

## 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

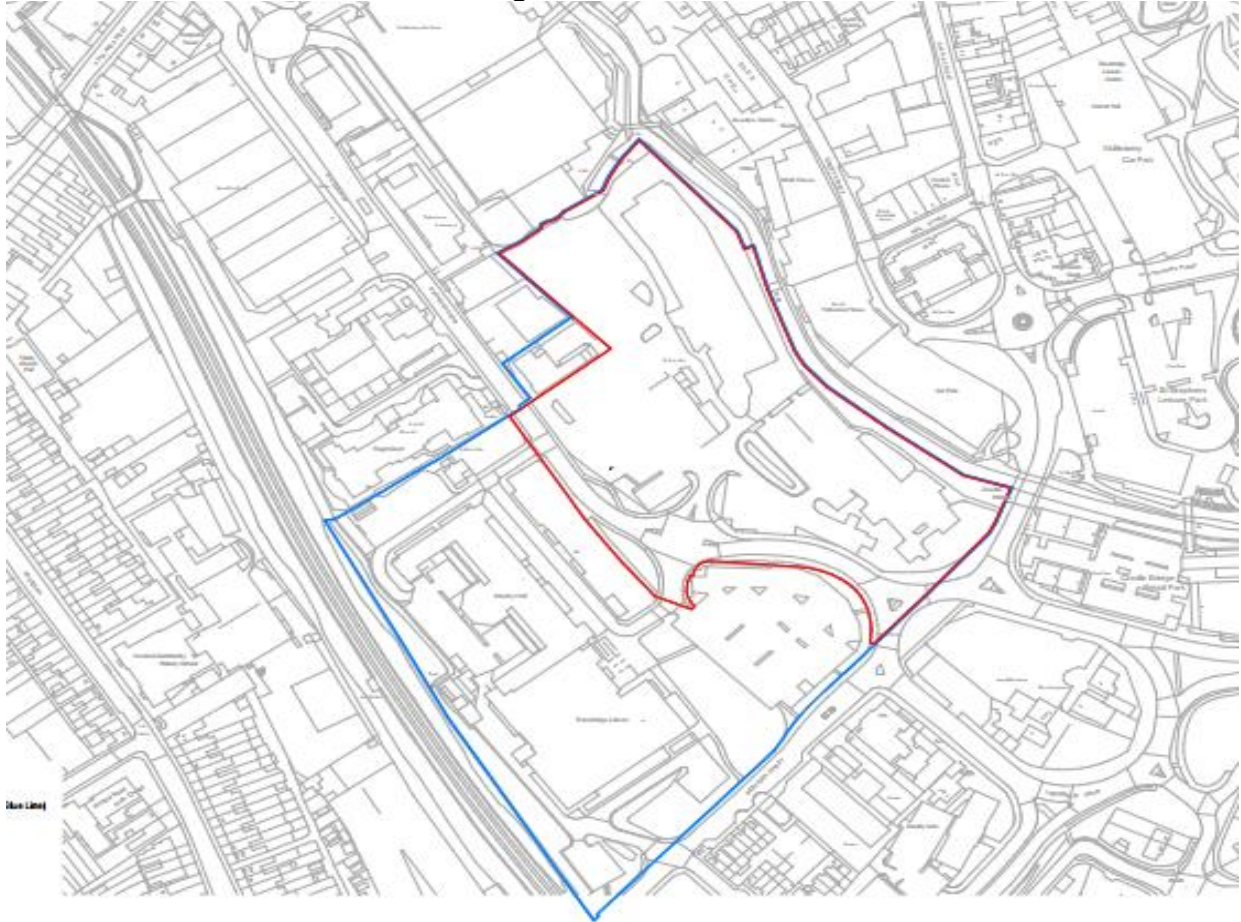
The key issues for consideration are:

- 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

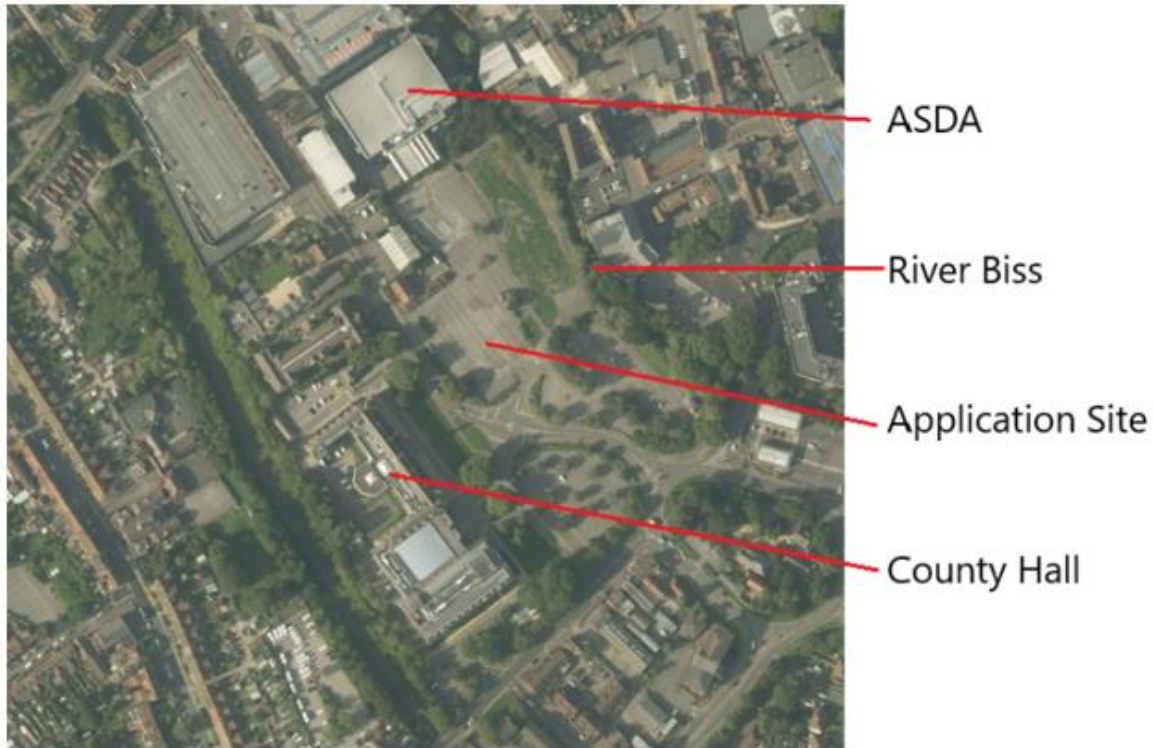


To the north of the site is the rear of the ASDA building. The northeast boundary is formed by the River Biss with tall buildings beyond, including historic former mills. The riverbank is lined with mature trees and vegetation below the tree canopy. The south and west of the site is bounded by Castle 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. 3: Proposed Site Plan

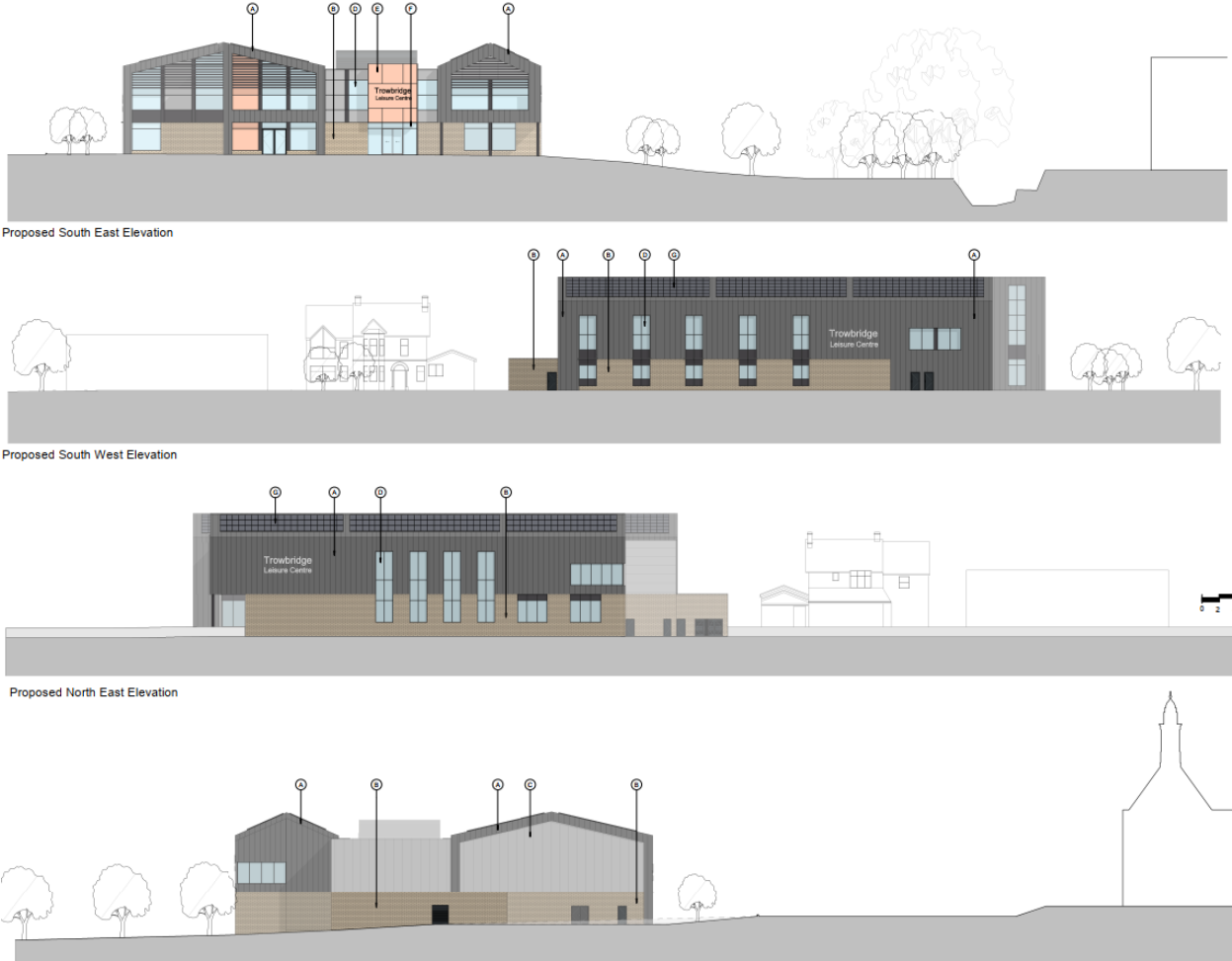


The application site predominantly relates to the Council's staff car park and extends to 241 spaces. The red line for the planning application also includes a stretch of Bythesea Road and mini roundabout since the proposals also include highway works that seek to bring about a new site access junction, an improved foot/cycleway and new landscape planting proposals.

Overall, the reconfiguration of the East Wing car park site would result in a net reduction of 25 spaces in recognition that the site of the former Chapman's building located in the northern part of the site along the riverside, is not presently used for car parking, but would be redeveloped under this application.

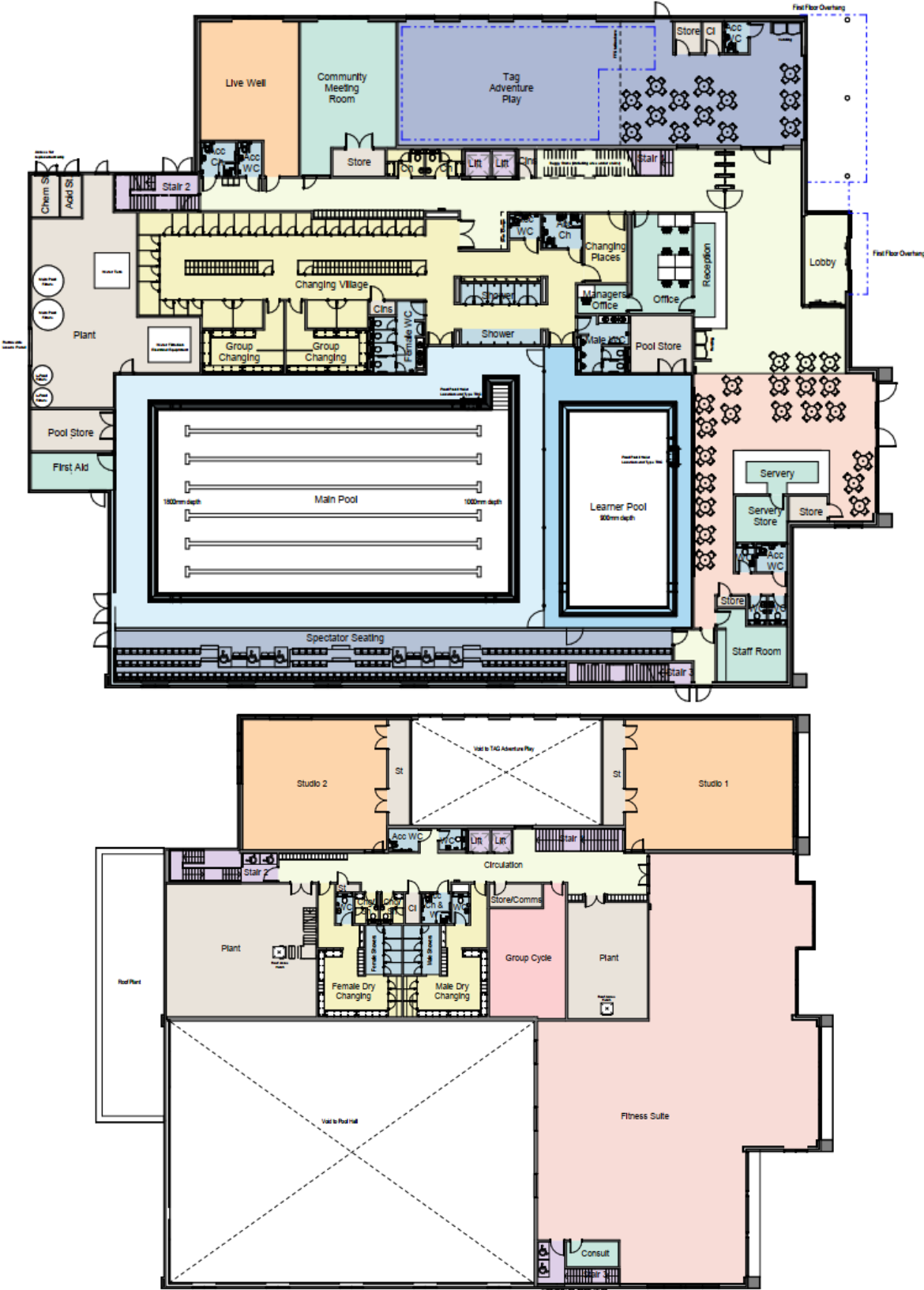
The application has gone through an iterative detailed design panel review process with the finalised proposed building elevations shown below – whereby the design approach has been informed by the town's industrial heritage.

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 of 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.

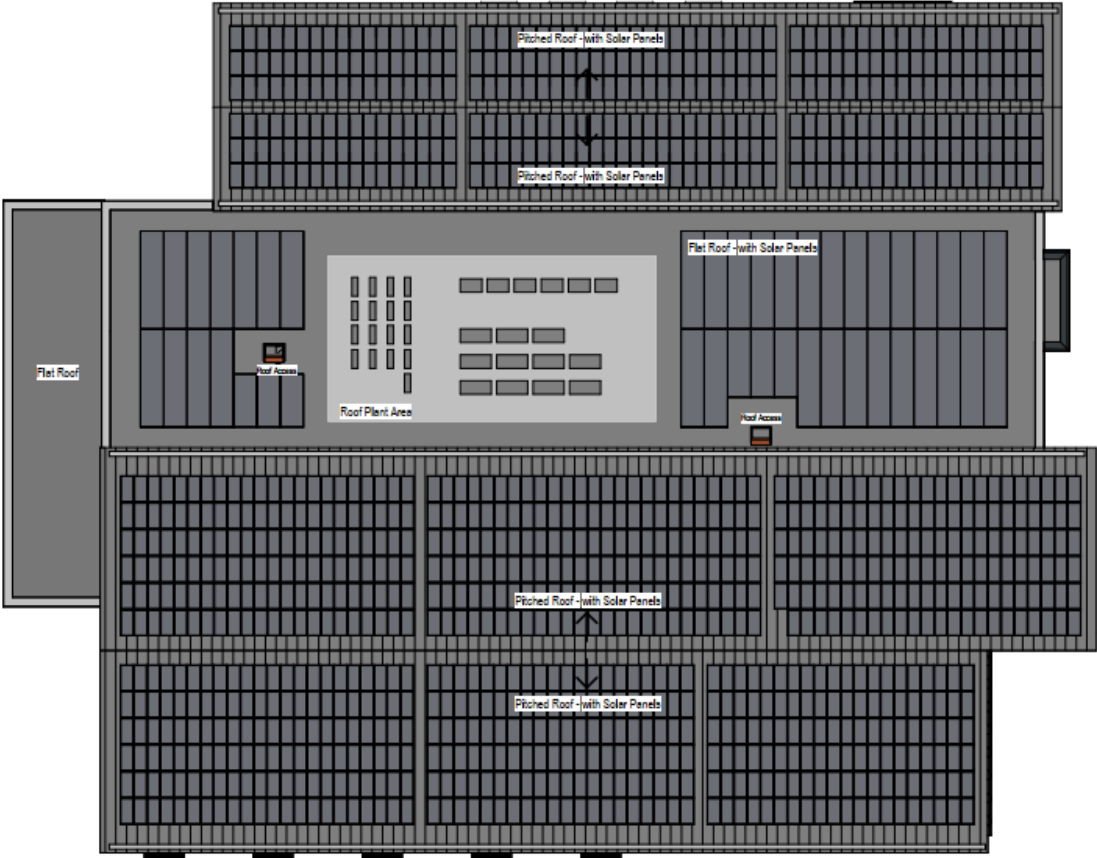
The use of buff brick has been raised as a concern; however alternative materials such as orange brick has also been put forward. If Cllrs are minded to support this application, the

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 levelling 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.

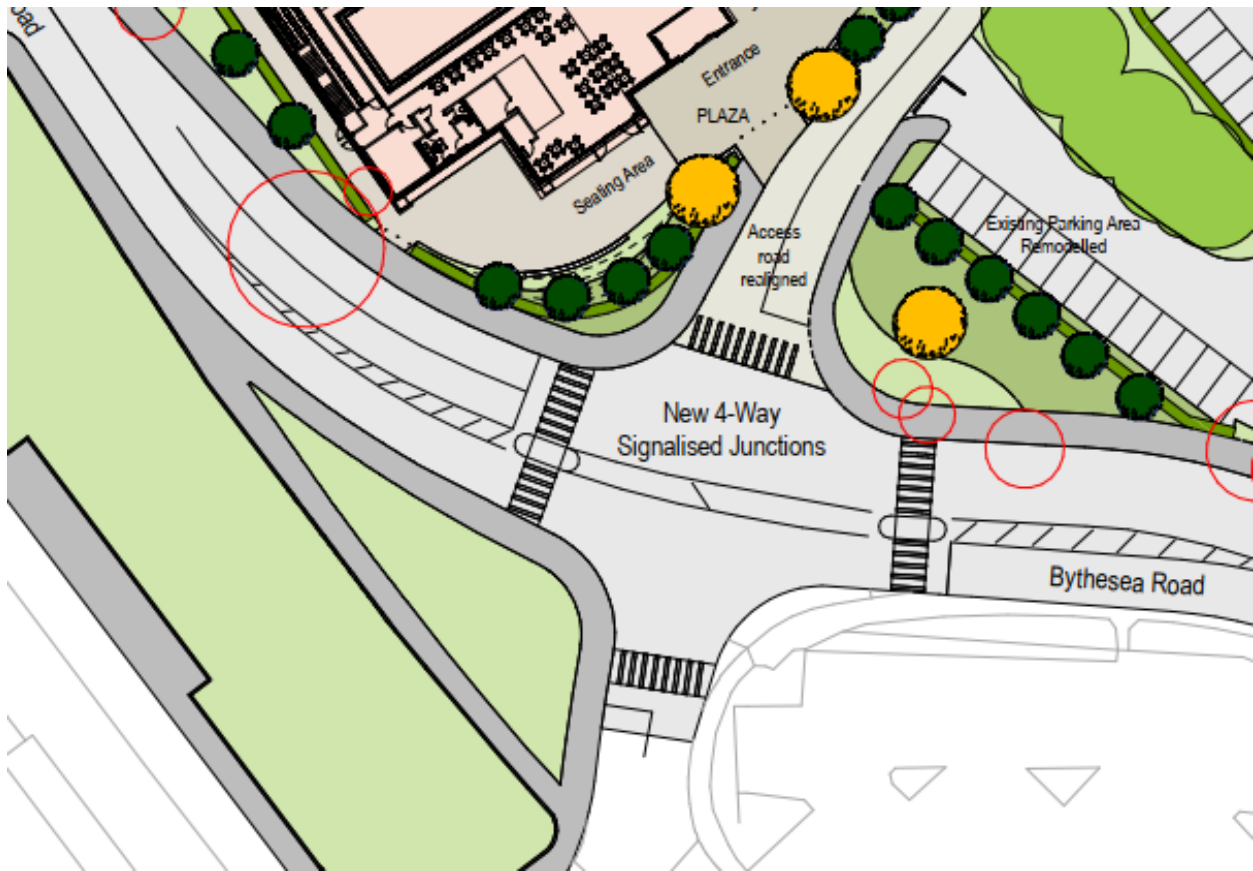
The proposal also includes a coach parking area, a drop off zone and electric vehicle charging spaces. The proposal includes secure cycle storage, connected footpaths with crossings throughout the site and along the river, as well as civic spaces around the building to promote this as a multi-use meeting 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)