

## Agenda Supplementary

Planning Application No.: **PL/2022/05273**

Site Address: Land at Marsh Farm, North of Malmesbury Road, Royal Wootton Bassett, SN4 8ER

Description of Proposal: Erection of Class E food store, car parking, works to create community open space, new access, landscaping and associated works.

(i) Policy matters

Members are advised that the National Planning Policy Framework was recently updated on 5<sup>th</sup> September 2023. It is the Officer's opinion that the updated NPPF would not materially affect the officers' assessment or recommendation of this application.

(ii) Additional Consultation Responses / Written Statement received

(a) Royal Wootton Bassett Town Council

*Royal Wootton Bassett Town Council Planning Committee agreed during the Summer Recess to submit the following comments:*

*The consideration of the application was deferred to allow consideration of a number of matters. The main concerns continue to be;*

*The Contravention of Core Policies 1,2,51 and 57 in relation to the proposed location falling outside the settlement strategy and use of a greenfield site. Although the neighbouring site has been listed in the local plan for housing, this is prior to any consultation and consideration of alternative sites.*

*Contravention of core policies 60, 61 and 62 in relation to sustainable transport and impact on highways.*

*Having a second supermarket in an out-of-town centre location threatens the vitality of the High Street. We still require an updated retail survey.*

*Further to the above, we would wish the following conditions to be imposed.*

- *The farm track to the Neighbouring Field cannot be an access point for further development. This is a totally unsuitable use for this track, and it should be guarded against in view of the possibility of development on the neighbouring site as listed in the draft local plan.*
- *More electric charging points to be included in the proposal with a minimum of 10.*

*The lack of clarity over the wastewater and sewage arrangements. Has agreement been reached with the care homeowners for an arrangement that is safe and secure and will ensure that any waste is pumped into the existing Wessex Water foul water sewage?*

(b) Royal Wootton Bassett Environment Trust, Active Travel Group, submitted a written statement (as attached).

(c) Highway Officer's further comments (as attached).

(d) Applicant's Written Statement (as attached). The applicant also clarified that due to the concerns raised by the Members at the previous planning committee when they set out that Conditions are not enforced by the LPA, the applicant is willing to enter a legal agreement/unilateral undertaking, or to deposit a bond to ensure that there's a ring-fenced pot of money to utilise if the obligations set out by Condition 15 are not met, and the bond is not a payment to the Council. If the Condition 15 obligations are complied with, the pot of money would simply not be used. It would provide an extra mechanism for the Council to control this aspect of the proposal.

(iii) Officers' responses to the comments received:

#### Drainage matters

Regarding the foul drainage method on the adjacent Care Home site, the recent application, PL/2023/00957, for the variation of conditions 1 and 4 of PL/2022/04908 to allow for the installation of Private Sewage Treatment Plant in lieu of previously Approved Foul Water Rising Main, has been formally withdrawn. The applicant of the approved Care Home confirmed that they are currently implementing the original rising main drainage scheme.

They are also aware that the proposed Lidl is proposing to connect its foul drainage via this route. They confirmed that allowance have already been made in the design, through both the applications for the care home and the proposed food store.

Members are advised that the Council's Drainage Team and Wessex Water have no objection to the proposed foul drainage method and the revised Flood Risk Assessment and Drainage Strategy (Revision 5), it is therefore considered that subject to the amendment to condition 9 and 10, there is no drainage objection to the proposal.

### Parkland (management and maintenance)

Applicant's suggestions regarding planning obligations are noted. Members are advised that planning obligations, in the form of section 106 agreements, should only be used where it is not possible to address unacceptable impacts through a planning condition.

Given that the proposed condition 15, subject to some minor changes, would be adequate to address the management and maintenance concerns relating to Parkland / landscaped area, and such condition would also satisfy the six tests of the NPPF: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. Therefore, your case officer considered that planning obligations would not be necessary in this instance.

### Highway matters

The comments submitted by the RWB Environment Trust Active Travel Group are noted. The Highway Officer has reviewed the suggestions regarding the relocation of the proposed raised table crossing and the linking section of 3m wide path between the south side of the Toucan Crossing and the end of Saffron Close. Due to the crossing proximity and excessive numbers of crossings on a short section of road, a second crossing would not be supported by the Highway Officer. Regarding the proposed 3m wide path, given that the applicant does not control the land, such condition or obligation would not meet the tests set by the NPPF.

### Suggested amendment on planning conditions

Condition 9 (surface water drainage scheme) to be re-worded as follows:

Prior to the commencement of the development hereby approved, a scheme for the discharge of surface water from the site /phase, including SuDS (sustainable drainage systems) and all third-party approvals, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the said scheme shall be in accordance with the submitted Flood Risk Assessment and Drainage Strategy v5 (Feb 2023). Development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

Condition 10 (foul drainage – Grampian condition) to be re-worded as follows:

No development shall place until the foul drainage scheme has been created in its entirety and is ready for connection and used by the proposed food store hereby approved. For the avoidance of doubt, the foul drainage scheme shown on the drawing no. C160504-PIN-XX-XX-DR-C-224 S2-P05 in the submitted Flood Risk Assessment and Drainage Strategy Revision 5 dated 15 February 2023 shall be implemented in full and shall be maintained as such thereafter.

Condition 15 (Landscape management plan) to be re-worded as follows:

Notwithstanding the submitted revised proposal, within 6 (six) months following the commencement of the development, a landscape management plan and a public accessibility management and maintenance plan for the Parkland Area and the surrounding landscape area, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (~~other than small, privately owned, domestic gardens~~) shall be submitted to and approved in writing by the Local Planning Authority. *The public accessibility management plan and maintenance plan shall detail the long-term on-going management and maintenance responsibilities for all private, communal play spaces / amenity spaces and all publicly accessible open space to secure its open accessibility to members of the public for the lifetime of the development. Prior to the first occupation of the food store hereby approved, the approved management and maintenance plans shall be carried out in full and for the lifetime of the development in accordance with the approved details.*