

Date of Meeting	29.04.2015
Application Number	15/00636/FUL
Site Address	Former Peter Black Toiletries Factory site, Cradle Bridge/Castle Street, Trowbridge.
Proposal	Demolition of existing buildings and re-development of the site comprising the erection of four units (Units 1 & 2 are proposed for A1, A2, A3, A5, and D1 uses; Unit 3 for A1; and, Unit 4 for A3/A4 uses) with associated car parking, highways works, and landscaping. And, construction of cycle and footbridge across the River Biss.
Applicant	MRMU Ltd and King Developments Ltd
Town/Parish Council	TROWBRIDGE
Ward	TROWBRIDGE CENTRAL
Grid Ref	385733 157584
Type of application	Full Planning
Case Officer	Kenny Green

Reason for the application being considered by Committee

Councillor John Knight has requested that this major development be reported to the Area Committee for the Elected Members to consider. The application is of major interest to the town that could have a tremendous impact on the surrounding area, and should therefore be discussed and debated in public.

1. Purpose of Report

To consider the above application and to recommend that planning permission be approved subject to conditions.

Neighbourhood Responses – Two third party representations were received raising concerns/objections.

Trowbridge Town Council Response – No objection.

2. Report Summary

The main issues to consider for this application are:

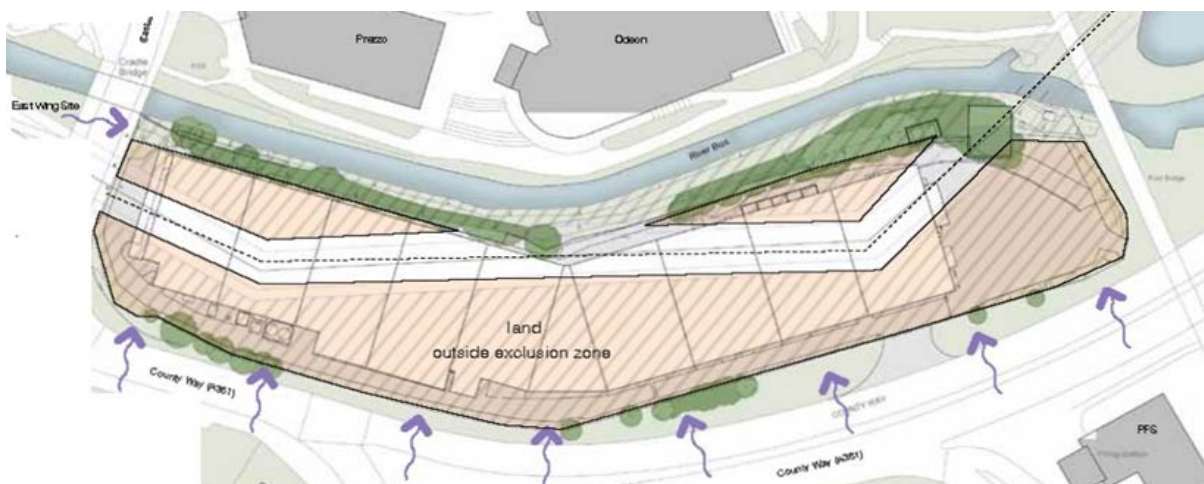
The Principle of Development/Key Regeneration Site Status and Retail Impact; Highway Impacts; Conservation Area Impacts/Urban Design Issues - Design, Scale, Layout and Detailing; Impact on Surroundings, Neighbouring Properties and Land Use(s); Flood Risk and Environmental Impacts; and, Ecological and Archaeological Impacts

3. Site Description

The former Peter Black site is an irregular-shaped edge of town centre site roughly 1 hectare in size bounded by the River Biss and the St Stephen's Place leisure park to the north; with the People's Park to the east, the County Way gyratory located to the south (which provides the site's historic and proposed left in/left out vehicular access); and Castle Street is to the west. There are no designated on site heritage assets although there is a Grade II listed building at Longfield House (surrounded by the County Way gyratory) approximately 50m from the site; and another Grade II Listed building approximately 190m to the east. The Trowbridge Conservation Area does not extend into the site, although its boundary abuts the site's northern and eastern edges.

As far as fluvial flood risk is concerned, the strategic flood risk assessment records that the site falls largely within Flood Zone 2 (medium risk) and partially within Flood Zone 3 (high risk) designations. There are a broad range of land uses within the vicinity of the site. The town centre is a short walking distance away with the primary retail frontage area only 300 metres to the north-west providing core retail uses. A suburban scale residential development, municipal buildings, supermarkets and a range of commercial uses are within a wider catchment of the site.

Due to the site's dereliction and lack of permeability, there is no pedestrian access through the site which has a variety of boundary treatments with a mixture of fencing (some of which has collapsed) and vegetation. Although nothing is formally protected, there is a mature self-seeded stretch of trees/shrubs along the riverbank which provide an important wildlife corridor and supports the flight path for bats. On-site investigations revealed a bat habitat within part of an existing building (which would require sensitive mitigation). The other significant constraint affecting the site is the mains sewer infrastructure which meanders its way under the site on a roughly west-east axis as illustrated in the plan below. The 1m encased 450mm sewer pipeline has historically constrained the site which has restricted developable limits, commercial viability and suitable re-uses. It is worth recording that the main sewer's 1m and 3m exclusion zones and legal way leave requirements effectively creates an 8m wide undevelopable area across most of the site.



The site is recognised as a “priority site for comprehensive regeneration” and a “gateway development opportunity” within central Trowbridge and is captured as such within the adopted Wiltshire Core Strategy’ and the ‘Master Plan for Trowbridge’ - which is being targeted for potential Council adoption in the summer and seeks to direct and influence wide ranging positive cohesive development for the town. It is well documented that the site has been vacant for many years and accommodates a variety of redundant/derelict industrial/warehouse buildings of substantial dimension ranging from 7m to over 11m (with a

floor area of about 5,500 square metres) which have cast a negative impression on the town, the commercial centre and the conservation area; The site is a classic example of a brownfield site where appropriate sustainable development is encouraged..

4. Relevant Planning History

The most relevant previous application affecting this site is reference 08/00255/OUT – which obtained committee support in 2009 for a mixed-use development comprising a Waitrose superstore, cafes, bars and restaurants, a hotel and residential apartments. Although the outline permission has now lapsed, the application merits some consideration in terms of appreciating the previously approved design concept, the mix of uses, footbridge crossing as well as the highway/retail impacts. Since 2009, the changes to national/local policy must be recognised alongside appreciating that new opportunities exist for the Cradle Bridge site following the recent redevelopment of the St Stephens Place site on the opposite side of the river. The Peter Black site had numerous extensions and alterations approved through the years to the industrial/warehousing facilities. However, none of these are considered relevant to this proposal for wholesale demolition and redevelopment. To support this scheme, extensive pre-application and post submission discussions/meetings have taken place between officers, the prospective developers, their consultants and various consultees dating back to March 2014. In addition, the applicants ran a public exhibition event in late October 2014 explaining the scheme.

5. The Proposal

This application seeks permission for a comprehensive redevelopment of the site to improve the linkages from the southern edge of the town centre into the primary shopping area. Under this application, the applicants who acquired the site in the summer of 2014 seek to deliver a retail led mixed-use development maximising the use of land and site viability whilst at the same time, work around the sewer easement, foundation exclusion zones and site constraints. The proposal comprises four principle buildings, with two end users (M&S Simply Food and a Toby Carvery) having already confirmed their intent to locate to the Town should this application be approved. Following extensive pre-app discussions, revisions and public engagement/consultation, the applicant proposes the following:

Unit 1 (with a Gross Internal Area (GIA) of 187sq.m) & Unit 2 (GIA of 280sq.m) would form the corner of Castle Street and County Way each of similar design and detailing with a fairly low profile of approx 5m. The two buildings would have a blend of contemporary and traditional materials (light and dark grey aluminium and red brick walling as found on the corner of the Premier Inn, with active glazed frontages. It should be noted that there are no confirmed tenants signed up for the occupation of units 1 & 2, and consequently, the applicant seeks some flexibility in terms of having the option for a mix of uses.

Unit 3 would be the tallest building within the scheme at approx 10m and would be occupied by a M&S food store which would act as the site anchor, located centrally on the site having a GIA of 1575sq.m of which 464sq.m would be provided as back of house floor space on a mezzanine level. The building has been designed to evoke a modern riverside wharf building that draws inspiration from historic mill buildings commonly found in Trowbridge. A series of pitched roofs with overhangs further draws upon the site's current roofed character. The building would be constructed using a mix of materials such as buff coloured walling, dark grey aluminium cladding and horizontal timber louvered cladding as well as louvered glazing and louvered screening/buff walling enclosing the associated service yard/access formed on the east elevation. Up to 50 jobs would be created with a mix of full & part-time positions equating to 29 full-time equivalent posts.

Unit 4 would be occupied by the Toby Carvery (an A3/A4 use) which has been entirely redesigned through negotiations. Rather than having a pastiche, the applicant has adopted a contemporary approach and seeks to construct a pavilion style building (similar to units 1 and 2) with a mono-pitch sloping roof ranging in height from just over 5m to 7m, as well as utilising a mixture of red brickwork, render and horizontal and vertical metal and timber louvered cladding. Unit 4 would have approx 610sq.m GIA generating about 40 full/part-time jobs.

A bat roost with a bare soil base would also be constructed to the rear of Unit 4, located in the north-east part of the site and close to dense planting and the river, measuring approx 4m x 4.5m and constructed from red brickwork and a pitched slate tile roof (forming part of the applicants' on-site ecological mitigation measures).

The application also proposes a 3m wide footbridge across the River Biss linking the site with St Stephens Place and the town centre that would have an approximate clearance of 2.7m above the footpath which abuts the river; and about 5m above the River Biss mean water level. The footbridge materials would be complimentary to the public realm installations found at St Stephens Place (i.e. stainless steel handrails, guarding and framing; and a hardwood non-slip boarded walkway). It should be noted that legal discussions between the Peter Black and St Stephens Place site owners progressed throughout 2014 and into 2015, and are understood to have reached an advanced stage agreeing the principle of landing the bridge on Legal & General owned land opposite Cradle Bridge. In addition to the proposed bridge crossing, separate pedestrian accesses would be formed onto Castle Street and County Way.

To accord with the Council's adopted maximum parking standards; the scheme proposes 148 car parking spaces, including disabled and parent/child spaces and provision for electric vehicles spaces. Out of the 148 spaces, 94 would be shared between Units 1, 2 & 3 and 54 spaces allocated to Unit 4. In addition, 16 cycle parking spaces would be provided across the proposed scheme. 3 trolley bays would also be provided.



To support the application, the following documents were submitted:

A planning statement; a design and access statement; a statement of community involvement (which comprised a public exhibition in October 2014, a Town Council notification; a presentation to the Area Board and Transforming Trowbridge); a flood risk assessment; a transport assessment (supported by highway modelling); a travel plan; a sustainable energy strategy (and BREEAM pre-assessment); a tree report and separate ecology report; a retail impact assessment (and sequential test); and a waste audit. The applicant has also produced an extensive suite of existing and proposed plans.

6. Planning Policy

Government Guidance - The National Planning Policy Framework (NPPF); the Noise Policy Statement for England (NPSE); and Planning Practice Guidance (PPG)

The Adopted Wiltshire Core Strategy (Jan 2015) - Strategic Objective 1 - Delivering a Thriving Economy; Strategic Objective 2 - To Address Climate Change; Objective 4 - Helping Build Resilient Communities; Strategic Objective 5 - Protect and Enhance Natural, Built and Historic Environment; and, Strategic Objective 6 - Provide Necessary Infrastructure. CP1 – Settlement Strategy; CP2 – Delivery Strategy; CP3 – Infrastructure Requirements; CP28 – Trowbridge Community Area; CP30 – Trowbridge Low-Carbon Renewable Energy; CP35 – Existing Employment Sites; CP36 - Economic Regeneration; CP38 - Retail and Leisure; Core Policy 39 - Tourist Development; CP41 – Sustainable Construction and Low Carbon Energy; CP50 - Biodiversity and Geodiversity; CP51 – Landscape; CP57 - Ensuring High Quality Design and Place Shaping; CP59 – Ensuring the Conservation of the Historic Environment; Core Policy 61 - Transport and Development; and, CP64 – Demand Management.

In addition to the cited WCS objectives and core policies, the following saved policies carried over from the West Wiltshire District Plan (1st Alteration) as detailed within Appendix D of the Core Strategy, remain valid: C40 – Tree Planting; SP1 – Town Centre Shopping; SP2 – Trowbridge Town Centre; SP5 – Secondary Retail Frontages; TC2 – Traffic Management Schemes; U1a – Foul Drainage/Sewerage Treatment; and I3 – Access for All.

The adopted Wiltshire and Swindon Waste Strategy (July 2009) – especially Policy WCS6 – Waste Audit; and the following publications/documents also merit material consideration:

The well advanced, yet still, un-adopted 'Masterplan for Trowbridge'; The River Biss Public Realm Design Guide SPD; The Wiltshire Strategic Flood Risk Assessment (WSFRA); The Wiltshire Biodiversity Action Plan (BAP); and The Planning Brief for the former Peter Black Toiletries site (April 2013) – which is an un-adopted SPD.

7. Consultations

Trowbridge Town Council – No objections.

Wiltshire Council Spatial Planning – The site would provide additional employment opportunities and regenerate a significant town centre site. The proposal is in keeping with the emerging Masterplan for Trowbridge (issued September 2014) which expects Trowbridge to grow in both population and status. It presents a significant opportunity for the growth of the retail offer within the town centre. The current retail provision is centred on the core of the town centre, with the Shires Shopping centre linking the retail experience to Asda's. The Shires Gateway development is a further extension to the west and the proposed Bowyers development to the north. It is essential that a retail circuit is created that can connect these retail centres as well as the new development at St Stephen's Place. Therefore it is important to consolidate the town centre and extend the retail area south towards Cradle Bridge. This proposed development achieves that objective.

The Masterplan identifies the site being appropriate for comparison retail, leisure and parking and acknowledges that the site would not be suitable to accommodate significant leisure development, due to viability constraints relating to underground sewers on site. From an economic development perspective, the application is a positive response to the constraints. The intention to connect with the development on St Stephens Place is also

welcomed. The creation of a more attractive gateway to the town centre is also in keeping with the Masterplan as are the improvements to the River Biss corridor.

Wessex Water – No objection. Wessex Water were central to the pre-application discussions and have accepted the foundation arrangements/details and sewer clearances/easements.

Wiltshire Council Land Drainage Team – No objections subject to conditions/informatives.

Environment Agency – Following negotiations and revised information, the EA confirmed having no objections subject to planning conditions and informatives.

Wiltshire Council Highways – No objections on highway grounds. The Transport Assessment has been fully appraised and the conclusions are accepted that the proposed development would only have a minor impact on the local highway network. Transport modelling has been reviewed and found to be satisfactory. Whilst there is a possibility that vehicles may access the Tesco site to make right turn manoeuvres (rather than 'U' turn at the next roundabout), the modelling has confirmed that such manoeuvres would be nominal and there are few, if any occasions, when the queue for the right turn into the Tesco access would extend back past the Cradle Bridge site entrance.

The development would have some impact on the County Way gyratory and measures would need to be identified to alleviate this. The agreed solution(s) can be incorporated within a s278 Agreement which would in any case be necessary to secure the site access and other sundry highway works. All the service areas can be readily accessed, although the site arrangements would see some vehicles reversing within the site where there would be some pedestrian activity. For this reason, it is considered that a delivery management plan is necessary with respect to each unit (before its first occupation). This can be secured by condition. Conditions would also be required to secure the provision and future maintenance of the parking and servicing areas.

It is necessary to ensure that cycle links between the Brown Street and Longfield Road are enhanced – with the existing footpaths being widened to a 3 metre width; and, increasing the width of the footway along the site frontage to 3 metres also.

Wiltshire Council Urban Designer – Supportive of the concept and much of the design aspects. The detailed design is of a high standard and the layout addresses the considerable site constraints and has the potential to deliver the aspirations contained within the Trowbridge Masterplan and the River Biss Public Realm Design Guide SPD. It is accepted that units 1 & 2 cannot have active elevations on all sides due to back-of house security needs and site constraints. With this in mind, some significant tree planting should be pursued around the site edge; and in particular, the south western corner – which could be covered by planning condition.

As far as design/detailing considerations are concerned, Units 1&2 would have a simple, clean design and materials palette. Since the pre-application meeting and exchange of views, the materials have been changed to include red brick which should complement the Premier Inn Hotel. Unit 3 displays exemplary design and the design of unit 4 has been vastly improved since pre-app stage. It has a strong relationship with the other buildings and is orientated to address the riverside as well as County Way. The commitment to achieving BREEAM very Good Standard is noted and welcomed.

Wiltshire Council Conservation Officer – No objections. The existing site character is one of a run down and disused industrial factory which harms its immediate surroundings. The site to the north of the river, St Stephen's Place, has recently been redeveloped into a new

commercial site of modern design with a good use of materials. It is hoped that this current scheme would continue that theme. The northern edge of the site, adjacent to the river is within the Conservation Area, and the proposed footbridge would be within the Conservation Area but otherwise all proposed buildings would fall outside it, but nevertheless, the scheme would have an impact on its setting. There is a Grade II listed building approximately 50 metres to the south west of the site, and another Grade II listed building approximately 190 metres to the east of the site. The listed building to the east is on the other side of County Way and the large Tesco car park. Therefore it is unlikely to be affected unduly by this proposed new commercial development. The closer listed building to the south west is a domestic scale building surrounded by the County Way gyratory and is screened to a large degree by mature trees. Nevertheless the impact must be considered. Given the current condition of the site and its derelict buildings, there is at present, a strong negative impact from the site on the setting of that listed building. The current site is occupied by a continuous run of built form which results in a very imposing appearance. The proposed development would create a series of separate buildings and although in places they may be higher than the current building, the overall massing would be broken up to an acceptable degree.

Providing the same care is taken over the use of materials and finishes then this site would raise the visual profile of the area in conjunction with St Stephen's Place, individually and cumulatively significantly enhancing this part of the Conservation Area. One key aspect of this would be the treatment of the river area itself. An opportunity exists to create a river that the town can enjoy, running between two commercially active and viable sites. The proposed plans show new planting and green space south of the river and the site design concept would maintain and promote the enhancement of the river. Providing the materials and finishes are carefully considered and controlled, and the river area is dealt with sympathetically, this scheme would result in an enhancement to heritage assets.

Wiltshire Council Archaeologist – Supportive subject to the imposition of an archaeological watching brief condition relative to the initial stages of development to record any archaeological features revealed during construction. There remains some potential for archaeological remains to be present, being adjacent to the river and close to medieval settlement and later industrial activity, however it is anticipated that a high degree of disturbance will have taken place at the site.

Wiltshire Council Ecologist – No objection, subject to conditions.

Bats - An amended '*Ecological Appraisal and Protected Species Surveys*' report dated 24 November 2014 prepared by Crossman Associates is satisfactory. An inspection of the riverside trees found no evidence of roosting bats and limited suitability in most of the trees. Three of the trees have been identified as having some potential and the report recommends that they are checked by a licensed bat ecologist immediately before their removal. This recommendation should be implemented by condition.

Lesser horseshoe and Common pipistrelle bats have been confirmed as roosting on site within existing buildings. The Lesser horseshoe roost is likely to be a single bat or small numbers of individual bats. The Ecological Appraisal report concludes that the low level of activity suggests that the building is functioning as a low status day roost for this species, perhaps being occupied by non-breeding female or male bats. The low number of bats recorded during August suggests that the building is not a maternity roost or a satellite roost. The building is located close to the river and offers a convenient location for resting and sheltering during inclement weather. It is not considered to provide a significant hibernation opportunity for this species, as the toilet block is likely to experience fluctuations in temperature. The exact roosting location of the single Common pipistrelle bat was not identified, but the Ecological Appraisal report concludes that it was likely to be a crack in the

wall or underneath roofing felt on the north elevation of the existing building. This bat was only recorded during one of the surveys, which suggests that the building is functioning as a transient roost for low numbers of common pipistrelles.

Both roosts would be replaced as part of the proposed development and a derogation licence from Natural England would be required before demolition of the existing buildings on site. The three tests are likely to be met in relation to the EC Habitats Directive through the re-development of a vacant commercial site and the proposed mitigation and compensation measures for bats, including the replacement roosts and the protection and enhancement of the existing riverbank vegetation. A condition should be attached to any planning approval for the permanent retention of the replacement bat roost and the surrounding vegetation linking it to the river and screening it from the development.

Landscaping - Full details of lighting and landscaping could be conditioned and based on the information included in the DAS. Also, details should be written in the affirmative wherever possible. In general, the lighting and landscaping proposals appear to be satisfactory, although enhanced planting would be supported in ecological terms throughout the site, and opposite unit 3.

Wiltshire Council Environmental Protection – In view of the former industrial use of the land and the presence of unknown filled ground in close proximity to the River Biss, there exists potential for land contamination which may affect the proposed development; and a planning condition is recommended. A planning condition or informative is also recommended to cover hours of construction. The developer should demonstrate what positive contributions they could make in terms of improvements to the town's air quality.

Wiltshire Fire & Rescue Service – Fire safety guidance has been provided to ensure there is suitable provision for fire fighting, water supplies and emergency access - which can all be covered by a planning informative.

8. Publicity

This application was advertised by four site notices, a press notice and individual neighbour notifications. Expiry date: 27 February 2015. The following is a summary of the received comments:

Two public representations, including a representation from Trowbridge Civic Society were received citing general support for the regeneration proposal, however the following concerns have been raised:

- The design/detailing of units 1 & 2 / corner of Cradle Bridge/County Way is a key visual focal point that warrants particular design quality. The proposed buildings lack visual presence and the two buildings are out of scale with other two/three storey buildings nearby. Other possibilities need to be explored for the corner site - perhaps shops on the ground floor with residential above linked over the service easement strip.
- Careful attention should be given to the design of the landscape and it is worth appreciating that pedestrians will likely take the most direct routes across a site and not necessarily follow designated paths.
- Is the Council's Highways Authority/Council satisfied with the modelling/transport testing? Concerns are raised about traffic implications and lack of paramics analysis. What consideration has been given to transport impacts associated to future "committed" developments such as the strategic urban extension site off the West

Ashton Road? The capacity of the West Ashton Road roundabout has been given consideration, but has the safety of more u-turning traffic been considered? The evidence supplied indicates that there is already junction overloading/congestion at the Longfield/Bythesea Road signals. It is not satisfactory to accept more congestion without seeking mitigation.

- The Longfield roundabout is the junction of two Principal roads - the A361 from Frome to Devizes and A363 from Trowbridge to Bradford on Avon, which carry a significant through element. Trowbridge is the County Town and the road system should reflect its importance. The tone of the Callidus report accepts congestion. But, congestion brings with it air pollution and the objective should be to improve air quality not worsen it. The Castle Street-Mortimer Street route is a significant pedestrian route and if the policy is to encourage walking then poor air quality should not be acceptable.
- Congestion also affects the regularity and dependability of bus services. As Council policy is to encourage bus usage, extra congestion should not be accepted if it is avoidable.
- It looks possible to improve the capacity of the Bythesea Road/Longfield by means of road widening. All the land required is highway or in the ownership of the Council. Bythesea Road could be widened to extend the two queuing lanes as far back as the mini-roundabout access to County Hall. The ideal alignment could line up better with the County Way exit and provide 3 lanes at the junction, left and two ahead. The splitter island could be bigger and the stop line of the circulating movement be carried forward another car's length or so.
- As far as parking is concerned, the applicant's consultants have not considered the current parking situation in Trowbridge, where there is a great deal of on-street parking because of the current parking controls and charges. Some form of parking management is needed. This would be yet another large car park which would be outside the Council's ability to control.
- It is highly likely that Odeon cinema patrons would find the proposed parking very useful. At St. Stephen's Place the multi-storey car park offers an alternative and the occasional queue causes no real problem. With the Cradle Bridge car park, there is no obvious alternative and there could be frequent occasions when there will be entry queues which could tail back onto County Way – creating a potential safety problem. There should be a reasonable length of queuing lane parallel to the County Way main traffic lanes.
- The situation could be compounded by problems caused by delivery lorries. Lorries to Unit 3 would not have a simple movement to access the loading bay. They would have to enter, possibly with cars behind them and then reverse into the bay. If another lorry arrived around the same time there would be no place to wait. A queuing lane in County Way would help. Lorries servicing units 1 and 2 would have a difficult route to follow, probably involving a lot of difficult reversing and the route would cross the pedestrian/cycle route at the bridge crossing. Some drivers would find it easier to stop on Castle Street in a most difficult position. Those to unit 4 would have to reverse a lengthy distance, about 50m.
- Is any alteration to the junction needed to control traffic safely? Four points of potential safety problems appear immediately obvious. Three relate to pedestrian safety. The scheme plan and supporting text indicates that there would be pedestrian access allowed at the service road. This means that pedestrians would be tempted to cross County Way some point east of the crossing at the Longfield signals. There is an access for pedestrians (and probably cyclists) on Castle Street. Almost directly opposite is a footpath into County Hall East Wing. Would it not be

safer to have the pedestrian access closer to Longfield where pedestrians could use the crossings?

- It is noted that wheelchair access from County Way is by means of a ramp which is somewhat devious and regards the wheelchair (and pram pusher and cyclist) as a second class use. Is this not a major access into the development? It would be much more satisfactory to run the ramp up from the footway directly into the development for all pedestrians and wheelchairs to share.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan (i.e. the adopted Wiltshire Core Strategy), unless material considerations indicate otherwise. To assist with the consideration of this application, the following key planning sections are highlighted for appraisal:

9.1 The Principle of Development/Key Regeneration Site Status and Retail Impact; **9.2** Highway Impacts; **9.3** Conservation Area Impacts/Urban Design Issues - Design, Scale, Layout and Detailing; **9.4** Impact on Surroundings, Neighbouring Properties and Land Use(s); **9.5** Flood Risk and Environmental Impacts; and, **9.6** Ecological and Archaeological Impacts

9.1 The Principle of Development/Key Regeneration Site Status and Retail Impact

Alongside its partners and key stakeholders, the Council has been very proactive in terms of promoting and encouraging regeneration opportunities within central Trowbridge for many years. As one of the County's principal settlements, there is a primary focus for development and economic growth in Trowbridge. In recent years, the former Ushers Brewery, Court Street and St Stephens Place sites have been substantially redeveloped or are well advanced in terms of their regeneration.

The recently adopted WCS and well advanced Trowbridge Masterplan attaches strategic importance to delivering more regeneration to the County town of Wiltshire. At the national level, the NPPF places great weight upon delivering sustainable development and is unreservedly pro-growth where there is 'in principle' support for development that positively enhances economic diversity, social and environmental improvement. Through multi-disciplinary partnership working, officers remain committed to negotiating the right type of development growth for the town; seeking to deliver high quality, vibrant mixed-use developments to create a series of new linked destinations along the river Biss corridor, and encourage people to make linked trips in and around the town centre.

As a key gateway to the town centre, located opposite the recently redeveloped St Stephens Place site, regenerating the former Peter Black site at Cradle Bridge is considered vitally important in terms of raising the profile of Trowbridge, delivering a sustainable future for the site, generating more economic vitality and job creation; stimulate economic synergies between the St Stephens Place leisure park, the Cradle Bridge site and the town centre, which would be greatly assisted by having the proposed footbridge crossing over the river Biss.

The regeneration of the Cradle Bridge site is considered to be fully compliant with WCS policies CP1, CP2 and CP3. The negotiated proposed mix of land uses and site redevelopment would also be in accordance with CP28 (Trowbridge central areas for opportunity), CP36 (economic regeneration) and the Trowbridge Masterplan aspirations for the site and wider vision for the town. The scheme would not only (and finally) regenerate a site which has been derelict for many years, the detailed proposals would deliver a high

quality design mixing contemporary and traditional elements respecting the sites/town's architectural and cultural heritage. From the details submitted there is a commitment to deliver a scheme that builds on the successful public realm improvements found throughout the St Stephens Place site and create legible pedestrian and sustainable travel linkages.

As far as the proposed uses are concerned, WCS Core Policy 38 recognises the challenges faced by principal settlements to address 'retail trade leakage' and strengthen their roles as shopping destinations. To properly respond to and plan for such challenges, it is important (as directed by government policy) to have clearly identified/confirmed town centre boundaries as well as primary and secondary retail frontages. Whilst the Council has an adopted WCS, town centre boundaries have not been thoroughly reviewed and appraised for many years. This was a weakness identified by the Core Strategy examining Inspector back in December 2013. In response, the Council committed itself to commissioning and completing a town centre study to support the Core Strategy to provide a contemporaneous appraisal of what constitutes town centre and primary/secondary retail frontage areas. Whilst there is still some work to do before the study can be afforded significant material weight, a draft survey indicates that the site would likely fall within the town centre and be sited only circa 300m from the primary shopping area.

However, for the purposes of this application, officers are mindful that the town centre study is still 'work in progress' and the approach agreed with the applicant was to treat the site for the time being, as edge of town centre; and in accordance with the requirements of WCS Core Policy 38, the proposed mixed-use retail led development has been subject to a retail impact assessment taking on board national guidance and established best practice to analyse present and projected town centre vitality and viability.

The submitted retail impact assessment firstly clarifies that the proposed M&S foodstore (which would occupy unit 3), would predominantly sell M&S branded convenience food products alongside a very limited range of ancillary non-food goods (such as flowers, cards, stationery etc) serving the convenience retail needs of a modest catchment area to supplement the wider area captured by much larger A1 foodstores - which cater for a far greater mix of convenience and comparison produce. The proposed flexibility in uses for units 1 and 2 and the A3/A4 Toby Carvery pub/restaurant for unit 4 would offer further on-site choice and variety; which in turn, would encourage a "*competitive town centre environment*" – which are key objectives of the NPPF (para. 23), the WCS and Masterplan.

In addition to the NPPF and WCS Core Policies, the proposals have been assessed against policies SP1 and SP3 which have been carried over into the CS from the West Wiltshire District Plan – 1st Alteration. Whilst these policies form part of the Adopted Plan (and are listed within Appendix D) without a credible adopted town centre boundary appraisal, the 'old' WWDP policies can only be given limited weight. It is also important to note for instance that there are elements contained within these policies which are now incompatible with national planning policy (e.g. the requirement to prove the existence of need is no longer applicable); and consequently, great care must be taken appraising these policies; although, both policies seek to secure town centre vitality and viability.

As far as new retail space is concerned, the WCS identifies that there is considerable opportunity for new retail floorspace and focuses such provision in central locations on or around the Masterplan priority regeneration sites. In 2013, the Council commissioned a planning brief for the Cradle Bridge site which identified the possibility of accommodating a mix of uses including A1 retail and recognised that the site is "*one of the few regeneration sites close to the primary retail frontage...capable of providing a range of town uses*". The planning brief also identified the site's key objective as delivering "*an improvement in the range of land uses within Trowbridge town centre and to enhance the quality of the southern gateway into the town centre*". It is also worth remembering that the Council approved a

approved a mixed-use retail led development (ref W/08/0025/OUT) for this site back in 2009 that included a Waitrose foodstore (with a marginally larger retail footprint than what is proposed here). In addition, due regard should also be had to the successfully appealed applications at the Bowyers site under references: W/11/02689/FUL and W/12/02299/FUL which included provision for a Morrison foodstore having a gross floorspace over 70% larger than what is applied for here, although neither of these approvals have to date been implemented.

The scale of the retail/dining proposal is considered appropriate and would be complimentary to the existing/approved provision found at St Stephens Place, town centre and the Bowyers site; and if implemented, the schemes could create a retail circuit. The proposed net sales area would equate to under 1200sq.m which is not a significant retail floor area when compared to the existing town centre, or if compared against the 10,686sq.m gross A1 floorspace approved at the Bowyers site. The applicants correctly assert that the NPPF states that the impact test must be proportional to the floorspace proposed; and members are asked to note that the scoping of the retail impacts was agreed with officers during the summer of 2014, and the findings have been subject to rigorous analysis.

In addition to sequential site testing and appreciating the retail impacts, site viability and the operational and market requirements need to be understood. The applicant argues that in addition to working with the site's constraints, the scheme's viability is dependent upon the anchor M&S store having at least 1400 square metres of gross floor space on a site area of 0.5 hectares with appropriate parking. The applicant has also stressed that the proposed variety of uses within the 4 constituent buildings are crucial for the scheme's viability. The applicant has surveyed the town centre and found no vacant retail units large enough to accommodate the proposed M&S operational needs along with its parking and servicing requirements. It should also be noted that a smaller M&S store previously occupied one of the retail units within the Shires, but ceased trading due to operational/marketing restrictions.

As part of the sequential assessment, the applicant has appraised the other Masterplan key development opportunity sites, including the Wiltshire Council owned East Wing, the Court Street car park, and land at Castle Street/Castle Place, which have all been found to be sequentially less preferable to the Cradle Bridge site due to site availability; proximity to the primary retail frontage area; the locational benefits which in part, could see economic synergies develop between St Stephens Place, this site and the rest of the town centre; as well as maximising the access and site servicing arrangements/opportunities; creating a 'critical mass of attraction' offering more retail choice and promoting linked trips in and around the town; and, redress retail leakage away from Trowbridge/Wiltshire.

In May 2014, a town centre survey was undertaken to establish the current mix of uses and vacancy rates. The survey reported that the town centre had 'a healthy range of national and independent retailers'; and it is duly submitted that an M&S 'Simply Food' convenience food store would make a positive retailing contribution to the centre/town. In terms of the consented retail development(s) at the Bowyers site, it is argued that this proposal would have negligible impacts as two schemes are at entirely different scales and operations (i.e. the M&S would be more of a basket shopping resource trading under their own branded premium product line compared to a main food Morrison store). The Toby Carvery proposed use is considered complimentary to the other uses and the leisure/dining uses found at St Stephens Place. A key advantage of the St Stephens Place development was the enhanced leisure/dining opportunities; and the retail survey work indicates that there is a shortfall at present and that there is sufficient growth in food and drink expenditure in Wiltshire to support a 34% increase in the restaurant/dining sector by 2020.

On the basis of the above, it is asserted that the proposed convenience retail led

redevelopment of the Cradle Bridge site would not negatively impact on the vitality or viability of the town; and would not significantly divert trade away from existing, committed and/or planned public/private investment in the town centre. Given the very limited comparison retail element within the proposed M&S store, the development would not harm the town centre's vitality; and as far as development principle is concerned, the scheme has officer support.

9.2 Highway Impacts

As recorded above, the Council's highways officer reports no objections. The highway implications have been subject to lengthy and detailed assessment. For the avoidance of any doubt, the traffic analysis was not made up of a set of individual junction assessments. Detailed modelling was done for the gyratory, the Tesco access, the traffic light system, the West Ashton Rd roundabout and the site access. Additionally, paramics modelling and reporting was produced for all the junctions combined into one network, and calibrated using the models above. This is all available to review within a 'Supplementary Transport Report'.

Detailed discussions have taken place between the applicant's transport consultant and the Council's highways authority regarding traffic growth. In a town centre urban environment, it is inevitable that junctions will be under traffic pressure and many will operate at the limit of their capacity - such is the case that you can never fully satisfy travel demand. The modelling work shows this to be the case for a particular part of the Longfield Road gyratory (the Bythesea Road and circulatory traffic from County Way northbound movement). It should however be noted that the tables in the Transport Assessment report only highlight the parts of the network under the most pressure – full accounts are contained in Appendix G of the Transport Assessment and show much of the rest of the network operating satisfactorily.

The addition of Cradle Bridge development traffic would exacerbate the parts of the network under most pressure, but the Transport Assessment has shown that this can be kept under 100% saturation in all but one case in the year of opening (and this is a comparison made against a currently vacant site). Officers at this point would ask Members to duly appreciate that this application relates to a brownfield site which would have had its own traffic generation in the past and one should not view additional traffic entering and exiting the site as completely "new" volume. The Council does have to weigh up additional traffic using the network against the site redevelopment benefits as part of the planning balance. The applicant's transport consultant argues that if mitigation is required, then mitigation through wider strategic transport and land use solutions is often a better solution than localised mitigation. That said, the applicant in this case submits that by locating retail development in / around the town centre (as opposed to out of town) is part of a wider mitigation strategy. However, there is an acceptance that certain highway improvements could be secured by planning condition and separately, under a s278 agreement pursuant to the Highways Act 1980. Widening Bythesea Road is not considered appropriate or necessary in planning terms; and consequently, is not recommended.

It is however agreed that having reliable public transport, especially bus links are very important and it is partly the reason for locating retail development in town centre locations where people can benefit from most bus access. Furthermore, there is no dispute that there is a need for robust car parking management, and if Members are minded to grant permission as recommended, a car park management plan condition should be imposed. The Council does have policies on private non-residential car parks that are in public use, which the developer proposes to comply with as appropriate.

Whilst the on-site servicing and accessing concerns raised by the Civic Society are duly noted, the number of service vehicles accessing the site would be low and the chance of two arriving at the same time would be nominal. A planning condition covering the need for a delivery management plan is recommended in the interests of highway/pedestrian/cyclist safety. The access road has been designed to be long enough to queue a truck on it if required and cars could also queue on the deceleration lane. The likelihood of this happening is however extremely low. Swept path analysis has been undertaken and the manoeuvres are acceptable. Loading will not be able to take place from Castle Street as it would be impractical for delivery drivers to wheel cages to and from the site. Traffic from West Ashton Road giving way to u-turning traffic is no different to giving way to the traffic southbound on County Way, except that any 'u-turners' would be travelling slower. There is good visibility across this roundabout so road safety would not be a problem.

The layout has been designed with safety in mind and using conventional access and car park layouts. The service vehicles would share the access to the site with general traffic and therefore there are wide footways proposed and safe crossing points marked out. Where pedestrian crossings interface with servicing access routes, safe crossing points have been demarcated.

The proposed ramp off Castle Street is the most efficient means of addressing the change in levels and makes best use of the natural topography. However, the site finished floor levels have been lowered, thus reducing the ramp gradient. As far as the bridge is concerned, the Council's principal bridge engineer was involved with pre-application discussions and has confirmed that whilst the footbridge would not be adopted by the Council as public highway, the Highways Act 1980 places a duty on the Council to approve the design of any new bridge. In this particular case, the bridge engineer raises no concern about the 3m deck width, and the parapet / soffit heights are acceptable, and would leave the design and detailing of the footbridge as planning / urban design considerations.

As recorded above, there has been a lot of time and attention dedicated to discussing and understanding the highway implications and negotiating improvements. Officers are satisfied that the scheme would not have severe cumulative impacts; and therefore, paragraph 32 of the NPPF is not engaged.

9.3 Conservation Area Impacts/Urban Design Issues - Design, Scale, Layout and Detailing

Local planning authorities have a statutory duty as directed by s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to 'pay special attention to the desirability of preserving or enhancing the character or appearance of the (conservation) area' with the equivalent test for developments affecting listed buildings having 'regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. In addition, NPPF paragraph 131 states that as part of a robust decision making process, LPAs should consider "*the desirability of new development making a positive contribution to local character and distinctiveness*"; and, within paragraph 132, the NPPF places "*great weight*" to the conservation of heritage assets and states that "*the more important the asset, the greater the weight should be*".

In this particular case, the negotiated scheme would bring about substantial enhancement to the character/appearance and setting of the Conservation Area. Paragraphs 133 and 134 of the NPPF are not engaged as the proposal would not cause harm to the neighbouring conservation area / heritage assets. The scheme as a whole is of high quality that accords with WCS CP28 (area of opportunity), CP57 (ensuring high quality design and place shaping), CP58 (conservation), the Emerging Masterplan for Trowbridge and the NPPF. The proposed development would deliver and present an exciting active frontage to County Way

and positively link with the St Stephens Place redevelopment. The scheme positively engages with the River Biss as a central element to the layout and design. High quality, enhanced pedestrian links would be enhanced through the site linking with the River Biss and town centre via a foot/cycle bridge crossing.

A planning condition is recommended requiring the developer to provide samples of the external materials for the buildings, streetscape/public realm work i.e. the edge details, curb stones, bollards and parking bays to ensure that appropriate materials are used for this landmark development. It is fully acknowledged that a third party has suggested revisions to the design/scale/massing of units 1 & 2. By way of comparison, it is worth noting that at circa 5 metres high the two proposed units on the western side of the site would be a couple of metres lower than the building currently fronting Castle Street. Officers do not necessarily concur with the assertion that the corner requires a building exceeding one-storey. As planned, the site would have a consistent legible layout with units 1 & 2 and unit 4 acting as 'bookends' leaving unit 3 to stand out as a landmark modern building complimenting a similar design approach used at St Stephens Place. By increasing the height/massing of buildings on the western corner, there would be a diminution of openness as one travels along Castle Street and such a change would weaken the design concept of centralising the landmark structures within the site to assist with site legibility and directing and encouraging people to use the bridge crossing as the principle route between the site and St Stephens Place and the Town Centre. It is also necessary to appreciate that with no end user confirmed for units 1 & 2, a degree of flexibility can be granted in terms of potential uses. The units have been designed to satisfy the operational and servicing needs of different end users; and it is worth noting that future applications would be required for all indicatively sketched adverts since no permission/consent is granted under this submission.

The pre-application process was particularly useful in terms of negotiating key changes to the scheme which the ward Member was informed about to raise the design quality, improve building relationships and the public realm treatment. Crucially, the scheme seeks to protect the natural/ecology River Biss corridor habitat; to erect/position new buildings to maximise site permeability, maximise through-views to St Stephens Place and the People's Park; create inviting building frontages along County Way/Castle Street with units 1 & 2 using red brickwork to reflect the Town's material palette and as found locally for the Premier Inn; retain the vehicular access point off County Way with primary pedestrian/cycle access from St Stephens Place/Castle Street; delivering a footbridge crossing over the river Biss; repairing the urban grain with new network of publicly accessible routes; and delivering more on-site/boundary landscaping to soften the built environment.

For comparison purposes, the previously approved scheme comprised the provision of three main buildings ranging in height from approximately 7.2-9 metres (principally 2 storeys) for the Waitrose supermarket to about 18.6 metres (6 storeys) for the hotel and multi-storey car parking. This scheme comprises four constituent buildings with building heights ranging from 5 metres (units 1 & 2) to 10 metres (for unit 3) with unit 4 ranging in height from 5m to circa 7.3 metres.

Improving localised air quality is recognised as an important issue and the applicant is committed to contribute towards an improvement by making provision for electric vehicles spaces within the scheme, planting more trees, adopting a sustainable travel plan; and in terms of the proposed design and build, the scheme is fully compliant with the Council's new Adopted Core Strategy Policy 41 with respect to sustainable construction, climate change and low-carbon production; and the scheme can be suitably conditioned in terms of BREEAM certification.

The retained trees along the river Biss currently provide valuable low level screening while supporting essential wildlife along the river corridor. With sensitive protection during on-site works and future management, the trees should be further enhanced with more planting. Officers welcome the proposed approach to replicate hard landscaping/public realm finishes as found at St Stephens Place in terms of the paving used for parking bays, pedestrian access routes, steps and ramps, terracing and use of timber. This approach would assist in integrating the two sites, but it is necessary to have several planning conditions requiring samples of the materials to ensure high quality detailing, landscape planting implementation and maintenance, tree protection and environmental safeguards which are discussed below.

9.4 Impact on Surroundings, Neighbouring Properties and Land Use(s)

The proposed development would not significantly or detrimentally affect neighbouring / land use interests. Potential problems such as land contamination and noise disturbance have all been fully assessed by the Council's environmental protection team; and pre-commencement planning conditions are recommended to address such matters. It should also be noted that a sensitive/appropriate lighting scheme is necessary to comply with ecological and public protection interests; and, should be conditioned accordingly. It should be further noted that the Council's land contamination officer is satisfied with the methodology and conclusions reached within the submitted geo-environment assessment. However, further investigations are recommended - which could also be dealt with by a pre-commencement planning condition.

9.5 Flood Risk and Environmental Impacts

Following extensive pre-app discussions, officers and the Environment Agency have worked proactively with the applicant's agents and consultants in terms of achieving a workable solution for this constrained site.

It is also important to be aware that within the past couple of years, a major mixed-use commercial development has been successfully delivered at St Stephen's Place without exacerbating flood risk elsewhere (a key NPPF policy test). In this particular case, a detailed FRA (flood risk assessment) has been submitted and through negotiated amendments made during the course of the formal planning process, its content and conclusions have obtained officer/EA support. Officers are satisfied with the proposed mix of uses presented in the current planning application – which can be characterised as falling within the 'less vulnerable' category of development within flood zones 2 and partially 3; and consequently, the proposed development can proceed subject to requisite conditions and informatives.

In addition, and with specific reference to the underground mains sewer, Wessex Water confirmed that they have agreed the foundation placement in relation to the sewer and raise no objection to the proposed development, subject to planning conditions/informatives.

The landscape design for the site has been largely guided by the recommendations of the ecological and arboricultural surveys. Due regard has also been given to the sewer exclusion zones and easement requirements established by Wessex Water and the EA. The ecology recommendations include retention/enhancement of the continuous band of dense, tall river bank planting to safeguard ecological and biodiversity habitat and the stability of the river bank. Apart from allowing a number of semi-mature trees to be removed to accommodate the footbridge crossing, the remaining vegetation should be protected during the demolition/construction phases by condition. New tree / landscape planting is required to compensate for some of the loss of existing self seeded species, with a particular emphasis placed on species having value to bats and other wildlife. New planting should soften the new public realm, soft landscaping formed by shrubs, bushes and sporadic tree planting would be introduced in areas outside the sewer area restrictions. The Council's Tree

officer is fully supportive of the proposed development and recommends that conditions be attached to any grant of planning permission covering tree planting and soft landscaping and management.

9.6 Ecological and Archaeological Impacts

The site and its immediate environs have ecological/biodiversity interest and as reported above, it has been necessary to carefully plan this development mindful of protected species and their habitats. The river Biss corridor provides habitat for foraging and commuting bats and its protection is crucial. As well as planning carefully where buildings could go, the applicant has appreciated the need to sensitively design low level artificial lighting and retain as much of the existing dense planting to provide cover/shade and to limit interference with the existing habitat. Through careful planning and adhering to robust ecological recommendations, this scheme can proceed without causing detrimental harm. As reported above, this application has been subject to thorough ecological surveys and assessments. Following a full appraisal, and negotiated amendments to address ecological matters, the Council's ecologist is satisfied that the proposals accord with the relevant policies and guidance; and no ecology based objections are raised subject to planning conditions and informatives.

The Council's archaeologist has also confirmed being satisfied about the level of desk based research, site evaluation and conclusions reached to allow the site to be re-developed subject to an archaeological watching brief.

10. Conclusion

This application has been subject to lengthy discussion and negotiation which has culminated in a scheme that officers fully support. Not only would the scheme physically regenerate a long standing derelict site, there would be economic and environmental enhancements. The proposed mix of uses would enhance the vitality and vibrancy of what the town centre has to offer; and, in combination with the leisure /dining land uses operating at St Stephens Place, economic synergies between the two nearby sites and the wider town centre could blossom. Additional tree planting around and within the site and bolstering the riverside bank will benefit landscape and ecological interests. If approved and implemented, it is fully acknowledged that this proposed development would generate additional traffic onto the Longfield gyratory and local highway network, however the highway impacts have been fully appraised and are considered acceptable. As with many major development projects, there will inevitably be some impacts, but overall, the planning balance is heavily weighted towards supporting the scheme; and accordingly the recommendation is to approve the scheme.

RECOMMENDATION: On the basis of the above, the application is recommended for approval, subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Drawing Register and Issue Sheet (reference QMF10) received on 7 April 2015.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), units 1 & 2 shall be used solely for purposes defined as either A1, A2, A5, and D1 uses, unit 3 shall be used for A1 uses only and unit 4 used for a mix of A3/A4 uses only as directed by Part 3 of the Second Schedule of the aforementioned Order(s) (or in any provisions equivalent to the stated classes in any statutory instrument revoking or re-enacting the Order(s) with or without modification).

REASON: The proposed mix of uses are considered to be acceptable but the Local Planning Authority wish to consider any future proposal for change(s) of use, other than a use within the same use class, having regard to the circumstances of each case.

4. No development shall commence on site (including any works of demolition), until a Construction Method Statement and Environmental Management Plan, which shall include the following:

a) The parking and routing of site operative vehicles and visitors; b) loading and unloading of plant and materials; c) the form of storage and location of plant and materials (including any oils or chemicals) used in constructing the development; d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; e) measures to control the emission of dust and dirt during construction; f) a scheme for recycling/disposing of waste resulting from demolition and construction works; g) measures for the protection of the natural environment outlining the measures to be adopted to prevent detrimental impacts to the River Biss and the riparian habitat (which should include the construction of the bridge crossing); and, h) the hours of construction, including deliveries of materials has been submitted to, and approved in writing by, the Local Planning Authority.

The approved Statement shall be complied with in full throughout the construction period.

REASON: This information/level of detail has not been submitted with the application and is considered necessary to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

NOTE: The applicant/developer is encouraged to refer to the Environment Agency's Pollution Prevention Guidelines at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

5. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until all retained trees on site and immediately adjoining the site are protected following the recommendations contained within the Arboricultural Impact Assessment, and Tree Protection Plan dated January 2015 (produced by Hillside Trees Ltd) in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction Recommendations"; and, no works shall take place until a detailed arboricultural method statement (AMS) has been submitted to, and approved in writing by the local planning authority.

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the date of commencement].

REASON: The information is necessary to ensure a satisfactory landscaped setting for the development and the protection of existing trees/vegetation which provide an important vegetated backdrop and riparian habitat.

6. Following the demolition of the former factory buildings, all debris/ demolition material not identified for re-use shall be removed from the site within one month of demolition and prior to the construction phase(s) commencing.

REASON: In the interests of safeguarding the character and appearance of the adjacent Conservation Area and nearby listed buildings and the general area including neighbouring amenities (and avoiding the formation of another "Mount Crushmore" which blighted the St Stephens Place site for many years).

7. No development on each individual building or public realm (each relevant part of the scheme) shall commence on site other than that required to be carried out as part of demolition phase(s), until details and samples and details of all external materials including both the buildings and public realm throughout the development site 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: This information/level of detail has not been submitted with the application and is considered necessary in the interests of visual amenity, promoting a high quality public realm and protecting/enhancing the setting of the Conservation Area.

8. No development shall commence on site other than that required to be carried out as part of demolition phase(s), until:

- A written programme of archaeological investigation has been submitted to and approved by the Local Planning Authority (which should include on-site and off-site work such as the analysis, publishing and archiving of archaeological results/findings); and
- The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: This information/level of detail has not been submitted with the application and is considered necessary to enable the recording of any matters of archaeological interest.

NOTE: The above work should be conducted by a professional archaeological contractor and the applicant should be made aware of the consequential financial implications.

9. No development shall commence on site other than that required to be carried out as part of demolition phase(s), until a lighting plan for the site has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be designed to minimise light spill and sky glow, and to minimise light levels along the northern site boundary to the River Biss and the replacement bat roost to below 1 Lux.

REASON: This information/level of detail has not been submitted with the application and is considered necessary in order to limit the impact of lighting on lesser horseshoe and common pipistrelle bats and the River Biss corridor

10. No development shall commence on site other than that required to be carried out as part of demolition phase(s), until an amended landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The plan should include additional riverside and riverbank enhancement planting as well as additional landscaping throughout the scheme (where appropriate) using native tree and shrub species. The approved scheme shall be implemented in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting in the first planting season following the first occupancy of any of the approved units. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: In order to enhance the riverside corridor for biodiversity, including foraging/commuting bats, in accordance with paragraph 118 of the National Planning Policy Framework, and to shield the river from the lighting associated with the development site.

11. The development hereby approved shall be carried out in accordance with the recommendations made in sections 4.3, 4.4 and 4.5 (birds), 4.11 to 4.13 (schedule of works), 4.14 to 4.20 (replacement bat roost provision), 4.23 to 4.27 (lighting) and 4.28 to 4.30 (landscaping) of the amended 'Ecological Appraisal and Protected Species Surveys of Site at Cradle Bridge, Trowbridge' report dated 24 November 2014 prepared by Crossman Associates and as amended by a Natural England European Protected Species Licence, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure adequate protection and mitigation for protected species.

12. Permanent bat roosts and access points, including any amendments approved under a relevant European Protected Species Licence from Natural England, shall be provided in the agreed condition for the use by bats for the lifetime of the development in accordance with Figure 5 of the amended 'Ecological Appraisal and Protected Species Surveys of Site at Cradle Bridge, Trowbridge' report dated 24 November 2014 prepared by Crossman Associates and the 'Replacement Bat Roost' drawing number A_PL_BR_100 dated 30.09.2014 prepared by AU Architects Ltd. The replacement roosts and access points shall be available for bat use before the first occupation of any of the units hereby approved.

REASON: To compensate for the loss of bat roosts and to safeguard European protected species.

13. Prior to the first occupation of any of the units hereby approved, the applicant shall provide details of a bat roost monitoring scheme and bat activity on the River Biss by a competent ecologist. The monitoring period should last for a minimum of 3 years post-completion of the development and should be carried out in full accordance with the approved scheme and Protected Species Licence. The results of the monitoring scheme along with details of any modifications considered necessary to ensure the mitigation scheme is effective shall be submitted to the Local Planning Authority for approval annually. Any approved modifications should be implemented in accordance with an agreed documented timeframe.

REASON: To provide information on the success of the bat roost mitigation and to make amendments to ensure the success of the scheme where necessary, in the interests of biodiversity.

14. No development shall commence on site other than that required to be carried out as part of demolition phase(s) and any required scheme of remediation approved by the Local Planning Authority required by this condition), until steps (i) to (iii) below have been fully complied with. If 'unexpected contamination' is found after works commence, development must be halted on that part of the site affected by the 'unexpected contamination' to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation: An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

A survey of the extent, nature and scale of contamination on site;

The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;

If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

An assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme: If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme: The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works: Following completion of measures identified in the approved remediation scheme a verification/validation report must be produced. The report should demonstrate the effectiveness of the remedial works. A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance: If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: This information/level of detail has not been submitted with the application and is considered necessary to prevent pollution of controlled waters.

15. No permission is hereby granted for the raising of the ground levels across the site above the typical site/floor level of 35.8m AOD (above ordnance datum), with the exception of minimal building footprint and essential access steps and ramps (which shall be set no lower than 36.1m AOD). Any modifications made to the footprint of the units hereby approved or encroachment towards the riverbank profile would require the express written permission of the local planning authority following consultation with the Environment Agency and potentially with Wessex Water in relation to the public sewer.

REASON: To minimise flood risk and to have due regard for environmental considerations.

16. Prior to the construction of the bridge crossing, a detailed scheme documenting all the technical specifications including foundations, abutments, piers, and approach ramps and any other infrastructure has been submitted to and approved in writing by, the local planning authority. The footbridge and its associate infrastructure must not encroach into/over/upon the existing riverbank profile, and must be designed to minimise impact on flood storage and conveyance.

REASON: This information/level of detail has not been submitted with the application and is considered necessary to minimise flood risk.

17. No development shall commence on site other than that required to be carried out as part of demolition phase(s), until a detailed surface water run-off management scheme, supported by drainage strategy report and design calculations, has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

REASON: This information/level of detail has not been submitted with the application and is considered necessary to prevent any increased risk of surface water flooding associated the development.

NOTE: Additional guidance is provided within Informative 8 with regard to the above requirements.

18. No development shall commence on site other than that required to be carried out as part of demolition phase(s), until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority and no building shall be first brought into use until the drainage scheme approved for it has been implemented.

REASON: This information/level of detail has not been submitted with the application and is considered necessary to ensure that the development can be adequately drained and serviced.

19. No development shall commence until off-site highway improvements works to the footpath linking the site with Brown Street (to facilitate the joint use with cycles) have been submitted to and improved in writing by the local planning authority, and none of the units shall be brought into use until the agreed works are completed.

REASON: In the interest of highways safety and to promote sustainable modes of transport.

20. None of the units on the site shall be brought into use until a feasibility study to investigate potential measures to improve the operation of the County Way gyratory has been prepared by the applicant and submitted to and approved in writing by the Local Planning Authority.

REASON: To satisfy Council and Masterplan aspirations in terms of delivering enhanced site permeability and town centre linkage.

NOTE: The developer obligations relative to the above requirement shall be enshrined within a s278 legal agreement pursuant to the Highways Act 1980.

21. Prior to the first occupation of any of the units hereby approved, the foot/cycle bridge crossing shall be constructed in accordance with the hereby approved plan drawings and shall be available for use to allow for direct connectivity between the site and the St Stephens Place leisure hub.

REASON: To define the terms of the permission and to satisfy Council and Masterplan aspirations in terms of delivering enhanced site permeability, town centre linkages and to accord with the applicant's own designed planning concept.

22. The buildings hereby approved shall achieve the BREEAM's 'Very Good' Standard as documented / proposed by the applicant's submitted Sustainable Energy Strategy, and within 3 months of being first occupied or brought into use, a post construction stage certificate certifying that the 'Very Good' standard has been achieved shall be issued and submitted to the local planning authority for its written approval.

REASON: To ensure that the objectives of sustainable development set out policy CP41 of the Wiltshire Core Strategy are achieved.

23. Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from cooking operations within unit 4. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the Toby Carvery (or any other operator) being brought into use. Any works which form part of the approved scheme shall be completed before the premises are first occupied and maintained in effective condition at all times thereafter.

REASON: In order to minimise nuisance, prevent pollution and safeguard the amenities of the area in which the development is located.

24. No demolition or construction work associated to the development hereby approved, shall take place outside the hours of Mondays - Fridays 07:30 – 18:00hrs and Saturdays 08:00 – 13:00hrs; and, not at all on Sundays or Bank and Public Holidays.

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

25. No building shall be occupied until a site management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- full details of a scheme to manage the on-site car park to prevent anti-social behaviour, and measures to ensure its safe use,
- management responsibilities for liaison with the crime prevention working group;
- details of the provision of CCTV, with details of whether it will be linked to the Trowbridge CCTV system;
- measures for the control of litter; and
- the management of the site shall be carried out in accordance with the agreed management plan.

REASON: In the interests of public safety and promotion of a high quality public realm.

26. The development hereby approved shall be carried out in accordance with the recommendations contained within the submitted Travel Plan produced by Callidus Transport and Engineering dated January 2015 unless otherwise approved in writing by the local planning authority.

REASON: To define the terms of this permission as well as promoting and delivering sustainable transport measures.

27. None of the units hereby approved shall be brought into use until the associated parking (including the cycle spaces) and service areas have been consolidated, surfaced and laid out in accordance with the approved plans. The parking and service areas shall thereafter be maintained free from obstruction(s) for such uses for the lifetime of the development.

REASON: To ensure that adequate parking and provision for loading/unloading is made within the site in the interests of highway safety and good planning.

28. No unit hereby approved shall be brought into use until a delivery management plan for that unit (confirming times of deliveries and adopted safety measures) and car parking management strategy (confirming the charging regime) has been submitted to and approved in writing by the local planning authority. Following approval, the plan and strategy shall be adhered to at all times unless otherwise agreed in writing by the local planning authority.

REASON: To define the terms of this permission and in the interests of highway and public safety.

Planning Informatives

Informative 1: Although the Site Waste Management Plan 2008 Regulations were repealed in December 2013, developers are still encouraged as good practice to have a site waste management plan (SWMP) for all new major construction projects (worth more than £300,000) which should be shared with the local planning authority. The level of detail within a SWMP depends on the estimated build cost, excluding VAT. All waste movements should be documented and having a SWMP will help ensure compliance with the duty of care and handling any hazardous materials. In this particular case, any Site Waste Management Plan should outline the waste minimisation measures to be employed, any re-use or recovery of on-site waste should be identified and managed; pre-fabrication and off-site construction work opportunities where applicable, should be considered to further minimise on-site waste.

Informative 2: The developer/applicants are advised to note the content of Wessex Water's consultation response dated 4 March 2015. It has been confirmed that formal approval will be required from Wessex Water in respect to points of connection and rates of discharge.

Informative 3: There should be no burning of demolition material or having fires during the course of site redevelopment in the interests of public and highway safety, pollution control and general amenities.

Informative 4: The applicant/developer is encouraged to note the advice and guidance provided by the Wiltshire Fire & Rescue Service to ensure there sufficient provision of water for fire fighting purposes on the site as well as access. More specific guidance can be obtained direct from the fire authority including advice on the location of fire hydrants. The applicant/developer is also advised that once constructed and put to use, commercial premises will be subject to the Regulatory Reform (Fire Safety) Order 2005. Further information can be found on the Wiltshire Fire & Rescue Service website, where published guides are available to download. The following further advice is also provided:

The applicant/developer is strongly advised to plan for the installation of appropriate sprinkler system(s) for these premises. There are ten good reasons to install automatic sprinkler systems:

- In the UK, there has never been a fire death in a building with sprinklers
- Installation cost is minimal in a new build (approximately 2-5%)
- Maintenance costs are low and sprinkler systems are designed to last in excess of 50 years
- Fire damage can be reduced by 90% compared to a similar, unprotected building

- The chances of accidental discharge due to a manufacturing fault is 1 in 16,000,000 heads
- The likelihood of accidental damage causing a discharge is 1 in every 500,000 heads
- Installation of a sprinkler system may allow the relaxation of other passive fire safety measures
- Insurance costs may be significantly reduced
- Sprinklers will control a fire with significantly less water than full fire service intervention
- Greatly reduced business disruption due to a fire and improved recovery from it.

Informative 5: The developer/applicant is encouraged to contact Wessex Water to agree separate systems of drainage/ points of connection and rates of discharge as well as submit formal applications to connect under the Water Industry Act 1991.

Informative 6: The developer/applicant is asked to duly note that under the permission hereby granted, no consent is given for any adverts indicatively illustrated on various plan drawings. Separate subsequent advertisement consent would be required.

Informative 7: Tree surgeons undertaking works to trees should be aware that if at any time during the works to trees there is any evidence of bats found (the active bat season being from May to September inclusive), the tree surgeon should stop work immediately and contact the National Bat Helpline on 0845 1300 228 for further information. Bats are protected species as set out in the Conservation of Habitats and Species Regulations 2010 which came into effect on 1st April 2010. It is an offence to kill bats, disturb them or their roosts.

Informative 8: The surface water management scheme required by condition 17 must meet the following criteria:

- a. Whilst submitting technical details and design calculations may help illustrate that surface water management can be achieved, there also needs to be a supporting formal strategy report which explains the technical information presented and can be readily understood by the non-technical reader. If the development comes forward in discreet phases, each phase will need to be supported by phase-specific documents.
- b. Sufficient attenuation volume must be provided within the site to contain the surface water run-off from the developed site up to the critical 1 in a 100 event, including 30% allowance for climate change for the lifetime of the development. This uplift is required in addition to the nominal reduction in peak runoff. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume). Adequate attenuation arrangements should be provided from the outset of development ensuring that no uncontrolled surface water during events up to and including the design event is permitted from the site at any phase/stage of development.
- c. Peak runoff from the site must not exceed the proposed 82.5l/s.
- d. Attenuation areas must not be situated in areas at risk from flooding (i.e. fluvial, surface water, ground water etc.).
- e. Exceedence flow occurs during short but very intense rain storms, or if system blockage occurs etc. The large volume of runoff generated from impermeable surfaces during such events may not all be captured by the drainage system and unless otherwise intercepted a proportion could flow uncontrolled onto land under other ownership or into a watercourse/floodplain. CIRIA good practice guide for designing for exceedance in urban drainage (C635) requires that the run-off from the site during the critical 1 in 100 year storm plus climate change allowance must not be permitted to flow uncontrolled from the site (unless alternative arrangements have been made) and must not reach unsafe depths on site. For surcharge / flooding from the system (which is indicated by the preliminary

calculations within the FRA), overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing.

f. Where infiltration forms part of the proposed storm water system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

g. The adoption and maintenance of the drainage system for the lifetime of the system must be addressed and clearly stated.

Informative 9: Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written Flood Defence Consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Biss, designated a 'main river'. The need for Flood Defence Consent is over and above the need for planning permission and may require significantly more detail including engineering details of all permanent works, temporary works details and method statements. To discuss the scope of the Environment Agency's controls and to obtain an application form, applicants/developers should contact Daniel Griffin on 01258 483351.

Informative 10: The applicant/developer should duly note that no consent has been granted for any signage as part of this planning submission. Separate advertisement consent application would need to be submitted with all the relevant detailed specification which the local planning authority shall duly consider.