

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	21 st June 2023
Application Number	PL/2022/05273
Site Address	Land at Marsh Farm, North of Malmesbury Road, Royal Wootton Bassett, SN4 8ER
Proposal	Erection of Class E food store, car parking, works to create community open space, new access, landscaping and associated works
Applicant	Lidl Great Britain Limited
Town/Parish Council	Lydiard Tregoze CP, Royal Wootton Bassett CP
Electoral Division	Royal Wootton Bassett North, Royal Wootton Bassett East, Councillor Steve Bucknell
Grid Ref	407378E 183751N
Type of application	Full planning application
Case Officer	Olivia Tresise

Reason for the application being considered by Committee

The application was called in for determination by Councillor Steve Bucknell in the event of a recommendation to approve to allow Members to debate the following issues of the scheme.

- Scale of development
- Visual impact upon the surrounding area
- Design – bulk, height, general appearance
- Environmental / highway impact

In addition, given that this site is open countryside, as defined in Wiltshire's Core Strategy, Councillor Bucknell is keen for planning committee members to debate how this application complies with Core Policies 1, 2, 51 and 57. It is a greenfield site, outside the parish boundary of Royal Wootton Bassett. Given the location, there is a concern about the impact on highway and the transport system. The Councillor would also like the planning committee to consider Core Policies 60, 61 and 62.

The site is close to a relatively new Aldi store, at the far northern end of the town. Much of the recent development of Royal Wootton Bassett has been to the South and East of the town. This proposal could have an increased impact on the vitality of the town centre whilst not benefitting residents by delivering a more accessible food store

than that which has already been developed (Aldi). The adverse impact on the town centre is not, therefore, offset by satisfying a need for additional retail space.

The proposal offers additional parkland. However, this is a small park, difficult to access and of little merit. The applicants have been encouraged by Councillor Bucknell and others to consult with the community in a meaningful way to discuss what facilities they would like to see on this spare land (one suggestion has been a wheel park, which is very much needed in the town). Unfortunately, the applicants have failed to carry out a meaningful consultation exercise – instead relying on a very biased online survey.

1. Purpose of Report

To consider the development proposal in the context of the development of the plan and national guidance and to consider the recommendation that the application be approved.

2. Report Summary

Royal Wootton Bassett Town Council and Lydiard Tregoz Parish Council both object to the application. 29 letters of objection from members of the public and interested parties have been received and 39 representations of support from members of the public received.

Planning Issues raised for consideration of the proposal are:-

- Principle of Development
- Highway Safety and Parking Provision
- Flood Risk and Drainage
- Landscape
- Ecology
- Heritage Assets Impact
- Archaeology
- Design and Visual
- Environmental matters
- Residential amenity

3. Site Description

The application site lies directly adjacent to and immediately north of the Malmesbury Road/B4042 stretching westward near to the Coped Hall Roundabout, and the site area is approximately 3.54 hectares. The land is presently in agricultural use and generally has gentle contours and a level topography. There is varied landscaping around the site's perimeter, with hedges demarcating the existing field pattern and some mature trees growing near the north-western corner of the site. There is no formal vehicular access to serve the site.

The site is outside of the defined settlement framework boundary for the town of Royal Wootton Bassett and is therefore defined as being within the open countryside. The

application site is not subject to any international (e.g. European), national or regional designations but is within proximity of a Listed Building, Marsh Farm, and a known location of archaeological interest and potential. The site is however not situated within any designated conservation area.

In terms of landscape designation, the proposed development of this site is not considered to undermine or compromise the setting of a nationally protected landscape i.e. The North Wessex Downs Area of Outstanding Natural Beauty (AONB) lies circa 5.5km to the south-east of the site and is separated from it by the urban area of the town. The site lies within the boundary of the 'Great Western Community Forest'. No existing rural 'Public Rights of Way' are located within the site.

The site is an out-of-centre site for the purposes of the relevant retail planning policy, lying over 1,000 metres (0.7 miles) outside Royal Wootton Bassett (RWB) Town Centre. A care home adjoining the site on the eastern boundary has been built. The recently developed Ballards Ash Sport Ground adjoins the site to the west, comprising a number of tennis courts, football, rugby and crickets pitches and club houses.

To the southwest, across the B4042, are residential properties of relatively modern character, whilst to the east, across the A3102. A supermarket, Aldi, opened in December 2019, on the former Land Rover garage site, to the south of the application site.

4. Planning History

The site is subject to a number of planning applications and the following applications are the most relevant to the determination of this application:

13/07291/SCR Screening as to whether an Environmental Impact Assessment is required in respect of Proposed Mixed Use. No EIA is required 20 January 2014

14/08060/OUT Applicant (Leda Properties & Tesco Stores Ltd) Mixed development of up to 320 dwellings, community hub comprising of 500 square metres of A1/A2/A3/A4,A5/D1 & D2, Uses, Public Open Space, Landscaping to approved sports Hub & Access. Refused on 26 April 2017 and Dismissed 06/12/2018.

Refusal reasons:

- 1 The proposals by virtue of scale and location in the open countryside outside of any defined settlement boundary on land not allocated for development are contrary to the Wiltshire Core Strategy (Adopted January 2015) Core Policies CP1, CP2, CP19 and National Planning Policy Framework (NPPF) paragraphs 7, 14, 17.

- 2 The proposals by virtue of scale and location will result in the loss of open countryside resulting in harm to the character and appearance of the locality contrary to Wiltshire Core Strategy (Adopted January 2015) Core Policies CP51 and CP57 (I, ii & iii) and National Planning Policy Framework (NPPF) paragraphs 17 & 109.

- 3 The application fails to meet the identified and necessary supporting services and infrastructure requirements generated by the development, including Affordable Housing, Education, Highways and Open Space Management and is therefore in conflict with Wiltshire Core Strategy (Adopted January 2015) Core Policies CP3, CP43, CP60 & CP61; and National Planning Policy Framework (NPPF) paragraphs 2, 7, 17 & 196.

16/06995/FUL Applicants (Leda Properties Limited and Lidl GmbH UK) Hybrid Application for a 2,469 square metres (GIA) supermarket with access and landscaping (details) and Class C2 care home of up to 3,000 square metres (outline). Refused on 26 April 2017 and Dismissed 06/12/2018.

Refusal reasons:

- 1 The proposals by virtue of their scale and location in an open field beyond the built-up limits of the settlement will result in the loss of open countryside resulting in harm to the character and appearance of the locality, contrary to Wiltshire Core Strategy (Adopted January 2015) Core Policies CP46 (ix), CP51 and CP57 (I, ii & iii) and National Planning Policy Framework (NPPF) paragraphs 17 & 109.
- 2 The application fails to meet the identified and necessary supporting services and infrastructure requirements generated by the development, including Highways and Waste & Recycling Facility provision and is therefore in conflict with Wiltshire Core Strategy (Adopted January 2015) Core Policies CP3, CP60 & CP61; and National Planning Policy Framework (NPPF) paragraphs 2, 7, 17 & 196.

15/00892/FUL Amendment to boundary of sports hub approved under planning application N/08/00025/FUL to include two additional parcels of land. Approved 08 May 2015

17/08871/OHL Consent under Section 37 of the Electricity Act 1989 to install or keep installed an electric line above ground. Increase in height of Pole 8 from 10m to 14 metres. Approved 26/10/2017

18/02955/FUL Class C2 66 bed care home with associated car park and landscaping and upgraded access from Hook Road. Approved with conditions 20 June 2022

19/10436/VAR Variation of condition 2 (Approved plans) for application 18/02955/FUL to alter the design of the build at the rear elevation to include a small extension around the main entrance, and the site layout in external areas is also subject to minor alterations. Approved 11/01/2020

N/08/00025/FUL Development of range of sport facilities, providing football, cricket and tennis pitches, plus associated and ancillary uses including two clubhouses, a warden flat, parking facilities, hardstanding, infrastructure, access and landscaping works. Approved 29 March 2012

5. The Proposal

This application seeks full planning permission for the erection of a Class E food store of 1,895 m² (GIA), car parking, works to create community open space, new access, landscaping and associated works for use by Lidl. The food store operator is within the discount sector and the range of goods sold would extend beyond foodstuffs to include comparison goods albeit as an ancillary part of the offer and available as part of the discount operation, so when sold the goods are no longer available i.e. not a permanent part of the offer.

The application is supported by revised details and following documents:

- Archaeology Letter from Thames Valley Archaeology Services
- Heritage desk based Assessment
- Revised Flood risk Assessment and drainage strategy
- Ecology Appraisal
- Biodiversity Metrix Report
- Tree Constraints Plan
- Tree Schedule
- Landscape and Visual Appraisal
- Travel Plan
- Air Quality Assessment
- Environmental Noise Report
- Waste Minimisation & Waste Management Plan
- Hard materials for public open space
- Interim Statement of Community Involvement

During the course of the application, a Biodiversity Matrix and Revised proposed drawings were submitted to address the landscape and ecology issues. In addition, a letter from Leda Property Limited, the freehold owner for the proposed park land area, confirmed the following elements:

- The proposed park land area will be retained in the freehold ownership of LEDA. LEDA will maintain and manage the park area at its own costs (with an agreed contribution from Lidl). No requirement for the Council to adopt this land or take on management responsibilities or cost.
- The park land has been designed to provide outdoor amenity space to complement the existing park at Jubilee Lake and a route to encourage pedestrians to the Lidl store
- The water features proposed will serve as an attenuation for the food store and the drainage design will ensure that discharge into the existing drainage networks is regulated so as to replicate existing flows to Jubilee Lake
- It is acknowledged that there is interest in providing community facilities, such as skate park at this site. LEDA would be pleased to engage with the Lydiard Tregoze Parish Council to see how this park, once constructed, can adapt to particular community needs.
- The Lidl application includes the provision of an access road that meets the minimum requirement of Lidl to access by service vehicles. The route also has the potential to provide a point of access to the LEDA land to the north should any planning application be progressed in future. For the purposes of the Lidl

application, the access roads provides a grasscrete access into the LEDA land to provide access to LED's retained land for agricultural vehicles.

6. Planning Policy

The proposed development, by virtue of its limited scale, known site constraints and the likely assessed impacts of development individually and cumulatively is not considered to constitute EIA development for the purposes of Town and Country Planning (Environmental Impact Assessment) Regulation 2017.

National Planning Policy Framework (NPPF)

Section 2: Achieving sustainable development

Section 4: Decision making

Section 6: Building a strong, competitive economy

Section 7: Ensuring the vitality of town centres

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG) in particular but not exclusively

Ensuring the vitality of town centres and Construction Requirement

Wiltshire Local Plan: Core Strategy (Adopted January 2015)

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 3: Infrastructure requirements
- Core Policy 19: Spatial Strategy for the Royal Wootton Bassett and Cricklade Community Area.
- Core Policy 38: Retail and Leisure
- Core Policy 50: Biodiversity
- Core Policy 51: Landscape
- Core Policy 52: Green Infrastructure
- Core Policy 55: Air Quality
- Core Policy 57: Ensuring high quality design and place shaping
- Core Policy 58 Ensuring the conservation of the historic environment.
- Core Policy 60: Sustainable transport
- Core Policy 61: Transport and new development
- Core Policy 62: Development impacts on the transport network
- Core Policy 65: Movement of Goods
- Core Policy 67: Flood Risk
- Core Policy 68: Water Resources

Saved policies of the North Wiltshire Local Plan 2011

- NE14 Trees, Site Features and Control of new development
- NE18 Noise and pollution

Neighbourhood Plan

Royal Wootton Bassett Neighbourhood Plan

Lydiard Tregoz Neighbourhood Plan

7. Consultations

The applicant team has made a revised proposal to respond to representations made and consultation responses received following consideration of the initial application documentation. Consequently, there have been additional formal consultations undertaken and consultees have received and commented upon the revised proposals. As such the following summary of consultee advice and responses is the position following consideration of all documentation submitted.

7.1 Lydiard Tregoze Parish Council

Comments on the revised scheme:

Lydiard Tregoze Parish Council (LTPC) still objects to application PL/2022/05273 (Amended plans). Our original objections from 30/09/2022 are restated below, but the Parish Council would like to add for consideration that the care home (PL/2022/04098) has now amended its plans (PL/2023/00957) from connecting to the sewer system to installation of a private sewage treatment plant. If approved, this will affect Lidl's sewage plans.

Comments on the original scheme:

1. It goes against Core Policies 51 and 57 - development in open countryside.
2. The 'public open space' is not in ownership of Lidl or a public/community organisation, but is instead still owned by the developers to do with as they please. The Parish Council feel that this is deceptive planning and misleading to the public.
3. The entrance requires a "Left Turn Only" for exiting, as it is on a busy road with children crossing to the right to access the sports ground. Aldi was allowed to build WITHOUT the provision of a 'Left Turn Only' exit and it has created a dangerous intersection, with frequent near misses and hard stops. This is compounded by vehicles turning right out of the Esso just a short distance away. Another development on the other side of the roundabout with right turning vehicles would make the length of road from the Esso to the sports ground treacherous. If the Coped Hall roundabout was deemed inadequate to handle extra traffic from a 'Left Turn Only' out of Aldi, then it is most assuredly inadequate to handle the extra traffic coming from Hook, Royal Wootton Bassett, and surrounding communities to shop at Lidl (or any other development proposed on the site), as there is no pavement or safe crossing for pedestrians.
4. Research by Lidl has indicated that their store would not affect Royal Wootton Bassett town centre shops, specifically mentioning Sainsbury's, but LTPC has recently been informed that the Iceland shop on the High Street has lost business to Aldi and is feared to possibly closed. This shop is important to

the community of Royal Wootton Bassett, especially those who walk. A second discount grocery store would be detrimental to Iceland's business.

The council requests that Wiltshire Planning Authority seriously consider these reasons for objection, and consider the long-term negative effects on traffic, loss of countryside, and loss of High Street business, as opposed to the short-term gain of a third discount grocery store. Should the Planning Authority see fit to approve the application, we ask that the 'Left Turn Only' exit be a Condition for Approval.

7.2 Royal Wootton Bassett Town Council –

Additional comments

The Town Council objects to the application based on the following grounds:

- Contravention of Core Policies 1, 2, 51 and 57 in relation to the proposed location falling outside of the settlement strategy and use of a greenfield site.
- Contravention of Core Policies 60, 61 and 62 in relation to sustainable transport and the impact on Highways.
- Having a second supermarket in an out-of-town centre location threatens the vitality of the High Street. An updated retail survey is required.

Further RESOLVED that should the application be approved by Wiltshire Council then Royal Wootton Bassett Town Council would like to ensure the following conditions are imposed:

- The farm track to the neighbouring field cannot be an access point for further development.
- A Toucan crossing be installed, linking up the existing footpaths and cycle paths in the town enabling residents to walk or cycle to the supermarket, specifically supporting an active travel lane from the end of Saffron Close to the Toucan crossing.
- More electric vehicle charging points be included in the proposals with a minimum of 10.

Initial comments:

The current plans pay insufficient attention to and provide insufficient information on safe access to the site by Active Travel routes and means as set out in National Planning Policy Framework (NPPF), which at paragraph 110 states

'...Within this context, applications for development should:

- a) give priority: firstly, to pedestrian and cycle movements, both within the

scheme and with neighbouring areas, and secondly, so far as is possible, to facilitate access to public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;'

Specifically, there is insufficient linkage to and from the nearby Toucan crossing on the B4042 and walking access to the site and the entrance to the supermarket - this should be made easiest for walkers and cyclists. If pedestrians and cyclists are expected to enter the store using the cut through path to the public footpath, shown to the south of the site adjacent to the lobby, or from the proposed community open space/lake and nature area, how do they safely cross the vehicle entrance road once they have crossed the B4042 at the Toucan crossing, as there are no crossings/raised tables or other infrastructure on this entrance road shown on the plans?

Current guidance for Wiltshire on cyclist provision is set out in Wiltshire Council's Cycling Strategy. This strategy refers to National Guidance including LTN 2/08 and 1/12, other best practice issued by the CIHT and Manual for Streets.

LTN 2/08 at paragraph 9.6.1 advocates the use of raised tables in these kinds of circumstances: Raised entry treatments, where a flat-topped road hump is placed at the entrance to a side road, can make pedestrian crossing movements more convenient. Cyclists also benefit, because motor vehicles entering or leaving the side road do so at reduced speed.

There is no additional provision of infrastructure adjacent to the site which is needed to safely access the site by foot, pushing a buggy or on a cycle in the current plans. Specifically, if people are to be encouraged to use Active Travel modes to get to the new store, they have to get to the Toucan crossing on the B4042. We recommend WC include as a planning condition that a new section of LTN 1/20 compliant Active Travel path is provided by the applicant that links Saffron Close (and also Jubilee Lake) to the crossing. The improvements would enable cyclists to cycle down Saffron Close and smoothly onto a segregated path that leads to the Toucan crossing on B4042. This links to the existing short, shared path to RWB Sports grounds (but not to Rugby ground) and will be directly opposite the proposed Lidl entrance. A segregated path through the site should enable cyclists to directly access safe, secure cycle parking right outside the entrance to the supermarket. It needs to be easier to cycle and walk to Lidl than to drive, therefore the access should reflect this. The path should also branch to link to the entrance to Jubilee Lake (and provide alternative safe access to the Rugby Club via the children's play park, the cafe and the adventure scout huts.)

We also propose that Wiltshire Council include a planning condition for the funding and construction of a Toucan/cycle friendly crossing, on the A3102 linking the Maple Drive/A3102 Marlowe Way section of existing cycle route, nearby in the town. This would enable people living south of the A3102 to safely access the Active travel route to the store, which they cannot do at the moment. This would also have the advantage of slowing traffic entering the town and improving flow for school traffic exiting Maple Drive, and the 55 bus and other traffic exiting Marlowe Way.

There is insufficient detail on the near store entrance covered cycle parking shown on the plan view. More detail should be provided on the cycle parking including how it can accommodate larger/longer load carrying bicycles and this should be allocated more clearly on the plans. The applicant should provide details of how many cycle parking places of various types are part of the application.

There is insufficient detail on the PV installation in respect of how much renewable energy it will provide in relation to the kWh needs of the store. As this store is a new development that will have an anticipated life time of at least 20 years, the planning application should clearly show how it will meet Wiltshire Council's Net-Zero by 2030 strategy. Specifically, the application should show how the store will operate at Net-Zero CO₂e emissions from the point of construction. There does not appear to be a battery or other energy storage included in the application.

There is insufficient detail on water saving and conservation measures in the current application. With a roof area this large, grey water capture and utilisation would provide a particularly beneficial source of water for landscaping, cleaning and other purposes.

The large area of impermeable tarmac for the roads, carpark and the store itself will add to challenges of storm events. We recommend WC considers a planning condition requiring more permeable surfaces to slow down and absorb surface water.

We request more information is provided by the applicant on how biodiversity net gain will be achieved on the site.

7.3 **Spatial Planning Team** - The planning policy position has been covered in detail within the recent appeals. In terms of the Local Plan Review, it is worth noting that the site is being promoted for development. Further information, the representations and maps, are available in the RWB Site Selection Report.

7.4 **Highway Officer** – No objection subject to conditions

7.5 **Ecology** – No objection subject to conditions

7.6 **Public Protection** – No objection subject to conditions

7.7 **Drainage Team** – No objection subject to conditions

- 7.8 **Economic Development** – No objection. This development will lead to an increase in employment opportunities in the local area, and whilst unemployment is currently at historically low levels with the current economic uncertainty any increase in local job vacancies could be beneficial for the local population.
- 7.9 **Urban Designer** – No objection to the revised proposal, subject to condition seeking details and samples of building materials
- 7.10 **Landscape Officer** – No objection subject to conditions
- 7.11 **Archaeology Officer** – No objection
- 7.12 **Conservation Officer** – Not consulted as the site does not fall within 50m of the nearest listed building and would not affect the setting of the heritage asset given distance and existing planting landscaping and structures in the locality between the property and the application.
- 7.13 **Wessex Water** – No objection, and advise the following information:

(i) Existing Services

There are no known Wessex Water assets within the proposed site boundary, however, our records show a private surface water sewer crossing the site and discharging to the watercourse that passes through the site. All apparatus must be accurately located on site and marked on deposited drawings. A map showing all known Wessex Water Assets within the area of the proposed site is attached at the bottom of this response. Additional maps can be obtained from our website Mapping enquiries (wessexwater.co.uk)

(ii) Foul Drainage

Within section 6.2 of the Flood Risk Assessment and Drainage Strategy submitted with the application, the applicant has advised an intention to discharge foul flows to the pumping station constructed on the adjacent care home site, this is in accordance with what Wessex Water were expecting for the site wide foul drainage.

The applicant is advised that no surface water runoff, land drainage or ground water will be accepted into the foul sewer either directly or indirectly.

(iii) Surface Water Drainage

Having reviewed the Drainage Strategy Drawing ref: C160504-PLN-XX-XX-DR-C-224 Rev S2-P04 dated March 20, included as appendix G to the FRA and Drainage strategy and submitted with the application, it is noted that the applicant is proposing to attenuate surface water flows on site and discharge to the existing private surface water sewer that crosses the site. The LLFA will need to approve the discharge rates and

volumes and permission to connect to the private surface water sewer will need to be obtained from the riparian owner.

Please Note: No surface water runoff, land drainage or ground water will be accepted into the foul sewer either directly or indirectly.

- (iv) Water Infrastructure
Wessex Water is not the incumbent supplier in this area.

7.14 Urban Shape Retail Consultants Commissioned by the Council

The advice received is considered in full in the main body of this report under the Principle of Development Section. In summary, the consultant concluded:

- The proposed development has met the provisions of the sequential test as set out in paragraph 87-88 of the NPPF and Policy 38 of the Core Strategy. It is concluded that there are no suitable, sequentially preferable sites.
- On balance, it is concluded that the proposed development would not have a significant adverse impact on the vitality and viability of RWB town centre, or on existing, committed and planned public and private investment.
- The thresholds of 'significant adverse impact' are more marginal than previously assessed and are certainly less convincing than concluded in 2016. Whilst all planning applications must be considered on a case-by-case basis, the evidence at this point in time suggests that any further edge or out-of-centre convenience goods retail development would likely have a significant adverse impact on Royal Wootton Bassett town centre

8. Publicity

The application has been advertised by site notice and neighbour notification letters. As noted above the application has been subject to additional public consultation.

29 no. letters of objection and 39 letters of support were received. The comments are summarised as follows:

Objection:

- Out of town development, outside settlement boundary, harmful to the existing town centre
- Almost to the cost of other jobs in the town
- Lidl only more of the same (provided by Aldi)
- Increase in traffic along Malmesbury Road, traffic congestion
- Risk of accidents increase
- The improvements in cycle and footpaths are inadequate
- Loss of a green field setting a dangerous precedents
- Do not require another supermarket
- Missing information on drawings
- What is the purpose of the strip W of wooded area?

- Contrary to policies
- Public open space is not in the ownership of Lidl or community organisation
- Affect the local trade
- The loss of an open view onto pastoral field
- the care home (PL/2022/04098) has now amended its plans (PL/2023/00957) from connecting to the sewer system to installation of a private sewage treatment plant, and it would affect the application site
- potentially destroy the future of this well-established property and business, Marsh Farm
- Drainage, how it runs to Jubilee Lake
- Damage wildlife and habitats
- Inadequate EV charging points
- How close will the new store be to the existing sports ground
- not addressing the requirements for safe and accessible access for users of the facility eg disabled
- how flooding is to be prevented and conversely how the flow will be maintained in summer.
- Noise nuisance
- Light pollution
- ensure that deliveries do not intrude on the peace of the residents.
- No. 31 bus does not run on Sunday
- What provisions will be made to enable all demographics of the local community to travel to this 'superstore'
- It seems strange to have an ALDI and a LIDL next to each other
- is no requirement for a so called "country park"
- insufficient information on safe access to the site by Active Travel route
- insufficient detail on the near store entrance covered cycle parking
- insufficient detail on the PV installation
- insufficient detail on water saving and conservation measures
- Consideration needs to be given to public transport access for residents who don't drive

Support:

- cheaper shopping, competition and variety
- this store will benefit the town with job opportunities and electric charging points
- new community parkland would be very welcome
- they will be incorporating native species of trees such as Spindle and Wayfaring tree
- increasing population in the surrounding area fully justifies a further supermarket with easy access
- Our high street will not suffer as the independents offer differing services and products.
- More choice will also make Royal Wotton Bassett more attractive for shoppers to stay local rather than driving to Swindon which will benefit local businesses.
- great thing to have Parkland, indoor bakery
- Our Jubilee Park area is overly busy at times and short of parking spaces due to the popular playground and fishing facilities.

- Reduce the carbon footprint of shopper visiting Lidl supermarkets in Swindon.
- bring more business into the town

9. Planning Considerations

- 9.1 Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); and The Royal Wootton Bassett Neighbourhood Development Plan (2017-2026) Made April 2018.
- 9.2 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in determining planning applications affecting a Listed Building to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The statutory duty here is reflected in Section 12 of the NPPF and Core Policy CP58 of the WCS. Heritage Asset issues are addressed further below.
- 9.3 The Wiltshire Core Strategy was formally adopted by the Council on 20th January 2015. In accordance with the NPPF it sets out what is sustainable development in the context of Wiltshire. It retains a number of saved policies from the former Districts' Local Plans (e.g. North Wiltshire Local Plan 2011). It forms part of the statutory development plan for Wiltshire.
- 9.4 Royal Wootton Bassett is identified as a Market Town in Core Policy 1, which sets out the settlement strategy for Wiltshire. At Market Towns there is *"potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities"*.

Principle of development

- 9.5 This application proposes a 1,895 sq m gross (GIA) foodstore, which is smaller food store than that previously proposed (2,469 sq m gross GIA) over a single floor with a total net sales area of 1,251 sq m comprising 80% (1,001 sq m) for the sale of convenience (food and drink) goods and 20% (250 sq m) for the sale of comparison goods. The store is designed to face westwards over a 125 space car park (Fig.2.2). Public parkland forms a key component of the application proposals, comprising approximately 2.20 ha of open space centred upon a lake that serves as both amenity and drainage feature. The intention is for the food store and the park to share a vehicular access from the B4042.

9.6 National policy in the NPPF and the NPPG alongside Local Policies in the WCS CP 38 seek to direct new large scale retail development (over 200m sq) to existing defined town centres. CP19 makes no provision for a retail store within the town or Community Area. Proposals outside of defined town centres are required to demonstrate a sequential approach to site selection seeking locations within or adjacent defined centres in preference to out of town sites. Where an out-of-town site is proposed, as is the case here, assessment of the impact of the proposal on the vitality and viability of the relevant existing town centre is required. In considering site selection applicants and developers including the retail operators must adopt a flexible approach to operational requirements under national policy.

9.7 As noted in the consultation section of this report, the Council commissioned a retail and town planning consultant, Urban Shape, to review and advise in respect of the submitted Planning and Retail Statement. Urban Shape has reviewed the submitted documents, planning history including recent appeal decision of this site, and concluded the following:

‘The submitted Planning and Retail Statement (2022) emphasised the conclusions previously drawn in respect of compliance with the sequential site assessment. The applicant also revisited their assessment for the purposes of this application, noting the smaller proposed food store alongside community parkland, the discount food store has been reduced from 2,469 sq m GIA to 1,895 sq m GIA. The assessment considered two key elements to the sequential test: the need to demonstrate flexibility in scale and format, and the consideration of alternative sites. It focuses on any material change in circumstances since the dismissal appeal and previous GVA advice. We concur with this approach.’

Flexibility and Alternative Sites

9.8 With reference to the flexibility and alternative sites, Urban Shape concluded as follows:

‘The previous advice prepared by GVA in 2016 concluded that, of the three sites assessed by the applicants’ Retail Statement, none are considered to offer realistic suitable alternative locations for the proposed supermarket. In the context of the applicants’ updated Planning and Retail Statement 2022, we conclude that there has been no material change in circumstance and the sites remain unsuitable for the proposed development.’

Whilst we have not visited Royal Wootton Bassett as part of our instruction, we have not been made aware of any further alternative sites or suitable vacant units within the town centre. The most up-to-date town centre health check prepared by Mango (2022) notes the low number of vacant units, and also their small floorplates – generally below 100 sq m. This is consistent also with the findings of the WRTCS. Providing the Council are not aware of any newly suitable alternative sites, we

conclude that the proposed development has met the provisions of the sequential test as set out in paragraph 87-88 of the NPPF and Policy 38 of the Core Strategy.'

Retail Impact Assessment (Viability and Vitality)

- 9.9 With respect to retail impact on the existing town centre, Urban Shape concluded that: -

'On balance, the proposed development would not have a significant adverse impact on the vitality and viability of RWB town centre, or on existing, committed and planned public and private investment. Retail impact will predominantly fall on the out-of-centre Aldi food store and destinations further afield; whilst the town centre as a whole is concluded to be healthy and vibrant. In this context, the proposed food store would unlikely deter existing town centres businesses from continuing to invest in their property and businesses. It has also been concluded that there are no planned or committed investments in RWB town centre that would be materially affected by the application proposals. Subject to meeting these requirements and all other relevant policies of the WCS the proposal could be acceptable in principle.'

- 9.10 On the basis of this advice it is not considered that there is an in-principle conflict with national or local policy such that the development proposed (food store) ought to be refused. Furthermore, the site is subject to an appeal for a similar proposal in the past. The Inspector dismissed the appeal on design and landscape issues. It is also a material consideration that the development will result in broader economic benefits in terms of job creation and through construction as well as increased business rate revenue.

Highway safety and parking provision

- 9.11 Representations have been made by residents raising concerns as to the highway issues, parking provision, and related accessibility issues.
- 9.12 It is worth to note that there was no highway objection was raised to the similar food store application under planning reference 16/06995 subject to planning conditions. Since that time there is new and updated guidance on various highway aspects that must be considered – in particular the extensive guidance on cycle accessibility for development proposals in publication LTN1/20.

Sustainability

- 9.13 The proposed development, while being on the edge of the town, is within the preferred maximum walking distance of 2000m of almost all residential development and key facilities in Royal Wootton Bassett. All town facilities are within a reasonable cycling distance including some nearby villages. The development includes adequate cycle parking facilities. In terms of distance, cycling to and from the site will be a reasonable option for residents, staff and customers. Required improvements to cycle infrastructure are discussed further below. There are also reasonable bus services within walking range of

the development. Bus service provision past the development is set out at Table 3.1 of the TA. In addition the frequent X55 service between Swindon and Chippenham is within walking distance of the development. In addition, the submitted Travel Plan is also acceptable.

Traffic movement and Highway Safety

- 9.14 The submitted Transport Assessment (TA) takes a reasonable thorough approach. The store can be expected to generate 66 trips in the weekday AM peak hour, 142 trips in the weekday PM peak hour, and 230 trips in the Saturday peak hour, where a trip is a one-way vehicular movement. The TA considers the development impact on the weekday peak periods as the network flows on Saturday are of course much lower than on the weekday peaks. Officers are satisfied with this approach.
- 9.15 New supermarkets do not generate many new trips on the network as the trips are mostly redistributed trips from existing food stores. This is set out in greater detail in TA sections 6.5 – 6.10 to which the interested reader is referred. The growth year of 2027 has also been considered, with the traffic impact on the following local junctions examined:- Site access, Bincknoll Lane A3102 roundabout, Coped Hall roundabout. All of the above junctions are shown to operate for the growth year with the development in place, not having significant effects on junction capacity. Officers are satisfied with these assessments. Sections 8.4 – 8.9 of the TA provides details of these capacity assessments.

Access

- 9.16 It is noted that representations have been made on the application (particularly the representation from the Royal Wootton Bassett Active Travel Group) that the original plans pay insufficient attention to provide safe access to the site by Active Travel routes including in the area of the access road entrance and across the car park. The Council Highway Officer also raised concerns regarding the detailed design of the visibility splays, the width of the lanes, cycle routes, and bus shelters. To address these issues, a revised plan no. 2022/046/SK01/D was submitted. The Highway Officer has reviewed the submitted details and raised no further objection to the proposal.

Parking provision

- 9.17 The maximum car parking provision for this level of retail food store development is 135 spaces. As 125 parking spaces are proposed, it is considered that proposed provision would be sufficient, and such level of under provision is similar to other recent Lidl and Aldi stores across north Wiltshire. Officers note that no additional provision is provided for non-food store visiting visitors to the adjoining country park area. However, there is parking provision (Jubilee Lake) on the opposite side of the road, and users would be able to use the toucan crossing to cross. The car parking layout and the proposed service vehicle delivery arrangements are satisfactory.

Other highway issues

- 9.18 Concerns are raised to ask for the provision of a new toucan crossing of the A3102 in the Maple Drive area. Given the amount of NMU mode share in this direction that would be generated, Officers consider that the development could not justify this under the CIL Regulation tests.
- 9.19 Regarding the point raised by some objectors that the development should have a left turn exit only forcing right turning drivers to U-turn at the nearby roundabout is not an approach that the Highway Authority would support. The roundabout is some distance away, the extra movements would not assist the roundabout's capacity, it would be a contrived arrangement that would frequently be abused, and the frustrations introduced particularly at quieter times on the network would not assist highway safety. The junction arrangement proposed: a right turning lane, - is a normal junction arrangement for this type of development and there is no reason why it should not work in a reasonable manner.
- 9.20 In summary, subject to the planning conditions suggested by the Highway Officer, there is no highway objection to the proposal.

Flood Risk and Drainage

- 9.21 Concerns are noted regarding the drainage matters. The site is not subject to high risk of flooding. The applicant submitted a revised Flood Risk Assessment and Drainage Strategy version 5 (February 2023) during the course of the application. In addition, the applicant provided additional information to confirm the 20% betterment over greenfield [discharge] rates, providing a swale, an attenuation tank, raingardens at the southern end of the carpark. In addition, calculations were also submitted to confirm the performance of the surface water drainage network, to show the capacity of the downstream network, to demonstrate overland exceedance flows can be safely contained on site, and the proposed drainage design to provide sufficient level of water treatment.
- 9.22 The Council's Drainage Engineer is satisfied with the submitted details and the revised FRA. A planning condition is imposed to seek a Construction Phase Management Plan to clearly demonstrate how surface water will be managed throughout the construction phase in order to prevent an increase in local flood risk / local pollution risk,
- 9.23 It is the applicant to discharge of surface water into the adjacent development's surface water drainage system. In the event that the applicant is unable to implement the submitted drainage scheme, the applicant will need to seek consent from the local planning authority to amend the scheme.

Landscape

- 9.24 During the course of the application, a revised landscape scheme, revised proposed boundary treatment drawing was also submitted, no. AD_114

Revision C, to change the new boundary to 1.2 metres high hit and miss timber fence, a revised landscape management plan was also submitted.

- 9.25 Core Policy 51 of the adopted Core Strategy states that development should protect, conserve and where possible, enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.
- 9.26 As noted above, the site is subject to an appeal in the past. The Inspector objected to the proposal and stated:

'The building would be as close as 5 metres to the new pavement along Malmesbury Road and parts of the car park about 3 metres. There is no landscaping proposed on any of the building's elevations and little within the extensive area of car parking... Without further mitigation to filter the views of the building and its car park from Malmesbury Road, the building would appear somewhat bland and dominating in the street scene. Additionally, it and the car park would do nothing to create a strong sense of place by drawing on the local context or being complementary to the locality. In its current form the proposed landscaping is not in accord with CP 57 and the proposed mitigation would neither conserve nor enhance the landscape character. It is contrary to CP 51. The proposed car park extends to the site's northern boundary. Without appropriate mitigation, it and the building's service area and north-eastern elevation would be clearly seen from vantage points to the north of the site, as well as from Marsh Farm Hotel and the Gerard Buxton sports complex.'

- 9.27 Regarding the original drawings of this application, the Council's Landscape Officer raised concerns about the missing details of the existing field drainage ditches and ponds on the submitted drawings, the size of the proposed woodland and hedgerows plants, the planting schedules, missing details of urban trees pits, the use of slate chippings as a mulch, the inappropriate height of the closed boarded fence.
- 9.28 To address the Inspector's objections and the comments from the Council's Landscape Officer, the applicants submitted revised and additional plans. Officers welcome the new pocket park incorporating Green Blue Infrastructure. With regard to the proposed 2.1m high close boarded fencing along the northern edge of the car park, the applicant submitted a revised boundary treatment plan to reduce to 1.2m high hit and miss timber fence. A revised landscape management plan was also submitted. Subject to condition securing the implementation of the submitted details, there is no landscape objection.

Ecology

- 9.29 Core Policy 50 of the adopted Core Strategy requires development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the life of the development. All development also seeks opportunities to enhance biodiversity.

Ballards Ash Protected Road Verge (PRV)

- 9.30 The Site boundary is adjacent to the Ballards Ash Protected Road Verge and construction works could potentially impact upon it, particularly construction of highways access and landscaping of the public open space. Impacts on the PRV could be avoided by adherence to a CEMP including protective measures. Therefore a planning condition is required to seek a CEMP to be submitted to the council for approval prior to construction commencing could ensure the protection of this verge.

Habitats

- 9.31 The Site is reported have been subject to recent disturbance resulting in areas of bare and disturbed ground. Prior to this and on areas unaffected the Site is reported to have largely comprised common agricultural habitats of limited ecological value. Other features recorded as present include a hedgerows, trees and areas of scrub, along with a dry ditch and former pond and wet area.
- 9.32 Thunder Brook, boundary features and a small ephemeral wetlands / ponds in the west of the Site are of local value, however the Planting Plan for Public Open Space shows larger areas of similar or enhanced habitat would be provided within the public open space which in the long term could provide biodiversity benefits. Therefore a planning condition is imposed to seek a LEMP to ensure these habitats and features are managed for the benefit of biodiversity and predicted net gains in biodiversity are achieved.

Species

- 9.33 The site is reported to provide limited opportunities for the faunal species, reptiles (Slow Worm), roosting bats and common nesting birds. Habitat loss and lighting associated with the proposals are likely to causing some limited disruption to foraging bats using the site, however the habitat creation would help to mitigate this in the long-term. Measures to avoid harm to species provided in Section 6 of the Ecological Appraisal report should be adhered to. The CEMP will need to be prepared in accordance with these measures and submitted to the council for approval prior to construction commencing.

Mitigation and Enhancement

- 9.34 The proposed ecological enhancements detailed in Section 6.2 of the Ecological Appraisal report are welcomed. A BNG calculation has been completed but only results are summarised in the report. The calculation is based on the Site Layout Lidl Plan 3 embedded in Appendix 3499-03/1 of the Ecological Appraisal report and indicates significant net gains in both habitat and hedgerow units would be achieved if the listed habitats and features are provided and managed for biodiversity in accordance with the BNG calculation.

- New native scrub planting/ mixed scrub
- New native woodland planting/ other woodland; broadleaved woodland
- Wildflower grassland creation/ modified grassland
- Wildflower grassland creation/ other neutral grassland
- Wetland features/ ponds
- Retained and proposed native hedgerow
- Bat boxes
- Bird boxes

The Site Layout Lidl Plan 3 embedded in Appendix 3499-03/1 of the Ecological Appraisal drawing broadly accords with the submitted Public Open Space Planting Plan however the following discrepancies between these drawings have been identified:

- Hedge 2 (H2) reported as retained does not appear on the Planting Plan.
- The Natural Plan Area is mapped as modified grassland in the BNG calculation. It is considered unlikely that this habitat will be achieved within the play area.

The submitted calculation confirms significant net gains in biodiversity (6.96 Habitat Units or 94.08% and 3.58 Hedgerow Units or 155.43%) could be achieved.

Site Boundary

9.35 The majority of the submitted documents show/ indicate the public open space is within the Site Boundary/ red line, however the Proposed Site Plan only encompasses the proposed built environment. In this instance, the applicant confirmed that the public open space lies within the red line boundary. Therefore, it would be reasonable to impose a planning condition to secure the layout, including detailed planting and the on-going maintenance of the public open space.

In summary

9.36 Subject conditions securing the above required elements, there is no objection from ecology perspective.

Heritage Asset Impact

9.37 The previous planning application confirmed that the listed building of Marsh Farm is not within 50 m of the designated heritage asset. Also, the site is separated by other development and structures and mature trees and planting. On this basis it is not considered that the proposals which are the subject of this application will have a significant harmful impact to the setting of the Listed Building. Given the lack of potential harm and impact to heritage assets, it is considered that Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act and para 134 of the NPPF are not engaged as no potential impact and therefore harm is identified.

Archaeology

9.38 the Council's Archaeologist is satisfied with the previous geophysical survey and archaeological trial trench evaluation have sufficiently characterised the archaeological potential of the application area and that no further form of archaeological mitigation is needed. As such the development is in accord with the provisions and requirements of the NPPF and CP58 WCS.

Design and Visual Amenity

- 9.38 Policy CP57 requires development to be of a high quality, local context and high quality can be achieved and respected through design. The application site is within the open countryside abutting the B4042 and in a visually prominent location from localised public and private vantage points. The site features fields boundaries including some mature trees growing near the north-western corner of the site. The site is in agricultural use, between the recently built care home to the southeast, and sport complex to the north. An established residential area lies opposite of the site.
- 9.39 The Inspector dismissed the previous appeal due to the issues relating to the design and landscape of the scheme. To address these concerns, the current scheme now includes:
- Increase 15 metre buffer to road
 - New woodland planting to create transition to north
 - More planting in and around car park
 - Timber and natural stone elevations to soften its façade
 - Height reduced by approximately 1 metres to 6.7 metres
 - New large POS feature with path circuit

In addition, the revised landscaping scheme also addressed the original comments raised by the Council's Urban Designer.

- 9.40 Subject to condition seeking details and samples of the building materials, it is considered that the proposal has addressed the previous refusal reasons. As the proposed site layout and building would not be harmful to the character and appearance of the site and the locality, therefore, no objection is raised in this regard.

Environmental matters

- 9.41 The Council's Public Protection Team have reviewed the submitted details, and raised no objection subject to planning conditions securing the following:
- To restrict the construction or demolition work hours
 - To secure the rating level of noise from all fixed plant and machinery.
 - Further information regarding deliveries and car park activity noise.
 - Details of external lighting
 - A scheme of Ultra Low Energy Vehicle infrastructure

Subject to planning conditions seeking the above, there is no objection from environmental matters.

Residential Amenity

- 9.42 Core Policy 57 of the adopted Core Strategy requires a high standard of design for all new developments having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).
- 9.43 Residents' concerns regarding the potential impact upon the neighbours' amenity are noted. Whilst the site is situated in the open countryside, there is

newly built care home to the south and a residential estate lying opposite B4042. The new building would be approximately 6.7 metres to its height. Given that there is a reasonable separation distance of more than 11 metres away between the closest neighbouring properties (opposite the site) and the site, it is considered that the proposal would not result an unreasonable overbearing or overlooking impact upon the neighbouring properties to be detrimental to the living conditions of the nearby residents. In term of external lighting, noise and disturbance, conditions are imposed to safeguard the amenity of residents. In this instance, no objection is raised in this regard.

Other matters

- 9.44 In terms of the land ownership, the submitted application form confirmed that the applicant has served notices to the land owners, and a Certificate B has been signed, therefore the application can be determined as it submitted.

10. CONCLUSION

- 10.1 The site is not allocated for any form of development and lies outside of the defined limits of development for Royal Wootton Bassett. The site is therefore in the open countryside where the development strategy of the adopted up to date development plan and national guidance is to focus development within and direct it to the most sustainable locations.
- 10.2 Whilst the site is currently in agricultural use situating in the open countryside, the site is already bound by the newly built care home and the Gerard Buxton sports complex. As such, the proposed supermarket at this particular location would likely to be read as an 'in-fill' development.
- 10.3 Furthermore, the site is subject to an appeal and the Inspector's decision is material planning consideration. It should be noted that the Inspector did not object to the retail use at this location, however it is considered the proposal would be contrary to CP51 (Landscape) and CP57 (High Quality Design and Place Shaping).
- 10.4 With this application, the applicant submitted the Planning and Retail Statement to demonstrate that the proposal, albeit its open countryside location and the existence of similar food store in the locality, would not have a significant adverse impact on the vitality and viability of RWB town centre, or on existing, committed and planned public and private investment.
- 10.5 On this basis, it is considered that the proposal would not be contrary with development plan, and it is therefore considered that the proposal can be support subject to the appropriate conditions to safeguard the amenity of the locality.

11 RECOMMENDATION

11.1 That planning permission be granted subject to the following conditions:

Condition 1 (Time limit for implementation)

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.

Condition 2 (Approved plans)

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

Revised Landscape management plan, SLR Ref No: 403.V61442.00001, March 2023, received by the Council on 14 March 2023

Revised Proposed Boundary Treatment plan, 19078 AD_114 Revision C, received by the Council on 10 March 2023

The following documents received by the Council on 27 February 2023:

- Proposed elevations, AD_113 B
- Proposed Lidl Site Access Arrangement on B4042, SK01 Revision D
- Planting plan for Lidl car park LIDL / GA 2
- Planting plan for Public Open Space, LIDL/GA3
- Planting plan for General Arrangement, LIDL/GA1
- Hard and Soft Landscaping Details, LIDL / GA07 and GA08
- Hard materials – Public Open Space, LIDL / GA6
- Hard materials – Car Park, LIDL/GA5
- Hard materials – General Arrangement, LIDL/GA4
- Site Layout Plan LIDL/PLAN3
- Site Block Plan, LIDL/PLAN2
- Detailed Masterplan, LIDL/PLAN4

The following documents received by the Council on 8 July 2022

- Proposed Site Section, 19078/AD119/Rev A
- Site location plan, AD_100 Rev B
- Proposed roof plan, AD_112
- Proposed elevations, AD_113 Rev B
- Proposed building (floor) plan, AD_111 Rev A

REASON: For the avoidance of doubt, in the interests of proper planning, and for the protection, mitigation and enhancement of biodiversity

Condition 3 (Retail use only)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the retail element of the proposed development shall be used solely for purposes within Class E(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use at this particular site is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case and its potential impact upon the town centre.

Condition 4 (No sub-division of the unit)

The retail element of the development shall not at any time be sub-divided into a larger number of units.

REASON: To enable the Local Planning Authority to consider individually or cumulatively planning permission should be granted for additional units and to protect the vitality and viability of the Royal Wootton Bassett town centre.

Condition 5 (Restriction sale of comparison goods)

No more than 20% of the approved net sales area of the retail unit shall be used for the sale of comparison goods.

REASON: To protect the vitality and viability of the Royal Wootton Bassett town centre.

Condition 6 (Removal of Permitted development rights)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 7, Classes A, C, D, E, F, G, H, I, J and K shall take place on the buildings or within the curtilage of any of the buildings hereby granted planning permission.

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

Condition 7 (Construction Method Statement – pre-commencement condition)

Prior to the commencement of the development hereby approved, a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;

- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from construction works;
- h) measures for the protection of the natural environment; and
- i) hours of construction, including deliveries;
- j) demonstrate how surface water will be managed throughout the construction phase to prevent an increase in local flood risk / local pollution risk.

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

REASON: In the interests of highway safety and residential amenity of the neighbouring properties.

Condition 8 (Construction Environment Management Plan - Pre-commencement condition)

Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as reptiles, nesting birds and roosting bats.
- c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- d) Pollution prevention measures.
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

Condition 9 (surface water drainage scheme – pre-commencement condition)

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.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that all elements of the development is undertaken in an acceptable manner, and to ensure that all elements of the development can be adequately drained without increasing flood risk to others.

Condition 10 (works for the disposal of sewerage – pre-commencement condition)

Prior to the commencement of development hereby approved, details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that all elements of the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

Condition 11 (Building materials – pre-commencement condition)

Notwithstanding the details shown on the submitted plans and forms, no development shall commence on site until details of the materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

Condition 12 - Landscape and Ecological Management Plan (Pre-commencement condition)

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

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

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

Condition 13 (Ultra Low Energy Vehicles Infrastructure – Pre-commencement condition)

Prior to the commencement of the development hereby approved, a scheme of Ultra Low Energy Vehicle infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and maintained permanently and satisfactorily as such thereafter. In the avoidance of doubt, it is the Council's requirement that the number of commercial Electric Vehicles charging points to be 20%, i.e. 1:5, of the parking spaces.

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

Condition 14 (Landscaping Scheme for park land area required)

Notwithstanding the submitted revised proposal, within 6 (six) months following the commencement of the development, a scheme of hard and soft landscaping for the park land area shall be submitted to and approved in writing the local planning authority. The details shall include:

- finished levels and contours;
- means of enclosure;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- number of trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428.
- Time of planting
- On-going management of the planting

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected

from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

Condition 15 (Landscape management plan for park land area required)

Notwithstanding the submitted revised proposal, within 6 (six) months following the commencement of the development, a landscape management plan for the park land area, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

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

Condition 16 (restrict shopping trolleys leaving the site)

The retail element of the development shall not be first brought into use until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved in writing by the Local Planning Authority; and the approved scheme has been brought into operation. The approved scheme shall thereafter be maintained in operation in accordance with the approved details.

REASON: In the interests of the character, appearance and amenities of the area

Condition 17 (Odour)

Prior to the first use or operation of the in-store bakery within the retail store, a scheme of works for the control and dispersal of atmospheric conditions (in particular emissions from cooking or baking of food) shall have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before any on site cooking or baking takes place and shall be maintained in effective working condition at all times thereafter.

REASON: So as to ensure that the amenity and living conditions of surrounding residential occupiers are not unacceptably affected.

Condition 18 (External Lighting)

Prior to first use or occupation of the development hereby approved, detailed lighting schemes with a validation report shall be submitted to and approved in writing by the Local Planning Authority. Such a validation report shall have been prepared by a suitably qualified member of the institute of lighting professionals (ILP) and shall validate that the lighting scheme as installed conforms to the recommendations for environmental zone E2 or better in the ILP document "Guidance Notes for the Reduction of Obtrusive Light - Guidance Note 01:20. All external lighting at the retail element of the proposal, as validated, shall be implemented in accordance with the agreed details and shall thereafter be permanently retained in that condition.

REASON: To ensure that the amenity and living conditions of surrounding residential occupiers are not unacceptably affected.

Condition 19 (Storage and Refuse)

Prior to the first use or occupation of development hereby approved, details of the intended arrangements for the storage of refuse and recycling, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling storage arrangements shall be implemented prior to the first use of occupation of the development and made available for use for that purpose thereafter.

REASON: In the interests of public health and safety.

Condition 20 (Boundary treatment)

The proposed boundary treatment, drawing no. AD_114 Revision C, shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

REASON: To safeguard the character and appearance of the area.

Condition 21 (Landscaping Implementation)

All soft landscaping comprised in the approved details of landscaping, shown on

- Planting plan for Lidl car park LIDL / GA 2
- Planting plan for General Arrangement, LIDL/GA1
- Hard and Soft Landscaping Details, LIDL / GA07 and GA08

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

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

Condition 22 (Landscaping management)

The submitted Landscape Management Plan, SLR Ref. 403.V61442.00001 Version No. 5 dated March 2023 shall be implemented in full and maintained as such thereafter.

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

Condition 23 (highway work)

Prior to first use of the development hereby permitted, the ghost island right turning lane outlined on drawing 2202/046/SK01/D including a pedestrian refuge, any required street lighting and highway drainage alterations to accommodate the right turning lane, an altered bus layby, relocated 2 metre wide footway over part of the site frontage, resurfacing of the entire width of the B4042 over the length of the right turning lane scheme, shall all provided in in accordance with details to be first approved under a Highways Act 1980 Section 278 Agreement.

REASON: In the interests of providing safe and convenient access to the development.

Condition 24 (Widen the pedestrian and cycle way)

Prior to first occupation of the development hereby permitted, a 3 metre wide shared pedestrian and cycle way shall have been provided between the existing toucan crossing, and the development access point, as outlined on drawing 2202/046/SK01/D.

REASON: In the interests of good development accessibility.

Condition 25 (Provision of access road, footways and cycleways)

Prior to the development hereby permitted being first brought into use, the access road, footways and cycleways, including a traffic calmed cycle crossing of the access road, and a marked out cycle route across the development car park, shall all be provided as detailed on drawing 2202/046/SK01/D. The access shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 4.5 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 120 metres to the north-west and 120 metres to the south-east.

REASON: In the interests of safe and convenient access to the development.

Condition 26 (Alteration of the existing toucan crossing)

Prior to the development hereby permitted being first brought into use the existing toucan crossing located to the north-west of the development's access shall have been altered to accommodate the greater carriageway width that is to be provided at that location as outlined on plan number 2202/046/SK01/D, and in accordance with details to be first approved under a Highways Act 1980 Section 278 Agreement.

REASON: In the interests ensuring that the existing toucan crossing continues to operate correctly following the implementation of the ghost island right turning lane.

Condition 27 (Provision of parking and turning areas)

Prior to the development hereby permitted being first brought into use, the vehicle parking and turning areas shall have been provided with the individual parking spaces being demarcated, and the areas shall thereafter be maintained and kept available for the parking and turning of vehicles.

REASON: In the interests of safe and convenient use of the development.

Condition 28 (Provision of cycle parking spaces)

Prior to the development hereby permitted being first brought into use the 6 No. Sheffield type cycle parking spaces shall have been provided, and shall thereafter be maintained and kept available for the parking of cycles.

REASON: In the interests of good cycle accessibility.

Condition 29 (relocation of direction sign)

Prior to the development hereby permitted being first brought into use, the advance direction sign to the north-west of the proposed access, shall have been relocated to a position out of the required visibility splays in accordance with details to be first approved under a Highways Act 1980 Section 278 Agreement.

REASON: In the interests of highway safety.

Condition 30 (Provision of bus shelter)

Within three months of the development hereby permitted being first brought into use, the south-east bound bus layby shall have been provided with a bus shelter including a perch seat, flag sign and timetable case, in accordance with details to be first approved under a Highways Act 1980 Section 278 Agreement.

REASON: In the interests of public transport accessibility.

Condition 31 (Travel Plan)

The food store hereby permitted shall not be brought into use until those parts of the Food store Travel Plan capable of being implemented prior to first use have been implemented. Those parts identified for implementation after first use shall be implemented in accordance with the timetable contained therein, and shall continue to

be implemented as long as any part of the development is occupied. The Travel Plan Co-ordinator shall be appointed and carry out the identified duties to implement the Food store Travel Plan for a period from first use until at least 5 years following first use.

REASON: In the interests of reducing the amount of private staff car movements to and from the development.

Condition 32 (Service yard management scheme)

The retail store development shall not be occupied until a service yard management scheme has been submitted to and approved by the local planning authority. Such a scheme shall include the method of ensuring reversing beepers from delivery/collection vehicles do not disturb surrounding residential occupiers. The development shall be operated in full accordance with the provisions of the agreed service yard management scheme.

REASON: To ensure that the amenity and living conditions of surrounding residents, are not unacceptably affected.

Condition 33 (construction hours)

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To ensure high design and place shaping such that appropriate levels of amenity are achievable.

Condition 34 (deliveries hours)

Deliveries shall not be permitted before 07:30 and after 23:00hrs. Waste collections should also take place within these hours and preferably before 22:00.

REASON: In the interests of residential amenity

Condition 35 (opening hours)

There shall be no customers/members of the public on the site outside the hours of (23:00 in the evening) and (07:00 in the morning) from Mondays to Saturdays and between (17:00 in the evening) and (10:00 in the morning) on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

Condition 36 (Noise and disturbance)

The rating level of noise from all fixed plant and machinery installed at the development hereby permitted shall not exceed the pre-existing background noise level at any time when measured or calculated at 1 metre from the facade of the nearest noise sensitive properties. Background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptors. The measurement and assessment shall be undertaken in accordance with BS 4142:2019 or any subsequent version.

REASON: To ensure high design and place shaping such that appropriate levels of amenity are achievable.

Condition 37 (No external storage)

Except within the delivery yard of the retail store, there shall be no external storage of any description unless otherwise agreed in the form of a separate planning permission in that regard.

REASON: In the interests of the appearance of the site and the amenities of the area.

Background Documents Used in the Preparation of this Report:

Appeal Decision