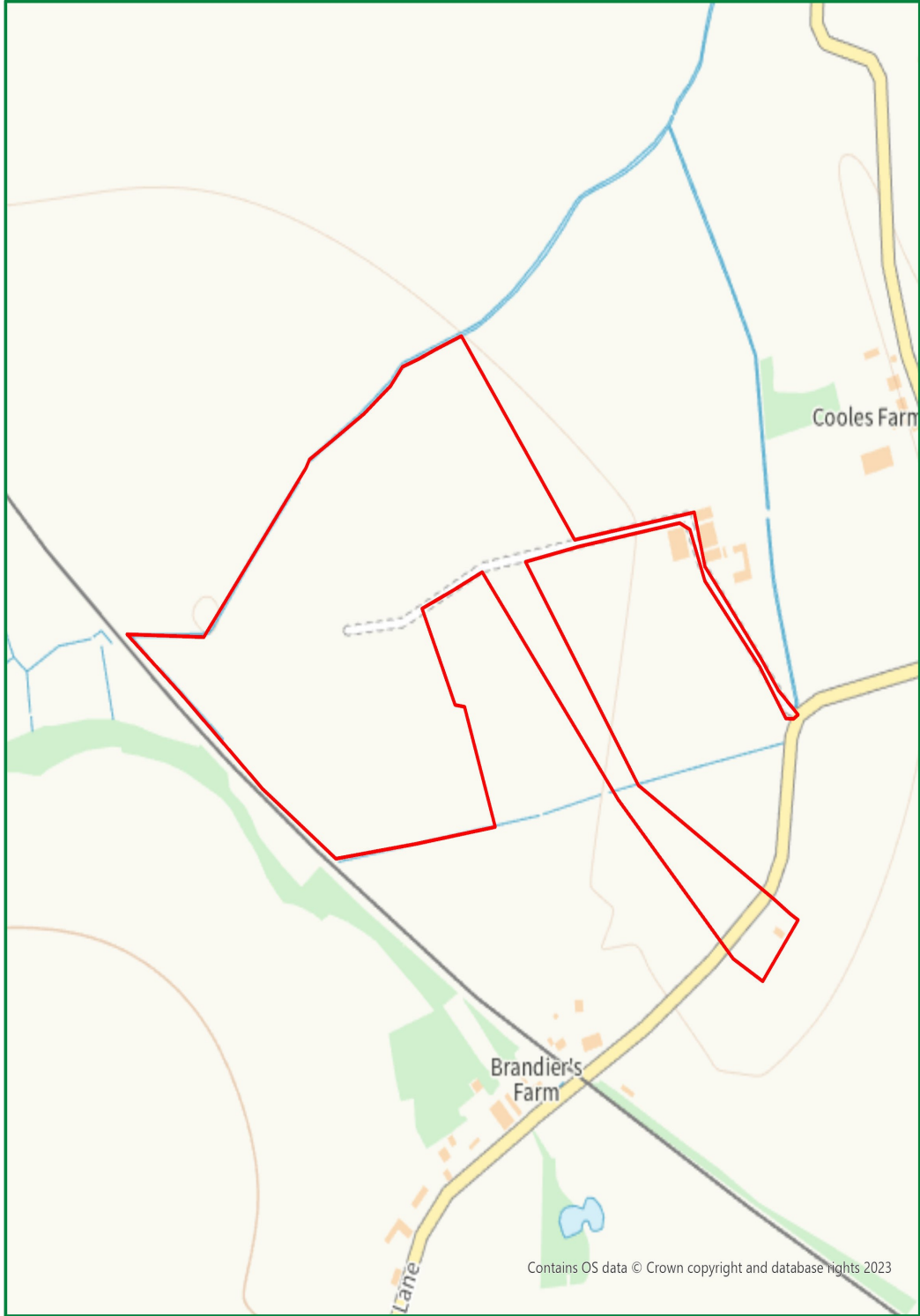
The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations 2017 (as amended) it is an offence to disturb or

harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

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**Wiltshire Council**

PL/2022/08634  
Land Northwest of Crossing Lane,  
Lower Moor, Minety



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