

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber, County Hall, Trowbridge, BA14 8JN
Date: Wednesday 26 April 2017
Time: 10.30 am

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

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This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

| | |
|-----------------------------------|--------------------------|
| Cllr Andrew Davis (Chairman) | Cllr Charles Howard |
| Cllr Tony Trotman (Vice Chairman) | Cllr David Jenkins |
| Cllr Glenis Ansell | Cllr Christopher Newbury |
| Cllr Trevor Carbin | Cllr Fred Westmoreland |
| Cllr Terry Chivers | Cllr Bridget Wayman |
| Cllr Stewart Dobson | |

Substitutes:

| | |
|----------------------|-----------------------|
| Cllr Ernie Clark | Cllr James Sheppard |
| Cllr Brian Dalton | Cllr Ian West |
| Cllr Bill Douglas | Cllr Jerry Wickham |
| Cllr Dennis Drewett | Cllr Graham Wright |
| Cllr George Jeans | Cllr Magnus Macdonald |
| Cllr Paul Oatway QPM | Cllr Christine Crisp |

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Public Participation

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

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

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

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 8 February 2017.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 10.20am on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 19 April 2017** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Friday 21 April 2017**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

- 6 **14/08060/OUT - Land at Marsh Farm, Coped Hall, Royal Wootton Bassett, SN4 8ER - Mixed Development of up to 320 Dwellings, Community Hub comprising of 500sq m of A1/A2/A3/A4/A5/D1 & D2 Uses, Public Open Space, Landscaping, Extension to Approved Sports Hub & Access (Pages 15 - 72)**

A report by the Case Officer is attached.

- 7 **16/06995/FUL - Land North of Malmesbury Road, Royal Wootton Bassett, SN4 8AY - Hybrid Application for a 2,469 m2 (GIA) supermarket with access and landscaping (detail), up to 33 senior living units and Class C2 care home of up to 3,000 m2 (outline) (Pages 73 - 136)**

A report by the Case Officer is attached.

- 8 **16/09386/WCM - Brickworth Quarry, Whiteparish, Salisbury, SP5 2QE - Proposed extension of Brickworth Quarry (Minerals Local Plan Site Allocation Areas A and B) for the extraction of sand, infill with imported inert materials and quarry waste and restoration to commercial forestry and agriculture at original ground levels; retention of plant site and storage areas. (Pages 137 - 198)**

A report by the Case Officer is attached.

- 9 **Date of Next Meeting**

To note that the next scheduled meeting of this Committee is due to be held on Wednesday 24 May 2017, starting at 10.30am in the Council Chamber at County Hall, Trowbridge.

- 10 **Urgent Items**

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

Part II

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

None

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STRATEGIC PLANNING COMMITTEE

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 8 FEBRUARY 2017 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Andrew Davis (Chairman), Cllr Glenis Ansell, Cllr Trevor Carbin, Cllr Terry Chivers, Cllr Stewart Dobson, Cllr Charles Howard, Cllr David Jenkins, Cllr Christopher Newbury, Cllr Bridget Wayman, Cllr Fred Westmoreland and Cllr Christine Crisp (Substitute)

Also Present:

Cllr Mollie Groom, Cllr Allison Bucknell, Cllr Mary Champion and Cllr Chris Hurst

1 **Apologies**

Apologies were received from Councillor Tony Trotman, who was substituted by Councillor Christine Crisp.

2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 14 December 2016 were presented for consideration, and it was,

Resolved:

To approve and sign as a true and correct record.

3 **Declarations of Interest**

There were no declarations.

4 **Chairman's Announcements**

There were no announcements.

5 **Public Participation**

The rules on public participation were noted.

6 **Planning Appeals & Updates**

An update on planning appeals and decisions was received.

Mr Francis Morland delivered a statement querying the council's position on its five-year land supply at recent appeal hearings. Following discussion from the Committee it was requested an update to the briefing note prepared in the new year on the five-year land supply be prepared.

Resolved:

To note the update.

- 7 **16/10934/FUL - Land Adjacent Old Telephone Exchange, Seagry Hill, Sutton Benger, Wiltshire, SN15 4SA - Change of use of land to one gypsy and traveller pitch, the erection of a day room, siting of a static home together with space for the parking of two cars, a mobile home, space for a garden and the siting of a cess pit.**

The Senior Planning Officer, Mark Staincliffe, presented a report recommending that approval be granted for change of use of land to one gypsy and traveller pitch, erection of a day room, siting of a static home with parking space for two cars, a mobile home, space for a garden and the siting of a cess pit. Key issues included the principle of development, impact on character and appearance of the area and highway safety. Details were provided on conditions to control landscaping and drainage, and the level of work that had already taken place on the site.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on the level of need for further gypsy and traveller pitches under the Core Strategy. It was stated that during the examination of the Core Strategy the government inspector had questioned the methodology and so the council had committed to preparing a development plan document to further demonstrate the total need, but that in its absence the Core Strategy figure, which had been met, was a minimum need, and any applications should be judged in accordance with Core Policy 47. Officers were of the opinion that the application met the necessary criteria in that policy.

No members of the public had registered to speak regarding the application.

During the debate that followed the Committee further discussed relevant policies and the level of unmet need for gypsy and traveller pitches.

Councillor Trevor Carbin, seconded by Councillor Terry Chivers, moved the recommendation as detailed in the officer report, and at the conclusion of discussion, it was,

Resolved:

That planning permission be GRANTED subject to the following conditions:

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

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

- 2** The development hereby permitted shall be carried out in accordance with the following approved plans:

TP1- Received 09/11/2016

TP2- Received 09/11/2016

TP 3 REV B- Received 12/01/2017

TP4 REV A- Received 12/01/2017

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

- 3** Within 3 months from the date of this permission the parking areas shown on the approved plans shall have been consolidated, surfaced and laid out in accordance with the approved details. Those areas shall be maintained and remain available for that use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 4** No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs of the 'Day Room' 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.

- 5** Within three months of the date of this decision a scheme of hard and soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

a detailed planting specification showing all plant species, supply and planting sizes and planting densities;

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6 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.

- 7 The site shall not be permanently occupied by persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites, August 2015.**

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

- 8 Within 3 months of the date of this decision, details of the retaining wall shall have been submitted for the approval of the local planning authority. The wall shall then be completed in strict accordance with the details as approved within 3 months of the local planning authority's decision.**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

- 9 Occupation and use of the Mobile home and touring caravan hereby permitted shall be limited solely to and by close family members of the occupants of the application site. Close family members defined as dependents, sons, daughters and grandchildren.**

REASON: In the interests of residential amenity.

- 10 There shall be no more than one (1) permanent pitch on the application site.**

REASON: In the interests of visual amenity and the amenity of occupants of the site.

- 11 No more than one (1) commercial vehicle shall be kept on the land for use by the occupiers of the caravan hereby permitted, and they shall not exceed 3.5 tonnes in weight and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

- 12 There shall be no more than two (2) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 on the application site, of which no more than one (1) shall be a static caravan or mobile home and no more than one (1) shall be a touring caravan, shall be stationed on the site at any time.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with CP47 of the Wiltshire Core Strategy 2015.

- 13 Within three months from the date of this permission details of the works for the disposal of sewerage shall have been submitted to and approved in writing by the Local Planning Authority. Within 1 month of the Council's approval of the above details the approved sewerage details shall be 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 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.

- 14 Within three months from the date of this permission a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, shall be submitted to and approved in writing by the Local Planning Authority. Within one month of the Council's approval of the above details the surface water drainage shall be constructed in accordance with the approved scheme.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise

the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

8 **14/08060/OUT - Land at Marsh Farm, Coped Hall, Royal Wootton Bassett SN4 8ER - Mixed Development of up to 320 Dwellings, Community Hub Comprising of 500sqm of A1/A2/A3/A4/A5/D1 & D2 Uses, Public Open Space, Landscaping, Extension to Approved Sports Hub & Access**

Public Participation

Mr Chris Wannell, resident, spoke in objection to the application.

Mr Steve Walls, resident, spoke in objection to the application.

Mr Mike Drury, resident, spoke in objection to the application.

Mr Steve Sensecal, agent, spoke in support of the application.

Councillor Peter Willis on behalf of Lydiard Tregoze Parish Council, spoke in objection to the application.

Councillor Paul Heaphy, on behalf of Royal Wootton Bassett Town Council, spoke in objection to the application.

The Development Management Team Leader, Lee Burman, introduced a report which recommended that authority be delegated to the Head of Development Management to grant planning permission for Mixed Development of up to 320 Dwellings, a Community Hub Comprising of 500sqm of A1/A2/A3/A4/A5/D1 & D2 Uses, Public Open Space, Landscaping, Extension to Approved Sports Hub and Access subject to the conditions and the signing of a Section 106 legal agreement. If the legal agreement was not completed within six months of delegation, the application would be refused.

Key issues were stated to include the scale of development and its visual, environmental and highways impact, and design, also including impact upon the curtilage of a nearby listed building. It was stated that the site lay outside boundaries identified in the Core Strategy meaning it should only be approved if material reasons it should and its benefits outweighed the harm. The council not currently having the required level of Wiltshire housing land supply was

highlighted as a material consideration. Officers detailed the site history and the relationship between applications submitted at the site and reported on the agenda.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on potential noise pollution on the site, assessment of drainage issues and mitigating proposals on the site which officers considered acceptable, and detail on relevant council policies, highway speed limits and the council's lack of a current five-year housing land supply and the impact of that lack when weighing the planning balance.

Members of the public then had the opportunity to address the Committee, as detailed above.

Local Unitary Division Members Councillors Mollie Groom, Mary Champion and Chris Hurst then spoke in objection to the application, raising concerns about the impact on highways. Green space, overdevelopment in the community area and lack of adherence to Core Policies 1, 2 and 19.

The Committee then debated the application, noting the complexity of the site and significant potential impacts on several issues that had been raised, and it was raised whether a delay to inspect the site might resolve some of the concerns that had been raised.

Councillor Christopher Newbury, seconded by Councillor Charles Howard, moved that the application be deferred for a site visit and opportunity for request of additional information if required, and at the conclusion of discussion, it was,

Resolved:

To DEFER the application for arrangement of a site visit, and to allow members of the Committee and local Unitary members to submit requests for further information to be provided within two weeks of this meeting (i.e. no later than 22 February 2017).

- 9 **16/06995/FUL - Land North of Malmesbury Road, Royal Wootton Bassett SN4 8AY - Hybrid Application for a 2,469 m2 (GIA) supermarket with access and landscaping (detail), up to 33 senior living units and Class C2 care home of up to 3,000 m2 (outline).**

Public Participation

Mr Alan Williams, Planning Potential (Cambria Automobiles plc), spoke in objection to the application.

Mr Chris Wannell, resident, spoke in objection to the application.

Mr Steve Walls, resident, spoke in objection to the application.

Mr Steve Sensecal, agent, spoke in support of the application.

Councillor Peter Willis, on behalf of Lydiard Tregoze Parish Council, spoke in objection to the application.

Councillor Paul Heaphy, on behalf of Royal Wootton Bassett Town Council, spoke in objection to the application.

The Development Management Team Leader, Lee Burman, introduced a report which recommended that authority be delegated to the Head of Development Management to grant planning permission for a 2,469 m2 (GIA) supermarket with access and landscaping (detail), up to 33 senior living units and Class C2 care home of up to 3,000 m2 (outline) subject to conditions and the signing of a Section 106 legal agreement. If the legal agreement was not completed within six months of delegation, the application would be refused. Given the previous resolution in respect of the related application a limited scope presentation was given.

Key issues were stated to include retail impact on the town centre and the sequential approach to site selection;, surface and foul water outage and the location outside the settlement boundary. Detail was provided on the sequential tests to be followed when determining application for large scale retail.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details on the care home element of the application was sought.

Members of the Committee then had the opportunity to address the Committee, as detailed above.

Local Unitary Division Members Councillors Mollie Groom, Mary Champion and Chris Hurst then spoke in objection to the application and requested the application also be deferred for a site visit.

A debate followed, where the impact of the out of centre retail development proposed was assessed, along with whether a care home operator was or shortly would be in place for the proposed units.

Councillor Fred Westmoreland, seconded by Councillor Bridget Wayman, moved that the application be deferred pending a site visit. At the conclusion of debate, it was,

Resolved:

To DEFER for a site visit.

10 **Date of Next Meeting**

The date of the next scheduled meeting was confirmed as 8 March 2017.

11 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 1.40 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line (01225) 718504, e-mail kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

REPORT TO THE STRATEGIC PLANNING COMMITTEE

| | |
|----------------------------|---|
| Date of Meeting | 26th April 2017 |
| Application Number | 14/08060/OUT |
| Site Address | Land at Marsh Farm, Coped Hall, Royal Wootton Bassett SN4 8ER |
| Proposal | Mixed Development of up to 320 Dwellings, Community Hub Comprising of 500sqm of A1/A2/A3/A4/A5/D1 & D2 Uses, Public Open Space, Landscaping, Extension to Approved Sports Hub & Access |
| Applicant | Leda Properties |
| Town/Parish Council | Lydiard Tregoze |
| Division | Wootton Bassett East – Councillor Mollie Groom |
| Grid Ref | 407568 183792 |
| Type of application | OUTLINE |
| Case Officer | Lee Burman |

Reason for the application being considered by Committee

The application was previously reported to Committee on the 8th February 2017, the report is attached at appendix A. At the meeting members deferred consideration of the application to undertake a site visit and to allow members and the local member to raise any queries for further assessment and consideration within two weeks of the meeting. No queries or requests were raised with Officers and the site visit took place on 24th April 2017. In addition new information has been submitted by the applicant in respect of drainage matters and there are changed circumstances in respect of Housing Land Supply which now need to be taken into consideration. The application is now reported back to Committee for determination following the previous deferral.

1. Purpose of Report

To consider the application and recommend that planning permission is REFUSED for the following 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.

2. Report Summary

See Appendix A

2 Further letters of objection received.

3. Site Description

See appendix A

4. Planning History

See Appendix A

5. The Proposal

This application is for a Comprehensive mixed use development of up to 320 dwellings, a community hub comprising up to 500 sq. metres of A1/A2/A3/A4/A5/D1/D2 uses, public open space, landscape works, extension to the approved sports 'hub' and access.

The application as originally submitted indicated an area of 1.58 hectares to the south of the site to be reserved for a proposed community food store and senior living accommodation. This area was located adjacent to the B4042 and the A3102. However, the agent was advised that these uses either had to be included within the description of the development or had to be removed from the submitted plan. The applicant submitted an amended layout plan which indicated the whole site being for the development outlined above with no reference to the food store and or senior living accommodation.

Since that time the applicant has withdrawn the related application 14/08081/FUL following the withdrawal of Tesco Stores Ltd from the scheme. A revised application including a retail store to be occupied by Lidl Stores has since been submitted and registered under application reference 16/06995/FUL. This is a hybrid outline and full planning application with the following description of development and is also reported on this agenda and now relates to the area of land in question but being laid out differently with a different mix and scale of uses from that proposed under application reference 14/08081/FUL. The description was as follows:-

Hybrid Application for a 2,469m² (GIA) supermarket with access and landscaping (detail), up to 33 senior living units and Class C2 care home of up to 3,000m² (outline).

Since the previous Committee meeting 8th February 2017 the applicant has further revised this application by removing the proposal for 33 senior living units. The description of development is now as follows:-

Hybrid Application for a 2,469 m² (GIA) supermarket with access and landscaping (detail) and Class C2 care home of up to 3,000 m² (outline).

In support of the application before the committee and herein reported (14/08060/OUT) the following revised supporting information was submitted:

- Flood Risk Assessment
- Illustrative Masterplan

6. Planning Policy

National Policy

- National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) Sections 6 11 & 12; paras 2, 7, 11, 14, 17, 32, 34, 49, 60, 103, 109, 118, 123, 128, 129, 131, 132, 134, 196, 197, 210, 216 are of particular relevance but this is not an exclusive and/or exhaustive listing and further para references of relevance are made throughout the report.

Planning Practice Guidance

Development Plan

- Adopted Wiltshire Core Strategy (January 2015)
- Saved policies of the North Wiltshire Local Plan 2011
- H4 Residential outside framework boundary
- NE14 Trees
- NE18 Noise and pollution

The policies within the Core Strategy that are of particular relevance to the consideration of this proposal are listed below.

- 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 41: Sustainable construction and low carbon energy
- Core Policy 43: Providing affordable homes
- Core Policy 45: Meeting Wiltshire's housing needs
- Core Policy 46: Meeting the needs of Wiltshire's vulnerable and older people
- 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 67: Flood Risk
- Core Policy 68: Water Resources

Emerging Development Plan

- Wiltshire Housing Site Allocations Development Plan Document
- Royal Wootton Bassett Neighbourhood Plan
- Lydiard Millicent Neighbourhood Plan

Other considerations

- Housing Land Supply Statement 2016 (published March 2017)

7. Consultations

See Appendix A.

In addition the revised and updated FRA has been the subject of consultation with the council's Drainage Team. Their advice is reproduced in full:-

Drainage

No objection subject to the previously required Grampian condition. (*Subject to confirmation of the gradient of the pipe – see below for more detail*).

8. Publicity

See Appendix A.

2 Further letters of objection have been received including 1 from the neighbouring land user - Royal Wootton Bassett Sports Association. The objection raises concerns as to the lack of direct consultation with the RWBSA. It has been explained that consultation notification letters are sent to neighbours with adjoining boundaries and based on the available GIS mapping data identifying existing properties. At the time of submission of this application the RWBSA was still under construction being a recent development hence lack of direct notification. Notification in respect of 16/06995/FUL would not have been undertaken due to the absence of an adjoining site boundary to the red line application site. The representation goes onto to identify objections on the grounds of:-

- increased flood risk and inadequate surface water and foul drainage proposals;
- Inadequate information submission in this respect;
- Conflicting land uses with increased maintenance requirement for the sports ground including the need for secure boundaries and sports netting;

Separate objections are raised to 16/06995/FUL and these are reported separately on the agenda.

Other concerns raised include:-

- Outside defined settlement and contrary to WCS Core Policies
- Coalescence
- Strong local opposition to the proposed development
- Inadequate local services for additional population e.g GP Surgeries
- Poor accessibility for future residents

9. Planning Considerations

Introduction

As noted in Appendix A and above this application relates to a wider site area proposing Mixed Development of up to 320 Dwellings, Community Hub Comprising of 500sqm of A1/A2/A3/A4/A5/D1 & D2 Uses, Public Open Space, Landscaping, Extension to Approved Sports Hub & Access. Within that wider site area is a smaller parcel of land the subject of a separate application 16/06995/FUL which are run in parallel and proposes development of a retail store and extra care home having been the subject of further revisions to the proposed development. That application is reported separately on the agenda.

Principle of development

The first main consideration in respect of this proposal is - does the proposal comply with the development plan. This matter was the subject of full assessment and reporting to the previous committee and that assessment is reproduced at Appendix A.

In summary it was identified previously that the proposed development was not in conformity with the Wiltshire Core Strategy (WCS) which forms the local component of the adopted development plan being in conflict with core policies CP1 CP2 CP19. However it was identified that there were material considerations of significant weight that also had to be weighed in the balance and which indicated that a decision contrary to the development plan ought to be reached. In particular it was identified that:-

..... in relation to HLS the requirements of the NPPF (in particular para 49) and well established case law identify that assessment is to be made on the basis of the relevant housing market area (HMA), in this instance the North & West HMA. The latest figures published figures (Nov 2016) identify that within the HMA there is a supply of 5.13 years available and deliverable. The NPPF requires that a supply of 5 years plus buffer contingency of between 5% and 20% (dependent on past rates of delivery) brought forward from the end of the defined supply period be available. It is the Council's position that past rates of delivery require a 5% buffer to apply and this equates to 5.25 years requirement. The Council therefore cannot demonstrate the required HLS and this is a material consideration that is weighed in the planning balance at the end of this report.

On this basis para 49 of the NPPF identifies that the policies of the development Plan relating to the supply and distribution of housing could not be considered up to date and therefore could not be attributed full weight in the determination of an application. Furthermore it was identified that there were significant benefits arising from the development proposal which also had to be weighed in the planning balance.

Since that time the Council has received the Inspectors' Report into the examination of the Chippenham Sites DPD finding the document to be sound. The Council's Cabinet at its meeting of the 14/03/2017 endorsed the Inspector's report and findings recommending the plan for adoption. That recommendation of the Cabinet will be reported to a meeting of the full Council on 16/05/2017 for formal adoption of the plan. As such the provisions of the DPD including its site allocation for residential development can now be given very substantial weight as a material consideration and are a material consideration of very significant importance. The CSAP DPD examination also took into consideration housing trajectories for the deliverability of the site allocations on the plan. These identify delivery of housing from these sites within the next five years and this was found to be sound by the Inspector. As such the council can give these matters significant weight in its assessments of Housing Land Supply (HLS).

As a consequence the Council has updated its HLS statement to make reference to these sites and take into account these changed circumstances and the availability of additional housing sites in this Housing Market Area (HMA). The outcome of this is that the Council can now demonstrate an available and deliverable supply of land for housing for the requisite 5 year period plus 5% tolerance. Indeed with the additional sites now included the Council can demonstrate a supply of 5.73 years in this HMA.

As such the policies of the development plan (WCS) in particular CP1, CP2 & CP19 can now be given very substantial weight as a material consideration in the determination of the application. Case law has identified that where the development plan is up to date para 14 does require that proposals should be determined in accordance with the plan. *Barker Mills Estates Trustees v Test Valley BC* [2016] EWHC 3028 is relevant in identifying that there is no sound basis for arguing that a development that is otherwise sustainable but is in conflict with an up to date development plan should be approved. The statutory requirement to determine in accordance with the development plan unless material considerations indicate otherwise under Section 38(6) of the 2004 act and Section 70(2) of the 1990 Act is not overridden by the guidance of the NPPF in respect of support for sustainable development. Furthermore the case law has clarified that material circumstances may still justify a departure even from an up to date development plan but such circumstances will be exceptional and narrowly defined to the very specific circumstances of the development and the site & locality involved.

In this context it is not considered that there are significant material circumstances and considerations that would indicate that the conflict with the development plan policies CP1 CP2 & CP19 is outweighed. The benefits of development are noted but not considered of sufficient weight to outweigh the harm identified by virtue of conflict with the development plan in this instance; particularly as the housing requirement for this community area as defined in CP19 has been met already and as such there is no pressing need to bring forward further residential development in this locality.

Highways, Parking and Access

See Appendix A

The revised layout details including additional surface water attenuation result in no additional impact over and above that previously assessed in respect of Highways conditions.

Impact on the adjacent listed buildings.

See Appendix A

The revised layout details including additional surface water attenuation result in no change to the assessed level of impacts on heritage assets.

Archaeology

See Appendix A

The revised layout details including additional surface water attenuation result in no change to the assessed level of impacts on heritage assets.

Ecology

See Appendix A

The revised layout details including additional surface water attenuation result in no change to the assessed level of impacts on Ecological interests

Urban Design

See Appendix A.

In addition it is noted that the illustrative masterplan layout is amended by the revised proposals in respect of 16/06995/FUL and additional requirements for on-site surface water attenuation (see below further detail re: Drainage). It is not considered that the alterations result in any significant harmful impacts in terms of design character and the character and appearance of the locality or with respect to residential amenities. The revisions are entirely acceptable and would not present any sound basis for refusal in and of themselves in relation to these material considerations (visual impact, design quality, residential amenity).

Drainage

See Appendix A.

It should be recalled that significant concerns were raised by interested parties in relation to matters of surface water drainage and the accuracy of the supporting information and assessment relating to Flood risk. These matters were raised in detail at the Committee meeting of the 8th February and in part led to the requirement for a Committee site visit. In particular concerns were raised as to the scale of the piped culvert proposed to accommodate the surface water discharge from this and adjoining sites as well as the highway. Officers identified that they had no detailed information and factual evidence to contradict the application submissions and so had assessed on the basis of the submitted details which were found to be reasonable subject to conditions.

Since the previous Committee meeting the applicant has undertaken further detailed investigatory assessment of the piped culvert and found that in parts it is of a smaller scale diameter than previously identified in their submission. As such this reduces the capacity for accommodating surface water flow. In addition the Council's drainage officers raised queries as to the gradient of the piped culvert which again has implications for surface water flow capacity off the site. At the time of writing this query is being investigated and will be the subject of late items reporting. However Drainage officers have confirmed that even should it be found that the piped culvert is not of a gradient as assumed and the off-site flow capacity is therefore not sufficient the matter can be addressed by the provision of additional on site surface water attenuation capacity. This could require the revision of the layout plan details provided to date and this will be confirmed in late items. The applicant team has revisited the FRA on the basis of the additional detailed survey information available to date as to capacity and has identified that there would be a requirement for either increasing the capacity of the piped culvert or increasing the provision for surface water attenuation on site. Given that the piped culvert is not wholly within the applicant's control works to this cannot be secured by condition. The applicant has therefore opted to revise their proposals for on site surface water attenuation increasing capacity in this respect. Revised details have been submitted to the Council for consideration.

The Council's drainage officers have assessed the revised FRA and proposals in full detail. Officers consider that the increased on site capacity is sufficient to address requirements and ensure no off site or on site increased flood risk as a result of the development. This remains subject to the previously proposed and required Grampian condition to clear and clean the piped culvert of any obstruction and to maintain as such in the future. Also, it is subject to the confirmation of the gradient of the piped culvert or additional on site attenuation capacity as set out above. On this basis it is not considered that there is a sound and defensible case for refusing the application on the grounds of increased flood risk and inadequate provision for surface water drainage.

Wessex water maintain their position in respect of foul drainage in that no objection is raised subject to conditions requiring the submission and agreement of full foul drainage strategy details.

Trees and Hedgerow

See Appendix A

The revised layout details including additional surface water attenuation result in no additional impact over and above that previously assessed in respect of trees and hedgerows.

Other matters

See Appendix A

10. Conclusion – The Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that “*determination must be made in accordance with the plan unless material considerations indicate otherwise*”. Paras 2 & 11 of the NPPF reiterate and confirm this requirement. This is the starting point for determination from a policy point of view. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

The application for 320 dwellings outside the settlement boundary for Royal Wootton Bassett would represent a significant extension of the built up area into the rural landscape on the northern edge of the Town. Significant housing growth has already been completed or is committed at the Town including large greenfield sites - additional housing growth over the planned development in core policy 19 is likely to lead to further out commuting contrary to Core Policy 1. The indicative requirement for the town in this community area has been met and on this basis alone there is no immediate need for additional housing in Royal Wootton Bassett. In addition previous employment consents i.e. expansion of the Interface business park have not come forward due to a lack of demand and have now been granted permission for residential. The Council’s most recent assessment of housing land supply as of March 2017 demonstrates that an available and deliverable five year supply of housing plus necessary buffer is secured and provided.

The preferred approach under national and local policy (NPPF para 17 & WCS CP1 & CP2) is that additional land to meet future growth in the Housing Market Area at Royal Wootton Bassett should be done through a proper plan led process. At the strategic level, this would enable the distribution of growth across the HMA to be considered comprehensively ensuring that the Spatial Strategy can be delivered and an appropriate balance of growth achieved at all settlements. At the more local Neighbourhood Plan level this would enable the community to address locally specific issues in their area through planned development. Whilst Neighbourhood Plans are actively being prepared the plans have not reached an advanced stage of preparation and in accordance with the guidance in the NPPF cannot be afforded significant weight. A similar position is evident in respect of the Council’s own Site Allocations DPD preparation of which has now been delayed.

This proposal is contrary to the Delivery Strategy of core policy 2, in particular by virtue of its location and core policies 1 and 19 of the adopted Wiltshire Core Strategy which set out how the sustainable development of Royal Wootton Bassett can be achieved. These policies can be given very substantial weight as a material consideration in the determination of the application.

Similarly the proposal would result in the loss of open countryside around the town contrary to the NPPF requirement to take into account the intrinsic character and beauty of the countryside (paragraph 17, NPPF) and WCS CP 51. In this context it is important to note that the land is not subject to landscape designations and that there is existing and recent development in this location and beyond the defined settlement boundary and development limits of the town. The harm identified is consequently proportionate to this situation.

The application as submitted has been considered in detail by Council Officers in respect of Ecology, Highways and Drainage and adequate information has now been submitted to enable officers to be satisfied that the development would not have a detrimental impact on the these matters and or the surrounding area.

Similarly in respect of archaeology the applicant has now submitted the necessary results report to enable the Council's archaeologist to assess the importance of the site and therefore provide advice of no objection subject to condition. The harm to the undesignated below ground heritage assets is balanced by the benefits arising and therefore considered to accord with the requirements of the NPPF and outweighing the conflict with CP58.

The information submitted including scheme revisions as to illustrative material has also been able to satisfy officers that the setting of the curtilage listed buildings on the adjacent site will result in less than substantial harm at the lower end of the scale as a result of this proposal. This limited harm is considered to be outweighed by the benefits of the development in the context of relevant material considerations. As such the proposals are considered to accord with the requirements of the NPPF in this respect and outweigh the conflict with CP58.

It is not considered that the amended access arrangements will have a significant detrimental impact on the hedgerows at the site such that consent ought to be refused on this basis and in this context it is considered that conditions requiring the submission of landscaping details including as part of the reserved matters application(s) for the development are sufficient to address the matter comprehensively.

The concerns raised in respect of the design principles and illustrative material have been in part addressed by revised submissions as to the illustrative site layout material. Given that this is an outline planning application and matters of layout, scale and landscaping are all reserved it is conceded that outstanding issues can readily be addressed through the reserved matters application process.

The development will result in a range of social and economic benefits including the significant boosts to the supply of housing and delivery of significant level of affordable housing. In addition the proposals will deliver economic growth through construction; job creation within the retail and care home elements of the wide scheme and the spending and financial contributions of the new population.

This proposal has been considered against both local and central government guidance and policies. The proposed development is seen to conflict with the relevant policies contained within the Core Strategy namely policies, CP1, CP2, CP19, CP51, CP 58. With respect to CP58 it is assessed that the harm is outweighed by the benefits of development. It is consequently necessary under paras 2, 7, 11, 14, 196, 197, 210, 216 of the NPPF to consider whether material circumstances indicate that a decision contrary to the development plan should be determined. In this instance it is considered that this is not the case and as such development ought to be refused.

RECOMMENDATION

REFUSE permission for the following 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 CP18 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.

INFORMATIVES:

The recommendation is made with respect to the following plans and documents:

111422 AP10 Location Plan

111422 AP11 Illustrative Masterplan

111422 AP13 Existing Site Plan

Planning Statement, August 2014

Design & Access Statement, July 2014

Transport Assessment, July 2014

Landscape Strategy Outline, July 2014

Air Quality Assessment, August 2014

Archaeological Geophysical Survey report, July 2014

Noise Assessment, 23rd July 2014

Statement of Community Involvement, May 2014

Ecology Assessment Outline, August 2014

Flood Risk Assessment, 13th May 2014

Flood Risk Assessment Addendum V1, February 2015

Revised Flood Risk Assessment and Addendum March 2017

Archaeological Report by TVAS, April 2015

Ecology Update, Sept 2015

Letter from Kemp & Kemp to Wiltshire Council dated 25.5.16

Outline Residential Planning Application Design Note, May 2016

Background Documents Used in the Preparation of this Report:

Wiltshire Core Strategy January 2015
North Wiltshire Local Plan 2011
NPPF
NPPG

APPENDIX A

REPORT TO THE STRATEGIC PLANNING COMMITTEE

| | |
|----------------------------|---|
| Date of Meeting | 8th February 2017 |
| Application Number | 14/08060/OUT |
| Site Address | Land at Marsh Farm, Coped Hall, Royal Wootton Bassett SN4 8ER |
| Proposal | Mixed Development of up to 320 Dwellings, Community Hub Comprising of 500sqm of A1/A2/A3/A4/A5/D1 & D2 Uses, Public Open Space, Landscaping, Extension to Approved Sports Hub & Access |
| Applicant | Leda Properties |
| Town/Parish Council | Lydiard Tregoze |
| Division | Wootton Bassett East – Councillor Mollie Groom |
| Grid Ref | 407568 183792 |
| Type of application | OUTLINE |
| Case Officer | Lee Burman |

Reason for the application being considered by Committee

Councillor Mollie Groom 'Called In' the application to be considered by committee should the planning officer be minded to 'approve' the scheme. Unfortunately the form submitted stated if officers were minded to 'refuse' the application but this was in error.

The reasons for the call in were in respect of:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design - bulk, height, general appearance
- Environmental or highway impact.

1. Purpose of Report

To consider the application and recommend that authority be delegated to the Head of Development Management to GRANT planning permission subject to the conditions listed in this report and the signing of a Section 106 agreement to address Affordable Housing, Education, Highways Works & Travel Plan and Open Space Management requirements within 6 months of the date of the resolution.

In the event that the applicant fails to complete the required S106 agreement within the identified timeframe to REFUSE permission for the following reason:-

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) paras 2, 7, 17 & 196.

2. Report Summary

Lydiard Tregoze and Royal Wootton Bassett Parish Councils object to the proposals.

557 Letters of Objection Received, 70 Letters raising comments and queries, 2 letters of support received.

3. Site Description

The application site is located on the northern edge of Royal Wootton Bassett at Coped Hall, lying to the west of the A3102 and north of the B4042, extending northwards to the M4 motorway. The whole site area is 21.2 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.

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 the north eastern part of the site is within proximity of a Listed Building and the site is a known location of archaeological interest and potential.

To the southwest, across the B4042, are residential properties of relatively modern character, whilst to the east, across the A3102, are agricultural fields. To the west is an area that has been recently developed to accommodate a new 'sports hub' often known as Ballards Ash, comprising a range of facilities for rugby, cricket, football and tennis. Along the A3102 frontage there is a single residential property and the Marsh Farm Hotel complex.

The Coped Hall roundabout to the south west of the site is a key gateway into Royal Wootton Bassett from Swindon and the M4 and is the focus for a range of commercial activities including a car sales garage, public house, Travis Perkins builders merchants and a Rapid Hire tool and plant hire centre.

4. Planning History

| | |
|--------------|---|
| 13/07291/SCR | Screening Opinion as to Whether an Environmental Impact Assessment is Required in Respect of Proposed Mixed-Use Development |
|--------------|---|

The application site itself has not been the subject of any previous planning applications but there have been a number of applications on adjacent sites and properties. Land to the west of the application site has in recent years been granted planning consent for the

development of a range of sporting facilities and has been developed to create a 'sports hub'. Provision is made within this scheme to facilitate the expansion of the sports hub.

Leda Properties Limited undertook a pre-application process with relevant officers at Wiltshire Council in relation to a mixed use scheme for a comprehensive redevelopment encompassing the whole of land at Marsh Farm. The officers opined that in principle the residential element was premature and contrary to the saved policies and the then emerging core strategy.

In addition concerns were raised in respect of highways matters, archaeology, drainage, ecology and the impact the proposal would have on the adjacent curtilage listed buildings as well as the visual amenity of the area given the prominence of the site.

The scheme was modified and the layout was changed showing the repositioning of the indicative community hub, moving it away from the setting of the curtilage listed farmstead buildings.

In accordance with Regulation 5(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 the applicant requested a Screening Opinion as to whether the development of the site required an Environmental Impact Assessment (EIA). In response to that request, the Council confirmed that the proposal would not be likely to have significant effects on the environment by reason of factors such as its nature, size and location and that, consequently, an Environmental Statement would not be required.

The applicants carried out a Pre-submission stakeholder and local community consultation events on the 11th and 12th April 2014, Tesco Stores Limited and Leda Properties Limited held a public consultation event at the Civic Centre in Royal Wootton Bassett. As a result of this exercise 350 feedback forms were collected.

In summary, the applicants stated that the headline figures demonstrated that whilst there was a high level of concern about the scheme, many respondents were open-minded and/or in favour dependent on what the final scheme comprised. A large number of respondents expressed concern at what they perceive to be an under-provision of GP surgery facilities. The applicants have stated that this can be addressed in the proposed community hub.

The applicants submitted information in respect of the public consultation exercise that was carried out prior to the submission of this planning application. Concerns have been expressed by interested parties that the exercise was carried out in the wrong place, representatives of the applicant were not available and questionnaire questions were loaded. In assessing the process that the applicants undertook it is not considered by officers that the applicants sought to ensure that the exercise was deliberately biased.

5. The Proposal

This application is for a Comprehensive mixed use development of up to 320 dwellings, a community hub comprising up to 500 sq. metres of A1/A2/A3/A4/A5/D1/D2 uses, public open space, landscape works, extension to the approved sports 'hub' and access.

The application as originally submitted indicated an area of 1.58 hectares to the south of the site to be reserved for a proposed community food store and senior living accommodation. This area was located adjacent to the B4042 and the A3102. However, the agent was advised that these uses either had to be included within the description of the development or had to be removed from the submitted plan. The applicant submitted an amended layout

plan which indicated the whole site being for the development outlined above with no reference to the food store and or senior living accommodation.

Since that time the applicant has withdrawn the related application 14/08081/FUL following the withdrawal of Tesco Stores Ltd from the scheme. A revised application including a retail store to be occupied by Lidl Stores has since been submitted and registered under application reference 16/06995/FUL. This is a hybrid outline and full planning application with the following description of development and is also reported on this agenda and now relates to the area of land in question but being laid out differently with a different mix and scale of uses from that proposed under application reference 14/08081/FUL. The description is as follows:-

Hybrid Application for a 2,469m² (GIA) supermarket with access and landscaping (detail), up to 33 senior living units and Class C2 care home of up to 3,000m² (outline).

In support of the application before the committee and herein reported (14/08060/OUT) the following supporting information was submitted:

- Planning statement
- A Landscape and Visual Impact Assessment
- An Ecology Survey
- An Air Quality Assessment
- A Flood Risk Assessment
- A Noise Survey
- An Archaeological Evaluation
- A Transportation Assessment
- A Statement of Community Involvement
- A Design and Access Statement (including waste and sustainability)
- Illustrative Masterplan

Following the consultation exercise and responses received extensive additional submissions have been made particularly in respect of Highways, Drainage, Ecological & Design matters. In addition the applicant's consultant team has liaised directly with the relevant service area lead officers and external agencies such as the Highways Agency and Environment Agency to provide information and clarifications.

As an outline planning application the developer is able to establish the principle of a proposed development before embarking on the costs of preparing fully detailed plans. The reserved matters are defined at Article 2 of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2015) as:

- (a) access;
- (b) appearance;
- (c) landscaping;
- (d) layout; and
- (e) scale.

In this instance the developer has only submitted details in respect of access all other matters have been reserved.

6. Planning Policy

National Policy

- National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) Sections 6 11 & 12; paras 2, 7, 11, 14, 17, 32, 34, 49, 60, 103, 109, 118, 123, 128, 129, 131, 132, 134, 196, 197, 210, 216 are of particular relevance but this is not an exclusive and/or exhaustive listing and further para references of relevance are made throughout the report.

Planning Practice Guidance

Development Plan

- Adopted Wiltshire Core Strategy (January 2015)
- Saved policies of the North Wiltshire Local Plan 2011
- H4 Residential outside framework boundary
- NE14 Trees
- NE18 Noise and pollution

The policies within the Core Strategy that are of particular relevance to the consideration of this proposal are listed below.

- 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 41: Sustainable construction and low carbon energy
- Core Policy 43: Providing affordable homes
- Core Policy 45: Meeting Wiltshire's housing needs
- Core Policy 46: Meeting the needs of Wiltshire's vulnerable and older people
- 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 67: Flood Risk
- Core Policy 68: Water Resources

Emerging Development Plan

- Wiltshire Housing Site Allocations Development Plan Document
- Royal Wootton Bassett Neighbourhood Plan
- Lydiard Millicent Neighbourhood Plan

Other considerations

- Housing Land Supply Statement 2016 (published November 2016)

7. Consultations

It should be noted that the majority of responses from consultees were received shortly after the application submission and in some instances prior to the adoption of the Wiltshire Core Strategy. In some instances comments made are in line with policies contained within the North Wiltshire Local Plan 2011. However, in most instances consultees have made reference to the core strategy which was emerging at the time of consideration and which since adoption by the Council on the 20th January 2015 forms part of the statutory development plan for the country.

In respect of consultees who have identified the need for contributions towards necessary services and infrastructure generated by the development such as built leisure and public art it should be noted that such contributions are now the subject of a Community Infrastructure Levy which was adopted by Wiltshire Council on the 18th May 2015 and came into force on the 1st April 2015. The related schedules were also reviewed in September 2016.

Local Ward Member

The Local Councillor 'Called In' the application to be considered by committee should the planning officer be minded to 'approve' the scheme. Unfortunately the form submitted stated if officers were minded to 'refuse' the application but this was in error.

The reasons for the call in were in respect of:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design - bulk, height, general appearance
- Environmental or highway impact.

Arts Development Officer

An indicative figure for a public art contribution of a site of this size would be £3 per square metre of employment/commercial development and £300 per dwelling. Therefore payment of approximately £96,000 for application reference 14/08060/OUT would be required, and we would expect that no more than 10% of this total figure to be spent upon the production of a public art plan. This matter is now covered by CIL.

Ecologist

The Council's ecologist raised concerns that the ecological assessment did not address a number of relevant ecological receptors and further information was required. Comments received in relation to matters of importance were as follows:

Ballards Ash Protected Road Verge

The proposals do not pose any risk to the integrity of the protected road verge.

Habitats

The ecological assessment does not evaluate the presence of rare arable weeds at the site. Mature trees are relatively sparse across the site; however a few specimens of oak, ash and willow are present in the east of site.

Ponds are present in the base of the hedgerows however these are in poor condition. Large willow trees are causing them to dry out.

Ditches are present in the southern half of the site, forming the tributaries to the Thunder Brook which are understood to be groundwater fed. This network of ditches and the adjacent damp depression in the south is likely to qualify as Lowland Fen BAP habitat type. This habitat feature would be lost although there is no description of it in the ecological assessment.

Bats

The brick building in the east of the site has potential to support crevice roosting bats. An emergence survey to confirm presence / absence in line with best practice should be provided. The hedgerow network which provides foraging areas will be significantly fragmented / reduced by the proposed development.

Birds

The hedgerows and fallow arable land are likely to be used by an assemblage of farmland bird species which would be displaced by the development. A relevant survey is required to assess this impact.

Reptiles

Slow worms have been recorded at the site; however the ecological assessment does not include any details of the survey work carried out. Two suitable habitat areas are present in the south of the site, amounting to approximately 1.3ha which would be lost. From information submitted this impact cannot be fully assessed.

Great Crested Newt

All of the ponds within the site have been dismissed as 'former ponds' however this may not be the case. It is likely that this pond is groundwater fed and therefore, great crested newts could be found using these ponds therefore officers are not convinced that the report demonstrates that great crested newts are definitely absent from this part of the site.

Following additional submissions by the applicant team in response to the above comments the Council's Ecologist raises no objection subject to conditions.

Drainage

The initial comments received from the council's drainage engineer were as follows. The application site is not in a FRZ 2/3 and the submitted form states it is not within 20m of a water course. However, Council information indicates Thunder Brook starts within the site area the FRA states a spring rises within the site, no other areas will have an increase in flood risk and discharge will be via a mixture of sustainable drainage, soakaways and the main sewer. The FRA states no storm sewers will be created.

Current land drainage flows go in two directions from the site:

- From the eastern side of site overland flows head east to Spittleborough Farm before turning north through the motorway and on to Swindon. There are issues with flooding of farm land on south side of motorway due to restricted flow rate under the motorway.

- From the north, central and western side of site overland flows head west and then south through Jubilee lake, which has previously highlighted as having issues, then onward westward to Thunder Brook (some flooding issues) and then to railway crossing where major flooding issue exists due to limited capacity of the pipe under the railway. There is more flooding downstream where Thunder Brook passes under motorway and all way to its connection to the River Avon.

In respect of the proposed disposal via sustainable drainage and soakaways there are no site investigation works results included in the FRA to back up the proposals. Infiltration techniques will need to be confirmed and results provided in order that this matter can be fully considered.

The proposal includes the use of existing water courses and attenuation ponds. Any alterations to on site drainage ditches, spring and water courses will need to be approved by the Wiltshire Council's drainage team under a land drainage consent application. This matter is acknowledged by the applicant.

The FRA deals with the site drainage system but has not considered the impact on the downstream infrastructure and off site issues as required under the Council's policies. The FRA indicates storm water flow routing takes everything to the west however, the eastern part of site has current drainage to the east.

The drainage engineer indicated that if proposals are to 'foul' drain to the north (Swindon) then the undertaker will be Thames Water and will require a pumping station and a major crossing of the motorway. If it is to be to the south through Royal Wootton Bassett then Wessex Water is the sewerage undertaker. It is known that the foul sewers and treatment plant in Royal Wootton Bassett has capacity issues. It is noted from the FRA that applicant is in contact with Wessex Water and a capacity check requested.

Subsequent to this the applicant team has liaised with Drainage officers and made extensive additional submissions. The outcome of this extended process was that the officers considered the strategy and proposals acceptable subject to clearing/cleaning of the existing piped network proposed for use. The applicant has confirmed agreement to a Grampian condition requiring such works to take place prior to the commencement of development.

Wessex Water

Initial appraisal has indicated that there is limited available capacity within the local sewerage network to serve the development.

Network modelling will need to consider the suitability of offsite connections ranging from circ 1km to 2km from the site. The Appraisal will consider the points of connection and the impact upon the downstream network. The proposed development is located at the opposite side of the town to the receiving sewage treatment works. As a foul drainage strategy has yet to be agreed a condition would be required.

Environment Agency

No objection to the proposed development subject to conditions and informatives in respect of the submission of a surface water disposal drainage scheme, sustainable construction, pollution prevention during construction and waste management.

The EA recommend the LPA seek formal comment from their drainage engineers prior to determining this application. This is because the Council is both the land drainage authority (for 'ordinary' watercourses) and the Lead Local Flood Authority.

Further notification from the EA on the 31/03/2015 recommended a further condition should permission be granted.

Environmental Services

Given the nature of the application there is a lack of information submitted in terms of dwelling mix and quantum and form of the play provision on the site and the quantum of Open Space proposed.

However, on 20% 2 bed dwellings, 60% 3 bed dwellings and 20% 4+ bed dwellings. The requirement for this mix would be 1.9Ha of Open Space and 1920m² of equipped play. The Council is no longer offering to adopt Open Space and Play however; pre-application discussions with the Parish Council took place regarding a possible Cemetery Contribution.

Officers like Sport England consider that the requisite level of provision should be included within the scheme proposals, this matter is addressed further in the main body of the report.

The Wiltshire Leisure Services Strategy – Indoor Facilities Action Plan 2011 – 2025 was formulated with assistance and funding from Sport England, using the Facilities Planning Model (FPM) (initially carried out in April 2009 and updated in June 2010) licensed from Edinburgh University via Sport England in conjunction with “Quality Survey’s” of existing facilities (carried out by Wiltshire Council) together with other statistical data to give an accurate picture of the present and future in terms of indoor sports facilities.

The Indoor Facilities Action Plan was prepared during 2009 – 2012 following extensive consultation / investigation and adopted by Wiltshire Council during April 2012. The Indoor Facilities Action Plan shows that Lime Kiln is lacking in its pool spectator and changing facilities.

The Sport England Facilities Calculator estimates the amount of demand a given population creates for swimming pools, sports halls, indoor bowls and artificial turf pitches taking into account known local (in this case North Wiltshire) levels of physical activity and converts this demand on indoor leisure facilities into a financial contribution.

For this development, working on 2.3 people per dwelling the Calculator recommends the following contribution based on 320 dwellings:

Pools £119,638

Sports halls £136,924

Total £256,562

It is proposed that the contribution is used on the following projects:

- *The upgrading of the Lime Kiln Leisure Centre wet and dry provision*

Following the adoption of the CIL charging schedule Environmental Services Officers have confirmed that these identified requirements would be met through those contributions. Conditions are proposed in respect of Open space requirements.

Highways Agency

The Highway Agency responded on the 24th September 2014 stating that the two applications for Marsh Farm had been considered. The supporting Transport Assessment was not considered to comply with DfT Circular 02/2013 and therefore under Article 25 of the Town and Country (development Management Procedure) Order 2010 the Highway Agency directs that permission not be granted for a period of three months (24th December 2014).

On the 23rd December 2015 the Highway Agency confirmed that discussions were underway but a further 6 month holding objection was needed (23/06/2015)

On the 20th February 2015 the Highway Agency lifted their Direction of Non-Approval on this planning application and replaced it with a TR110 of NO OBJECTION.

In respect of the Highways Agency further consultations were undertaken in the lead in to submission of the related application 16/06995/FUL with regard to updated evidence. No objections or further comments were raised in the context of this application.

Sustainable Transport

The Highway Engineer recommended the application as initially submitted be refused.

Comments received in respect of this scheme were as follows:

The Transport Assessment (TA) has examined the traffic effects of the proposed development and has also carried out sensitivity tests and some assessment of the effects of the development if the parallel application for a food store should gain permission and be brought into operation. The scoping of the assessment was agreed with the applicants at pre-application stage.

The TA states that the (old) maximum parking standards would be applied to the development. It should be noted that in the event of the application receiving permission the Council would require correct current minimum residential parking standards to be applied, including the required provisions for residents' cycle parking.

The development is considered to be reasonably sustainable in transport terms due to the fact it adjoins the settlement and would have a formal crossing facility of the separating B4042 road. It is adjacent to the sports hub and the scheme includes an on-site community hub, it has reasonable pedestrian and cycle access to local facilities, and reasonable access to public transport. Some primary schools and the secondary school are within the acceptable 1km walking distance. While the town centre is beyond this distance, it does fall within the maximum 2km walking distance.

The trip rates used in the TA are considered robust. The junctions adjacent and nearby including the M5 Junction 16 were assessed for the application year 2014 and a growth year of 2019. The assessments included traffic from the nearby committed developments of Wichelstowe residential, Lyneham Defence College, and Gerard Buxton Sports Hub.

Malmesbury Road site access. A right turning lane is proposed with associated improvements to Malmesbury Road including a 3 metre shared footway / cycleway along the northern side, and a footway on the south side with improved bus stop facilities, and a relocation of the toucan crossing already agreed via the sports hub. The capacity of the proposed site access was considered to be satisfactory.

Revised plans and additional transport assessment have since been submitted for discussion and consideration and Highways Officers commented as follows:

No highway objection made to the proposed development subject to conditions and obligation to secure:-

- The Malmesbury Road highway works outlined on plan TA3 including a right turning lane, pedestrian refuge, 3 metre cycleway, 2 metre footway between Malmesbury

Road and Marsh Farm hotel, 2 metre footway between the south side Malmesbury Road bus layby and Old Malmesbury Road, and 2 bus shelters.

- The mitigation scheme for Coped Hall roundabout as outlined on plan SK1850/01/101 including alterations to street lighting.
- 50 mph speed limit on Hook Road. Traffic regulation Order Funding.

Conditions are included in full in the list at the end of this report but relate to matters such as visibility splays, access provision, and travel plan submission.

Housing

Given the delay in reporting after the application was held in abeyance awaiting the revised submission now registered as 16/06995/FUL and reported on this agenda an updated consultation was undertaken with New Housing Team officers. Officers have subsequently responded as follows:-

Based on a scheme of 320 dwellings, 40% Affordable Housing would equate to 128 affordable units required on site with a tenure split of 60% Affordable Rent (77 units) and 40% Shared Ownership (51 units) in order to reflect current demonstrable need and affordable housing policy approaches. An indicative mix based on current demonstrable need would be as follows - but this indicative mix would need to be confirmed/reviewed at the time of any reserved planning matters application:

Affordable Rent (60%) = 77 units

23% x 1 bed 2 person flats* (18 - split into 3 x blocks of 6 flats)
10% x 2 bed 3 person bungalows* (8)
30% x 2 bed 4 person houses (23)
27% x 3 bed 5 person houses (21)
7% x 4 bed 6 person houses (5)
3% x 5 bed 7 person houses (2)

Shared Ownership (40%) = 51 units

60% x 2 bed 4 person houses (31)
40% x 3 bed 5 person houses (20)

The Wiltshire Core Strategy specifies that affordable housing is expected to meet high standards of design quality and should be visually indistinguishable from open market housing. All affordable homes would need to be built to, at least, meet minimum size standards of the Homes & Communities Agency (or any other subsequent design guidance which may supersede), as well as to meet required minimum person eligibility criteria.

The affordable homes need to be dispersed throughout the overall scheme proposals in small clusters of no more than 12-15 units to ensure a mixed, sustainable and inclusive community.

Wiltshire Council also recommends, as a guide, that all affordable dwellings meet the minimum space standards shown in the table below:-

| Number of bedrooms | Number of bed spaces | 1 storey dwellings (sq m) | 2 storey dwellings (sq m) | 3 storey dwellings (sq m) | Built in storage (sq m) |
|--------------------|----------------------|---------------------------|---------------------------|---------------------------|-------------------------|
| Studio | 1p | 39 | | | 1.0 |
| 1b | 2p | 50 | 58 | | 1.5 |
| 2b | 3p | 61 | 70 | | 2.0 |
| | 4p | 70 | 79 | | |
| 3b | 4p | 74 | 84 | 90 | 2.5 |
| | 5p | 86 | 93 | 99 | |
| | 6p | 95 | 102 | 108 | |
| 4b | 5p | 90 | 97 | 103 | 3.0 |
| | 6p | 99 | 106 | 112 | |
| | 7p | 108 | 115 | 121 | |
| | 8p | 117 | 124 | 130 | |
| 5b | 6p | 103 | 110 | 116 | 3.5 |
| | 7p | 112 | 119 | 125 | |
| | 8p | 121 | 128 | 134 | |
| 6b | 7p | 116 | 123 | 129 | 4.0 |
| | 8p | 125 | 132 | 138 | |

Preferred sizes are highlighted

The affordable homes do not require garages/car ports but do require sufficient parking bays as per current policy guidance i.e. 1 x parking space for each 1 bed, 2 x parking spaces to be provided for each 2 or 3 bed affordable home and 3 parking spaces for each 4 bed house - in curtilage/designated parking bays for houses rather than parking courts.

The Affordable Housing mix is indicative at this stage - as this is only an Outline planning application - and will need to be reconfirmed at time of REM application to ensure it is still meeting the current demonstrable need at that time.

Public Protection

This application as initially submitted indicated housing and associated works only the description did not include the site area covered by application 14/08081/FUL which indicates a retail store and residential care home at the south of the site and which was included within the redline.

The application was subsequently amended and the food store and senior accommodation was removed. The comments of the Environmental Health Officer raised concerns in respect of the retail unit but these comments have not been referred to below.

Noise and Pollution issues - Acoustic measures needed to protect proposed residential housing from motorway noise.

Mechanical services plant - Possible mechanical extraction and ventilation plant may cause residential amenity issues therefore, a full acoustic report for proposed plant will be required.

Community Hub - The proposed activity in this venue is currently unknown, therefore any permission granted would need to restrict noise levels and hours of operation.

Hours of construction work - A condition should be attached to any planning permission given.

Building services and fixed plant and machinery - A condition controlling all building services plant should be attached to any permission.

Hot food takeaway - Suitable ventilation and filtration equipment will need to be submitted and controlled. Details would need to be approved by the Local Planning Authority.

Dust - A dust suppression scheme would need to be submitted by the planning authority.

Air Quality - Council guidance should be adhered to.

Odour - No materials shall be burnt on site.

Lighting - The site is currently mainly in agricultural use and any lighting scheme submitted should ideally take into consideration the current low levels of lighting and its locality.

In summary no objection subject to appropriate conditions.

MOD

The MOD has no safeguarding objection to this proposal.

Rights of Way Officer

No rights of way would be directly affected by this proposal. There will be a demand from the residents to access green space to walk dogs, get some exercise etc.

Evidence shows that generally people want to go from their door and do a mile or two rather than drive. There will be a little green space within the site but this will be limited. The Jubilee Park and walk to the lake is just the other side of the B road – this is therefore going to be a vital facility for the residents as there is nothing else immediately accessible.

In order to cater for access to the park, the developer must pay to install a pedestrian crossing. Ideally this would be located directly between the green space at the SW of the site and the Jubilee Park car park. However, this is on a long sweeping bend so it might be safer to have it where the main vehicle access is proposed.

Sport England

Sport England objects to this application on the basis that the application does not appear to make sufficient provision for indoor and outdoor sports facilities required to meet the needs arising from the proposed development. Sport England is concerned that there is no sound rationale behind the level of sports provision, and in particular formal pitches, being proposed as part of these proposals. In addition to this, no further information is provided on the financial contribution that will be provided for indoor sports provision to meet the needs arising from the proposed development. This being the case, it is considered that the development would result in a shortfall in these provisions.

As noted above CIL now covers off site financial contributions to the upgrading of Built Leisure facilities in this instance. The proposed layout of the site is indicative at this stage as the application is in outline and it is considered that any concerns regarding the exact scale and layout of Open Space provision can be readily addressed through reserved matters applications. Conditions are proposed in this context.

Tree Officer

Initial concerns in respect of a tree survey however, the tree officer subsequently identified that the landscape strategy does include a tree survey. Therefore, no further comments to make at this time.

The tree officer viewed the amended access plans submitted for the access into the site from Hook Road and commented that there were concerns with regard to the lack of information supplied in relation to the works to the hedgerow, terms such as “trimmed down”

and “hedge to be cut back” are insufficient. Officers are concerned as to how the cycle path will be achieved along Malmesbury Road without having an impact on the retained hedge. Without this information no further comments can be made. This matter can be addressed through Reserved Matters application(s).

Education

Given the delay in reporting after the application was held in abeyance awaiting the revised submission now registered as 16/06995/FUL and reported on this agenda an updated consultation was undertaken with Education officers. They have subsequently responded as follows:-

Up to 320 units – no mix has been supplied and so a 30% affordable housing requirement is assumed = 96 units.

30% affordable housing discount applied to 96 units = 29 units’ reduction.

Number of properties qualifying for assessment: 291

Places needed: primary = 90 secondary = 64

Designated area primary/ies:

- Longleaze

Designated area secondary/ies:

- Royal Wootton Bassett academy

Longleaze Primary:

- Capacity = 259 places.
- Oct 16 number on roll = 262 pupils.
- Forecasts/numbers peaking at 262 pupils (including housing already approved and underway/built out).
- So the school is full.
- Looking across the town there are three other schools at primary level: Wootton Bassett Infants, Noremars Juniors and St Bartholomew’s.
- There is currently an overall deficit of 28 places in the town. By 2021 this is currently forecast to have increased slightly.
- These figures don’t yet include the need for 32 further places required by housing registered/approved across the town but not yet completed at the time of the registration of this application.
- Expansion of existing schools sufficient to accommodate the large scale need for places generated by this particular development, and to provide for future growth isn’t
In view of the shortfall of primary places across Royal Wootton Bassett, the Council is currently reviewing the options for provision of a new primary and establishing its site requirements.
- As a result, we require a developer contribution from this application towards providing 90 places at £16,979 each = £1,528,110, (subject to indexation).

Secondary assessment details:

- PAN years 7 – 11 capacity = 1400 places.
- Oct 16 Years 7 -11 number on roll = 1444 pupils.

- Forecasts peaking at = 1466 in September (including registered/approved housing underway/already built out)
- Plus additional places required in housing already registered/approved but not yet built out & not yet in forecasts, as at the date of registration of this application = 28.
- So the school is already full and forecast to remain so.
- As a result, the Council intends to expand places provision at Royal Wootton Bassett Academy.

Secondary contribution requirements: Current Secondary cost multiplier = £21,747 per place

- We require a developer contribution towards the provision of the 64 places at the school that this development will generate a need for.
- This will be pooled towards the phased expansion of Royal Wootton Bassett Academy.
- Using the current cost multiplier of £21,747 per place = $64 \times £21,747 = £1,391,808$ (to be subject to indexation).
- This to be secured by an S106 agreement to which standard payment terms will apply.

S106 pooling:

- Primary = there are currently no S106s pooled towards the provision of a new primary school for Royal Wootton Bassett.
- Secondary = there are currently two S106s pooled towards the expansion of Royal Wootton Bassett Academy.

Standard triggers for contributions are prior to the commencement of development.

Urban Design

In addition to North Wiltshire Local Plan 2011 policy C3 Development Control, and Wiltshire Core Strategy, Core Policy 57 'Ensuring high quality design and place shaping' the guidance contained within Building for Life 12 (BfL12); Manual for Streets; Secure by Design New Homes 2010 is relevant to this proposal.

In the following areas the design intent conveyed by the Proposed Master Plan Layout and three dimensional illustrations do not demonstrate good Urban Design principles or that the local character and distinctiveness of the area would be respected with any Reserved Matters:

- 1) The North West development parcels are shown to have long cul de sacs this is not recommended by Manual for Streets
- 2) It is not apparent on the Master plan that active building frontage along the perimeter of the development parcels would be provided as a matter of principle. BfL12 Q7 recommends avoiding homes that back onto the street or offer a blank elevation to the street. Secure by Design New Homes 2010 advises that dwellings should front onto public open space. Plots should be set back from hedgerows to ensure protection and access for maintenance;
- 3) The Master plan does not indicate any hierarchy or distinction in the scale, massing form and appearance of buildings or landscaping lining the primary routes defining the

development parcels and addressing key vistas with those that would be required within each parcel to suggest the development would be distinctive or that the layout would achieve a clearly legible pattern of movement and orientation throughout.

4) The individual bulk, collective massing, expanse and uniformity of the 3 storey buildings shown on the illustrations would not respect the local character of the neighbouring suburbs, the High Street or the adjoining Marsh Farm Hotel where the buildings are of a substantially smaller overall size in terms of height width, depth, and scale of roofs.

Some properties as indicated are considered appropriate in terms of their simple wide frontage, gable ends and separate garages set back behind the building line. However, variation of this uniformity through attaching and placing of dwellings and subtle and limited changes in the height of rooflines ,facade modelling and finishes should be demonstrated to clearly establish a hierarchy of streets and spaces.

Good Urban Design practice would be reasonably expected in any Reserved Matters submission and the following should be avoided:-

- extensive double banked parking/hard standing directly fronting the street.
- significant use of rear car parking courts
- avoid triple end on parking bays i.e. three bays or two bays and a garage.

General design principles in respect of: providing adequate width down the side and across the face of car bays between dwellings and in front of plots for access. Creating a clearly legible and priority defined primary through route(s) to serve the body of the development. Ensuring buildings turn the corner well and ensuring rear gardens are at least equal to the footprint of the dwelling and regular in shape should be adopted.

The form and footprint of flat blocks should be modelled to make a transition in overall scale with neighbouring houses and avoid large unrelieved end wall faces and roofs that could otherwise appear unduly dominant and out of scale in the street scene. Adequate secure amenity space should front ground floor flat windows as a buffer zone to the street, pavement or car bays.

The appropriate use of railings/walls enclosing front gardens can significantly add variety to the street scene and help express street hierarchy / landmark corners and deter replacement with hard standing for additional car parking.

The applicant has made additional submissions following receipt of the above comments and identifies that the submitted layout is for illustrative purposes at this the Outline stage. As such detailed comprehensive responses to address the above points will be submitted with reserved matters application(s).

Archaeology

The required archaeological evaluation has been undertaken as requested by officers and archaeological remains have been identified.

Following receipt of the report the Council's archaeologist raised no objection subject to condition.

Conservation

Input provided at pre-application stage and concerns raised regarding impact to setting of the adjacent listed building and impact in respect of outbuildings lost to development, albeit these were acknowledged as being at least in part of recent provenance and limited historic

value and the impact on related landscape features. Concerns were raised that the matters had not been fully addressed in the application submission details.

Following identification of these issues post application further discussions took place and revised layout proposals were submitted.

With regards to the impact identified officers considered this to be less than substantial for the purposes of the NPPF guidance.

Spatial Plans

The comments received from the spatial plans team are addressed in the main body of this report in respect of the principle of this proposal.

The conclusion of Spatial Planning officers when commenting on this application at the time of its submission was that the application for 320 dwellings outside the settlement boundary for Royal Wootton Bassett would represent a significant extension of the built up area into the rural landscape on the northern edge of the Town. The indicative requirement for the town has been met so there is no immediate need for additional housing in Royal Wootton Bassett, at the time the initial comments were made the Council could demonstrate a five year supply of housing and there were no other material considerations that would warrant a departure from the adopted policy.

This proposal is contrary to the Delivery Strategy of core policy 2, in particular by virtue of its location and core policies 1 and 19 of the recently adopted Wiltshire Core Strategy which set out how the sustainable development of Royal Wootton Bassett can be achieved. The proposal would result in the substantial loss of open countryside around the town through unnecessary development in the open countryside that fails the NPPF requirement to take into account the intrinsic character and beauty of the countryside (paragraph 17, NPPF).

These matters are addressed in further detail in the main body of the report under the section headed Principle of Development.

Lydiard Tregoze Parish Council

- Consultation all carried out in Royal Wootton Bassett not in the actual parish in which the site is located Lydiard Tregoze.
- Community Hub requested by Royal Wootton Bassett whereas Lydiard Tregoze requested a replacement cemetery,
- Area Manager reporting to the RWB and Cricklade Area board identified top priorities as
- Protect green spaces, green fields and rights of way.
- Resist further development which will impact on the M4 junction and prevent coalescence.
- Inaccurate references in submitted information.
- 7 GP surgeries indicated in fact there are only 2
- Traffic numbers and speed a problem- extra houses will delivery vehicles etc will only make the situation worse.
- Restrictions on traffic needed during the development process to minimise disturbance.
- Existing 30mph restriction should be extended to this site.

Royal Wootton Bassett Town Council

RESOLVED to strongly object to the application for the following reasons:

The development is outside of the settlement boundary of the North Wiltshire Local Plan, and therefore contrary to policies H3 and H4.

The development is outside of the settlement boundary of the emerging Royal Wootton Bassett Neighbourhood Plan.

The development is outside of the settlement boundary as defined in the emerging Core Strategy for Wiltshire. Core Policy 2 there are no circumstances permitted by other policies of the plan which would permit the proposed development outside of the settlement limits.

The proposed development is premature to both the emerging Core Strategy and the Royal Wootton Bassett Neighbourhood Plan.

The proposed development is not environmentally sustainable as it would result in the loss of green belt land.

The development would encourage coalescence with Hook and Lydiard.

The Core Strategy states that non-strategic growth for RWB is to be phased throughout the plan period. A further 162 are required to be found throughout the plan period. The proposed development is too many in one go.

The surface & foul sewage disposal element must be completed first so we can understand impact.

The flooding assessment must be completed first so we can understand impact.

The highways impact must incorporate impact assessments on both Coped Hall roundabout and Junction 16,

The site is not socially sustainable, as it is not located near to any of the local amenities and services.

The application contravenes North Wiltshire Local Plan policy HE4 due to location adjacent to Marsh Farm House, which is Grade II Listed.

Concerned about the accuracy of the 'Statement of Community Involvement' questions considered to be somewhat loaded.

A further letter was received from the Town Council 10.04.2015 raising concerns in respect of Jubilee Lake. The development will be likely to impact on the lake in terms of possible silt run off and erosion due to increased run off as a result of development and the increase in the amount of hard-surfacing.

There are concerns that the pipes beneath the B4042 may not be big enough to deal with an increase in water and the Town Council would wish to see this investigated.

8. Publicity

Two letters of support has been received.
557 letters of objection have been received
70 Letters making comments raised
- Issues raised include:

Impact on listed building
Impact on highways
Impact on the town centre
Impact on residential amenity
Loss of countryside/urban sprawl
Additional housing not required
Impact on flood risk drainage and Jubilee Lake
Impact on local services and infrastructure
Inaccurate and inadequate information provided
Impact on Ecology

Additional food store not needed- *Please note this element subject of a separate application 16/06995/FUL.*

Additional housing not required

Wrong location for senior housing - *Please note this element subject of a separate application 16/06995/FUL.*

9. Planning Considerations

Introduction

Two applications for this site were submitted together to run in parallel. One of these applications (14/08081/FUL) was withdrawn and a revised proposal was submitted under ref 16/06995/FUL. 14/08060/OUT was held in abeyance while this took place and to allow for issues raised during consultation to be addressed with further and revised submissions. In addition the application was subject to alteration in form, as described above and below.

14/08081/FUL was a hybrid planning application and proposed a supermarket, care home and access from both the A3102 and the B4042. The plans submitted for the access and retail store were in full but the plans for the care home were in outline. This application was withdrawn when the identified anchor for the retail unit (Tesco) withdrew from the scheme. A revised Hybrid Application for a 2,469m² (GIA) supermarket with access and landscaping (Full detail), up to 33 senior living units and Class C2 care home of up to 3,000m² (Outline) with Lidl as the retail store anchor was submitted and registered under ref: 16/06995/FUL and this is now reported separately on the agenda.

14/08060/OUT is an outline application for a comprehensive mixed use development of up to 320 dwellings, a community hub comprising up to 500 square metres of A1/A2/A3/A4/A5/D1/D2 uses, public open space, landscaping, an extension to the approved sports 'hub' facilities, and access. The application is made in outline with everything except access reserved for subsequent approval. However, as initially submitted the outline application description related to the housing and associated works only, the description did not include the site area covered by application 14/08081/FUL (as referred to above) which was included within the redline. As noted above this application has since been withdrawn and revised proposal over this part of the site area submitted as a further Hybrid application.

This area of land was marked on the plans as being for retail and care home. As these uses were not included in the description the agent was advised to either change the description to include these elements, to change the redline boundary or remove these elements from the plans.

The agent chose to submit an amended site plan indicating the whole site for residential development with the associated development. Whilst officers raised concerns in relation to

the possible complications that this could cause the applicant at a later date the agent confirmed that this was their preferred course of action.

Therefore this outline application relates to the whole site outlined in red and is for mixed use development of up to 320 dwellings, a community hub comprising up to 500 square metres of A1/A2/A3/A4/A5/D1/D2 uses, public open space, landscaping, an extension to the approved sports 'hub' facilities, and access. Albeit this is now further amended by the submission of the related Hybrid application 16/06995/FUL on part of the site.

Principle of development

The first main consideration in respect of this proposal is - does the proposal comply with the development plan?

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*". Paras 2, 11, 196 & 210 of the NPPF reiterate and confirm this requirement. This is the starting point for determination from a policy point of view. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

The Wiltshire Site Allocations DPD, the Royal Wootton Bassett Neighbourhood Plan and the Lydiard Millicent Neighbourhood Plan have not reached an advanced stage of preparation at the time of writing, although significant work in preparing drafts and consulting the local community has been undertaken by the Town Council particularly in respect of the Royal Wootton Bassett Plan. However as yet these plans have not been submitted for examination and have not been through the process of examination or are the subject of an Inspector's report. On the basis of the guidance in the NPPF para 216 and as defined in case law little weight can be attached to these plans in the application determination process at this point in time.

Sections 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require 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.

Accordingly, the first consideration for the determination of these proposals must be whether they are in accordance with the development plan. Where a proposal is not in accordance with the development plan the second consideration should be whether there are any material considerations that would justify deviation from the policy position. The main considerations are:

- Is the location of development in accordance with the development plan?
- Are there any material considerations which would justify a departure from policy?

Wiltshire Core Strategy (WCS)

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.

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*”.

The limits of development of the Market Towns have been carried forward into Core Strategy and retained. These boundaries will be reviewed as part of the Wiltshire Housing Site Allocations DPD, as set out in the Council’s Local Development Scheme (LDS) in order to ensure that they are up to date and adequately reflect changes which have happened since they were first established. This approach was supported by the Core Strategy Examining Inspector. The LDS has been the subject of recent review and the timetable for the preparation of the Site Allocations DPD has now been set back by around 6 months. As noted above it has not yet reached an advanced stage of preparation and little weight could be attached to this DPD.

Core Policy 2 sets out the delivery strategy. Paragraphs 4.24 and 4.25 recognises that there are a number of sources of supply for new housing across the Plan period including allocations within the Core Strategy, existing commitments, windfall sites and sites identified through future site allocations DPDs and neighbourhood plans. The delivery strategy seeks to prioritise the re-use of previously development land and supports the development of sites within the limits of development. It requires a plan led approach to the identification of sites on the edge of settlements outside of the limits of development to allow local people to shape their communities and consider alternative sites. As noted above a Neighbourhood Plan for Royal Wootton Bassett is in preparation and the Town Council has undertaken considerable work consulting the community and preparing drafts for consultation. However for the purposes of the NPPF and as established through case law the draft plan but has not reached an advanced stage as yet and as such little weight can be afforded to this plan.

The spatial strategy for the town is set out in WCS core policy 19 and paragraphs 5.94-5.99, which is discussed further below. The proposed housing development is in open countryside outside the settlement framework boundary for Royal Wootton Bassett. It is therefore in conflict with Core Policy 2 of the WCS.

Settlement boundaries are included in the Plan to provide a decision making tool to ensure encroachment into the countryside is managed, to prevent the unrestricted sprawl of towns, villages and hamlets into the surrounding countryside and to maintain the separate identity and character of settlements, prevent their coalescence and the erosion of largely undeveloped gaps. Essentially they enable the Plan to deliver growth sustainably in Wiltshire. This is supported by the NPPF which advocates a plan-led system which ‘... *provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency*’ (Paragraph 17, page 5, NPPF).

Despite the NPPF’s emphasis on housing delivery it also promotes explicitly the plan led approach to growth. The adopted Wiltshire Core Strategy has a clear strategy for the sustainable delivery of housing development (see paragraph 2.6); it releases new land for development through allocations and enables additional development sites to come forward outside the settlement boundary in appropriate circumstances (paragraph 4.25, WCS). It is a plan that has recently been examined and found to be sound and in accord with the NPPF. The housing element of the proposal does not relate to any of the specified policy provisions in the WCS or saved policies which allow development to come forward outside settlement boundaries and is not an allocated site for development.

The housing proposal is also contrary to core policy 2 in that being outside the settlement boundary it is not being brought forward by either the Royal Wootton Bassett Neighbourhood Plan or the Wiltshire Housing Site Allocations Plan. However, both of these plans are in the early stages of preparation but are considering whether additional housing land is needed at the town as so cannot be afforded significant weight. Although these plans do afford a method for additional housing to be brought forward in a plan led way in accordance with both the NPPF (para 17) and the core strategy.

Core Policy 19 sets out the strategy for Royal Wootton Bassett and its community area and identifies an indicative requirement of approximately 1,455 new homes in the Community Area of which about 1,070 homes should be provided at Royal Wootton Bassett. This is expressed as a 20 year figure covering the period 2006 to 2026. The latest published monitoring data (November 2016) identifies that 896 homes have been completed at 1 April 2016 (84% of the indicative requirement in the first 10 years of the Plan period) and a further 258 homes are committed. This is 84 homes or 8% more than the indicative requirement and shows that the requirement for Royal Wootton Bassett has already been met.

On this basis it could be considered that there is no immediate need to release additional housing at the town particularly as a good supply of housing is available and in excess of 500 homes have been delivered in the past 3 monitoring years.

However in relation to HLS the requirements of the NPPF (in particular para 49) and well established case law identify that assessment is to be made on the basis of the relevant housing market area (HMA), in this instance the North & West HMA. The latest figures published figures (Nov 2016) identify that within the HMA there is a supply of 5.13 years available and deliverable. The NPPF requires that a supply of 5 years plus buffer contingency of between 5% and 20% (dependent on past rates of delivery) brought forward from the end of the defined supply period be available. It is the Council's position that past rates of delivery require a 5% buffer to apply and this equates to 5.25 years requirement. The Council therefore cannot demonstrate the required HLS and this is a material consideration that is weighed in the planning balance at the end of this report.

The level of growth proposed - up to 320 new dwellings - is significant. The Core Strategy recognises that out commuting is an issue for the town due to the proximity of Swindon and that it has a dormitory role (e.g. paragraph 5.95). The Community Area housing requirements have been set out in the Plan to ensure that development is distributed broadly in line with the Spatial Strategy (Core Policy 1). This proposal could result in a 30% increase in the level of growth planned for the town, a significant increase particularly when considered against the delivery of employment development at the Town over the plan period and its dormitory relationship. It should also be noted that the application for the extension of the Interface Business Park approved at appeal has not come forward and an application to develop housing on that site has been approved and as such employment delivery is not achieving anticipated levels in the town. In that context it should also be noted that the site was marketed for several years for employment use with the consent in place and did not come forward for development with no expressions of interest being shown.

In counter balance to this it must be noted that there are benefits arising from development including that the development proposed will significantly boost the supply of land for housing in the HMA meeting people's needs for accommodation in accordance with the requirements of the NPPF. This will include the provision of a significant supply of affordable housing of which there is well established need in this HMA. In addition the development will result in other benefits in terms of the boost to the economy of construction; job creation within the retail and care home scheme elements proposed under the related application reported elsewhere on this agenda under reference 16/06995/FUL; and the additional

population and their related spending on goods and services. These are also material considerations to be weighed in the balance.

Highways, Parking and Access

Initial concerns raised by the Highway Agency have been resolved and the Highway Agency lifted their Direction of Non-Approval on this planning application and replaced it with a TR110 of NO OBJECTION on the 20th February 2015.

The concerns of the council's highway engineer have been outlined in the consultation section. As stated further negotiations between the highway engineer and the developers have resulted in amended plans being tabled and extensive additional information being provided. The amended plans have been found to be acceptable to the Council's Highways department in principle and subject to conditions and S106 requirements. During the discussion process the highway engineer commented that:-

- *The plan is satisfactory to outline mitigation for the Coped Hall roundabout.*
- *The eastbound bus shelter must be relocated to the wider section of the lay-by (rather than on the tapered section) in the conventional shelter position and be clear of the cycleway i.e. to the rear of it. This may require some adjustment to the parking bays (as the shelter will come close to that area).*
- *The westbound shelter and lay-by detail is satisfactory.*
- *The toucan position must be as planned for the Sports Hub, but will become 2 toucans with a central island. A detailed drawing would be required for consideration by the highway engineer in liaison with the Traffic Team so that a satisfactory layout together with the ghost island right turning lane can be achieved.*

The highway engineer noted that the public consultation indicated a desire for the route to town to be via Jubilee Lake access and the residential streets rather than along the High Street, this will not be precluded by keeping the toucan in the current planned position as the residents of the new development will still be able to cross and walk along the south side to the Jubilee Lake access and the crèche etc. If the toucan were to be positioned as suggested residents who do desire to use the old Malmesbury Rd / High Street route would not tend to use it as it would be off their desire line.

It was noted that on the plan it indicated that Malmesbury Road would be resurfaced between Coped Hall and Jubilee Lake access.

The revised plan - 7c Rev A indicates that the service access can be provided with satisfactory visibility providing the hedge is removed where necessary to achieve the northern splay. The hedge appears to have been planted within the highway verge as there is a post and rail fence inside the hedge line which appears to mark the highway boundary. The highway engineer has drawn attention to the fact that the narrowing of the road to achieve the visibility will require planing off and resurfacing to relocate the road crown to the new centre line. The correct detailed 2.4 x 70m splay to the south and the indicated existing footway around the north western side of the roundabout have been widened to 2m as requested.

Subject to the above the scheme is considered acceptable in highways terms subject to conditions/S106 provisions in respect of:

- The Malmesbury Road highway works outlined on plan TA3 including a right turning lane, pedestrian refuge, 3 metre cycleway, 2 metre footway between Malmesbury Road and Marsh Farm hotel, 2 metre footway between the south side Malmesbury Road bus layby and Old Malmesbury Road, and 2 bus shelters.
- The mitigation scheme for Coped Hall roundabout as outlined on plan SK1850/01/101 including alterations to street lighting.
- 50 mph speed limit on Hook Road. Traffic Regulation Order Funding.

The proposal is therefore seen in terms of the access details provided to comply with Core policies:

- Core Policy 3: Infrastructure requirements
- Core Policy 60: Sustainable transport
- Core Policy 61: Transport and new development
- Core Policy 62: Development impacts on the transport network

However, it must be noted that the removal of the hedgerow and vegetation along Hook Road is seen to have a knock on effect in terms of impact on the ecology of the site, desired retention of trees where possible and possible impact on the setting of the adjacent curtilage listed buildings.

Impact on the adjacent listed buildings.

Along the Hook Road, on its western side, sits the group of buildings making up Marsh Farm. These comprise a number of historic farmstead buildings to the south-west of the complex and, in separate ownership, the original farmhouse (listed grade II), adjacent historic service buildings and a number of modern buildings all part of the hotel business. The grounds around the main hotel complex are well-treed and the whole historic ensemble is clearly discernible across the open fields and hedgerows both from the roundabout entrance to the town and from the B4042. It is considered that the open, agricultural landscape makes a positive contribution to the setting of the listed farmhouse; its visually attractive character also enables its historic function and relationship with the agricultural land around it to be readily appreciated and understood. It also forms an essential part of the character of this “gateway” into Royal Wootton Bassett. It is considered that in these respects the significance of the heritage asset is identified for its historic and interpretive value for the development of the locality.

In considering the development scheme the Council’s Conservation Officer identified that whilst the development of Greenfield sites may be a necessity it is important that this should be achieved with due care and sensitivity. If considered essential for the site to be developed a serious attempt at mitigation was sought. The impact of the residential development upon the Marsh Farm complex appears to have been mitigated by an area of open space. This is to be welcomed although it is not clear how this would appear or be used and some kind of positive design of this area was recommended if it is to function in an appropriate and acceptable manner.

Officers went onto identify that the fate of the remaining historic farm buildings, some shown solid, others just outline, was not confirmed and would need to be if the impact of the

proposal on these buildings is to be considered fully. Every effort should be made to retain and reuse as many as possible in some capacity, and to plan the community hub so as to strengthen the historic character of the area. The proposal as submitted appeared to indicate that the buildings will be lost which was considered a lost opportunity to give the development a character and distinctive focus.

Following this initial submission and assessment clarifications and revised scheme proposals were submitted albeit in illustrative form given the outline status of the application. It was clarified that any buildings to be lost were modern outbuildings of limited value and significance in historic terms. Revisions to the layout also set out further separation between the heritage asset and the proposed development and illustrated that impacts could be lessened and mitigated through appropriate boundary treatments and layout details at reserved matters stage. It was also noted that the owners of the heritage asset had changed in recent times and themselves had significant development proposals for the property which would impact on its setting and various outbuildings and structures at the property. Officers' considered that the harm caused would consequently be to the setting of the heritage asset and therefore it's historic relationship to the surrounding landscape and settlement of Royal Wootton Bassett. In this context the settlement has developed significantly over time expanding northward and indeed including the recent sports ground development to the west of the property. In these respects the setting has altered and changed in historic and interpretative terms in recent times and the initial assessment by the SCO has also been partially superseded. As such the harm is considered to be less than substantial and at the lower end of the scale.

The benefits of development are identified above but include the significant boost to the supply of land for housing locally, provision of significant affordable housing in a locality where demand for provision is significant; provision of and the economic and financial benefits of development through construction and the spending of the additional population; also job creation in the related application 16/06995/FUL. The scale of development is significant and the benefits arising in this context are proportionately higher. Given the harm identified being less than substantial and at the lower of that scale it is considered in this instance that the benefits do outweigh the harm. This position needs to be weighed in the overall planning balance also and in the context of the guidance at paras 14, 15 and 49 of the NPPF. In this specific respect the proposal is not considered to accord directly with CP58 WCS/the development plan. Under the guidance of the NPPF however there are considered to be sufficient material circumstances that outweigh this conflict. The overall consideration and balancing of material considerations is undertaken in the conclusion / planning balance section of the report below.

Archaeology

During pre application discussions with the applicant in respect of this site the issue of potential archaeological interests was specifically raised and the need for initial investigations was advised.

During the consideration process of this application the required archaeological evaluation has been undertaken as requested by officers and substantial archaeological remains have been identified. The report in this respect has been submitted, evaluated and assessed by the Council's Archaeologist. The significance of the assets lies in their interpretive and informative value as to the historical development of communities in this part of Wiltshire. The findings and approach proposed as a consequence are considered appropriate and acceptable and no objection is raised to the development subject to a condition requiring archaeological recording.

Core Policy 58 aims to ensure that Wiltshire's important monuments, sites, landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life.

Under the guidance of the NPPF Heritage assets include:

Non-designated heritage assets such as buildings and archaeological sites of regional and local interest. Within the context of the specific characteristics of Wiltshire, development will be required to be sensitive to all heritage assets including: archaeological monuments and landscapes. The NPPF para 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Para 133 states where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

As noted following the initial submissions and their assessment a full archaeological survey was undertaken and report provided for officers. The Council's Archaeologist raises no objection subject to a condition requiring archaeological recording. In this context the harm to the below ground heritage assets caused by development is considered to be balanced and outweighed by suitable mitigation and positive benefit through the recording of finds and the interpretive and informative benefits to understanding of the historic development of the communities in this locality that will arise. As such the development is in accord with the provisions and requirements of the NPPF and CP58 WCS.

Ecology

The application submission included ecological assessment and is identified in the consultation section of this report the Council's ecologist initially identified shortfalls in the scope and extent of the supporting information submitted. Whilst it was accepted that the submitted information went part of the way to identifying ecological interests on the site it was not considered to provide adequate information to satisfy the Council's ecologist that the development would not result in unacceptable harm to the interests of ecology on this site.

Of particular importance was that the survey was a phase 1 assessment and that this would not identify if the site supports an assemblage of rare or notable species. The network of ditches drains into a damp depression present in the south of the site which is likely to qualify as Lowland Fen BAP habitat type. This habitat feature would be lost but there was no description of it in the ecological assessment. There is potential for crevice roosting bats however this was not subject to an emergence survey to confirm presence / absence which would be in line with best practice.

No survey work had been carried out at the time of submission and so it was difficult to assess what the value of the assemblage of birds in the area was and how they would be affected by the development.

The loss of potential slow worm habitat and the presence of great crested newts had not been adequately assessed.

Within the core strategy it is stated in the supporting text that it is vital that all stages of sustainable development are informed by relevant ecological information, from site selection and design to planning decisions and long term management. All effects should be considered, including positive and negative, direct and indirect, cumulative, and on and offsite impacts over the lifetime of the development (including construction, operational and restoration phases), also giving consideration to disturbance effects such as noise, lighting, recreational pressures, trampling, traffic, domestic pets, vandalism etc.

Core Policy 50 requires that 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 lifetime of the development.

The NPPF states that the planning system should contribute to and enhance the natural and local environment by:

- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Subsequent to this assessment and whilst the application was held in abeyance the applicant undertook the necessary assessment and surveys in response to the comments identified above and submitted these for consideration. The Council's Ecologist has confirmed that the submission provide sufficient information for previous objections and concerns to be withdrawn and an response of no objections subject to conditions being submitted.

Urban Design

The Council's urban design officer raised concerns in respect of the general approach taken in the supporting illustrative material. The illustrative scheme as submitted was not considered to demonstrate good Urban Design principles or that the local character and distinctiveness of the area would be respected.

Of concern are that ong cul de sacs off a through loop layout would be suggested. It was recommended that there should be active frontages along the perimeters of development blocks facing public open space and the higher order roads. In conjunction with this plots should be set back from hedgerows to ensure protection and access for maintenance.

The Master plan was considered not indicate any hierarchy or distinction in the scale, massing, form and appearance of buildings or landscaping lining the primary routes. Addressing key vistas renders development distinctive and creates a layout that is clearly legible. Distinguishing the primary routes leading to the access from Malmesbury Road and Hook Road should be a design principle. Further it was identified that the junction of these

routes sits roughly at the centre of the residential area which would be the obvious focus on a key public space and the placing of the Community hub.

The 3 storey buildings shown would not respect the local character of the neighbouring suburbs where the buildings are of a substantially smaller overall size in terms of height, width, depth, and scale of roofs. Therefore the introduction of such units would be considered something to only be used sparingly within the scheme. The need for 3 storey units suggested that the maximum 320 dwellings may not be realistic. However, the removal of the retail and care home element from the scheme has impacted on this judgement as the density of the development has been reduced as a result of this change to the master plan.

At the initial assessment stage it was not considered that the information submitted indicated particularly good aspects of 'Urban Design practice'. Any reserved matters submission would be expected to show the adherence to such practice. The design principle approach as shown by the master plan and design and access statement was not considered to meet with the relevant policies in relation to the layout and design approach as contained within the Wiltshire Core Strategy: Core Policy 57 'Ensuring high quality design and place shaping' or the focus of the NPPF 2012.

Also of relevance is Building for Life 12 (BfL12); Manual for Streets; Secure by Design New Homes 2010.

This approach is supported by the NPPF para 56 which states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The applicant has as noted previously submitted revisions to the illustrative material including site layout and it is considered by officers that these amendments address in part some of the issues identified above. It is also identified by the applicant that this is an Outline application with matters of layout, scale and landscaping all reserved. This is accepted by officers and it is not considered that the matters identified above which remain outstanding following revisions are so significant as to warrant refusal of consent on this basis. It is not considered that such a refusal would be defensible given the outline status of the application, in this context it is considered that the illustrative material submitted demonstrates to a sufficient extent that the site could be developed for the scale of development proposed and that there is sufficient supporting information defining appropriate design principles to inform the submission of reserved matters applications to the extent that an acceptable and appropriate scheme of development will be forthcoming and capable of approval under reserved matters applications. In this context it is not considered that the development as proposed in the illustrative material will result in significant harm to existing residential amenities and is capable of providing for an adequate level of amenity for future occupiers.

In this context it is important to note that the Government's advice in respect of design quality must be read in the context of other guidance in the NPPF and in particular the requirement to significantly boost the supply of land for housing. Whilst this does not infer a

need to support poor quality design it must be considered when determining outline applications with matters of layout and scale reserved and contemplating a refusal on the basis of poor quality design. In this instance it is not considered that the submission as revised constitute such low quality design that they should be refuse on this basis when taking into account the Council's inability to adequately demonstrate sufficient housing land supply that is in accordance with the requirements of the NPPF.

Drainage

Detailed Foul Drainage proposals have yet to be agreed but Wessex advised that this could be dealt with by condition.

The FRA as submitted dealt with the site drainage but impact on offsite drainage had not been fully addressed in the initial submissions. Subsequent discussions were carried out with the drainage engineer and further submissions were. Consequently various of the matters and concerns raised have been resolved. The Council's Drainage Engineers however remained concerned that whilst theoretically the proposals worked on site there were concerns regarding the offsite consequences associated with allowing the highway culvert to be used to drain the area north of the B4042.

Core Policy 67 relates primarily to Flood zone 2/3 areas. However, the policy does require all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground. The supporting text for policy 68 highlights the importance of ensuring the appropriate management of water resources to ensure that the quality and quantity of water resources are maintained and improved throughout Wiltshire.

The Strategic Housing Land Availability Assessment (SHLAA) favours housing development in Flood Zone 1 over areas of higher risk areas. The Core Strategy supports a sustainable approach to surface water drainage, and development will be expected to incorporate Sustainable Drainage systems (SuDS) such as rainwater harvesting, green roofs, permeable paving, and ponds, wetlands and swales, wherever possible. Whilst the NPPF concentrates on identified flood risk areas and the approach that local authorities should take in respect of these areas it does state that:

'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.' para 103.

Following extensive further discussions and submissions it has been concluded by Drainage Officers that subject to cleansing and clearance of the highways culvert the drainage proposals are acceptable and will not result in on site or off site flooding or increased risk of flooding issues. The applicant team has confirmed agreement to a Grampian condition requiring the culvert to be cleared and cleansed prior to commencement of development. As such it is considered that this matter had been addressed adequately and that there is no defensible basis for refusal of permission in this respect.

Trees and Hedgerow

The Council's tree officer raised no objection to the scheme as submitted. The arboricultural report submitted is considered acceptable in terms of its scope and the conclusions reached.

The amended access plans submitted in respect of the Hook Road access are considered to lack detail. Officers were concerned with regard to the lack of information supplied in relation to the works to the hedgerow, terms such as "trimmed down" and "hedge to be cut back" are considered insufficient.

Officers are also concerned as to how the cycle path will be achieved along Malmesbury Road without having an impact on the retained hedge.

Without this information the scheme could not be assessed fully in relation to the relevant Core Strategy Policies 51 and 52 and or the requirements of the NPPF. However this is an outline application with landscaping and layout identified as reserved matters. As such it is considered that these concerns can safely be addressed through the use of conditions and that there is no sound and defensible basis for the refusal of the application in this respect.

Other matters

Ancillary development and supporting facilities

The proposals include a local hub with a range of facilities in various uses classes including retail and leisure. It is considered that these are ancillary to the proposed residential development of an appropriate scale and type as to meet the needs of the development without undermining or conflicting existing with town centre functions and facilities. In this context the facilities will provide for a degree of self containment within the development scheme and reduce the need for unsustainable journeys. Similarly it is considered that the illustrative proposals make provision for outdoor sports facilities as a sensible expansion to existing neighbouring facilities. The details to meet identified requirements in this respect can be addressed adequately through Reserved Matters applications. It is not considered that an outline application with layout and scale identified as reserved matters could defensibly be refused on the basis of inadequate provision for outdoor sport given other relevant material circumstances and considerations

Section 106

The consultation section identifies requirements in detail. In summary the site specific requirements not addressed by CIL or covered by the regulations on the pooling of off site contributions are considered to be:-

Affordable Housing

Education – Primary and Secondary contributions

Highways improvement works and Travel plan

Open Space Maintenance including Sustainable Urban Drainage systems maintenance provisions – management company.

The applicant has confirmed a willingness to enter into a Section 106 agreement to meet these requirements.

Leisure Services

Contributions towards some community infrastructure including off site enhancement works to built leisure will now be the subject of CIL payments. (CIL- Community infrastructure levy).

Public Art

Contributions towards community infrastructure will now be the subject of CIL payments. (CIL- Community infrastructure levy).

10. Conclusion – The Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that “*determination must be made in accordance with the plan unless material considerations indicate otherwise*”. Paras 2 & 11 of the NPPF reiterate and confirm this requirement. This is the starting point for determination from a policy point of view. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

The application for 320 dwellings outside the settlement boundary for Royal Wootton Bassett would represent a significant extension of the built up area into the rural landscape on the northern edge of the Town. Significant housing growth has already been completed or is committed at the Town including large greenfield sites - additional housing growth over the planned development in core policy 19 is likely to lead to further out commuting contrary to Core Policy 1. The indicative requirement for the town in this community area has been met and on this basis alone there is no immediate need for additional housing in Royal Wootton Bassett. In addition previous employment consents i.e. expansion of the Interface business park have not come forward due to a lack of demand and have now been granted permission for residential. However, the Council’s most recent assessment of housing land supply as of November 2016 demonstrates that an available and deliverable five year supply of housing plus necessary buffer is not secured and provided.

The preferred approach under national and local policy (NPPF para 17 & WCS CP1 & CP2) is that additional land to meet future growth in the Housing Market Area at Royal Wootton Bassett should be done through a proper plan led process. At the strategic level, this would enable the distribution of growth across the HMA to be considered comprehensively ensuring that the Spatial Strategy can be delivered and an appropriate balance of growth achieved at all settlements. At the more local Neighbourhood Plan level this would enable the community to address locally specific issues in their area through planned development. Whilst Neighbourhood Plans are actively being prepared the plans have not reached an advanced stage of preparation and in accordance with the guidance in the NPPF cannot be afforded significant weight. A similar position is evident in respect of the Council’s own Site Allocations DPD preparation of which has now been delayed.

Whilst this proposal is contrary to the Delivery Strategy of core policy 2, in particular by virtue of its location and core policies 1 and 19 of the adopted Wiltshire Core Strategy which set out how the sustainable development of Royal Wootton Bassett can be achieved the inability to demonstrate a deliverable supply of land for housing to meet requirements in this Housing Market Area is a material consideration that weighs against this conflict.

Similarly whilst the proposal would result in the loss of open countryside around the town as a result of the development in the open countryside contrary to the NPPF requirement to take into account the intrinsic character and beauty of the countryside (paragraph 17, NPPF) and WCS CP 51 the need to significantly boost the supply of land for housing required by the NPPF and the inability to demonstrate the required supply of land for housing weighs against this harm. The development proposed is considered on balance to constitute sustainable development. In these combined circumstances paragraphs 14 and 49 of the NPPF are engaged and full weight cannot be afforded to the policies of the plan relating to the scale and distribution of housing. In those circumstances para 14 indicates that consent ought to be forthcoming unless the site specific harms very clearly and significantly outweigh the benefits arising from the development. In this context it is important to note that the land is not subject to landscape designations and that there is existing and recent development in this location and beyond the defined settlement boundary and development limits of the town. The harm identified is consequently proportionate to this situation. It is also necessary to weigh in the balance here the benefits of development beyond boosting the supply of land for housing including affordable housing provision. In this context the development will

deliver a significant boost to the economy through construction and the spending and financial contributions of the additional population.

The application as submitted has been considered in detail by Council Officers in respect of Ecology, Highways and Drainage and adequate information has now been submitted to enable officers to be satisfied that the development would not have a detrimental impact on these matters and on the surrounding area.

Similarly in respect of archaeology the applicant has now submitted the necessary results report to enable the Council's archaeologist to assess the importance of the site and therefore provide advice of no objection subject to condition. The harm to the undesignated below ground heritage assets is balanced by the benefits arising and therefore considered to accord with the requirements of the NPPF and outweighing the conflict with CP58.

The information submitted including scheme revisions as to illustrative material has also been able to satisfy officers that the setting of the curtilage listed buildings on the adjacent site will result in less than substantial harm at the lower end of the scale as a result of this proposal. This limited harm is considered to be outweighed by the benefits of the development in the context of relevant material consideration. As such the proposals are considered to accord with the requirements of the NPPF in this respect and outweigh the conflict with CP58.

It is not considered that the amended access arrangements will have a significant detrimental impact on the hedgerows at the site such that consent ought to be refused on this basis and in this context it is considered that conditions requiring the submission of landscaping details including as part of the reserved matters application(s) for the development are sufficient to address the matter comprehensively.

The concerns raised in respect of the design principles and illustrative material have been in part addressed by revised submissions as to the illustrative site layout material. Given that this is an outline planning application and matters of layout, scale and landscaping are all reserved it is conceded that outstanding issues can readily be addressed through the reserved matters application process.

The development will result in a range of social and economic benefits including the significant boosts to the supply of housing and delivery of significant level of affordable housing. In addition the proposals will deliver economic growth through construction; job creation within the retail and care home elements of the wide scheme and the spending and financial contributions of the new population. On balance it is considered that with the proposed conditions and necessary S106 agreement in place that the development constitutes sustainable development under the guidance and requirements of the NPPF.

This proposal has been considered against both local and central government guidance and policies. The proposed development is seen to conflict with the relevant policies contained within the Core Strategy namely policies, CP1, CP2, CP51, CP 58. With respect to CP58 it is assessed that the harm is outweighed by the benefits of development. It is consequently necessary under paras 2, 7, 11, 14, 196, 197, 210, 216 of the NPPF to consider whether

material circumstances indicate that a decision contrary to the development plan should be determined. In this instance it is considered that this is the case.

The Council is not currently in a position to demonstrate a deliverable supply of land for housing as required by the NPPF and as such the requirements of paras 14 and 49 are engaged in that full weight cannot be attached to the development plan policies relating to the supply and distribution of housing i.e. policies CP1 & CP2. The development will result in significant benefits as identified above and is considered on balance to constitute broadly sustainable development. The site specific harms and consequent conflicts with the relevant development plan policies are considered to be capable of mitigation and/or outweighed by the benefits of development. In this context it is considered that there are material considerations that outweigh the harm arising from conflict with the development strategy of the development plan and therefore as identified in para 14 of the NPPF permission should be granted.

RECOMMENDATION

Authority be delegated to the Head of Development Management to GRANT planning permission subject to the conditions listed below and the signing of a Section 106 agreement to address Affordable Housing, Education, Highways Works & Travel Plan and Open Space Management requirements within 6 months of the date of the resolution.

In the event that the applicant fails to complete the required S106 agreement within the identified timeframe to REFUSE permission for the following reason:-

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) paras 2, 7, 17 & 196.

CONDITIONS

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

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

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

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;

(d) The landscaping of the site.

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

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

An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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.

No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

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

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

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

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837:

2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local

Planning Authority, and;

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

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

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

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

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

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 enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

No development shall commence on site until a landscape management plan, 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.

No development shall commence on site until provision has been made for open space, amenity areas and play areas in accordance with WCS CP52 and [The plans shall define the boundaries and shall include details of the intended future uses of each area, in particular the user age groups of play areas together with the features and items of play equipment it is proposed to install.]

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 a satisfactory provision of [different forms of] open space throughout the development in the interests of the amenity of future residents.

Before the 50 dwelling hereby permitted is occupied:

- a) A scheme for the laying out and equipping of the play area shown on the submitted plan, to include landscaping, boundary treatment and provision for future maintenance and safety checks of the equipment has been submitted to and approved in writing by the Local Planning Authority and;
- b) The play area has been laid out and equipped in accordance with the approved scheme.

REASON: To ensure that the play area is provided in a timely manner in the interests of the amenity of future residents.

No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of
- the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.
- Day and sunlight calculations must be submitted in accordance with Building
- Research Establishment guidance and British standards 8206 Part 2:1992 Light for buildings Part 2 -code of practice for daylighting.
- In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried
- no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.

Subsequently and until the completion of all site works, site visits should be carried out on a quarterly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in

accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

Prior to first occupation the access to Malmesbury Road shall have been provided as detailed as detailed on plan number TA3

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

Prior to first occupation of any dwelling hereby permitted the access to Malmesbury Road shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 120 metres to the west and 120 metres to the east.

Reason: In the interests of highway safety.

Prior to first occupation the access to Hook Road shall have been provided as detailed as detailed on plan number TA4, but with the exception that a 2 metre footway shall also be provided on the northern side of the access road around the junction radius to Hook Road.

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

Prior to first occupation of any dwelling hereby permitted the access to Hook Road shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 140 metres to the north and 140 metres to the south.

Reason: In the interests of highway safety.

Prior to first occupation a 2 metre wide footway shall have been constructed and made permanently available for use by pedestrians, on the eastern side of Hook Road between the development access and a point opposite the southern entrance to Marsh Farm Hotel, in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: in the interests of safe and convenient pedestrian access to the development.

No development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied prior to the implementation of the Travel Plan, (or implementation of those parts capable of being implemented prior to occupation). Those parts identified for implementation after occupation 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.

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

No development shall commence until a foul water drainage strategy is submitted to and approved by the Local Planning Authority in consultation with Wessex Water acting as the Sewerage undertaker.

- A drainage scheme shall include appropriate arrangement for the agreed points of connection and the capacity improvements required to serve the proposed development phasing;
- A drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

REASON: To ensure that proper provision is made for the sewerage of the site and that the does not increase the risk of sewer flooding to downstream property.

The development hereby permitted shall not be occupied until the approved [sewage disposal] & [surface water drainage] works proposed have been completed in accordance with the submitted and approved details. This shall include the thorough cleansing, cleaning and removal of all materials and potential blockages from the existing piped drainage/culvert proposed for use as part of the Surface Water Drainage network/system prior to the first occupation of the dwellings hereby approved. The applicant shall notify the Council including Drainage and Highways Maintenance Teams of commencement and completion of these drainage clearance and cleaning works. The works shall be subject to assessment and approval by the Council.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialists ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
- j) Protection of Ballards Ash Protected Road Verge
- k) Mitigation measures set out in the Ecological Appraisal report (Aspect Ecology, 2016), particularly measures MM1, MM2, MM3, MM6

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

Before development takes place, a reptile method statement shall be submitted to the local planning authority for approval. Development, including ground/site/vegetation clearance, a detailed methodology for the capture and translocation of reptiles and details of the proposed receptor site and its long-term management, shall be carried out in accordance with the approved method statement or any amendment as approved in writing by the local planning authority. Reptile translocation shall be carried out and the receptor site shall be maintained in accordance with the approved plan, unless otherwise in agreed in writing by the local planning authority.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

Prior to commencement of development, a Landscape and Ecological Management Plan shall be prepared and submitted to the local planning authority for approval. Details within the LEMP shall include, but not necessarily be limited to, the following:

- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species
- b) Description and evaluation of features to be managed; including location shown on a site map
- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures.

The development site shall be managed and maintained in accordance with the measures set out in the approved plan in perpetuity unless otherwise agreed in writing with the local planning authority.

No development shall commence within the development area until:

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

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

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of residential amenity

All building services plant shall be so sited and designed in order to achieve a Rating Level of -5dB below the lowest measured background noise level at any time, determined at the nearest noise sensitive receptor.

REASON: In the interests of residential amenity

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.

No development shall commence on site (including any works of demolition), until 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 demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;
- j) The location and use of generators and temporary site accommodation
- k) Pile driving (If it is to be within 200m of residential properties)

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

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

There shall be no raising of existing ground levels on the site.

REASON: In the interests of visual amenity.

The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

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

111422 AP10 Location Plan

111422 AP11 Illustrative Masterplan

111422 AP13 Existing Site Plan

Planning Statement, August 2014

Design & Access Statement, July 2014

Transport Assessment, July 2014

Landscape Strategy Outline, July 2014

Air Quality Assessment, August 2014

Archaeological Geophysical Survey report, July 2014

Noise Assessment, 23rd July 2014

Statement of Community Involvement, May 2014

Ecology Assessment Outline, August 2014

Flood Risk Assessment, 13th May 2014

Flood Risk Assessment Addendum V1, February 2015

Archaeological Report by TVAS, April 2015

Ecology Update, Sept 2015

Letter from Kemp & Kemp to Wiltshire Council dated 25.5.16

Outline Residential Planning Application Design Note, May 2016

Transport Assessment Addendum, July 2016

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

INFORMATIVES:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

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

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex

Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

The applicant should note that the costs of carrying out a programme of archaeological investigation and recording will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any [protected species](#), or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced [ecologist](#) and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's [website](#) for further information on protected species.

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

There are ordinary watercourses within or in close proximity to your site. If you intend to obstruct the flow in the watercourse (permanently or temporarily, including culverting) you will require prior Land Drainage Consent from Wiltshire Council as the Lead Local Flood Authority. You are advised to contact the Drainage Team to discuss their requirements:- <http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm>

NOTES TO APPLICANT

Sustainable Construction

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of

pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

Background Documents Used in the Preparation of this Report:

Wiltshire Core Strategy January 2015

North Wiltshire Local Plan 2011

NPPF

NPPG

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REPORT TO THE STRATEGIC PLANNING COMMITTEE

| | |
|----------------------------|---|
| Date of Meeting | 26th April 2017 |
| Application Number | 16/06995/FUL |
| Site Address | Land North of Malmesbury Road, Royal Wootton Bassett SN4 8AY |
| Proposal | Hybrid Application for a 2,469 m2 (GIA) supermarket with access and landscaping (detail) and Class C2 care home of up to 3,000 m2 (outline). |
| Applicant | Leda Properties Ltd and Lidl GmbH UK |
| Town/Parish Council | Lydiard Tregoze |
| Division | Wootton Bassett East – Councillor Mollie Groom |
| Grid Ref | 407568 183792 |
| Type of application | Hybrid Full & Outline Planning |
| Case Officer | Lee Burman |

Reason for the application being considered by Committee

The application was previously reported to Committee on the 8th February 2017, the report is attached at appendix A. At the meeting members deferred consideration of the application to undertake a site visit and to allow members and the local member to raise any queries for further assessment and consideration within two weeks of the meeting. No queries or requests were raised with Officers and the site visit took place on 24th April 2017. In addition new information has been submitted by the applicant in respect of drainage matters and there are changed circumstances in respect of Housing Land Supply which now need to be taken into consideration. The application is now reported back to Committee for determination following the previous deferral.

1. Purpose of Report

To consider the application and recommend that authority be delegated to the Head of Development Management to GRANT planning permission subject to the conditions listed in this report and the signing of a Section 106 agreement to address Highways Works, Waste/Recycling Facility contributions within 6 months of the date of the resolution.

In the event that the applicant fails to complete the required S106 agreement within the identified timeframe to REFUSE permission for the following reason:-

The application fails to meet the identified and necessary supporting services and infrastructure requirements generated by the development, including Affordable Housing, Highways Works, Waste/Recycling Facility contributions and is therefore in conflict with Wiltshire Core Strategy (Adopted January 2015) Core Policies CP3, CP43 & CP61 and National Planning Policy Framework (NPPF) paras 2, 7, 17 & 196.

2. Report Summary

21 Additional neighbour representations of objection. Royal Wootton Bassett Town Council further representation of objection/concerns.

3. Site Description

See Appendix A

4. Planning History

See Appendix A

5. The Proposal

The application description of development is set out above and proposes the erection of a 2,469 m² (GIA) supermarket with access and landscaping for use by Lidl. This part of the application is submitted in full detail.

The application previously included proposals for up to 33 senior living units Class C3 for occupancy by retired persons of 65 years plus built as apartments with shared communal spaces but the applicant has formally revised the scheme to remove this element. In addition the proposals included erection of a Class C2 care home of up to 3,000 m². This element of the application is submitted in Outline with all matters reserved except for access.

This application amends the previous scheme proposals submitted and withdrawn under application reference 14/08081/FUL by reducing the scale of the proposed retail store by 331m², reducing the proposed parking by approximately 87 spaces, and by the introduction of the care home element. The introduction of the care home was facilitated by the reduced retail floorspace and related parking. As noted in the report elsewhere on the committee agenda for app 14/08060/OUT this element of the scheme proposals in terms of the wider site area has been the subject of various revisions but these are now replaced and amended by this application before the Council. The relevant site area is shown on plan reference 152862/AP01 and the layout landscaping on plans ref 152862/AP14C; 5319/ASP2 REV G; 5319/ASP3 REV I.

The application is supported by revised details in terms of :-

- Flood Risk Assessment
- Proposed Site Layout
- Landscape Strategy
- Landscape Masterplan

As a hybrid planning application the developer is able to establish the principle of a proposed development in part before embarking on the costs of preparing fully detailed plans for all elements of the scheme proposals. This also allows some flexibility as to the future design and layout in order to address operator and development partner detailed specification requirements. The reserved matters are defined at Article 2 of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2015) as:

- (a) access;
- (b) appearance;

- (c) landscaping;
- (d) layout; and
- (e) scale.

In this instance the developer has submitted full details in respect of the foodstore with no matters reserved; and only submitted details in respect of access all in relation to the care home with all other matters reserved.

6. Planning Policy

National Policy

- National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) Sections 6, 11 & 12; paras 2, 7, 11, 14, 17, 24, 25, 26, 32, 34, 49, 56, 60, 103, 109, 118, 123, 128, 129, 131, 132, 134, 196, 197, 210, 216 are of particular relevance but this is not an exclusive and/or exhaustive listing and further para references of relevance are made throughout the report.

Planning Practice Guidance

Development Plan

- Adopted Wiltshire Core Strategy (January 2015)
- Saved policies of the North Wiltshire Local Plan 2011
- H4 Residential outside framework boundary
- NE14 Trees
- NE18 Noise and pollution

The policies within the Core Strategy that are of particular relevance to the consideration of this proposal are listed below.

- 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 46: Meeting the needs of Wiltshire's vulnerable and older people
- 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 67: Flood Risk
Core Policy 68: Water Resources

Emerging Development Plan

- Wiltshire Housing Site Allocations Development Plan Document
- Royal Wootton Bassett Neighbourhood Plan
- Lydiard Tregoz Neighbourhood Plan

Other considerations

- Housing Land Supply Statement 2016 (published March 2017)

7. Consultations

Highways Officers – No further comment

Spatial Planning Team – No further comment.

Waste & Recycling Team – No Further comment

Wessex Water – No objection subject to condition requiring agreement of foul drainage strategy and details.

Drainage Team – No objection subject to the previously required Grampian condition. *(Subject to confirmation of the gradient of the pipe – see below for more detail).*

Public Protection - No Further comment

Ecology – No Further comment

Archaeology – No Further comment

Affordable Housing – No Further comment

Highways Agency – No Further comment

Police Liaison Officer – No Further comment

Landscape Officer – Adheres to previous comments

GVA Grimley Retail Consultants Commissioned by the Council – No Further comment

Trees Officer – No Further comment

Urban Design – No comments

Adult & Social Care – No Comments

Economic Development - No comments

Conservation Officer – No Further comment

Lydiard Tregoz Parish Council – Strong Objection. No Further comment

Royal Wootton Bassett Town Council - object to the application for the following reasons:-

Concerns regarding the application documentation and consultation

- A fundamental change has been made to the application without any explanation. The Committee is seeking clarification as to why this has been deemed necessary.
- The consultation period for comments on the amended application was not sufficient to arrange for a formal meeting. The consultation letter was delivered to the Town Council on Wednesday 8th March 2017, therefore the Committee feel that the notice given was not in line with the 14 day requirements, and would like to clarify whether a notice detailing the amendments to the application was published by the local newspaper, and if so on what date. The Committee would also like to clarify whether a notice of amendment was posted at the application site.
- The Planning Committee would also like to ensure that all consultees previously notified of the proposals have been made aware of the amendments and given a satisfactory consultation period in which to respond. The Committee understands that the immediate neighbours, the Sports Association and Marsh Farm Hotel, were not consulted, and they will be directly affected.

Concerns relating to the Care Home aspect of the application

- The Care Home aspect of the application has been amended from full to outline status. The Committee feels that this calls into question the sustainability of this part of the application. Sustainability is also questioned due to the fact that there is no identified need for further care provision within the local area. This can be evidenced by the removal of the Care Home from the proposals to develop the Lower Woodshaw site in late 2016. Additional Care Homes in the Royal Wootton Bassett area have not proved to be marketable as the requirement has been satisfied.

Highway Concerns

- The proposed entrance to the Care Home is immediately off a busy roundabout, which would be blind to eastward traffic to Purton.
- There are too many site entrances in a very short distance along the B4042. The proposed entrance to the supermarket is in close proximity to the pelican crossing, the entrance to Jubilee Lake Nature Reserve, Learning Curve Nursery, Royal Wootton Bassett Sports Association and Royal Wootton Bassett Rugby Club. The number of access and egress points along this stretch of the B4042 would have a major impact upon highway safety. Increasing traffic flow would put further strain on an area which is already under pressure.

Concerns in relation to Planning Legislation

- The site for the proposed supermarket is not suitable as it fails the sequential planning test and is therefore in contravention of the National Planning Policy Framework and Wiltshire Core Strategy.
- The application contravenes Development Policy 2 of the Wiltshire Core Strategy, as well as the Royal Wootton Bassett Neighbourhood Plan, which will be submitted imminently.

Drainage Concerns

A number of drainage issues have arisen from the amended Pinnacle Report as follows:-

- The combined drainage outfall from the Sports Association and application site is listed at 230 litres per second, leaving 15 litres per second for highways drainage, which the Committee does not feel is adequate.
- There is no petrol/oil interceptor for the supermarket car park or Care Home. As all surface water run-off from these areas discharges into Jubilee Lake, this is a serious concern. Jubilee Lake is a Local Nature Reserve and is stocked with fish, therefore any

drainage into the area needs to be carefully managed to avoid damage to wildlife or habitat. The Committee feels that it is not acceptable to discharge surface water runoff onto the Jubilee Lake site without utilising a petrol/oil interceptor.

Other Concerns

- Whilst the 33 senior living units have been removed from the application, the roundabout which would have provided access to the units is still detailed, and shows two exits which are now not in use, suggesting further expansion in the future. The Committee would like to know how this relates to the concurrent application for the 320 dwellings, and whether that application has been deferred or remains live.
- The Committee is concerned that a supermarket situated in this out-of-town location would cause economic damage to Royal Wootton Bassett High Street. Shops and business owners are reporting that trade is already delicate at the present time.
- The Committee notes that the target date for a decision to be made on this application is the 28th April, which falls within purdah period. The Committee feels that this decision should be taken at a formal meeting when the new Council has been installed after the May elections.

The Town Council would also like to reiterate the original objections to the application as follows: -

- The proposed development falls outside the settlement boundary as defined by the saved policies of the North Wiltshire Local Plan and the emerging RWB Neighbourhood Plan. The delivery strategy as defined by CP2 of the Wiltshire Core Strategy states that there would be a presumption in favour of sustainable development if the site was within the settlement limits, therefore this application contravenes CP2.
- The site is outside of the primary and secondary retail frontage areas as defined by the saved policies of the North Wiltshire Local Plan, and therefore the Core Strategy.
- There is no evidence to support the need for further provision of senior living units within the RWB area, only for Wiltshire as a whole. Recent planning applications within the town, such as that for Lower Woodshaw, have shown that senior living units and care homes are not required and have not been marketable.
- The location is not suitable for senior living apartments due to being remote from amenities and services such as doctors surgeries.
- There is no comprehensive plan for the disposal of surface water and sewage.
- The development represents further coalescence with Hook, and therefore West Swindon.
- Additional hard standing would create a flood risk. Increased surface water run off could compromise Jubilee Lake, a local nature reserve.
- The site falls within the curtilage of a Grade II Listed Building in Marsh Farm.
- Having a store in an out-of-town-centre location threatens the vitality of the High Street, thus undermining the work of local organisations such as the Town Team.

- There is currently a vacant unit in the town centre which used to house a supermarket.
- The retail report undertaken by Mango is erroneous; the Committee disputes the findings of the sequential assessment.

8. Publicity

The revised scheme proposals were subject to a further period of consultation with all consultees notified and all persons have previously submitted representations also notified. 21 further representations were submitted and the issues raised can be summarised as follows:-

- Previous objections submitted remain unchanged by the scheme revisions;
- No requirement for additional retail, there are vacant premises in and adjacent the town that are better located;
- Retail unit will undermine the vitality and viability of the town centre, impacting on small business;
- Submitted assessment does not take account of recent store closures in the town;
- The retail unit is not accessible by foot or bus and with the parking will generate car borne journeys;
- Site entrance on Hook Road is dangerous and will result in a highway hazard;
- Inadequate space available for proposed and required highways works;
- Proposed parking provision for the care home is inadequate, Green Transport Plan inadequate;
- Surface water drainage submission inadequate and inaccurate;
- The site is subject to flooding and inappropriate for the proposed development;
- Coped hall and local roads are heavily congested already and this will be worsened;
- Contrary to the policies of the Wiltshire Core Strategy being outside the framework boundary of the town;
- Inadequate consultation;
- Too many proposed accesses on the local roads adjacent the congested Coped Hall Roundabout;
- Inadequate local services to meet the needs of the elderly person at a proposed care home e.g. Local GPs;
- No requirement for care home;
- Will set a precedent for further development in this locality resulting in coalescence with Swindon and Hook;
- Strong local objection to the scheme proposals.

Procedural Matters

Consultation with the Council's Legal Department has confirmed that under the provisions of The Town And Country Planning (Consultation) (England) Direction 2009 this application must be referred to the Secretary of State in the event of a resolution to grant permission for him to decide whether or not the application should be called in for his determination.

9. Planning Considerations

Introduction

Two applications for this site were submitted together to run in parallel. One of these applications (14/08081/FUL) was withdrawn and a revised proposal was resubmitted under ref 16/06995/FUL. 14/08060/OUT was held in abeyance while this took place and to allow for issues raised during consultation to be addressed with further and revised submissions. In addition the application was subject to alteration in form, as described above and below.

14/08081/FUL was a hybrid planning application and proposed a supermarket, retirement accommodation and access from both the A3102 and the B4042. The plans submitted for the access and retail store were in full but the plans for the retirement accommodation was in outline. This application was withdrawn when the identified anchor for the retail unit (Tesco) withdrew from the scheme. A revised Hybrid Application for a 2,469m² (GIA) supermarket with access and landscaping (Full detail), up to 33 senior living units and Class C2 care home of up to 3,000m² (Outline) with Lidl as the retail store anchor was submitted and registered under ref: 16/06995/FUL and this application as amended is now the subject of this report.

14/08060/OUT is an outline application for a comprehensive mixed use development of up to 320 dwellings, a community hub comprising up to 500 square metres of A1/A2/A3/A4/A5/D1/D2 uses, public open space, landscaping, an extension to the approved sports 'hub' facilities, and access. The application is made in outline with everything except access reserved for subsequent approval. However, as initially submitted the outline application description related to the housing and associated works only, the description did not include the site area covered by application 14/08081/FUL (as referred to above) which was included within the redline. As noted above this application has since been withdrawn and revised proposal over this part of the site area submitted as a further Hybrid application.

This area of land was marked on the plans as being for retail and care home. As these uses were not included in the description the agent was advised to either change the description to include these elements, to change the redline boundary or remove these elements from the plans.

The agent chose to submit an amended site plan indicating the whole site for residential development with the associated development. Whilst officers raised concerns in relation to the possible complications that this could cause the applicant at a later date the agent confirmed that this was their preferred course of action.

Therefore the outline application 14/08060/OUT relates to the whole site outlined in red and is for mixed use development of up to 320 dwellings, a community hub comprising up to 500 square metres of A1/A2/A3/A4/A5/D1/D2 uses, public open space, landscaping, an extension to the approved sports 'hub' facilities, and access. Albeit this is now further amended by the submission of this related Hybrid application 16/06995/FUL on part of the site.

In accordance with Regulation 5(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 the applicant requested a Screening Opinion as to whether the wider development of the site required an Environmental Impact Assessment (EIA). In response to that request, the Council confirmed that the proposal would not be likely to have significant effects on the environment by reason of factors such as its nature, size and location and that, consequently, an Environmental Statement would not be required.

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*". Paras 2, 11, 196 & 210 of the NPPF reiterate and confirm this requirement. This is the starting point for determination from a policy point of view. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

The Wiltshire Site Allocations DPD, the Royal Wootton Bassett Neighbourhood Plan and the Lydiard Millicent Neighbourhood Plan have not reached an advanced stage of preparation at

the time of writing, although significant work in preparing drafts and consulting the local community has been undertaken by the Town Council particularly in respect of the Royal Wootton Bassett Plan. However as yet these plans have not been submitted for examination and have not been through the process of examination or are the subject of an Inspector's report. On the basis of the guidance in the NPPF para 216 and as defined in case law little weight can be attached to these plans in the application determination process at this point in time.

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.

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.

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*".

The limits of development of the Market Towns have been carried forward into Core Strategy and retained. These boundaries will be reviewed as part of the Wiltshire Housing Site Allocations DPD, as set out in the Council's Local Development Scheme (LDS) in order to ensure that they are up to date and adequately reflect changes which have happened since they were first established. This approach was supported by the Core Strategy Examining Inspector. The LDS has been the subject of recent review and the timetable for the preparation of the Site Allocations DPD has now been set back by around 6 months. As noted above it has not yet reached an advanced stage of preparation and little weight could be attached to this DPD.

Core Policy 2 sets out the delivery strategy. Paragraphs 4.24 and 4.25 recognises that there are a number of sources of supply for new housing across the Plan period including allocations within the Core Strategy, existing commitments, windfall sites and sites identified through future site allocations DPDs and neighbourhood plans. The delivery strategy seeks to prioritise the re-use of previously development land and supports the development of sites within the limits of development. It requires a plan led approach to the identification of sites on the edge of settlements outside of the limits of development to allow local people to shape their communities and consider alternative sites. As noted above a Neighbourhood Plan for Royal Wootton Bassett is in preparation and the Town Council has undertaken considerable work consulting the community and preparing drafts for consultation. However for the purposes of the NPPF and as established through case law the draft plan but has not reached an advanced stage as yet and as such little weight can be afforded to this plan.

The spatial strategy for the town is set out in core policy 19 and paragraphs 5.94-5.99, which is discussed further below.

Care Home Element

WCS core policy CP 19 does not identify requirements or priorities for provision in this respect. The Council's Adult Care Team has not commented to identify demand similarly has not identified objection or no demand. It is well established at Wiltshire and National level however that the UK is experiencing an ageing population and requirements in this respect are increasing on an on-going basis and seriously impacting non public sector service provision requirements. In this broad context provision by the private sector must be welcomed in principle and to suggest that there is no requirement is not considered to be a justifiable and defensible basis for refusal of the application. In this context WCS Core Policy CP46 and supporting paras 6.53 – 6.55 clearly identifies and confirms this position and that there will be a need to make a wide range of forms of provision to meet this identified need.

CP46 does allow for specialist provision for the elderly to come forward outside of the defined settlements. In this context it is important to note that whilst outside the defined boundary of the settlement the site and proposal is very closely related to the boundary sitting on the outskirts of the town. In this context it is considered that services and facilities are reasonably accessible. The scale of development proposed is considered proportionate to the scale of the town. Environmental and landscape considerations are addressed below. As to need the applicant has confirmed that there is a contract agreed by an operator / care home provider which is considered to be a clear expression of demand. It is noted that many objectors have referenced approved schemes elsewhere in the locality and in particular at Brynards Hill/Lower Woodshaw. This scheme did not come forward and has not been implemented with a revised housing consent approved. In part the justification for the revised scheme at that site was a lack of a provider for the care home. This is considered to be addressed by the confirmed operator for the facility herein proposed.

It should also be noted that there are other scheme benefits in terms of job creation and the economic benefits arising from construction which also weigh in favour of the scheme proposals.

Retail Element

With respect to the foodstore element of the scheme proposals 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. This provision has been defined by the courts through case law e.g.

- Tesco Stores Limited (Appellants) v Dundee City Council (Respondents) (Scotland) [2012] UKSC 13
- The Queen on the application of Zurich Assurance Limited trading as Threadneedle Property Investments v North Lincolnshire Council v Simons Developments Limited
- Case No: CO/4764/2012 20 December 2012 [2012] EWHC 3708 (Admin)
- The Secretary of State and Planning Inspector's Decision for Rushden Lakes (11 June 2014) APP/G2815/V/12/2190175

More recently and in the local area of Wiltshire the following appeal decision is also relevant and reflects the judgements and decisions referenced above:-

- Life Property Salisbury Limited, Land at the junction of Southampton Road and New Petersfinger Road, Salisbury, Wiltshire, SP1 2NY Application Ref: 14/12175/FUL Appeal Ref: APP/Y3940/W/15/3138442

In these cases the requirement on retailers to be flexible is relatively constrained and it is clarified that commercial restrictions and interests are relevant and should be taken into account as material considerations in this respect.

As noted in the consultation section of this report the Council commissioned GVA Grimley consultants (GVA) to review and advise in respect of the submitted Retail Impact Assessment (RIA). These consultants have supported and inputted to the preparation of the Retail elements of the WCS and have detailed knowledge of the locality and retail matters in the area. In addition GVA provided input to and review of the submissions made in support of 14/08061/OUT the withdrawn application relating to the previous "Tesco" scheme.

GVA confirmed in their report that the approach and methodology adopted in the RIA submitted is robust and appropriate. Indeed that the newly commissioned survey and assessment work informing the RIA addressed concerns with the previous assessment informing 14/08061/FUL. The submissions are assessed in full against national policy requirements in the NPPF & PPG and local policy requirements of the WCS. GVA conclude in relation to the sequential approach to site selection and the related need for flexibility in this respect that:-

we consider that the applicants have shown some flexibility and we have found that none are considered to offer realistic suitable alternative locations for the proposed supermarket. Therefore, on the basis that these three sites comprise the only alternatives in Royal Wootton Bassett, we consider that the proposed development has met the provisions of the sequential test as set out in paragraph 24 of the NPPF and Policy 38 of the Wiltshire Core Strategy.

With respect to Retail impact (vitality and viability) on the existing town centre GVA conclude that:-

The location and policy status of the application site, along with the size of the proposed supermarket, also requires that a detail assessment of the impact is undertaken. Having undertaken a review of the applicants' assessment, and also undertaken our own 'sensitivity test' involving the use of a slightly higher turnover for the proposed store (and which also takes into account the closure of the MyLocal store in the town centre), we are of the opinion that the store could have an update of between 10%-13% on Royal Wootton Bassett town centre's convenience goods sector and an overall impact of between 6%-8% on the total Class A1 retail sector in the centre.

Whilst this is likely to constitute an adverse impact, we do not consider that, subject to suitable and appropriate controls, the town centre will experience a significantly harmful impact. In reaching this conclusion we have taken into account the likelihood that whilst the proposed store will offer direct competition for some foodstores in the town centre, particularly Sainsburys, it will also be able to reduce the amount of convenience goods expenditure which is currently flowing to stores outside of the town.

Whilst the Council must reach its own conclusions in relation to the impact of the proposed on the health of Royal Wootton Bassett town centre, we do not consider that this is a

foodstore proposal which will conflict with Policy 38 of the Wiltshire Council and paragraph 26 of the NPPF.

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 (foodstore) ought to be refused. 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.

The overall consideration of the impacts of development proposed and benefits arising in the context of all material considerations is undertaken in the Conclusion (Planning Balance) Section below.

It should be noted that representations were made by third parties in respect of land within the vicinity of the site and the potential for development by an alternate retail provider. Officers submitted a response to those submissions as late items and these remain pertinent and unchanged. In short the issues raised other than those already considered in this report and that appended at appendix A are largely ones of commercial competition between providers and do not provide a basis for determination of this application which must be assessed on its own merits. Furthermore the Council does not have submissions from the referenced operator – Aldi and is not in receipt of a formal planning application from any of the parties involved.

Highways & Access

See Appendix A

The revised layout details including additional surface water attenuation result in no additional impact over and above that previously assessed in respect of Highways conditions.

Drainage

It should be recalled that significant concerns were raised by interested parties in relation to matters of surface water drainage and the accuracy of the supporting information and assessment relating to Flood risk. These matters were raised in detail at the Committee meeting of the 8th February and in part led to the requirement for a Committee site visit. In particular concerns were raised as to the scale of the piped culvert proposed to accommodate the surface water discharge from this and adjoining sites as well as the highway. Officers identified that they had no detailed information and factual evidence to contradict the application submissions and so had assessed on the basis of the submitted details which were found to be reasonable subject to conditions.

Since the previous Committee meeting the applicant has undertaken further detailed investigatory assessment of the piped culvert and found that in parts it is of a smaller scale diameter than previously identified in their submission. As such this reduces the capacity for accommodating surface water flow. In addition the Council's drainage officers raised queries as to the gradient of the piped culvert which again has implications for surface water flows capacity off the site. At the time of writing this query is being investigated and will be the subject of late items reporting. However, Drainage officers have confirmed that even should it be found that the piped culvert is not of a gradient as assumed and the off-site flow capacity is therefore not sufficient the matter can be addressed by the provision of additional on site surface water attenuation capacity. This could require the revision of the layout plan details provided to date and this will be confirmed in late items. The applicant team has revisited the FRA on the basis of the additional detailed survey information available to date as to capacity and has identified that there would be a requirement for either increasing the capacity of the piped culvert or increasing the provision for surface water attenuation on site.

Given that the piped culvert is not wholly within the applicant's control works to this cannot be secured by condition. The applicant has therefore opted to revise their proposals for on site surface water attenuation increasing capacity in this respect. Revised details have been submitted to the Council for consideration.

The Council's drainage officers have assessed the revised FRA and proposals in full detail. Officers consider that the increase on site capacity is sufficient to address requirements and ensure no off site or on site increased flood risk as a result of the development. This remains subject to the previously proposed and required Grampian condition to clear and clean the piped culvert of any obstruction and to maintain as such in the future. Also, it is subject to the confirmation of the gradient of the piped culvert or additional on site attenuation capacity as set out above. On this basis it is not considered that there is a sound and defensible case for refusing the application on the grounds of increased flood risk and inadequate provision for surface water drainage.

Wessex water maintain their position in respect of foul drainage in that no objection is raised subject to conditions requiring the submission and agreement of full foul drainage strategy details.

Landscape

The Council's Landscape Officer has raised objection to the application, particularly in respect of the lack of detail as to the landscaping approach to the northern site boundary. The concern here largely relates to the treatment of this part of the site and its relationship to open land to the north in the event that the proposed development in the wider site area (14/08060/OUT) doesn't come forward. As such this is not considered to be a fundamental objection of unacceptable harm to the character and appearance of the landscape or a direct conflict with landscape designations of local, regional or national importance.

It is considered that this matter can be adequately addressed by the use of condition requiring submission of landscaping details and including clear requirements for submission of separate details to address matters of phasing and delivery of development including reference to the wider site area and specifically the outline elements of the current application proposals. However in this context it should be borne in mind that the proposed conditions will require submission of reserved matters details within specified timeframes; also that the care home element of the scheme proposals has a confirmed provider / operator in place as referenced above.

It should also be noted that the applicant has sufficient land within their control to deliver adequate landscaping of the scheme proposals to the northern boundary. Furthermore the scale of development proposed has been reduced by the removal of the retirement apartments and as such there is greater scope for on-site landscaping to minimise impacts also. As such it is not considered that the concerns raised are such that consent ought to be refused on this basis and that the S106 and proposed conditions offer sufficient protection and mitigation to address matters satisfactorily and such that there is no conflict with the development Plan WCS Core Policies CP51 and CP57 alongside NPPF para 17.

Ecology

See Appendix A

The revised layout details including additional surface water attenuation result in no change to the assessed level of impacts on Ecological interests

Heritage Asset Impact

See Appendix A.

It is also noteworthy that the revised scheme proposals have reduced the scale of development proposed on this site and in this context it is considered that impact to the setting of the heritage asset is further reduced.

Archaeology

See Appendix A

The revised layout details including additional surface water attenuation result in no change to the assessed level of impacts on heritage assets.

S106 and Other Matters

The applicant has agreed to enter into a section 106 agreement to address the matters raised in this report.

A number of objectors have identified concerns in respect of noise, air and light pollution. Given the supporting information submission made in this respect the Council's Public Protection Officers have raised no objection to the scheme proposals subject to the use of conditions to provide restrictions on noise levels during the operational phase and further detailed submissions to address matters of potential noise impact from specific elements of the scheme proposals including mechanical plant and to include any necessary mitigation measures. This is considered to be an acceptable approach and in accord with WCS policies CP55 & CP57 of the WCS and requirements of the NPPF Paras 109 & 123. In this context consideration has also been given to relevant material circumstances including the existing neighbouring development of the newly developed sports club adjacent the site and the road network facilities in the immediate vicinity and adjoining development.

With respect to Design matters the detailed plans for the Retail Facility/Foodstore are considered to be of reasonable quality and appropriate to the prominent location. It is not considered that the character and appearance of the building would be significantly harmful such that consent ought to be refused. The Police Architectural Liaison Officer has recommended conditions controlling access to the related parking area in the interests of residential amenities and resisting potential for anti social behaviour out of operation hours and this is considered necessary and reasonable. The outline elements of the scheme have scale and layout including appearance as reserved matters for future consideration but the proposed site layout as shown on plan 152862/AP14A is considered to be acceptable in achieving a reasonable and appropriate standard of amenity for future users and occupants of the facility. Similarly it is not considered that the development would result in significant harm to existing residential amenities through loss of privacy, overbearing impact, loss of daylight or other intrusion through light or noise disturbance. Landscaping and access matters are addressed separately above but considered acceptable in design and layout terms also. In this context it is considered that the proposals acceptably address the requirements of the Development Plan WCS Core Policy CP57 and paras 17 & 56 of the NPPF.

10. Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*". Paras 2 & 11 of the NPPF reiterate and confirm this requirement. This is the starting point for determination

from a policy point of view. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

The application for retail foodstore and a care home is located outside the settlement boundary for Royal Wootton Bassett and would represent a significant extension of the built up area into the rural landscape on the northern edge of the Town. Significant housing growth has already been completed or is committed at the Town including large greenfield sites - additional housing growth over the planned development in core policy 19 is likely to lead to further out commuting contrary to Core Policy 1.

The preferred approach under national and local policy (NPPF para 17 & WCS CP1 & CP2) is that additional land to meet future growth in the Housing Market Area at Royal Wootton Bassett should be done through a proper plan led process. At the strategic level, this would enable the distribution of growth across the HMA to be considered comprehensively ensuring that the Spatial Strategy can be delivered and an appropriate balance of growth achieved at all settlements. At the more local Neighbourhood Plan level this would enable the community to address locally specific issues in their area through planned development. Whilst a Neighbourhood Plan is actively being prepared and significant work has taken place involving community consultation, the plan has not reached an advanced stage of preparation for the purposes of the guidance in the NPPF and cannot therefore be afforded significant weight. A similar position is evident in respect of the Council's own Site Allocations DPD preparation of which has now been delayed and the Lydiard Millicent Neighbourhood Plan.

Similarly the retail element of the scheme proposals outside of the town centre, not on an edge of centre site and within the open countryside is not in accord with the spatial strategy set out in CP1, CP2 and CP19.

Whilst this proposal is contrary to the Delivery Strategy of core policy 2, in particular by virtue of its location and core policies 1 and 19 of the adopted Wiltshire Core Strategy which set out how the sustainable development of Royal Wootton Bassett can be achieved the RIA identifies that there are no sequentially preferable sites and that given the current spend leakage the proposals will not result in significant harm to the vitality and viability of the Town Centre. In these circumstances CP38 does allow for development to proceed in these locations and policies CP1 CP2 and CP19 are considered in this context and alongside the advice and approach contained in the NPPF paras 24, 25 & 26.

The proposal would result in the loss of open countryside around the town as a result of the development in the open countryside contrary to the NPPF requirement to take into account the intrinsic character and beauty of the countryside (paragraph 17, NPPF) and WCS CP51. However it is important to note that the land is not subject to landscape designations and that there is existing and recent development in this location and beyond the defined settlement boundary and development limits of the town. The harm identified is consequently proportionate to this situation. It is also necessary to weigh in the balance here the benefits of development beyond boosting the supply of land for housing for elderly persons. In this context the development will deliver a significant boost to the economy through construction, job creation at the retail store and care home and the spending and financial contributions of the additional population.

The application as submitted has been considered in detail by Council Officers in respect of Ecology, Highways and Drainage and adequate information has now been submitted to enable officers to be satisfied that the development would not have a detrimental impact on these matters or the surrounding area.

Similarly in respect of archaeology the applicant has now submitted the necessary report to enable the Council's Archaeologist to assess the importance of the site and therefore provide advice of no objection subject to condition. The harm to the undesignated below ground heritage assets is balanced by the benefits arising and therefore considered to accord with the requirements of the NPPF and outweighing the conflict with CP58.

It is considered that the scheme proposals submitted in detail provide an acceptable design in respect of the development proposed and the sensitivities and character and appearance of the location. The site layout proposed is considered to be acceptable and achieve an adequate level of amenity and appropriate access and movement arrangements subject to the S106 requirements identified and relevant conditions. Given that this is also in part an outline planning application and matters of layout, scale and landscaping are reserved it is considered that outstanding issues can readily be addressed through the reserved matters application process.

The development will result in a range of social and economic benefits including the provision of specialist housing to meet the needs of the elderly. In addition the proposals will deliver economic growth through construction; job creation within the retail and care home elements of the wide scheme and the spending and financial contributions of the new population.

It is important to note that both policies CP38 and CP46 of the Wiltshire Core Strategy do allow for these forms of development to come forward in these locations subject to certain criteria and assessments. The necessary assessments have been provided and the criteria consequently have been met.

On balance it is considered that with the proposed conditions and necessary S106 agreement in place that the development constitutes sustainable development under the guidance and requirements of the NPPF as referenced in para 7.

This proposal has been considered against both local and central government guidance and policies. The proposed development is seen to accord with the relevant policies contained within the Core Strategy namely policies, CP38 & CP46 when all relevant material considerations and circumstances are taken into account. On this basis it is considered that the proposals as revised accord with the development and under national guidance should therefore be granted consent.

RECOMMENDATION

Authority is delegated to the Head of Development Management to GRANT planning permission subject to the conditions listed in this report and the signing of a Section 106 agreement to address Affordable Housing, Highways Works, Waste/Recycling Facility contributions within 6 months of the date of the resolution.

In the event that the applicant fails to complete the required S106 agreement within the identified timeframe to REFUSE permission for the following reason:-

The application fails to meet the identified and necessary supporting services and infrastructure requirements generated by the development, including Affordable Housing, Highways Works, Waste/Recycling Facility contributions and is therefore in conflict with Wiltshire Core Strategy (Adopted January 2015) Core Policies CP3, CP43 & CP61 and National Planning Policy Framework (NPPF) paras 2, 7, 17 & 196.

CONDITIONS

Outline Elements of the Scheme Proposals – (Care Home)

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

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

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

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

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

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

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

4. The care home hereby permitted shall not be brought into use until those parts of the Care Home 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 Care Home Travel Plan for a period from first use until at least 2 years following first use.

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

5. Prior to first use of the care home the parking and turning areas associated with the care home shall have been provided and shall thereafter be maintained and kept available for the parking and turning of vehicles.

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

6. Each unit of the residential care home hereby permitted shall be occupied only by:

- persons of state pensionable age; [or whatever age is considered appropriate]; or
- persons living as part of a single household with such a person or persons; or

- persons who were living as part of a single household with such a person or persons who have since died.

REASON: The units of the residential home/sheltered accommodation have been designed for occupation by persons who satisfy the above criteria and are unsuitable for family housing.

Full Elements of the Scheme Proposals (Retail foodstore)

7. 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.

8. Prior to the first opening and operation of the foodstore/retail unit hereby permitted detailed proposals for the restriction of access to the related parking areas during non opening times shall be submitted to and approved by the Local Planning Authority.

REASON: In the interests of residential amenity and for the avoidance of anti social behaviour.

9. The Foodstore hereby permitted shall not be brought into use until those parts of the Foodstore 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 Foodstore Travel Plan for a period from first use until at least 2 years following first use.

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

10. Prior to first use of the foodstore the parking and turning areas associated with the foodstore shall have been provided and shall thereafter be maintained and kept available for the parking and turning of vehicles.

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

11. 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

12. The development hereby permitted shall not, at any time, be subdivided into a larger number of units.

REASON: To enable the Local Planning Authority to consider individually whether planning permission should be granted for additional units on the site.

13. The site shall be used for A1 retail and for no other purpose (including any other purpose in Class 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 is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

14. The development hereby permitted shall not be brought into use until a plan showing the precise location of any areas of open storage and specifying a maximum height of open storage within such area(s) has been submitted to and approved in writing by the Local Planning Authority. No materials, goods, plants, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored on the site outside the approved storage area, or above the height agreed as part of this condition.

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

15. 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.

16. The development hereby permitted shall not be brought into use until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority, and; the approved refuse storage has been completed and made available for use in accordance with the approved details. The approved refuse storage shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of public health and safety.

17. The development hereby permitted shall not be brought into use until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved 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.

18. 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), no mezzanine or other form of internal floor to create a first floor level shall be constructed in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

Conditions Applicable Site Wide / All Elements of the Scheme Proposals

19. Prior to first use the access to Malmesbury Road shall have been provided, as detailed on plan number TA6 with the exception of visibility which shall be as set out below.

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

20. Prior to first use the access to Malmesbury Road 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 126 metres to the west and 129 metres to the east.

REASON: In the interests of highway safety.

21. Prior to first use the advance direction sign to the west of the access to Malmesbury Road shall have been relocated to a position out of the required visibility splays in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety.

22. Prior to first use the access to Hook Road shall have been provided, as detailed on plan number AP14A including alterations to the kerb lines to achieve visibility.

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

23. Prior to first use the access to Hook Road shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 120 metres to the north and 70 metres to the south-west.

REASON: In the interests of highway safety.

24. No development shall commence until a foul water drainage strategy is submitted to and approved by the Local Planning Authority in consultation with Wessex Water acting as the Sewerage undertaker.

- A drainage scheme shall include appropriate arrangement for the agreed points of connection and the capacity improvements required to serve the proposed development phasing;
- A drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

REASON: To ensure that proper provision is made for the sewerage of the site and that the does not increase the risk of sewer flooding to downstream property.

25. The development hereby permitted shall not be occupied until the approved [sewage disposal] & [surface water drainage] works proposed have been completed in accordance with the submitted and approved details. This shall include the thorough cleansing, cleaning and removal of all materials and potential blockages from the existing piped drainage/culvert proposed for use as part of the Surface Water Drainage network/system prior to the first occupation of the dwellings hereby approved. The applicant shall notify the Council including Drainage and Highways Maintenance Teams of commencement and completion of the drainage clearance and cleaning works. The works shall be subject to assessment and approval by the Council.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

26. All building services plant shall be so sited and designed in order to achieve a Rating Level of -5dB below the lowest measured background noise level at any time, determined at the nearest noise sensitive receptor.

REASON: In the interests of residential amenity

27. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of residential amenity

28. No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. Dust suppression covering earth works and spoil heap storage
- iii. The cutting or other processing of building materials on site;
- iv. Wheel washing and vehicle wash down facilities;
- v. The transportation and storage of waste and building materials;
- vi. The recycling of waste materials (if any)
- vii. The loading and unloading of equipment and materials
- viii. The location and use of generators and temporary site accommodation
- ix. Pile driving (If it is to be within 200m of residential properties)

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

29. No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialists ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s)

during construction and immediately post-completion of construction works.

j) Protection of Ballards Ash Protected Road Verge

k) Mitigation measures set out in the Ecological Appraisal report (Aspect Ecology, 2016), particularly measures MM1, MM2, MM3, MM6

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

30. Prior to the Commencement of development takes place, a reptile method statement shall be submitted to the local planning authority for approval. Development, including ground/site/vegetation clearance, a detailed methodology for the capture and translocation of reptiles and details of the proposed receptor site and its long-term management, shall be carried out in accordance with the approved method statement or any amendment as approved in writing by the local planning authority. Reptile translocation shall be carried out and the receptor site shall be maintained in accordance with the approved plan, unless otherwise in agreed in writing by the local planning authority.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

31. Prior to commencement of development, a Landscape and Ecological Management Plan shall be prepared and submitted to the local planning authority for approval. Details within the LEMP shall include, but not necessarily be limited to, the following:

- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species
- b) Description and evaluation of features to be managed; including location shown on a site map
- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures.

The development site shall be managed and maintained in accordance with the measures set out in the approved plan in perpetuity unless otherwise agreed in writing with the local planning authority.

32. No development shall commence within the development area until:

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

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

33. 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.

34. No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

- tree(s), 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

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

36. 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

37. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837:

2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local

Planning Authority, and;

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

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

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

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals

shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

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 enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

38. No development shall commence on site until a landscape management plan, 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.

39. The development hereby permitted shall be carried out broadly in accordance with the following approved plans:

152862/AP14C; Site Layout

5319/ASP2 REV G; Landscape Masterplan

5319/ASP3 REV I. Landscape Strategy

Received 6 March 2017

AP01 Site Location Plan

AP16 Proposed Foodstore Ground Floor Plan

AP19 Proposed Foodstore Elevations

AP20 Proposed Foodstore Roof Plan

AP16 Proposed Apartments Ground & First Floor Plans

AP25 Proposed Care Home Ground & First Floor Plans

Planning Statement

Design & Access Statement

Ecological Assessment

Noise Survey

Flood Risk Assessment (as amended and updated March 2017)

Archaeological Geophysical Survey

Transport Assessment

Landscape Supporting Statement

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

40. Development shall not commence until details for the provision of a water supply and fire hydrants necessary to meet the fire-fighting needs of the development (including the installation arrangements and the timing of such an installation) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the agreed details.

REASON: To ensure that adequate measures for fire-fighting can be incorporated into the development, including the construction phase.

INFORMATIVES:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

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

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

The applicant should note that the costs of carrying out a programme of archaeological investigation and recording will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any [protected species](#), or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced [ecologist](#) and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's [website](#) for further information on protected species.

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

There are ordinary watercourses within or in close proximity to your site. If you intend to obstruct the flow in the watercourse (permanently or temporarily, including culverting) you will require prior Land Drainage Consent from Wiltshire Council as the Lead Local Flood Authority. You are advised to contact the Drainage Team to discuss their requirements:- <http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm>

NOTES TO APPLICANT

Sustainable Construction

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

Appendices:

Background Documents Used in the Preparation of this Report:

**APPENDIX A
REPORT TO THE STRATEGIC PLANNING COMMITTEE**

| | |
|----------------------------|---|
| Date of Meeting | 8th February 2017 |
| Application Number | 16/06995/FUL |
| Site Address | Land North of Malmesbury Road, Royal Wootton Bassett SN4 8AY |
| Proposal | Hybrid Application for a 2,469 m2 (GIA) supermarket with access and landscaping (detail), up to 33 senior living units and Class C2 care home of up to 3,000 m2 (outline). |
| Applicant | Leda Properties Ltd and Lidl GmbH UK |
| Town/Parish Council | Lydiard Tregoze |
| Division | Wootton Bassett East – Councillor Mollie Groom |
| Grid Ref | 407568 183792 |
| Type of application | Hybrid Full & Outline Planning |
| Case Officer | Lee Burman |

Reason for the application being considered by Committee

The application was called in for committee determination by the Local Ward Member Cllr Mollie Groom to consider the impact of development in respect of :-

Outside of the settlement boundary/Outside the primary and secondary frontage
 Whether or not unsustainable environmentally and would result in a loss of green land
 Possible coalescence with Hook, Lydiard Millicent and West Swindon
 Surface water drainage
 Sewage outage
 Flood Plain
 Senior living accommodation has already been addressed in RWB with the Wainhomes application
 Curtilage to Grade 2 listed building (Marsh Farm)

1. Purpose of Report

To consider the application and recommend that authority be delegated to the Head of Development Management to GRANT planning permission subject to the conditions listed in this report and the signing of a Section 106 agreement to address Affordable Housing, Highways Works, Waste/Recycling Facility contributions within 6 months of the date of the resolution.

In the event that the applicant fails to complete the required S106 agreement within the identified timeframe to REFUSE permission for the following reason:-

The application fails to meet the identified and necessary supporting services and infrastructure requirements generated by the development, including Affordable Housing, Highways Works, Waste/Recycling Facility contributions and is therefore in conflict with Wiltshire Core Strategy (Adopted January 2015) Core Policies CP3, CP43 & CP61 and National Planning Policy Framework (NPPF) paras 2, 7, 17 & 196.

2. Report Summary

3 Letters of Support; 318 Letters of Objection including a petition of 52 signatories objecting to this application and 14/08060/OUT; and 70 Letters making comments. Lydiard Tregoz Parish Council raised strong objection to the scheme proposals; Royal Wootton Bassett Town Council objects to the scheme proposals.

3. Site Description

The application site forms the southern section of the wider area proposed for development under 14/08060/OUT and lies directly adjacent to and immediately north of the Malmesbury Road/B4041 stretching westward from the Coped Hall Roundabout and adjacent to the Hook Road/A3102 to the north adjacent existing properties fronting that road. The application site area is 2.80 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. The application site boundary partially extends around the adjacent roads in two locations to the south and east providing the two site access points.

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 and a known location of archaeological interest and potential.

To the southwest, across the B4042, are residential properties of relatively modern character, whilst to the east, across the A3102, are agricultural fields. To the west is an area that has been recently developed to accommodate a new 'sports hub' comprising a range of facilities for rugby, cricket, football and tennis. Along the A3102 frontage there is a single residential property and the Marsh Farm Hotel.

The Coped Hall roundabout to the south west of the site is a key gateway into Royal Wootton Bassett from Swindon and the M4 and is the focus for a range of commercial activities including a car sales garage, public house, Travis Perkins builders merchants and a Rapid Hire tool and plant hire centre.

4. Planning History

| | |
|--------------|--|
| 13/07291/SCR | Screening Opinion as to Whether an Environmental Impact Assessment is Required in Respect of Proposed Mixed-Use Development |
| 14/08060/OUT | Mixed Development of up to 320 Dwellings, Community Hub Comprising of 500sqm of A1/A2/A3/A4/A5/D1 & D2 Uses, Public Open Space, Landscaping, Extension to Approved Sports Hub & Access |
| 14/08081/FUL | 2800sqm Community Food Store, Senior Living Development of 33 Units (Outline), Highways & Landscaping Works |

| | |
|--------------|--|
| | Withdrawn |
| 15/05092/FUL | Cable Route (Option D) to Support Planning Permission: 14/06989/FUL at MOD Lyneham, Lyneham, Chippenham, SN15 4PZ. Withdrawn |

The application site itself has not been the subject of any previous planning applications but there have been a number of applications on adjacent sites and properties.

5. The Proposal

The application description of development is set out above and proposes the erection of a 2,469 m² (GIA) supermarket with access and landscaping for use by Lidl. This part of the application is submitted in full detail.

The application also includes proposals for up to 33 senior living units Class C3 for occupancy by retired persons of 65 years plus built as apartments with shared communal spaces. In addition the proposals included erection of a Class C2 care home of up to 3,000 m². These elements of the application are submitted in Outline with all matters reserved except for access.

This application amends the previous scheme proposals submitted and withdrawn under application reference 14/08081/FUL by reducing the scale of the proposed retail store by 331m², reducing the proposed parking by approximately 87 spaces, and by the introduction of the care home element. The introduction of the care hope has been facilitated by the reduced retail floorspace and related parking. As noted in the report elsewhere on the committee agenda for app 14/08060/OUT this element of the scheme proposals in terms of the wider site area has been the subject of various revisions but these are now replaced and amended by this application before the Council. The relevant site area is shown on plan reference 152862/AP01 and the layout on the proposed site layout plan ref 152862/AP14A.

The application is supported by:-

- Planning Statement
- Design & Access Statement
- Retail Assessment
- Ecology Report
- Noise Report
- Air Quality Assessment
- Archaeological Report
- Care Home Travel Plan
- Food Store Travel Plan
- Flood Risk Assessment
- Landscape & Visual Impact Assessment

- Transport Assessment
- Proposed Site Layout
- Care Home Indicative Plans (Outline)
- Indicative Retirement Apartments Plans (Outline)
- Detailed Foodstore Plans
- Landscape Strategy
- Landscape Masterplan

As a hybrid planning application the developer is able to establish the principle of a proposed development in part before embarking on the costs of preparing fully detailed plans for all elements of the scheme proposals. This also allows some flexibility as to the future design and layout in order to address operator and development partner detailed specification requirements. The reserved matters are defined at Article 2 of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2015) as:

- (a) access;
- (b) appearance;
- (c) landscaping;
- (d) layout; and
- (e) scale.

In this instance the developer has submitted full details in respect of the foodstore with no matters reserved; and only submitted details in respect of access all in relation to the care home and retirement apartments with all other matters reserved.

6. Planning Policy

National Policy

- National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) Sections 6, 11 & 12; paras 2, 7, 11, 14, 17, 24, 25, 26, 32, 34, 49, 56, 60, 103, 109, 118, 123, 128, 129, 131, 132, 134, 196, 197, 210, 216 are of particular relevance but this is not an exclusive and/or exhaustive listing and further para references of relevance are made throughout the report.

Planning Practice Guidance

Development Plan

- Adopted Wiltshire Core Strategy (January 2015)
- Saved policies of the North Wiltshire Local Plan 2011
- H4 Residential outside framework boundary
- NE14 Trees
- NE18 Noise and pollution

The policies within the Core Strategy that are of particular relevance to the consideration of this proposal are listed below.

- 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 41: Sustainable construction and low carbon energy
- Core Policy 43: Providing affordable homes
- Core Policy 45: Meeting Wiltshire's housing needs
- Core Policy 46: Meeting the needs of Wiltshire's vulnerable and older people
- 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 67: Flood Risk
- Core Policy 68: Water Resources

Emerging Development Plan

- Wiltshire Housing Site Allocations Development Plan Document
- Royal Wootton Bassett Neighbourhood Plan
- Lydiard Tregoz Neighbourhood Plan

Other considerations

- Housing Land Supply Statement 2016 (published November 2016)

7. Consultations

Highways Officers - No objection subject to S106 agreement to address the following matters:

Construction of the access works on Malmesbury Road outlined on plan TA6 including a right turning lane, pedestrian refuge, two bus shelters including perch seats and flag brackets, 3 metre cycleway from the eastbound bus layby to Coped Hall Roundabout, 2 metre footway from the westbound bus layby to Old Malmesbury Road, and a 2 metre footway from the end of the above cycleway to a point 25 metres north of the care home access to Hook Road.

Alterations to street lighting as required to ensure that the lighting between Coped Hall roundabout and the western end of the development frontage is in accordance with BS5489-1;2013 BS EN 123201-2 2003.

Capacity improvements to Coped Hall roundabout as outlined on plan number SK 1850-01-101.

Also conditions to address visibility splays provision, parking provision, Travel Plan submission and agreement which are included in the list of suggested conditions with this report.

Spatial Planning Team – Concluded that evidence will be required from the New Housing Team in terms of the care home and senior living accommodation; and through technical work commissioned by the Council in relation to the retail element. This evidence, along other material considerations such as housing supply, will need to inform the general planning balance. The full advice and issues raised for consideration are addressed in the main body of the report particularly in the Principle of Development Section.

Waste & Recycling Team – Support subject to condition requiring submission of details of waste collection functioning and S106 contributions of £2,948.00 for refuse collection facilities on site.

Wessex Water – No objection subject to condition requiring agreement of foul drainage strategy and details.

Drainage Team – Initial objection by consultants working on behalf of the Council. Following further detailed submissions and direct contact with the Council's lead Drainage engineer for this site/locality objection has been withdrawn on both applications subject to the use of Grampian condition requiring the clearing and cleansing of the piped culvert leading off site proposed to take surface water flows from the whole development proposal. The applicant has agreed to use of this conditional approach.

Public Protection - no objection subject to conditions on hours of delivery for the supermarket; Submission and agreement of an Acoustic Report specifically in respect of proposed mechanical plant to include necessary mitigation measures; Noise limits for fixed mechanical plant; Hours of Construction; and Construction Management Plan.

Ecology – Support subject to subject to conditions to address Landscaping, Drainage, Construction Environmental Management Plan, Ecological Management Plan and Reptile Mitigation Strategy.

Archaeology – Following submission of archaeological investigations report support subject to condition requiring written scheme of archaeological investigation and recording.

Affordable Housing – Identifies that the C3 retirement apartment elements of the sachen as C3 market units with no significant element of care support provided attract an Affordable Housing requirement at 40% Officers indicate that an off-site financial contribution may be acceptable but given the Outline application status of the proposals it is not possible to define the scale of contribution required at this stage.

Highways Agency – No objection

Police Liaison Officer – Support subject to out of hours restriction on access to the car parking.

Landscape Officer – Objects on the grounds that there is no detailed landscape strategy or proposals for the land to the north of the site and no certainty that the proposals for residential development in that locality will come forward.

GVA Grimley 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 but in summary the consultants conclude that the requirements of the NPPF and WCS CP38 are addressed. In particular that the sequential test has been addressed and there are no sequentially preferable sites available. In this context GVA consider that the applicant has demonstrated sufficient flexibility of approach to the operation in considering alternatives. Furthermore, that the proposed development would not result in significant harm to the vitality and viability of the Town Centre of Royal Wootton Bassett. As such no objection on these grounds is identified.

Trees Officer – Sought additional information which the application has provided as far as is possible in the context of the Hybrid application format. No objection raised subject to conditions requiring details of tree removal prior to the commencement of development.

Urban Design – No comments

Adult & Social Care – No Comments

Economic Development - No comments

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 site.

Lydiard Tregoz Parish Council – Strong Objection. Proposed supermarket would be detrimental to existing businesses in Royal Wootton Bassett; Additional Traffic would result in harm to the dangerous roundabout adjacent; Additional Light Pollution to that created by the Rugby Club; Wrong Location for a care Home; Parish Housing Need Survey 2015 identified a requirement for four dwellings of specified types for elderly, low cost and life time homes types; Emerging neighbourhood Plan seeks to resist coalescence with Royal Wootton Bassett or Swindon and there is an unresolved objection in this respect to the related application for residential development on adjacent land.

Royal Wootton Bassett Town Council - object to the application for the following reasons:-

- The proposed development falls outside the settlement boundary as defined by the saved policies of the North Wiltshire Local Plan and the emerging RWB Neighbourhood Plan. The delivery strategy as defined by CP2 of the Wiltshire Core Strategy states that there would be a presumption in favour of sustainable development if the site was within the settlement limits, therefore this application contravenes CP2.
- The site is outside of the primary and secondary retail frontage areas as defined by the saved policies of the North Wiltshire Local Plan, and therefore the Core Strategy.
- There is no evidence to support the need for further provision of senior living units within the RWB area, only for Wiltshire as a whole. Recent planning applications within the town,

such as that for Lower Woodshaw, have shown that senior living units and care homes are not required and have not been marketable.

- The location is not suitable for senior living apartments due to being remote from amenities and services such as doctor's surgeries.
- There is no comprehensive plan for the disposal of surface water and sewage.
- The development represents further coalescence with Hook, and therefore West Swindon.
- Additional hard standing would create a flood risk. Increased surface water run off could compromise Jubilee Lake, a local nature reserve.
- The site falls within the curtilage of a Grade II Listed Building in Marsh Farm.
- Having a store in an out-of-town-centre location threatens the vitality of the High Street, thus undermining the work of local organisations such as the Town Team.
- There is currently a vacant unit in the town centre which used to house a supermarket.
- The retail report undertaken by Mango is erroneous; the Committee disputes the findings of the sequential assessment.

8. Publicity

The application was advertised by press notice, site notice, neighbour notification letters, notification to local organisations and publication of the Council's weekly list and application details to the Council's website.

318 representations of objection and 70 representations raising comments were made. Objections included a petition of 52 signatories which raised objection jointly to this application and 14/08060/OUT. Matters addressed in the submissions can be summarised as follows:-

- Further housing development unjustified/unnecessary with the housing target for the area met;
- The retail element is out of town development, outside of defined retail frontages and harmful to the town centre; and will draw trade and activity away from the town centre;
- Empty/Vacant supermarket facility within the town centre which is a more appropriate location;
- Development is outside the settlement framework boundary;
- Hook village does not require further development and the character of the village would be lost if development proposed is permitted;
- No requirement for elderly persons accommodation – needs are met;
- Site unsuitable for elderly persons accommodation;
- Flooding risks and history of flooding in this locality;
- Existing highway network heavily congested and further development will worsen this situation;
- Application site address incorrect;
- Local services and facilities e.g. Education, dentists and GP surgeries over capacity and cannot serve additional population;
- Local infrastructure e.g. drainage, electricity, water supply over capacity and unable to serve additional population;

- Application site unsustainable and poorly served by public transport and remote for existing residential areas;
- Supporting information including retail assessment is inadequate with adequate convenience floorspace provided in the town centre already and the shortage being in comparison floorspace;
- Inaccurate baseline figures include in supporting documentation e.g. population;
- Over development of the site;
- Development will result in light pollution and this is not assessed;
- Inadequate detail re: foul sewerage provision;
- Coalescence with Swindon and urban sprawl of Royal Wotton Bassett is opposed;
- Access proposal inadequate and do not provide for safe pedestrian access, Pedestrian and cycle provision accessibility in the locality currently unsafe (local accidents referenced) and this will be worsened;
- Existing routes to school are not safe and will be worsened, currently all children are driven to school;
- Harm to landscape and visual amenity of the locality;
- Air & noise pollution will increase;
- Travel Plan will not be effective and people will still travel by car;
- Jobs created will be low value employment and this is not a significant benefit

Dorset & Wiltshire Fire Authority – Objects as contrary to WCS CP3 & CP57 due to lack of provision for Fire Service infrastructure. The Fire Authority considers that their objection can be overcome by the use of a condition requiring the submission, agreement and provision of necessary infrastructure.

3 letters of support submitted identifying a need for shops and consequently residents have to out commute for shopping needs.

9. Planning Considerations

Introduction

Two applications for this site were submitted together to run in parallel. One of these applications (14/08081/FUL) was withdrawn and a revised proposal was resubmitted under ref 16/06995/FUL. 14/08060/OUT was held in abeyance while this took place and to allow for issues raised during consultation to be addressed with further and revised submissions. In addition the application was subject to alteration in form, as described above and below.

14/08081/FUL was a hybrid planning application and proposed a supermarket, care home and access from both the A3102 and the B4042. The plans submitted for the access and retail store were in full but the plans for the care home was in outline. This application was withdrawn when the identified anchor for the retail unit (Tesco) withdrew from the scheme. A revised Hybrid Application for a 2,469m² (GIA) supermarket with access and landscaping (Full detail), up to 33 senior living units and Class C2 care home of up to 3,000m² (Outline) with Lidl as the retail store anchor was submitted and registered under ref: 16/06995/FUL and this is now the subject of this report.

14/08060/OUT is an outline application for a comprehensive mixed use development of up to 320 dwellings, a community hub comprising up to 500 square metres of A1/A2/A3/A4/A5/D1/D2 uses, public open space, landscaping, an extension to the approved sports 'hub' facilities, and access. The application is made in outline with everything except access reserved for subsequent approval. However, as initially submitted the outline application description related to the housing and associated works only, the description did not include the site area covered by application 14/08081/FUL (as referred to above) which

was included within the redline. As noted above this application has since been withdrawn and revised proposal over this part of the site area submitted as a further Hybrid application.

This area of land was marked on the plans as being for retail and care home. As these uses were not included in the description the agent was advised to either change the description to include these elements, to change the redline boundary or remove these elements from the plans.

The agent chose to submit an amended site plan indicating the whole site for residential development with the associated development. Whilst officers raised concerns in relation to the possible complications that this could cause the applicant at a later date the agent confirmed that this was their preferred course of action.

Therefore the outline application 14/08060/OUT relates to the whole site outlined in red and is for mixed use development of up to 320 dwellings, a community hub comprising up to 500 square metres of A1/A2/A3/A4/A5/D1/D2 uses, public open space, landscaping, an extension to the approved sports 'hub' facilities, and access. Albeit this is now further amended by the submission of this related Hybrid application 16/06995/FUL on part of the site.

In accordance with Regulation 5(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 the applicant requested a Screening Opinion as to whether the wider development of the site required an Environmental Impact Assessment (EIA). In response to that request, the Council confirmed that the proposal would not be likely to have significant effects on the environment by reason of factors such as its nature, size and location and that, consequently, an Environmental Statement would not be required.

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*". Paras 2, 11, 196 & 210 of the NPPF reiterate and confirm this requirement. This is the starting point for determination from a policy point of view. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

The Wiltshire Site Allocations DPD, the Royal Wootton Bassett Neighbourhood Plan and the Lydiard Millicent Neighbourhood Plan have not reached an advanced stage of preparation at the time of writing, although significant work in preparing drafts and consulting the local community has been undertaken by the Town Council particularly in respect of the Royal Wootton Bassett Plan. However as yet these plans have not been submitted for examination and have not been through the process of examination or are the subject of an Inspector's report. On the basis of the guidance in the NPPF para 216 and as defined in case law little weight can be attached to these plans in the application determination process at this point in time.

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.

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.

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*".

The limits of development of the Market Towns have been carried forward into Core Strategy and retained. These boundaries will be reviewed as part of the Wiltshire Housing Site Allocations DPD, as set out in the Council's Local Development Scheme (LDS) in order to ensure that they are up to date and adequately reflect changes which have happened since they were first established. This approach was supported by the Core Strategy Examining Inspector. The LDS has been the subject of recent review and the timetable for the preparation of the Site Allocations DPD has now been set back by around 6 months. As noted above it has not yet reached an advanced stage of preparation and little weight could be attached to this DPD.

Core Policy 2 sets out the delivery strategy. Paragraphs 4.24 and 4.25 recognises that there are a number of sources of supply for new housing across the Plan period including allocations within the Core Strategy, existing commitments, windfall sites and sites identified through future site allocations DPDs and neighbourhood plans. The delivery strategy seeks to prioritise the re-use of previously development land and supports the development of sites within the limits of development. It requires a plan led approach to the identification of sites on the edge of settlements outside of the limits of development to allow local people to shape their communities and consider alternative sites. As noted above a Neighbourhood Plan for Royal Wootton Bassett is in preparation and the Town Council has undertaken considerable work consulting the community and preparing drafts for consultation. However for the purposes of the NPPF and as established through case law the draft plan but has not reached an advanced stage as yet and as such little weight can be afforded to this plan.

The spatial strategy for the town is set out in core policy 19 and paragraphs 5.94-5.99, which is discussed further below.

C3 Retirement Apartments Element

The proposed housing development is in open countryside outside the settlement framework boundary for Royal Wootton Bassett. It is therefore in conflict with Core Policy 2 of the WCS.

Settlement boundaries are included in the Plan to provide a decision making tool to ensure encroachment into the countryside is managed, to prevent the unrestricted sprawl of towns, villages and hamlets into the surrounding countryside and to maintain the separate identity and character of settlements, prevent their coalescence and the erosion of largely undeveloped gaps. Essentially they enable the Plan to deliver growth sustainably in Wiltshire. This is supported by the NPPF which advocates a plan-led system which '*... provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency*' (Paragraph 17, page 5, NPPF).

Despite the NPPF's emphasis on housing delivery it also promotes explicitly the plan led approach to growth. The adopted Wiltshire Core Strategy has a clear strategy for the sustainable delivery of housing development (see paragraph 2.6); it releases new land for development through allocations and enables additional development sites to come forward outside the settlement boundary in appropriate circumstances (paragraph 4.25, WCS). It is a plan that has recently been examined and found to be sound and in accord with the NPPF. The housing element of the proposal does not relate to any of the specified policy provisions which allow development to come forward outside settlement boundaries and is not an allocated site for development.

The market housing proposal submitted under 14/08060/Out is addressed in the report for that application elsewhere on this agenda. The housing element of the application scheme (C3 retirement apartments) is also contrary to core policy 2 in terms of being outside the settlement boundary and it is not being brought forward by either the Royal Wootton Bassett Neighbourhood Plan, Lydiard Tregoz Neighbourhood Plan or the Wiltshire Housing Site Allocations Plan. However, these plans are in the early stages of preparation under the terms of the NPPF and as defined in case law so cannot be afforded significant weight. Although these plans do afford a method for additional housing to be brought forward in a plan led way in accordance with both the NPPF (para 17) and the core strategy. It is also noted that concerns have been raised as to possible coalescence of Royal Wootton Bassett with both Hook and Swindon. The application and the wider development scheme including 14/08060/OUT will extend beyond the defined settlements framework boundary into what is therefore identified as open countryside and do represent a significant scale of development. However it is not considered that taken together or individually the development proposed would result in and of itself in coalescence. It is the case officer's opinion that a significant degree of physical separation would remain between the settlements both in factual and perceived terms. When considered in the context of other material matters such as housing land supply requirements the extension of the town through this development and related concerns as to coalescence are not considered to represent a sound a defensible reason for refusal.

Core Policy 19 sets out the strategy for Royal Wootton Bassett and its community area and identifies an indicative requirement of approximately 1,455 new homes in the Community Area of which about 1,070 homes should be provided at Royal Wootton Bassett. This is expressed as a 20 year figure covering the period 2006 to 2026. The latest published monitoring data (November 2016) identifies that 896 homes have been completed at 1 April 2016 (84% of the indicative requirement in the first 10 years of the Plan period) and a further 258 homes are committed. This is 84 homes or 8% more than the indicative requirement and shows that the requirement for Royal Wootton Bassett has already been met.

On this basis it could be considered that there is no immediate need to release additional housing at the town particularly as a good supply of housing is available and in excess of 500 homes have been delivered in the past 3 monitoring years.

However in relation to HLS the requirements of the NPPF (in particular para 49) and well established case law identify that assessment is to be made on the basis of the relevant housing market area (HMA), in this instance the North & West HMA. The latest figures published figures (Nov 2016) identify that within the HMA there is a supply of 5.13 years available and deliverable. The NPPF requires that a supply of 5 years plus buffer contingency of between 5% and 20% (dependent on past rates of delivery) brought forward from the end of the defined supply period be available. It is the Council's position that past rates of delivery require a 5% buffer to apply and this equates to 5.25 years requirement. The Council therefore cannot demonstrate the required HLS and this is a material consideration that is weighed in the planning balance at the end of this report.

The level of development propped at 33 units is not insignificant and falls to be considered as major being beyond the definition of 10 or greater units.

The Core Strategy recognises that out commuting is an issue for the town due to the proximity of Swindon and that it has a dormitory role (e.g. paragraph 5.95). The Community Area housing requirements have been set out in the Plan to ensure that development is distributed broadly in line with the Spatial Strategy (Core Policy 1). In counter balance to this it must be noted that the development proposed will significantly boost the supply of land for housing in the HMA meeting people's needs for accommodation, especially those persons of retirement age and this can be restricted by condition as proposed in the list attached to this report. This element of scheme will make provision for affordable housing via off site financial contributions of which there is well established need in this HMA. In addition the development will result in other benefits in terms of the boost to the economy of construction; job creation within the retail and care home scheme elements; and the additional population and their related spending on goods and services. These are also material considerations to be weighed in the balance.

Care Home Element

WCS core policy CP 19 does not identify requirements or priorities for provision in this respect. The Council's Adult Care Team has not commented to identify demand similarly has not identified objection or no demand. It is well established at Wiltshire and National level however that the UK is experiencing an ageing population and requirements in this respect are increasing on an on-going basis and seriously impacting non public sector service provision requirements. In this broad context provision by the private sector must be welcomed in principle and to suggest that there is no requirement is not considered to be a justifiable and defensible basis for refusal of the application. In this context WCS Core Policy CP46 and supporting paras 6.53 – 6.55 clearly identifies and confirms this position and that there will be a need to make a wide range of forms of provision to meet this identified need.

CP46 does allow for specialist provision for the elderly to come forward outside of the defined settlements. In this context it is important to note that whilst outside the defined boundary of the settlement the site and proposal is very closely related to the boundary sitting on the outskirts of the town. In this context it is considered that services and facilities are reasonably accessible. The scale of development proposed is considered proportionate to the scale of the town. Environmental and landscape considerations are addressed below. As to need the applicant has confirmed that there is a contract agreed by an operator / care home provider which is considered to be a clear expression of demand. It is noted that many objectors have referenced approved schemes elsewhere in the locality and in particular at Brynards Hill/Lower Woodshaw. This scheme did not come forward and has not been implemented with a revised housing consent approved. In part the justification for the revised scheme at that site was a lack of a provider for the care home. This is considered to be addressed by the confirmed operator for the facility herein proposed.

It should also be noted that there are other scheme benefits in terms of job creation and the economic benefits arising from construction which also weigh in favour of the scheme proposals.

Retail Element

With respect to the foodstore element of the scheme proposals 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. This provision has been defined by the courts through case law e.g.

- Tesco Stores Limited (Appellants) v Dundee City Council (Respondents) (Scotland) [2012] UKSC 13
- The Queen on the application of Zurich Assurance Limited trading as Threadneedle Property Investments v North Lincolnshire Council v Simons Developments Limited
- Case No: CO/4764/2012 20 December 2012 [2012] EWHC 3708 (Admin)
- The Secretary of State and Planning Inspector's Decision for Rushden Lakes (11 June 2014) APP/G2815/V/12/2190175

More recently and in the local area of Wiltshire the following appeal decision is also relevant and reflects the judgements and decisions referenced above:-

- Life Property Salisbury Limited, Land at the junction of Southampton Road and New Petersfinger Road, Salisbury, Wiltshire, SP1 2NY Application Ref: 14/12175/FUL Appeal Ref: APP/Y3940/W/15/3138442

In these cases the requirement on retailers to be flexible is relatively constrained and it is clarified that commercial restrictions and interests are relevant and should be taken into account as material considerations in this respect.

As noted in the consultation section of this report the Council commissioned GVA Grimley consultants (GVA) to review and advise in respect of the submitted Retail Impact Assessment (RIA). These consultants have supported and inputted to the preparation of the Retail elements of the WCS and have detailed knowledge of the locality and retail matters in the area. In addition GVA provided input to and review of the submissions made in support of 14/08061/OUT the withdrawn application relating to the previous "Tesco" scheme.

GVA confirmed in their report that the approach and methodology adopted in the RIA submitted is robust and appropriate. Indeed that the newly commissioned survey and assessment work informing the RIA addressed concerns with the previous assessment informing 14/08061/FUL. The submissions are assessed in full against national policy requirements in the NPPF & PPG and local policy requirements of the WCS. GVA conclude in relation to the sequential approach to site selection and the related need for flexibility in this respect that:-

we consider that the applicants have shown some flexibility and we have found that none are considered to offer realistic suitable alternative locations for the proposed supermarket. Therefore, on the basis that these three sites comprise the only alternatives in Royal Wootton Bassett, we consider that the proposed development has met the provisions of the sequential test as set out in paragraph 24 of the NPPF and Policy 38 of the Wiltshire Core Strategy.

With respect to Retail impact (vitality and viability) on the existing town centre GVA conclude that:-

The location and policy status of the application site, along with the size of the proposed supermarket, also requires that a detail assessment of the impact is undertaken. Having undertaken a review of the applicants' assessment, and also undertaken our own 'sensitivity test' involving the use of a slightly higher turnover for the proposed store (and which also takes into account the closure of the MyLocal store in the town centre), we are of the opinion that the store could have an impact of between 10%-13% on Royal Wootton Bassett town centre's convenience goods sector and an overall impact of between 6%-8% on the total Class A1 retail sector in the centre.

Whilst this is likely to constitute an adverse impact, we do not consider that, subject to suitable and appropriate controls, the town centre will experience a significantly harmful impact. In reaching this conclusion we have taken into account the likelihood that whilst the proposed store will offer direct competition for some foodstores in the town centre, particularly Sainsburys, it will also be able to reduce the amount of convenience goods expenditure which is currently flowing to stores outside of the town.

Whilst the Council must reach its own conclusions in relation to the impact of the proposed on the health of Royal Wootton Bassett town centre, we do not consider that this is a foodstore proposal which will conflict with Policy 38 of the Wiltshire Council and paragraph 26 of the NPPF.

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 (foodstore) ought to be refused. 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.

The overall consideration of the impacts of development proposed and benefits arising in the context of all material considerations is undertaken in the Conclusion (Planning Balance) Section below.

Highways & Access

Extensive representations have been made by interested parties raising concerns as to the highways impacts and related accessibility issues. In particular it is considered that the existing highway network in the vicinity of the site is heavily used, congested and restricted. Consequently the development results in harm by adding traffic to his existing situation. In addition concerns are raised as to accessibility and movement by alternative means of transport including cycling walking and public transport.

Firstly it is noteworthy in this respect and following detailed submissions by the Applicant team and their highways consultants that the Highways Agency raised no objection to the proposals. This compares to their previous position in relation to the related application at this site where significant concerns were raised.

Furthermore the Council's Highways Engineers raise no objection to the scheme proposals subject to a S106 agreement to secure proposed works to the highway network including:-

- *Construction of the access works on Malmesbury Road outlined on plan TA6 including a right turning lane, pedestrian refuge, two bus shelters including perch seats and flag brackets, 3 metre cycleway from the eastbound bus layby to Coped Hall Roundabout, 2 metre footway from the westbound bus layby to Old Malmesbury Road, and a 2 metre footway from the end of the above cycleway to a point 25 metres north of the care home access to Hook Road.*

- *Alterations to street lighting as required to ensure that the lighting between Coped Hall roundabout and the western end of the development frontage is in accordance with BS5489-1;2013 BS EN 123201-2 2003.*
- *Capacity improvements to Coped Hall roundabout as outlined on plan number SK 1850-01-101.*

Alongside a series of conditions which are included in the list proposed at the end of this report. These principally address detailed requirements for visibility splays and the timing of the layout and use of parking provision.

Officers identify that the Transport Assessment submitted with the application is robust and in particular takes into account projected growth on the highway network based on committed and planned development alongside existing position. In this context officers identify that traffic generation resulting from the scheme development is lower than that under the previous scheme proposals (14/08061/FUL). Officers identify that proposed access arrangements will work satisfactorily on the basis of the assessed position, existing and projected. Furthermore that the proposed Travel Plans for the care home and foodstore are acceptable and appropriate. Officers go on to identify that the development will provide improved pedestrian and cycle facilities on Malmesbury Road and round to the care home access including a refuge on Malmesbury Road and better facilities on the south side of Malmesbury Road around to the Old Malmesbury Road junction. The essential short length of footway north of the care home access has not been detailed on the plans, but this is addressed by recommended S106 requirements which the developer has agreed.

Highways Officers identify that 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. Furthermore, that all town facilities are within a reasonable cycling distance including some nearby villages. The development includes adequate cycle parking facilities; and that cycling to and from the site will be a reasonable option for residents, staff and customers. In relation to public transport the bus service is identified as a frequent 20 minutely service during the week as regards the X55 service to the town and Swindon and Chippenham. The X55 stops are within 400m of the edge of the site. Two bus shelters will be provided on Malmesbury Road within the recommended 400m distance from the development which access the 31 service, hourly to Swindon via the RWB High Street.

On this basis it is considered that the site is reasonably sustainable in transport terms subject to the mitigation measures proposed and conditional requirements. Further that the impacts on the highway network cannot be considered to be severely harmful and as such development should not be refused. It is clear in paragraph 32 of the NPPF that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Following the implementation of the agreed mitigation proposals required by S106 and condition that is not demonstrated to be the case in this instance and therefore refusal on these grounds could not soundly and defensibly be recommended.

Drainage

As is noted this specific application was initially considered by consultants working on behalf of the Council and objection raised due to an assessed lack of information available. It is considered that a precautionary approach was taken in this instance. The Council's own drainage officers have since received additional submissions and entered into direct consultation with the applicant drainage team in respect of both applications 14/08060/OUT & 16/06995/FUL. As is identified in the report for 14/08060/OUT officers are now satisfied that the proposed drainage scheme is acceptable and appropriate and will provide sufficient

capacity for the projected surface water flows from the development subject to the piped drainage culvert that is proposed to accommodate the water discharge being cleared and cleansed. A Grampian condition has been proposed in this respect to which the applicant team has agreed. In addition officers have proposed that the S106 agreement to be tied to permission under 14/08060/OUT should include Management Company provisions for SUDs maintenance which it is considered would address this matter in the future.

Wessex Water in their consultation response to the application identifies that there is a lack of information in respect of the Foul Drainage strategy for the scheme; in part this reflects the Hybrid nature of the application. However no objection is raised and the statutory undertaker is satisfied that the matter can be adequately addressed through the condition as is included in the list at the end of this report. No concerns are raised as to water supply capacity.

As such it is considered that the proposals satisfactorily meet the requirements set out in the NPF and WCS policy 68 and is in accord with the development plan in this respect.

Landscape

The Council's Landscape Officer has raised objection to the application, particularly in respect of the lack of detail as to the landscaping approach to the northern site boundary. The concern here largely relates to the treatment of this part of the site and its relationship to open land to the north in the event that the proposed development in the wider site area (14/08060/OUT) doesn't come forward. As such this is not considered to be a fundamental objection of unacceptable harm to the character and appearance of the landscape or a direct conflict with landscape designations of local, regional or national importance.

It is considered that this matter can be adequately addressed by the use of condition requiring submission of landscaping details and including clear requirements for submission of separate details to address matters of phasing and delivery of development including reference to the wider site area and specifically the outline elements of the current application proposals. However in this context it should be borne in mind that the proposed conditions will require submission of reserved matters details within specified timeframes; also that the care home element of the scheme proposals has a confirmed provider / operator in place as referenced above. Further that the retirement apartments are market C3 properties and therefore have a significant value attached as is the case for the wider development area to the north and in this context it is considered development is very likely to come forward particularly given the costs associated with the matters addressed by S106 agreement including related highways works and Education contributions the latter of which has a trigger of prior to commencement of development for provision of the funds.

As such it is not considered that the concerns raised are such that consent ought to be refused on this basis and that the S106 and proposed conditions offer sufficient protection and mitigation to address matters satisfactorily and such that there is no conflict with the development Plan WCS Core Policies CP51 and CP57 alongside NPPF para 17.

Ecology

The council's Ecologist has reviewed the scheme details including supporting Ecological Appraisal and raises no objection subject to the use of conditions which are proposed in the list included at the end of this report. The site is not subject to specific Ecological designations of European, national or regional significance although initial assessment and survey has identified protected species of importance. The proposed conditions are considered to provide sufficient protection proportionate to the level of identified interest and

sensitivity and are therefore considered to accord and comply with the requirements of the development plan WCS Core Policy CP50 and NPPF paras 17 and 109.

Heritage Asset Impact

Submissions made and received during the consultation exercise raise objections and concerns as to the harm to the adjacent Heritage asset – the listed building of Marsh Farm and its related curtilage listed Structures. The Council's digital mapping identifies that the application site is not within 50 m of the designated heritage asset. In addition to the distance involved 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. The impact of development in relation to the related application 14/040860/OUT is a material matter and is the subject of full assessment in the report elsewhere in this agenda for that application. If that development is granted permission and built out it would further minimise the relationship between this development site and the heritage asset. Given the lack of potential harm and impact to heritage assets no consultation was undertaken with Conservation Officers in this respect. As such 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

Following the submission of a site assessment report the Council's Archaeologist has raised no objection subject to the use of an appropriate principally to address recording and handling of features and finds of archaeological interest arising during development works. The condition is proposed below and agreed with the developer. In this context the harm to the below ground heritage assets caused by development is considered to be balanced and outweighed by suitable mitigation and positive benefit through the recording of finds and the interpretive and informative benefits to understanding of the historic development of the communities in this locality that will arise. As such the development is in accord with the provisions and requirements of the NPPF and CP58 WCS.

S106, Affordable Housing and Other Matters

The applicant has agreed to enter into a section 106 agreement to address the matters raised in this report. This includes the identified requirement for Affordable Housing provision stemming from the C3 Retirement Apartments at a rate of 40%. Officers have confirmed that off site financial contributions could be an appropriate method of provision to meet requirements but on the basis of the outline nature of this element of the application are not in a position to identify now the exact level of requirement. It is considered that the S106 agreement can include suitable provisions, terms and covenants to require and facilitate assessment of that financial contribution at the point of Reserved Matters submissions and so can be addressed and requirements under policy CP43 are satisfied.

A number of objectors have identified concerns in respect of noise, air and light pollution. Given the supporting information submission made in this respect the Council's Public Protection Officers have raised no objection to the scheme proposals subject to the use of conditions to provide restrictions on noise levels during the operational phase and further detailed submissions to address matters of potential noise impact from specific elements of the scheme proposals including mechanical plant and to include any necessary mitigation measures. This is considered to be an acceptable approach and in accord with WCS policies CP55 & CP57 of the WCS and requirements of the NPPF Paras 109 & 123. In this context consideration has also been given to relevant material circumstances including the existing

neighbouring development of the newly developed sports club adjacent the site and the road network facilities in the immediate vicinity and adjoining development.

With respect to Design matters the detailed plans for the Retail Facility/Foodstore are considered to be of reasonable quality and appropriate to the prominent location. It is not considered that the character and appearance of the building would be significantly harmful such that consent ought to be refused. The Police Architectural Liaison Officer has recommended conditions controlling access to the related parking area in the interests of residential amenities and resisting potential for anti social behaviour out of operation hours and this is considered necessary and reasonable. The outline elements of the scheme have scale and layout including appearance as reserved matters for future consideration but the proposed site layout as shown on plan 152862/AP14A is considered to be acceptable in achieving a reasonable and appropriate standard of amenity for future users and occupants of the facility. Similarly it is not considered that the development would result in significant harm to existing residential amenities through loss of privacy, overbearing impact, loss of daylight or other intrusion through light or noise disturbance. Landscaping and access matters are addressed separately above but considered acceptable in design and layout terms also. In this context it is considered that the proposals acceptably address the requirements of the Development Plan WCS Core Policy CP57 and paras 17 & 56 of the NPPF.

10. Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*". Paras 2 & 11 of the NPPF reiterate and confirm this requirement. This is the starting point for determination from a policy point of view. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

The application for retail foodstore, 33 retirement apartments and a care home is located outside the settlement boundary for Royal Wootton Bassett and would represent a significant extension of the built up area into the rural landscape on the northern edge of the Town. Significant housing growth has already been completed or is committed at the Town including large greenfield sites - additional housing growth over the planned development in core policy 19 is likely to lead to further out commuting contrary to Core Policy 1. The indicative requirement for the town in this community area has been met and on this basis alone there is no immediate need for additional housing in Royal Wootton Bassett. However, the Council's most recent assessment of housing land supply as of Nov 2016 demonstrates that an available and deliverable five year supply of housing plus necessary buffer is not secured and provided.

The preferred approach under national and local policy (NPPF para 17 & WCS CP1 & CP2) is that additional land to meet future growth in the Housing Market Area at Royal Wootton Bassett should be done through a proper plan led process. At the strategic level, this would enable the distribution of growth across the HMA to be considered comprehensively ensuring that the Spatial Strategy can be delivered and an appropriate balance of growth achieved at all settlements. At the more local Neighbourhood Plan level this would enable the community to address locally specific issues in their area through planned development. Whilst a Neighbourhood Plan is actively being prepared and significant work has taken place involving community consultation, the plan has not reached an advanced stage of preparation for the purposes of the guidance in the NPPF and cannot therefore be afforded significant weight. A similar position is evident in respect of the Council's own Site

Allocations DPD preparation of which has now been delayed and the Lydiard Millicent Neighbourhood Plan.

Similarly the retail element of the scheme proposals outside of the town centre, not on an edge of centre suite and within the open countryside is not in accord with the spatial strategy set out in CP1, CP2 and CP19.

Whilst this proposal is contrary to the Delivery Strategy of core policy 2, in particular by virtue of its location and core policies 1 and 19 of the adopted Wiltshire Core Strategy which set out how the sustainable development of Royal Wootton Bassett can be achieved the inability to demonstrate a deliverable supply of land for housing to meet requirements in this Housing Market Area is a material consideration that weighs against this conflict. In addition to this the proposals are supported by a RIA submission which demonstrates the need for additional retail provision in the locality with identified leakage of spend on convenience goods to centres such as Swindon. Furthermore the RIA identifies that there are no sequentially preferable sites and that given the current spend leakage the proposals will not result in significant harm to the vitality and viability of the Town Centre. In these circumstances CP38 does allow for development to proceed in these locations and policies CP1 CP2 and CP19 are considered in this context and alongside the advice and approach contained in the NPPF paras 24, 25 & 26.

Similarly whilst the proposal would result in the loss of open countryside around the town as a result of the development in the open countryside contrary to the NPPF requirement to take into account the intrinsic character and beauty of the countryside (paragraph 17, NPPF) and WCS CP 51 the need to significantly boost the supply of land for housing required by the NPPF and the inability to demonstrate the required supply of land for housing weighs against this harm. The development proposed is considered on balance to constitute sustainable development. In these combined circumstances paragraphs 14 and 49 of the NPPF are engaged and full weight cannot be afforded to the policies of the plan relating to the scale and distribution of housing. In those circumstances para 14 indicates that consent ought to be forthcoming unless the site specific harms very clearly and significantly outweigh the benefits arising from the development. In this context it is important to note that the land is not subject to landscape designations and that there is existing and recent development in this location and beyond the defined settlement boundary and development limits of the town. The harm identified is consequently proportionate to this situation. It is also necessary to weigh in the balance here the benefits of development beyond boosting the supply of land for housing including affordable housing provision. In this context the development will deliver a significant boost to the economy through construction, job creation at the retail store and care home and the spending and financial contributions of the additional population.

The application as submitted has been considered in detail by Council Officers in respect of Ecology, Highways and Drainage and adequate information has now been submitted to enable officers to be satisfied that the development would not have a detrimental impact on these matters or the surrounding area.

Similarly in respect of archaeology the applicant has now submitted the necessary report to enable the Council's Archaeologist to assess the importance of the site and therefore provide advice of no objection subject to condition. The harm to the undesignated below ground heritage assets is balanced by the benefits arising and therefore considered to accord with the requirements of the NPPF and outweighing the conflict with CP58.

It is considered that the scheme proposals submitted in detail provide an acceptable design in respect of the development proposed and the sensitivities sand character and appearance of the location. The site layout proposed is considered to be acceptable and achieve an

adequate level of amenity and appropriate access and movement arrangements subject to the S106 requirements identified and relevant conditions. Given that this is also in part an outline planning application and matters of layout, scale and landscaping are reserved it is considered that outstanding issues can readily be addressed through the reserved matters application process.

The development will result in a range of social and economic benefits including the significant boosts to the supply of housing and delivery of significant level of affordable housing. In addition the proposals will deliver economic growth through construction; job creation within the retail and care home elements of the wide scheme and the spending and financial contributions of the new population.

On balance it is considered that with the proposed conditions and necessary S106 agreement in place that the development constitutes sustainable development under the guidance and requirements of the NPPF as referenced in para 7.

This proposal has been considered against both local and central government guidance and policies. The proposed development is seen to conflict with the relevant policies contained within the Core Strategy namely policies, CP1, CP2, CP51. It is consequently necessary under paras 2, 7, 11, 14, 196, 197, 210, 216 of the NPPF to consider whether material circumstances indicate that a decision contrary to the development plan should be determined. In this instance it is considered that this is the case.

The Council is not currently in a position to demonstrate a deliverable supply of land for housing as required by the NPPF and as such the requirements of paras 14 and 49 are engaged in that full weight cannot be attached to the development plan policies relating to the supply and distribution of housing i.e. policies CP1 & CP2. The development will result in significant benefits as identified above and is considered on balance to constitute broadly sustainable development. The site specific harms and consequent conflicts with the relevant development plan policies are considered to be capable of mitigation and/or outweighed by the benefits of development. In this context it is considered that there are material considerations that outweigh the harm arising from conflict with the development strategy of the development plan and policies of specific site relevance and therefore as identified in para 14 of the NPPF permission should be granted.

RECOMMENDATION

Authority is delegated to the Head of Development Management to GRANT planning permission subject to the conditions listed in this report and the signing of a Section 106 agreement to address Affordable Housing, Highways Works, Waste/Recycling Facility contributions within 6 months of the date of the resolution.

In the event that the applicant fails to complete the required S106 agreement within the identified timeframe to REFUSE permission for the following reason:-

The application fails to meet the identified and necessary supporting services and infrastructure requirements generated by the development, including Affordable Housing, Highways Works, Waste/Recycling Facility contributions and is therefore in conflict with Wiltshire Core Strategy (Adopted January 2015) Core Policies CP3, CP43 & CP61 and National Planning Policy Framework (NPPF) paras 2, 7, 17 & 196.

CONDITIONS

Outline Elements of the Scheme Proposals – (Care Home and Retirement Apartments)

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

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

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

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

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

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

An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

The care home hereby permitted shall not be brought into use until those parts of the Care Home 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 Care Home Travel Plan for a period from first use until at least 2 years following first use.

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

Prior to first use of the care home the parking and turning areas associated with the care home shall have been provided and shall thereafter be maintained and kept available for the parking and turning of vehicles.

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

Prior to first use of the senior living units the parking and turning areas associated with the senior living units shall have been provided and shall thereafter be maintained and kept available for the parking and turning of vehicles.

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

Each unit of the residential care home hereby permitted shall be occupied only by:

- persons of state pensionable age; [or whatever age is considered appropriate]; or
- persons living as part of a single household with such a person or persons; or
- persons who were living as part of a single household with such a person or persons who have since died.

REASON: The units of the residential home/sheltered accommodation have been designed for occupation by persons who satisfy the above criteria and are unsuitable for family housing.

Each unit of the age restricted dwellings/retirement apartments hereby permitted shall be occupied only by:

- persons of age 65 years +; or
- persons living as part of a single household with such a person or persons; or
- persons who were living as part of a single household with such a person or persons who have since died.

REASON: The units of the residential home/sheltered accommodation have been designed for occupation by persons who satisfy the above criteria and are unsuitable for family housing.

Full Elements of the Scheme Proposals (Retail foodstore)

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.

Prior to the first opening and operation of the foodstore/retail unit hereby permitted detailed proposals for the restriction of access to the related parking areas during non opening times shall be submitted to and approved by the Local Planning Authority.

REASON: In the interests of residential amenity and for the avoidance of anti social behaviour.

The Foodstore hereby permitted shall not be brought into use until those parts of the Foodstore 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 Foodstore Travel Plan for a period from first use until at least 2 years following first use.

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

Prior to first use of the foodstore the parking and turning areas associated with the foodstore shall have been provided and shall thereafter be maintained and kept available for the parking and turning of vehicles.

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

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

The development hereby permitted shall not, at any time, be subdivided into a larger number of units.

REASON: To enable the Local Planning Authority to consider individually whether planning permission should be granted for additional units on the site.

The site shall be used for A1 retail and for no other purpose (including any other purpose in Class 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 is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

The development hereby permitted shall not be brought into use until a plan showing the precise location of any areas of open storage and specifying a maximum height of open storage within such area(s) has been submitted to and approved in writing by the Local Planning Authority. No materials, goods, plants, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored on the site outside the approved storage area, or above the height agreed as part of this condition.

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

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.

The development hereby permitted shall not be brought into use until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority, and; the approved refuse storage has been completed and made available for use in accordance with the approved details. The approved refuse storage shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of public health and safety.

The development hereby permitted shall not be brought into use until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved 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.

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), no mezzanine or other form of internal floor to create a first floor level shall be constructed in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

Conditions Applicable Site Wide / All Elements of the Scheme Proposals

Prior to first use the access to Malmesbury Road shall have been provided, as detailed on plan number TA6 with the exception of visibility which shall be as set out below.

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

Prior to first use the access to Malmesbury Road 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 126 metres to the west and 129 metres to the east.

REASON: In the interests of highway safety.

Prior to first use the advance direction sign to the west of the access to Malmesbury Road shall have been relocated to a position out of the required visibility splays in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety.

Prior to first use the access to Hook Road shall have been provided, as detailed on plan number AP14A including alterations to the kerb lines to achieve visibility.

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

Prior to first use the access to Hook Road shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 120 metres to the north and 70 metres to the south-west.

REASON: In the interests of highway safety.

No development shall commence until a foul water drainage strategy is submitted to and approved by the Local Planning Authority in consultation with Wessex Water acting as the Sewerage undertaker.

- A drainage scheme shall include appropriate arrangement for the agreed points of connection and the capacity improvements required to serve the proposed development phasing;
- A drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

REASON: To ensure that proper provision is made for the sewerage of the site and that the does not increase the risk of sewer flooding to downstream property.

The development hereby permitted shall not be occupied until the approved [sewage disposal] & [surface water drainage] works proposed have been completed in

accordance with the submitted and approved details. This shall include the thorough cleansing, cleaning and removal of all materials and potential blockages from the existing piped drainage/culvert proposed for use as part of the Surface Water Drainage network/system prior to the first occupation of the dwellings hereby approved. The applicant shall notify the Council including Drainage and Highways Maintenance Teams of commencement and completion of the drainage clearance and cleaning works. The works shall be subject to assessment and approval by the Council.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

All building services plant shall be so sited and designed in order to achieve a Rating Level of -5dB below the lowest measured background noise level at any time, determined at the nearest noise sensitive receptor.

REASON: In the interests of residential amenity

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of residential amenity

No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- x. The movement of construction vehicles;
- xi. Dust suppression covering earth works and spoil heap storage
- xii. The cutting or other processing of building materials on site;
- xiii. Wheel washing and vehicle wash down facilities;
- xiv. The transportation and storage of waste and building materials;
- xv. The recycling of waste materials (if any)
- xvi. The loading and unloading of equipment and materials
- xvii. The location and use of generators and temporary site accommodation
- xviii. Pile driving (If it is to be within 200m of residential properties)

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

No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialists ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
- j) Protection of Ballards Ash Protected Road Verge
- l) Mitigation measures set out in the Ecological Appraisal report (Aspect Ecology, 2016), particularly measures MM1, MM2, MM3, MM6

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

Prior to the Commencement of development takes place, a reptile method statement shall be submitted to the local planning authority for approval. Development, including ground/site/vegetation clearance, a detailed methodology for the capture and translocation of reptiles and details of the proposed receptor site and its long-term management, shall be carried out in accordance with the approved method statement or any amendment as approved in writing by the local planning authority. Reptile translocation shall be carried out and the receptor site shall be maintained in accordance with the approved plan, unless otherwise in agreed in writing by the local planning authority.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

Prior to commencement of development, a Landscape and Ecological Management Plan shall be prepared and submitted to the local planning authority for approval. Details within the LEMP shall include, but not necessarily be limited to, the following:

- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species
- b) Description and evaluation of features to be managed; including location shown on a site map

- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures.

The development site shall be managed and maintained in accordance with the measures set out in the approved plan in perpetuity unless otherwise agreed in writing with the local planning authority.

No development shall commence within the development area until:

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

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

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.

No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;

- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- tree(s), 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

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837:

2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local

Planning Authority, and;

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

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

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

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

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

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 enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

No development shall commence on site until a landscape management plan, 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.

The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

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

AP01 Site Location Plan

AP14B Proposed Site Plan

AP16 Proposed Foodstore Ground Floor Plan
AP19 Proposed Foodstore Elevations
AP20 Proposed Foodstore Roof Plan
AP16 Proposed Apartments Ground & First Floor Plans
AP25 Proposed Care Home Ground & First Floor Plans
ASP2 REV F Landscape Masterplan
ASP3 REV H Landscape Strategy
Planning Statement
Design & Access Statement
Ecological Assessment
Noise Survey
Flood Risk Assessment
Archaeological Geophysical Survey
Transport Assessment
Landscape Supporting Statement

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

INFORMATIVES:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

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

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

The applicant should note that the costs of carrying out a programme of archaeological investigation and recording will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any [protected species](#), or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced [ecologist](#) and consider the need for a

licence from Natural England prior to commencing works. Please see Natural England's [website](#) for further information on protected species.

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

There are ordinary watercourses within or in close proximity to your site. If you intend to obstruct the flow in the watercourse (permanently or temporarily, including culverting) you will require prior Land Drainage Consent from Wiltshire Council as the Lead Local Flood Authority. You are advised to contact the Drainage Team to discuss their requirements:- <http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm>

NOTES TO APPLICANT

Sustainable Construction

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

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

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

Appendices:

Background Documents Used in the Preparation of this Report:

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16/06995/FUL
Land North of Malmesbury Road
Royal Wootton Bassett
Wiltshire SN4 8AY



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REPORT TO THE STRATEGIC PLANNING COMMITTEE

| | |
|----------------------------|--|
| Date of Meeting | 26 April 2017 |
| Application Number | 16/09386/WCM |
| Site Address | Brickworth Quarry Whiteparish Salisbury Wiltshire SP5 2QE |
| Proposal | Proposed extension of Brickworth Quarry (Minerals Local Plan Site Allocation Areas A and B) for the extraction of sand, infill with imported inert materials and quarry waste and restoration to commercial forestry and agriculture at original ground levels; retention of plant site and storage areas. |
| Applicant | Raymond Brown Minerals and Recycling Ltd |
| Town/Parish Council | WHITEPARISH |
| Electoral Division | ALDERBURY AND WHITEPARISH – – Cllr Richard Britton |
| Grid Ref | 422785 123295 |
| Type of application | County Matter |
| Case Officer | Jason Day |

Reason for the application being considered by Committee

- The application has been called into committee at the request of Councillor Richard Britton due to the public concern about the loss of ancient woodland and habitat.

Purpose of Report

- The purpose of the report is to assess the merits of the proposal against the policies of the Development Plan and other material considerations and to consider the recommendation that the application be approved.

Report Summary

- The key issues in considering the application are as follows:
 - Principle of the development.
 - Need for and the Supply of Minerals
 - Loss of Ancient Woodland
 - Biodiversity
 - Landscape and Visual impact
 - Archaeology
 - Noise and Dust
 - Traffic
 - Water Environment

Whiteparish Parish Council objects to the proposed development. 2,445 letters of objections have been received.

Site Description

4. Brickworth Quarry is an existing sand quarry located beside the A36 some 9km south-west of Salisbury and approximately 1 km west of the village of Whiteparish. The New Forest National Park lies some 300 metres to the south.
5. Sand extraction at the Quarry commenced in April 2003. The excavated areas are being progressively restored to original ground levels using imported and site derived inert materials and then returned to agriculture.
6. Extensions to the Quarry were granted planning permission in 2009 and 2015, first into Round Copse North and then into Lowdens Copse. These extension areas are to be restored to woodland.
7. The current operational site area extends to approximately 11.4 hectares and comprises the existing extraction area within the central part of the site; a former extraction area at the southern end of the site which is currently being landfilled for restoration; areas utilised for the stockpiling of soils and overburden; and a stock storage and sand screening area to the north. The quarry weighbridge, site office and staff welfare facilities occupy three porta-cabins at the northern extent of the operational area, with a dedicated access road linking to the site entrance on the A36, 500m to the northwest. Former extraction areas to the south and southeast of the stocking area have been successfully backfilled and restored to agricultural grassland at levels consistent with the original (natural) landform.
8. The proposed extensions lie adjacent to the east and west of the existing quarry. Area A is adjacent to Lowdens Copse and Round Copse North situated to the south west/west of the site and extends to the A36 to the north east of the site. Area B lies to the west of the existing site. The Quarry will continue to be accessed via the existing spur at the junction of the A36/A27.
9. A copy of the Site Location Plan is attached as **Appendix 1**.
10. The quarry is situated within an undulating landscape, with the proposed extension areas occupying a complex series of localised dry valleys and small rounded plateaux, ranging in elevation between approximately 58m and 93m AOD.
11. The application site has two public rights of way intersecting Areas A and B. The footpath in Area A (Ref: WHIT2) would require a temporary diversion to relocate the path to the site boundary (an application to the Highway Authority has been submitted for this diversion). The footpath running through Area B (Whit12) would be retained in situ.

12. The site is well screened and there are few direct views into the areas proposed for extraction. There are few dwellings in the immediate vicinity of the proposed extensions: Harestock Cottage, beyond the A36 is 30 m from the eastern extent of Area A (but at least 75 m from the eastern limit of extraction) and Ashdod Lodge is some 150 m to the south of Area A. There are no other dwellings within 250 metres of the area of extraction.
13. The site presently forms part of commercial woodland managed for the Longford Estate and the activity of tree felling and replanting will continue to take place around the wider site during the period of the proposed development. The woodland within the application area is classified as 'Plantations on Ancient Woodland Sites'.

Planning History

14.

| | | |
|-----------|---|------------------------|
| S/91/0446 | Extraction of sand with reinstatement to agriculture using selected filling materials | Approved 10/03/1993 |
| S/05/8012 | Modification of conditions of permission | Approved 29/11/2005 |
| S/07/8005 | Creation of a Site Operations Area | Approved 19/06/2007 |
| S/07/8006 | Section 73 application: extraction of sand and reinstatement to agriculture without compliance with conditions 3, 17 and 18 of permission S/05/8012 (To alter sequence of working and restoration) | Approved 19/06/2007 |
| S/08/8022 | Extraction of Sand and infilling with inert materials - Round Copse North Extension | Approved 24/07/2009 |
| S/12/0543 | Additional Stockpiling Area | Approved 30/07/2012 |
| S/12/0772 | Extension to the Site Operations Area | Approved 02/08/2012 |
| S/12/0998 | s73 Application: Extraction of sand with reinstatement to agriculture using selected filling materials without compliance with Conditions 1 & 2 of permission S/07/8006 (to revise restoration contours and extend completion deadline by six months) | Approved 09/01/2013 |

| | | |
|----------|---|------------------------|
| 13/01045 | Temporary portable office within the compound area for use as a training facility and visitor meeting room onsite | Approved 02/10/2013 |
| 13/00382 | Vary condition 1 of S/2012/0998 to extend the time allowed to restore the site | Approved 01/08/2013 |
| 15/07426 | Extraction of sand , infilling with imported inert materials and quarry waste and restoration to woodland at original ground levels - Lowdens Copse Extension | Approved 04/12/2015 |

The Proposal

15. Raymond Brown Minerals and Recycling Ltd have submitted a planning application to extend Brickworth Quarry in order to maintain a continued supply of sand and provide further void space to meet the need to take excavated and demolition material generated by the construction industry.
16. The adopted Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan (May 2013) allocates land for two extensions to Brickworth the Quarry, which are described as Areas A and B. The areas proposed for extraction/application site comprise the allocated land except for:
 - (i) The omission of Lowdens Copse within Area A because it has recently been permitted
 - (ii) A minor extension of the western boundary of Area B to offset the reserve that would be sterilised by retaining Footpath WHIT12 and Hazel Bank heritage site with an appropriate standoff.
17. The application site extends to some 46.4 hectares and includes:
 - The areas of sand extraction and filling (21.2 hectares)
 - The existing plant, stocking and storage areas
 - Site screening and enhancement with tree planting
 - Habitat and species compensation areas
 - Creation of new waterbodies
18. The additional extraction areas contain an estimated 1.34 million tonnes of sand that would be worked over 9 years (approximately 150,000 tonnes per annum). The site is to be worked dry in 8 phases first working clockwise around Area A from the south west corner and then working south to north in Area B. Landfilling with some 1,108,600m³ of inert materials will follow progressively to restore the site to original ground levels. The rates of sand extraction and import of fill material are proposed to continue at the levels of the present quarry operations.
19. A copy of the phasing plan is attached as **Appendix 2**

20. It is proposed that the existing hours of operation imposed by condition of the current minerals permission will continue i.e.
- Soil Stripping and Overburden removal
Monday – Friday 0730 – 1700
 - Mineral extraction and infilling
Monday – Friday 0730 – 1700
Saturday 0730 – 1200
- There would be no working on Sundays or Public or Bank Holidays. The application site would not be operated during hours of darkness.
21. Mitigation measures have been built into the extraction and restoration scheme design, with particular consideration to the timing of the proposed works following discussions with Natural England and Wiltshire Council relating to the designated sites, ancient woodland soils and protected species. The proposed sequence and extent of the phases has been designed to fit the seasonal limitations of tree felling, stump felling, vegetation clearance, and soil stripping and to provide continuity of quarrying activity. The 'Plantations on Ancient Woodland Sites' designation, together with the potential presence of dormice, bats, newts and badgers has had a significant influence on the design of the scheme.
22. It is proposed that the site is restored close to original ground levels which will provide a sufficient fall across the site to encourage natural drainage. There will need to be a slight dome in the south west corner to facilitate drainage of that area.
23. Restoration of the site to commercial forestry and agriculture at original ground levels would be concluded within 11 years of the commencement of development. A five year after-care scheme would be provided in accordance with usual planning requirements.
24. The application includes the retention of the existing site access, plant site and ancillary buildings for the 11 year period, after which these items would be removed. The spur road from the A36/A27 junction would be retained for longer term agricultural and woodland management purposes.
25. A copy of the Restoration Plan is attached as **Appendix 3**.
26. The present operations involve direct employment of 5 full time staff. The quarry also supports the employment of lorry drivers, headquarters staff and contractors. These jobs will be retained.

Statement of Community Involvement

27. Brickworth Quarry operates a Community Site Liaison Group and at its meeting held on 23rd March 2016 considered the proposals for extraction of the remaining allocated land. A site visit was also undertaken. That meeting was attended by representatives of: Whiteparish Parish Council, Wiltshire Council, New Forest National Park Authority and the Environment Agency. Individual neighbours living around the site attended also.

Issues raised by the local community included lorry routes, possible recycling and the management of the Plantation on Ancient Woodland Sites. These matters are all addressed in the planning application and the Environmental Statement.

28. An update meeting was held on 1st June 2016 and a 'Planning Exhibition' was held at the Whiteparish Memorial Centre on the 20th June 2016 to provide an opportunity for local residents and other stakeholders to consider the draft planning application proposals. No major complaints or objections are reported as having been raised at these meetings.

Environmental Impact Assessment

29. The application is accompanied by an Environmental Statement (ES) which reports the results of an Environmental Impact Assessment (EIA) undertaken of the proposed development, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
30. The ES includes assessments of environmental effects relating to:
- Landscape and Visual Impact
 - Ecology
 - Soils
 - Heritage
 - Hydrology, Hydrogeology and Flood Risk
 - Noise
 - Dust
31. A Transport Statement, Rights of Way Strategy and draft Written Scheme of Archaeological Investigation are provided as part of the Planning Application Statement.

Planning Policy

32. The following Development Plan documents and policies have been considered for this planning application:

Wiltshire and Swindon Minerals Core Strategy 2009

- Policy MCS1 - Meeting the Need for Primary Aggregate Minerals
- Policy MCS1 (A) Strategic Approach to Identifying Future Supplies of Aggregate Minerals
- Policy MCS (B) Generic Criteria for Guiding the Location of Minerals Development
- Policies MCS 7–10 set out the general considerations to be taken into account at the planning application stage.

Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan 2013

- Policy MSA1
- Inset Map 7: Extensions to Brickworth Quarry
- Table 4.1 Extensions to Brickworth Quarry

Wiltshire and Swindon Minerals Development Control Policies Development Plan Document 2009

- MDC1: Key criteria for sustainable minerals development
- MDC3: Managing the impact on surface water and groundwater resources
- MDC5: Protection and enhancement of Wiltshire and Swindon's landscape character
- MDC6: Biodiversity and geological interest
- MDC9: Restoration, aftercare and after-use management of minerals development

Wiltshire and Swindon Waste Core Strategy 2009

- Policy WCS1: The Need for Additional Waste Management Capacity and Self Sufficiency
- Policy WCS2: Future Waste Site Locations
- Policy WCS3: Preferred Locations of Waste Management Facilities by Type and the Provision of Flexibility

Wiltshire and Swindon Waste Site Allocations Local Plan February 2013

- Policy WSA1: Presumption in Favour of Sustainable Development
- Inset Map S2: Brickworth Quarry and Landfill
- Table 6.2 Brickworth Quarry and Landfill, Whiteparish

Wiltshire and Swindon Waste Development Control Policies DPD 2009

- Policy WDC1 (Key criteria for ensuring sustainable waste management development)
- Policy WDC2 (Managing the impact of waste management)
- Policies WDC3 – WDC11 consider environmental topics in more detail

Wiltshire Core Strategy. January 2015

- Core Policy 24 -New Forest National Park
- Core Policy 50 - Biodiversity and geodiversity
- Core Policy 51 - Landscape
- Core Policy 58 - Ensuring the conservation of the historic environment
- Core Policy 62 - Development impacts on the transport network

National Planning Policy context.

33. The following documents are also material to the consideration of the planning application:

- The National Planning Policy Framework (March 2012)
- The National Planning Policy for Waste (October 2014)

Summary of consultation responses

34. **Whiteparish Parish Council** – object; the Parish Council recommends this application be refused as the development would result in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss of ancient woodland habitat.

If the Local Planning Authority are minded to approve the application the Parish Council recommends the following conditions in compensation for the loss of the ancient woodland:

- A total area of 68 hectares, including and adjacent to the application site, to be planted with local native species of trees to be operated and maintained as a woodland for a minimum of 50 years.
- Further, we would encourage the Local Planning Authority to include enhanced public access to the new woodland area post restoration.

Consider it essential that these conditions are subject to a legal agreement between the applicant and the land owner.

35. **Environment Agency** - no objection to the proposed development, subject to conditions/informative relating to Environmental Permitting and Groundwater Protection requirements being included in any permission granted.

36. **Natural England** – provide the following comments:

Internationally and nationally designated sites

The application site is approximately 1 km from The New Forest Special Protection Area (SPA) which is a European site. The site is also notified at a national level as a Site of Special Scientific Interest (SSSI). The development site supports nightjar, which is one of the features of the SPA, and given its proximity to the SPA, these nightjar can reasonably be assumed to be part of the SPA meta population. In the absence of mitigation, Natural England would be concerned about impacts on this feature of the SPA. However, given the mitigation proposed, these concerns are addressed, provided that the council satisfies itself that these mitigation measures are sufficiently secured through the application and/or suitable conditions.

This application is in close proximity to Langley Wood and Homan's Copse, Loosehanger Copse and Meadows and The New Forest Sites of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSI's do not represent a constraint in determining this application.

The proposed development is close to a nationally designated landscape namely The New Forest National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.

Ancient Woodland

Natural England advises that the proposals as presented have the potential to adversely affect woodland classified on the Ancient Woodland Inventory. Natural England refers you to our Standing Advice on ancient woodland.

Protected Species

Please note that Natural England provided discretionary advice to the applicant in order to advise on the proposed mitigation strategy relating to great crested newts and can confirm that the GCN mitigation proposals detailed within the application are in accordance with our previous discussions with the applicant.

Besides this issue, please note that we have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

37. **Forestry Commission** - provide details of Government Policy relating to ancient woodland and Information on the importance and designation of ancient woodland. We also particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.

From this, you will see it is Government policy to discourage development that will result in the loss of Ancient Woodland, unless "the need for, and benefits of, the development in that location clearly outweighs the loss" (National Planning Policy Framework paragraph 118). Ancient woodlands are widely regarded as irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed.

We also particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

As a Statutory Consultee on the restoration and aftercare conditions for minerals/waste disposal sites where the after use is 'forestry' we have considered the restoration proposals.

General - Reference is made to PAWS (Plantations on Ancient Woodland Sites) soils throughout the documentation with perhaps the implication that the soil is of less importance or value than soils found under ASNW (Ancient Semi-Natural Woodland). AW Standing Advice makes no distinction between PAWS and ASNW; it is the ancient woodland site that is irreplaceable. All PAWS can be restored. The designation of the site as a County Wildlife Site and the Ecological Report indicate that there is a significant remnant AW flora persisting in both Areas (A + B) further emphasising the potential for restoration or alternatively – as proposed in this case - translocation of an apparently rich seed bank.

Translocation of AW Soils - The soil management report has acknowledged that there is very little scientific research or published monitoring results of ancient woodland soil location. The references have picked up the main documents that we are aware of. Where the benefits of losing this habitat are deemed to outweigh the disadvantages, then it is important to mitigate this loss as far as possible. The methodology described in the soil management report - including using low ground pressure excavators and trucks to strip from donor sites and place (loose tip) on receptor sites on the same day (minimising disturbance to soil) - represents current good practice. The Forestry Commission should be consulted during any restoration works, as specified in the Act, including the stage before any soil is removed. It should be noted that a dormouse licence and bat licence will be required for any handling or translocation of dormouse or bat populations which is being proposed.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that "As ancient woodland and veteran trees are irreplaceable, discussions on compensation should not form part of the assessment of the merits of the development proposal".

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

38. **Historic England** - do not wish to offer any comments on this occasion.
39. **Highways England** – offer no objection.
40. **New Forest National Park Authority** – comment the Authority has previously raised concerns regarding the impact of extensions to Brickworth Quarry on the sensitive environment of the National Park and its setting. It is understood that the proposed extension to Brickworth Quarry is allocated within Wiltshire Councils DPD adopted May 2013 and therefore the principle of development has been established.

In the context of the Section 62(2) of the Environment Act 1995 general duty the Authority would have expected the details submitted with the application to more explicitly consider the impacts on the National Park, both while quarrying operations are on-going and also in terms of the final restoration profiles. Table 4.1 of the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan adopted May 2013 states “*proposals for further mineral working will need to demonstrate that the interests of the New Forest National Park and its setting are not eroded*”.

Having reviewed the information submitted with the application the National Park Authority would like to make the following comments.

Ancient woodland: The site includes land classified as Ancient Woodland, as confirmed by the consultation response of Natural England to this application. Paragraph 118 of the NPPF states that “*planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss*”. Furthermore, paragraph 109 requires the planning system to contribute and enhance the natural and local environment by “*protecting and enhancing values landscapes, geological conservation interests and soils*”. The Council must be satisfied that there are no alternative, more appropriate locations for the extraction of this mineral resource prior to allowing the loss of such an important designated area of Ancient Woodland. These habitats are irreplaceable and, once lost, can never be fully restored to their previous state. It is disappointing that an area of ancient woodland would effectively be lost through the proposed development, especially its connectivity to the sensitive landscapes of the National Park. If the Council concludes that the need for this development clearly outweighs the loss of such a habitat then it is imperative that the applicant undertakes robust protection and storage of the soils on the site during the minerals extraction as they contain the potential seed bank for establishing typical Ancient Woodland species post-restoration. This would be in line with Table 4.1 of the Minerals Site Allocations Plan in which the Council acknowledges this to be the “*vitaly important aspect of this site, and the basic prerequisite that will have to be secured before the sites ...can be worked*”. The Standing Advice of Natural England and the Forestry Commission ‘Ancient woodland and veteran trees: protecting them from development’ emphasises that the correct sequential approach is to avoid the loss of such habitats, or to mitigate the loss, and finally to consider compensation measures as a last resort. However, it is clear from that advice that “*establishing new trees and woodland isn’t a*

direct replacement for lost or damaged trees or woodland". The Council needs to be assured when making a decision on the proposal that adequate mechanisms can be put in place to ensure that these soils are preserved and can be returned to their original locations, unadulterated by other soils within the site. This should be the subject of appropriate planning conditions or obligation and should be subject to regular and careful monitoring to ensure it is undertaken appropriately.

Restoration and off-site ecology: The Authority would expect the site to be restored by utilising the existing ancient woodland seed bank together with biodiversity enhancement post-restoration to ensure connectivity of habitats both within and around the site again in accordance with Table 4.1. The Authority would welcome a condition requiring the completion of the agreed restoration plans in accordance with the application and appropriate aftercare and monitoring processes.

Furthermore, the Council needs to be satisfied that the application as submitted provides sufficient evidence to demonstrate that the proposed mineral workings will not impact on water levels and that sediments run-off can be contained within the site boundary so as to not adversely affect the adjacent sites of special scientific interest which are designated for their wet meadows interest. The Water EIA (paragraph 8) submitted with the application identifies that this is the main area of concern off-site, especially as the site condition of part of the New Forest SSSI has been classified by Natural England as 'unfavourable - declining' since 1997. It is imperative that mechanisms are put in place to ensure the 'unfavourable' condition of this site is not exacerbated by the mineral workings.

Other issues: The site is located within the 'Except for Access' 7.5 tonne weight limit in the Downton/Redlynch and northern New Forest area. The Authority has raised previous concerns in the past about the impact of HGVs gaining access to and from the Quarry on the settlements located along the unfenced B3078, B3079 and B3080 Forest roads which are used as short cuts to the M27/A1. It is noted that Table 4.1 states that any future planning applications should maintain the existing traffic routing agreement and the Authority would like to re-iterate the importance of this.

41. **Wiltshire Council Archaeology** – Support, subject to conditions. Confirm the site is of archaeological interest and significant archaeological remains, in the form of a Bronze Age cremation cemetery, have been found in the immediate vicinity. In this case, field evaluation is difficult due to the presence of trees, and is not in any case appropriate due to the level of impact of the proposed works. It is therefore recommended that a programme of archaeological works is carried out as part of any development. It is likely that this will involve elements of watching brief and possibly archaeological excavation, but the exact nature of the works and when they can be undertaken will form part of a written scheme of investigation, which can be secured by planning condition.

42. **Wiltshire Council Ecologist** - Support, subject to conditions.

Matters Considered:

Mineral workings at the site commenced in 2009 and have continued through a series of permissions. Most recently, Planning Permission (ref: 15/07426/WCM) was granted for mineral extraction in part of a larger area that has been allocated as 'Extensions to Brickworth Quarry' in the Wiltshire & Swindon Aggregate Minerals Site Allocations Local Plan 2013, namely Lowden's Copse. The current application is for the remainder of the land allocated for sand extraction referred to as Area A and Area B in the Local Plan.

The allocated minerals resource components of this site lie within 1.5km to the north west of the New Forest Special Area of conservation (SAC). The HRA of the Mineral and Waste Core Strategy did not identify any potentially damaging effects of mineral extraction for this N2K site at this distance. To inform the Local Plan, I carried out a further test of likely significant effect on the designated features of the European site as a result of operations to extract sand at this site (see appended document) and concluded that although hydrological connectivity exists between the N2K site and the application site, adverse impacts on designated site features were very unlikely to occur as a result of the operations, due to the distance between the two sites. Standard best practice working methods should ensure this.

The current application is the culmination of a substantial lead-in which has included pre-application consultation, EIA Scoping Advice, site meetings and discussion with the applicant and specialists they have engaged in respect of ecology, hydrology, soils and landscape. Natural England specialist officers have also attended some of the above meetings to give advice on European Protected Species licensing issues.

As requested within the EIA Scoping Advice, detailed ecological surveys have been carried out during 2015, with some running into 2016 where necessary to gain sufficient information. These comprised: Extended Phase I Habitat Survey, NVC Survey of Woodlands, surveys of invertebrates (including butterfly), amphibians, reptiles, birds, badgers, hazel dormouse, bat roosts and transect surveys to determine key bat flight lines and foraging areas. The results of these surveys have been used to help delineate the area of extraction, identify the most sensitive areas of the site for retention and protection, inform a suitable phasing programme to take account of the soil handling strategy that will be necessary to preserve the integrity of the ancient woodland soils, and inform an appropriate restoration plan that will be relevant to the current ecology of the site and will offer suitable enhancement for biodiversity.

Ancient Woodland

The site is in commercial forestry use, which is not controlled by the minerals company but by the landowner. Commercial forestry processes will continue at the site whether or not permission is given to extract sand, with continued planting of native broadleaf following clear felling of each section of conifer plantation. The opportunity for extraction of the mineral resource (sand) is, however, dependent on

the planting and felling cycle of the commercial forestry, in order to carry out the most efficient extraction operation with the least impact to the natural environment.

The site is a Plantation on Ancient Woodland Soils (PAWS), which assumes the continued survival and viability of the ancient woodland seed bank within the soil, following conifer crop production and return to native broadleaf woodland.

Natural England and the Forestry Commission have issued joint standing advice on the treatment of PAWS sites, emphasising that development should not be permitted where irreplaceable habitats will be lost. Part of that standing advice states that:

Trees and woodland classed as ‘ancient’ or ‘veteran’ are irreplaceable. Ancient woodland takes hundreds of years to establish and is considered important for its wildlife, soils, recreation, cultural value, history and contribution to landscapes.

‘Ancient woodland’ is any wooded area that has been wooded continuously since at least 1600 AD. It includes:

- *‘ancient semi natural woodland’ mainly made up of trees and shrubs native to the site, usually arising from natural regeneration*
- *‘plantations on ancient woodland sites’ areas of ancient woodland where the former native tree cover has been felled and replaced by planted trees, usually of species not native to the site*

Ancient semi natural woodland and plantations on ancient woodland sites have equal protection under the National Planning Policy Framework (NPPF).

It is therefore vital to the continued viability of the ancient woodland site, to consider how the processes that would be implemented to achieve the proposed mineral extraction will impact on the soils and whether this impact will be deleterious to the ancient woodland seed bank.

I have applied the above standing advice in my assessment of this application and utilised the Assessment Guide contained within the standing advice in relation to the impacts on the PAWS site and on the remnant Ancient Woodland soils within the site, I have considered the following:-

- No ancient woodland trees will be lost since none currently remain. The site has already been subject to past clearance and planted with a commercial forestry crop which is now ready for felling
- Botanical surveys within the woodland areas show that while there are numerous indicators of ancient woodland within the flora of the site, there are no individually protected or notable floral species present

- Areas where AW indicator species are highest, together with irreplaceable surviving features of the ancient woodland structure (specifically the hedge banks supporting hazel coppice) will be retained and protected during the extraction process. These areas and features are expected to make an important contribution to regeneration of ancient woodland flora within the restored site
- The ancient woodland soils will require sensitive and minimal handling in order to preserve the ancient woodland seedbank they currently support. A robust soil handling strategy has been designed based on best available knowledge from other UK PAWS sites, which improves greatly on the soil handling regime for areas of the wider site already extracted. This relies primarily on the need to move soils only once, using direct placement to the area of restoration, without the need to stockpile (which would be more likely to affect the integrity of the soil structure and thence the integrity of the ancient woodland seedbank). Phasing of the works has been very carefully designed to avoid the need for alteration due to any unforeseen circumstances (as far as if possible). It is acknowledged that the success of the restoration scheme is dependent on workable phasing that results in the most sensitive soils being subjected to the least disturbance
- The landowner intends that the site will continue in commercial forestry management, with a change from the current conifer-rich mix towards more native broadleaf trees. This is intended whether or not the sand extraction is permitted
- No woodland area will be permanently lost since the application does not include the construction of built structures, either temporary or permanent and it is intended to replant the area with native broadleaf trees following sand extraction and filling.
- Available mineral resource (sand) occurs in discrete areas. Avoidance of disturbance of ancient woodland soils in order to extract sand at this site is not possible since the sand resource lies beneath the PAWS site.
- Replacement of the sand with inert fill will not alter the drainage regime of the substrate since both are readily permeable by rainwater;
- The restoration plan proposes an increase in the total area of woodland, utilising ancient woodland soils in the most appropriate areas, together with other soils currently stockpiled from previous excavation. Ancient woodland soils will **not** be mixed with other soils (the robust soil handling strategy and the direct placement of AW soils to their permanent locations ensures this).

I have also reviewed this application against the following research and guidance documents as pertinent to the Minerals Industry and to Ancient Woodland Conservation:

- CIRIA C600 Habitat Translocation: a best practice guide 2003.
- DEFRA Safeguarding our Soils – A Strategy for England (24th September 2009), published in tandem with a ‘Code of Practice for the Sustainable Use of Soils on Construction Sites’ Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69308/pb13298-code-of-practice-090910.pdf.
- Natural England/Forestry Commission Standing Advice – Ancient Woodland & the Planning System last updated 9th August 2016
- Ryan, 2013. *Translocation and Ancient Woodland*. Woodland Trust. Available at: <https://www.woodlandtrust.org.uk/mediafile/100115770/Translocation-and-Ancient-Woodland.pdf>.

Based on best available research and guidance from other mineral sites on PAWS in the UK, as listed above, I consider that the soil handling strategy and phasing programme proposed, together with the proposed restoration plan, will contribute to the conservation of ancient woodland soils within the site and subsequently the ancient woodland seed bank they contain.

County Wildlife Sites (CWS)

Parts of Areas A & B are designated as County Wildlife Sites because they are included in the Natural England Ancient Woodland Inventory. The wider site is currently managed as commercial forestry and more than one growing and felling cycle has already taken place so the trees themselves within these areas are not ancient or veteran but are a recent commercial crop and the area is termed as a Planted Ancient Woodland Soils (PAWS) site. Results of the assessment of the woodland by the applicant’s ecologists are closely similar to the latest assessment made by the Wildlife Sites Officer. I am satisfied that sufficient survey visits, during suitable survey periods have been carried out to properly record the botanic assemblage within the woodland areas and to allow sufficient assessment of the potential impacts as a result of the proposal.

County Wildlife Sites are protected through Wiltshire Core Policy 50, which allows for some development to take place **if** it meets the criteria of the Policy. I am satisfied that the current application meets the required criteria since it includes a robust soil handling strategy based on current best available knowledge that will ensure that the ancient woodland soil bank can be preserved. In addition, the restoration proposal is sufficiently well designed such that the quality of the future woodland on the site (which will continue within the commercial forestry cycle) will continue to support a high level of biodiversity.

Ecological Survey

A very comprehensive assessment of habitats and species within the site has been completed by Ward Associates on behalf of the applicant. All surveys have been carried out in line with the relevant current national survey guidelines. I am confident that the habitats within the site and the diversity of species they support is well understood and that this knowledge has been used to design a restoration plan that will continue to provide good quality habitat for key species. Enhancement of the site will result from an increase in the overall area laid to woodland and from the creation of habitat areas to benefit reptiles, bats, dormice, birds and great crested newts. Section 15 - Mitigation, Compensation & Enhancement Measures, within the Ecological Assessment Report by Ward Associates sets out comprehensive details.

Habitats

Survey of the woodland has been undertaken by a specialist woodland ecologist on behalf of the applicant. The majority of the woodland is classified as NVC W10, with small areas of W8. A good range of ancient woodland indicator species are present in discrete areas where least disturbance has occurred. Wherever possible, these areas will be retained outside of the extraction zone and protected from over-run by machinery or other disturbance associated with the mineral workings.

Joint standing advice issued by Natural England and the Forestry Commission has been applied in my consideration of the application in relation to the ancient woodland soil seedbank and I am satisfied that the proposal includes a sufficiently robust soil handling strategy, based on the most recent documented experience from other UK PAWS sites, such that the integrity of the ancient woodland soils can be preserved.

Protected Species

I am satisfied that all relevant species likely to occur within the site have been subject to sufficient survey to inform the application. Great crested newt and dormouse licensing issues have been fully discussed with Natural England. No bat roosts were found in trees within or immediately adjacent to the site and no key flight lines for commuting or foraging bats (particularly Annex II bat species) were identified within the site or within the expected zone of impact. Reptiles, birds, badgers and other small mammals will be protected during the extraction period through a Construction Ecological Method Statement which will be submitted for approval prior to commencement of works. A dedicated receptor area suitable for reptiles, great crested newts, and other amphibians will be prepared and made ready prior to the start of works.

Ancient Woodland Soils and Phasing of Extraction

The phasing of areas to be extracted has been designed around the primary need to handle the ancient woodland soils only once in order to preserve the seedbank, as well as the need to maintain sufficient quality habitat areas to support the wildlife species known to be present within the site. At each phase, an assessment of the habitats will be made and this will determine the need for translocation of sensitive plant species to prepared receptor areas.

Pre-application discussion included the requirement for the soil handling strategy for the entire extraction period for the remaining two areas (Areas A & B) to be very carefully considered, as future applications for alterations to the strategy would not be permitted. I am satisfied that all potential influencing factors have been taken into account and that the proposed phasing programme is robust. In addition, I believe that the direct placement method to be used for ancient woodland soils, will prevent the need to store any of the most sensitive soils which *could* result in some degradation of the viability of the soil structure and the ancient woodland seedbank contained within.

Hydrology/Hydrogeology

The removal of sand from beneath the soil and replacement with inert waste is unlikely to alter the hydrology of the site since inert waste and sand are both free-draining. However, Environment Agency regulations require that the extraction areas are clay-lined prior to filling with inert waste and this could have the potential to alter the drainage regime within the site and lead to off-site effects on nearby sensitive ecological receptors. During pre-application discussion and EIA scoping advice, I raised the issue of hydrology in relation to clay-lining of the quarried areas and the subsequent potential alterations to the drainage properties of the restored soils as a result. I also requested an assessment of the effect of the clay lining on groundwater flows in relation to off-site impacts on sensitive (water dependent) habitats. The hydrology section of the EIA has been presented very clearly and confirms a detailed understanding of groundwater flows within the site and the potential effect on sensitive habitats in the immediate surrounding area. It has been demonstrated that the groundwater actually flows below the site, at a deep enough level that will not be affected by the proposals. The hydrology section states that "Mitigation for local loss of rainfall recharge of the aquifer uses an integrated water management strategy for the restoration, infiltrating site run-off to the underlying strata at the pre-development rate, therefore retaining the current water balance between infiltration, evapotranspiration and run-off, ensuring identical groundwater and surface water flows reach the off-site ecosystems". Two additional attenuation ponds and two additional soakaways are included within the restoration plan to manage surface water within the site and avoid offsite impacts on surrounding habitats. I am therefore satisfied that the required clay-lining of the extraction areas will not result in changes to groundwater or surface water at off-site sensitive receptors such as water dependent habitats.

Restoration Strategy

A soil resource strategy has been devised in line with current EU and UK Government thinking, as part of the overall land restoration scheme. This follows best practice guidance which is based on best available knowledge of safeguarding both the quality and the quantity of PAWS and non-PAWS soil resources (i.e. topsoil and subsoil), for re-use within the site. It is clear that the strategy of minimal handling will help preserve the seedbank and accompanying soil fauna and mycorrhiza to in turn maintain the integrity and quality of the PAWS soils and allow the best chance of the ancient woodland flora regeneration post restoration.

Over 86% of the PAWS soils will be translocated directly from the donor site to the receptor site (the final location), which removes the necessity to store soils, which could ultimately lead to some loss within the soil of the seedbank, soil fauna and mycorrhiza. Where the scheme proposes the necessary stockpiling of approximately 13% of the PAWS soils, a specification for soils storage has been devised to minimise the effects of stockpiling. Available documentation confirms that this strategy is suitable in presenting the best opportunity for re-developing suitable soil conditions for the successful recreation of an ancient woodland ecosystem in the long term.

The total area of woodland within the restored site (PAWS plus additional planting) will be substantially increased. Areas of habitat creation within the wider site will benefit specific wildlife species, namely bats, dormice, great crested newts, birds and reptiles. These include the additional areas of planting referred to above, together with attenuation ponds and soakaways that will be of benefit to amphibians, birds and invertebrates, provision of bat, bird and dormouse boxes throughout the site and refugia and basking areas for reptiles. Moreover, the restoration strategy has been designed specifically to maintain and enhance habitat connectivity into surrounding woodland sites and associated habitats, such that the function of the wider local landscape will be increased for biodiversity.

In Summary

The applicant has addressed all issues raised during the pre-application consultation and carried out the scope of the EIA as advised by both Wiltshire Council and by Natural England. I am satisfied that the level of survey has been sufficient to fully understand the ecology of the site, including sensitive habitats and species and that the restoration plan will provide a comparable quality of suitable habitat to continue to support both faunal and floral species.

In addition, the soil strategy is based on the most up to date available knowledge, collated from recent research and guidance and from other PAWS sites around the UK and Europe. I consider that it is likely to help ensure the conservation of the ancient woodland habitat at this location.

In order to secure the potential for success of the restoration scheme, I request that the two conditions below are added to any permission you are minded to give this application.

Conditions:

Prior to commencement of works, a Construction Ecological Management Plan will be submitted for approval by the LPAs ecologist. This will be based on the recommendations for precautionary working practices given in the ecological appraisal prepared by Ward Associates.

Prior to commencement of works, a Landscape & Ecological Management Plan will be submitted for approval by the LPAs Ecologist and Landscape Officer. The post restoration management commitment by the mineral company will be for a minimum of 5 years.

43. **Wiltshire Council Landscape Officer** – no objections to the proposals, but provides the following comments for clarity:

The site is not located within a nationally designated landscape but does lie within the SLA (local designation) and the setting of the New Forest National Park. The NPPF places great weight on conserving landscape and scenic beauty of nationally important landscapes (para.115) and major applications in should be refused unless there are exceptional circumstances and in the public interest (para.116). Such applications should include an assessment of any detrimental effects and the extent to which these might be moderated through mitigation measures. Furthermore the CROW Act 2000 places a duty on statutory bodies to have regard to the purpose of designation of NPs (and AONBs) as follows:

- Conserving and enhancing natural beauty, wildlife and cultural heritage.
- Promoting opportunities for the public to understand and enjoy the special qualities of the designated area.

A Landscape and Visual Impact Assessment has been submitted with the application and I can confirm it has been prepared in accordance with current best practice. The LVIA states at para.3.3.1 *'Although the site is located relatively close to The National Park, the proposed development is unlikely to cause any significant landscape or visual impact from within the Park due the level of enclosure provided by surrounding woodland and other vegetation'*. Field work undertaken in winter and summer months show that the Zone of Visual Influence is largely limited to within 1km of the site due to topography and extensive woodland planting that serves to screen and filter views of the site.

The LVIA, informed by local planning policies and Landscape Character Assessments, has underpinned the development of a holistic mitigation and restoration strategy:

- The siting of the proposed extraction areas mostly within blocks of commercial forestry plantation, with the retention of significant woodland edge vegetation to provide visual screening;
- The working of the site in a series of phases with a rolling programme of extraction and restoration to minimise the extent of disturbance within the landscape;
- The implementation of additional tree planting on the perimeter of the site to provide compensatory woodland habitat and visual screening;
- The preservation and translocation of ancient woodland soils for restoration;
- The backfilling of the extraction voids with imported fill to achieve a natural landform at similar ground levels to the pre-development site;
- The replanting of the restoration areas with native broad-leaved trees and shrubs to provide biodiversity enhancement and to preserve the long term wooded character of the site and surrounding landscape.

In terms of residual landscape effects LVIA concludes that the working of the minerals will have a moderate-major adverse effect upon the site itself, with minor effects on the wider landscape but only a negligible impact on the character and setting of the NFNP. A similar level of significance is attributed to visual effects. However, the final restoration of the site to woodland will result in an overall positive effect on the landscape and visual baseline, and will provide enhancement for the SLA, biodiversity and local landscape character.

44. **Wiltshire Council Environmental Health Officer** - notes that whilst the noise assessment carried out for the site predicts noise levels will be below the 55dB limit set within planning practice guidance, during phase 1 and 4 the levels at 6 of the 7 nearby properties will be above background noise levels. Three properties will be potentially subjected to noise levels around 9dB and 15dB above background levels. The Assessment recommends that a temporary bund is constructed which will reduce noise levels from operations by around 10dB at one property, though for the other two no additional mitigation measures proposed. Considers if the bund could be extended along the western boundary during phases 1 and 4, then it would give properties to the south west further protection from noise. If this not possible recommends the bund is at least implemented as a minimum measure.
45. **Wiltshire Council Highways Officer** – advises that as the site is served directly from the A36 trunk road this is a matter for Highways England, who it is noted have responded.
46. **Wiltshire Council Rights of Way Officer** – no comments received.

Publicity

47. The application has been publicised in the local press and by site notices. A neighbour notification exercise was also carried out.

2,445 objections have been received. The reasons upon which objections are based follow those set out in a template objection letter produced by The Woodland Trust. The reasons stated are:

- Object to the proposed extensions due to substantial loss and damage to ancient woodland.
- Quarrying within ancient woodland is highly inappropriate and must not be allowed. The damage and destruction of more than 20 hectares of ancient woodland for the purposes of sand extraction is simply unacceptable and could set a dangerous precedent for ancient woodland around the UK.
- Remember Plantations on Ancient Woodland Sites (PAWS) are recognised by government as ancient woodland, a finite and irreplaceable habitat.

48. **The Woodland Trust** - strongly objects to this planning application. It is essential that ancient woodland is retained and not subjected to unnecessary damage and loss that would occur as part of the proposals. The proposed extension areas and original siting of the quarry is entirely inappropriately in respect of ancient woodland. Furthermore the translocation proposals must not be considered as part of the planning balance as they are compensation measures. While we understand that the application is for the proposal of excavation in areas outlined with the Wiltshire Minerals Local Plan (adopted 2013) it is apparent that the proposed scheme is unacceptable in its nature and in direct contravention of both local and national planning policies.
49. **Wiltshire Wildlife Trust** – object, consider the damage caused to 8ha of Lowdens copse (total size of CWS 20ha) and 13.7ha of Sandlands/Goose Eye Copse (total size of CWS 16ha) is not a sustainable development, contrary to national and local planning guidance, and provides no net biodiversity gain which is a central pillar of the NPPF.
50. **The National Trust** - owns the land around the grade II listed Pepperbox, some 2km to the north-west of the application site. Considers the planning application does not consider the impacts of the development on the Pepperbox as a designated heritage asset, although it is accepted that – given the distance involved – any harm to its setting would be less than substantial. In landscape terms, the application notes the existence of Pepperbox Hill and ridge, but does not appear to consider any impacts on the visual amenities as experienced from this location. Turning to ecological matters, we note and support many of the comments from other consultees regarding the loss of ancient woodland.
51. **South Wiltshire CPRE** – comment that the Applicant has worked very closely with advisors to minimise the loss of ancient woodland soil structures and that there is no question as to the seriousness with which they have approached this application. The South Wiltshire CPRE commends them for that, but there is no scientific evidence that soil structures of ancient woodland can be excavated, however carefully, and then reinstated without damage or loss and all that can be attempted is a reduction in the degree of damage. Time will be the sole arbiter of how successful that will have been and the CPRE is not convinced that it will be successful. That the void created by excavation will be filled with hardcore and inert wastes guarantees a subsoil structure totally at variance with the original sands and clay that will ensure that the original status of the ancient woodland will be altered and lost for ever. Whatever is stated in the reports it will never return to being as it is. Neither the Ancient Woodland nor the unique habitats will return to being as they are if approval is given. That does not mean that in time there will be no woodland or habitats but simply that they will be different.

52. **Whiteparish Preservation Group** – concerns with the loss of Ancient Woodland, the storing and relocation of PAWS soils and the damage to the habitat and wildlife if this latest planning application is approved without further mitigation or compensation measures being undertaken. Also concerned at the proposed retaining of the tarmac access road from the A36 as consider this will make site attractive for unauthorised access.

Planning Considerations

53. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.
54. The EIA Regulations require that before determining any EIA application, the local planning authority must take into consideration the information contained in the Environmental Statement (ES) (including any further information), any comments made by the consultation bodies, and any representations from members of the public about environmental issues.

Principle of development

55. The NPPF sets out the government’s planning policies for England and how these are expected to be applied. Section 13 specifically considers minerals development. Paragraph 142 recognises minerals are essential to support sustainable economic growth and our quality of life and therefore the importance of ensuring that a sufficient supply of material is available for the needs of infrastructure, buildings, energy and goods that the country needs. Also, that mineral can only be worked where resources exist.
56. Paragraph 144 states that when determining planning applications, local planning authorities should “give great weight to the benefits of the mineral extraction, including to the economy”. Paragraph 145 states minerals planning authorities should plan for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of at least 7 years for sand and gravel.
57. The Minerals Core Strategy sets a strategic policy framework for meeting the need for minerals and managing minerals development in Wiltshire and Swindon over the Plan period to 2026. Core Strategy Policy MCS 1 (A-C) sets out the Councils development strategy for meeting forecasts of the demand for aggregates and identifying sites.

58. Policy MCS1 (A) identifies 'Minerals Resource Zones' within which proposals for new or extended sand and gravel workings should be located. These are Upper Thames Valley; Calne Area; South East of Salisbury; Bristol Avon; and Salisbury Avon. Brickworth Quarry is located with the 'South East of Salisbury' zone. The mineral resources associated with land to the south east of Salisbury provide an essential supply of soft sand used for mortars, concreting and other industrial uses by the construction industry. Production is currently limited to a single site - Brickworth Quarry.
59. Policy MCS 1 (B) sets out the generic criteria for guiding the location of new or extended sites for minerals extraction that was used to identify sites in the Wiltshire and Swindon Aggregate Minerals Site Allocation Local Plan. The Local Plan draws on these provisions by proposing allocations / identifying sites in those same zones which the Councils consider will be required in order to meet the demand for aggregate mineral (sand and gravel) working. The sites identified through the Local Plan are considered by the councils as being suitable for future minerals extraction.
60. The Councils concluded that the requirement of the South East of Salisbury area to meet the forecasts of the demand for aggregates to 2026 and potentially beyond can be met by one site option (split into 2 areas) as an extension to Brickworth Quarry. The Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan allocates land for two extensions to Brickworth the Quarry, identified as Area A and Area B.
61. The areas proposed for extraction in this application comprise the allocated land except for:
- (i) The omission of Lowdens Copse within Area A because it has recently been permitted;
 - (ii) A minor extension of the western boundary of Area B to offset the reserve that would be sterilised by retaining Footpath WHIT12 and Hazel Bank heritage site with an appropriate standoff.
62. Paragraph 1.39 of the Minerals Site Allocations Local Plan states that in principle the councils will be supportive of appropriate applications for minerals development within the locations set out in the Local Plan.

Need for and Supply of Minerals

63. Policy MCS 1 of the Minerals Core Strategy states that to ensure continuity of supply, the Councils will endeavour to maintain landbanks for aggregate minerals in accordance with National and Sub-National Guidelines. Paragraph 145 of the NPPF states minerals planning authorities should plan for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of at least 7 years for sand and gravel.

64. The length of the aggregate landbank is the sum in tonnes of all permitted reserves for which valid planning permissions are extant, divided by the annual rate of future demand. Planning Practice Guidance advises that aggregate landbanks are an essential component of planning decision-making: low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates.
65. In planning for a steady and adequate supply of aggregates, MPAs are to prepare an annual Local Aggregates Assessment (LAA). A Local Aggregate Assessment is an annual assessment of the demand for and supply of aggregates in a mineral planning authority's area.
66. The most recent Wiltshire Local Aggregate Assessment was published in September 2014, for the year of 2012. At December 2012 permitted reserves of sand and gravel were estimated to be 3.65 million tonnes, giving a landbank figure of 3 years. More recent figures contained in the South West Aggregates Working Party Annual Report: 2014 show the landbank in Wiltshire at the end of 2014 as being just 4 years. No major new minerals planning permissions have been granted since then that would significantly improve this position.
67. Planning Practice Guidance advises that there is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. However, where a landbank is below the minimum level of 7 years this may be seen as a strong indicator of urgent need.
68. The Applicant considers the currently permitted reserves at Brickworth Quarry are only sufficient to maintain sand production until early 2017. The extensions will allow the sand quarry and related activities to continue at present rates and levels of activity for a further 11 years. The extensions site is allocated for sand extraction in the Development Plan, forming part of the planned supply for soft sand, and this application can be considered as meeting an urgent need to maintain a steady and adequate supply of aggregates.
69. The Wiltshire and Swindon Waste Site Allocations Local Plan identifies Brickworth Quarry as a local scale landfill site (Site ref S2). It is linked to the Waste Core Strategy as a site that will make a positive contribution to meeting capacity requirements in line with Waste Core Strategy policies WCS1 – 3. Since the Quarry opened there has been progressive restoration using imported inert materials and it is proposed that this will continue. Restoration using inert materials to return the landform to its original levels is consistent with the current policy framework.

Site specific considerations

70. The Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan identifies the proposed extensions at Brickworth Quarry for sand extraction (Areas A and B Inset map 7). For each site identified in the Local Plan is a site profile table, in this case Table 4.1, highlighting particular issues to be addressed at the planning application stage. The key issues for Extensions to Brickworth Quarry are:
- The need to robustly protect and retain soils / Ancient Woodland seed bank
 - Ensure local wildlife populations are not adversely impacted
 - Restoration requirement to mixed deciduous woodland to support BAP habitat in the area
 - The proximity of the New Forest National Park
 - Requirement for a Dust Management Plan
 - Requirement for a Noise Assessment
 - Consideration of archaeology
 - Continuation of existing access arrangements
 - Protection of the water environment

Ancient Woodland

71. The application site includes areas of land that are by definition ancient woodland. 'Ancient woodland' is any wooded area that has been wooded continuously since at least 1600 AD. It includes:
- 'ancient semi natural woodland' mainly made up of trees and shrubs native to the site, usually arising from natural regeneration
 - 'plantations on ancient woodland sites' - areas of ancient woodland where the former native tree cover has been felled and replaced by planted trees, usually of species not native to the site.
72. The woodland within the proposed application area is classified as 'Plantations on Ancient Woodland Sites' (PAWS). These are areas of ancient woodland where the former native tree cover has been felled and replaced by planted trees, predominantly of species not native to the site. These will include conifers and also non-native broadleaves. These sites often retain some ancient woodland features such as soils, ground flora, fungi, and woodland archaeology.
73. The extraction of sand from the proposed extension areas will result in the phased loss of approximately 19.7 hectares of plantation woodland and 1.3 hectares of agricultural land. There will be a loss of 7.2 ha of woodland in Area A and 12.5 ha in Area B for quarrying. Of this land approximately a third has been clear felled, due to the woodland being under commercial forestry management.
74. As noted at paragraph 47 above, the loss of ancient woodland has attracted substantial number of objections expressing a view that quarrying within ancient woodland is inappropriate and should not be allowed.

75. The NPPF states at paragraph 118 that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles which includes:

“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”.

76. The application site forms part of a large area of land that has been allocated for minerals extraction as ‘Extensions to Brickworth Quarry’ in the Minerals Site Allocations Local Plan. Whether the allocated sites are acceptable in environmental terms was one of the two main issues considered by the Inspector appointed by the Secretary of State for Communities and Local Government when determining whether the Local Plan was ‘sound’ and compliant with the legal requirements. With regard to the ‘Extensions to Brickworth Quarry’ allocation, the Inspector identified a key consideration to be the presence of ancient woodland within the boundaries of the two extension sites:

72. Having regard to the evidence before me, and my own site inspection, I note that extraction would affect areas that are by definition ancient woodland. However, within these areas, there are no ancient or veteran tree specimens. The area is currently in use as agri-forestry and is planted with conifers under a woodland management scheme. The trees on this part of the estate are felled regularly. Planning permission has already been granted for the felling of parts of the woodland in the area to allow mineral working to take place.
73. In the circumstances, I feel that priority should be given to protecting the quality and integrity of the soils on the site as they represent the potential seed bank for typical ancient woodland species. Benefits would be maximised through restoration to lowland mixed deciduous woodland with retention and conservation of the ancient woodland soils carefully managed through the extraction process. In addition, a suitable soil handling strategy would help conserve the seed bank.

77. Table 4.1 of the Minerals Site Allocations Local Plan duly acknowledges the classification of this site option as Ancient Woodland and states:

“The vitally important aspect of this site, and the basis prerequisite that will have to be secured before the sites (Areas A and B on Inset Map 7) can be worked for minerals is the need to robustly protect and retain the soils (structure and quality) as they contain the potential seed bank for re-establishing typical Ancient Woodland species post-restoration.”

And,

“If areas of ancient woodland (standing or previously felled) are to be removed to facilitate mineral extraction, a strict soil handling strategy will be required to ensure that ancient woodland soils are preserved and can be returned to their original locations, unadulterated by other soils within the site”.

78. Policy MDC6 of the Wiltshire and Swindon Minerals Development Control Policies DPD requires minerals developers to undertake an assessment of the potential effects of their development proposals on areas of biodiversity and/or geological interest. The assessment should identify whether a proposal is likely to result in a significant adverse impact (i.e. resulting in unacceptable loss or harm of species or habitat), and set out clearly the options considered for avoiding, mitigating or compensating for the adverse impact.
79. National Planning Practice Guidance (PPG) includes guidance on ancient woodland and veteran trees. PPG advises that Natural England and the Forestry Commission have prepared standing advice to provide assistance to local planning authorities in considering proposals which impact on ancient woodland or veteran trees. In their responses to consultation on the proposals for Brickworth Quarry, Natural England and the Forestry Commission have referred the Council to this Standing Advice for the determination of this application.
80. The Standing Advice sets out the steps planning authorities should follow when making decisions on planning applications that affect ancient woodland and veteran trees. In short, these are:
- **Assess the impacts**
 - Consult inventories to decide whether a development will affect ancient woodland:
 - Potential impacts
 - assess the potential impacts using the assessment guide and use this to help with planning decisions.
 - Providing evidence
 - The developer and planning authority should work together to make sure the authority has enough suitable evidence to make its decision
 - **Avoid, reduce or compensate for the impacts**
 - Planning authorities and developers should start by looking for ways to avoid the development affecting ancient woodland or veteran trees
 - In assessing development proposals, planning authorities must decide on the weight to be given to ancient woodland and veteran trees in individual cases.
 - If the planning authority decides to grant planning permission in line with the National Planning Policy Framework, it should seek appropriate mitigation or compensation from the developer. As ancient woodland and veteran trees are irreplaceable, discussions on compensation should not form part of the assessment of the merits of the development proposal.
 - The planning authority should use planning conditions or obligations to secure these mitigation or compensation measures and subsequent ecological monitoring.

Assess the impacts

81. Natural England has confirmed the proposals have the potential to adversely affect woodland classified on the Ancient Woodland Inventory. The extraction of sand from the proposed extension areas will result the phased loss of 19.7 hectares of plantation woodland that is classified as 'Plantations on Ancient Woodland Sites' (PAWS). PPG advises that Ancient Semi-Natural Woodland (ASNW) as well as Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient woodland in the NPPF.
82. The woodland across much of the Brickworth site comprises coniferous commercial tree species of a variable age structure, but there are a number of ancient woodland indicator species within the plantations and much of the broad-leaved woodland edge remains intact. This land is part of the County Wildlife sites of Lowden's Copse in Area A and Sandland Copse and Goose-Eye Copse in Area B. There will be a loss of 7.2 ha of woodland in Area A and 12.5 ha in Area B for quarrying. Of this land approximately a third has been clear felled, due to the woodland being under commercial forestry management.
83. The majority of the extension areas are W10 woodland (one of the woodland communities in the National Vegetation Classification [NVC] system of classifying natural habitats according to the vegetation they contain), part closed canopy woodlands dominated by Scot's pine, Corsican pine or western hemlock-spruce and part drastically thinned, with scattered Douglas fir and pedunculate oak, over vigorous regeneration of silver birch and Douglas fir. There are small areas of W8 woodland, mostly along the boundary banks and a shallow valley in Area A. In the cleared areas there are also grassy glades and rides and extensive bracken dominated glades. Part of Area A is improved grassland.
84. The Council's Senior Ecologist, having regard to the Standing Advice and assessment guide, has considered the potential impacts on the PAWS site and on the remnant ancient woodland soils within the site and advises:
 - No ancient woodland trees will be lost since none currently remain. The site has already been subject to past clearance and planted with a commercial forestry crop which is now ready for felling;
 - Botanical surveys within the woodland areas show that while there are numerous indicators of ancient woodland within the flora of the site, there are no individually protected or notable floral species present;
 - Areas where AW indicator species are highest, together with irreplaceable surviving features of the ancient woodland structure (specifically the hedge banks supporting hazel coppice) will be retained and protected during the extraction process. These areas and features are expected to make an important contribution to regeneration of ancient woodland flora within the restored site;

- No woodland area will be permanently lost since the application does not include the construction of built structures, either temporary or permanent and it is intended to replant the area with native broadleaf trees following sand extraction and filling; and
 - Replacement of the sand with inert fill will not alter the drainage regime.
85. It is also noted by the Council's Senior Ecologist that the site is in commercial forestry use, which is not controlled by the minerals company but by the landowner. The landowner intends that commercial forestry processes will continue, with trees felled under Forestry Commission licence, at the site whether or not planning permission is given to extract sand. The opportunity for extraction of the mineral resource is, however, dependent on the planting and felling cycle of the commercial forestry, in order to carry out the most efficient extraction operation with the least impact to the natural environment. Planning Permission for extraction of minerals from Lowdens Copse (part of Area A) was granted in 2015.
86. The Ecological Assessment report submitted as part of the Environmental Statement notes that under the relevant assessment criteria the loss of these woodlands is considered to be a high negative effect. However, it also notes that this takes no account of the abundance or otherwise of the habitat and designated woodlands in the locality. The site is located within the Tytherley and Langley Woods Area, identified in *Wiltshire Landscape Biodiversity Areas (WLBA) 2013 report*, which holds over 2000 ha of Ancient Woodland.

Providing evidence

87. The current application is the culmination of a substantial lead-in which has included pre-application consultation, EIA Scoping advice, site meetings and discussion with the applicant and specialists they have engaged in respect of ecology, hydrology, soils and landscape. Natural England has also attended some of these meetings to provide advice on European Protected Species licencing issues.
88. The planning application is accompanied by an Environmental Statement (ES) in accordance with the Town and Country Planning Environmental Impact Assessment Regulations 2011. Included in the ES are assessment reports of Ecology, Soils Strategy, Quarry Design, Hydrology and Hydrogeology and Landscape and Visual Impact and undertaken by specialists in their respective fields.
89. The ES Ecological Assessment of the proposed extensions describes the ecological importance of land, evaluates the effects of developing the site, identifies measures to minimise significant negative effects and prescribes appropriate mitigation and compensation measures.

90. The impact assessment and soil resource strategy (SRS) specifically assesses the likely significant environmental effects of the proposed extensions on soil resources. The SRS has been devised, as part of the overall land restoration scheme, to identify and safeguard the quality and quantity of PAWS and non-PAWS soil resources available for reuse at the site. The appraisal of the phased quarry design for the proposed extension areas considers how the phasing has been developed with respect to the PAWS soils.
91. The Hydrogeological assessment considers the potential impact upon the groundwater regime. The Landscape and Visual Impact Assessment assesses the potential landscape and visual effects that may be associated with the proposals.

Avoid, reduce or compensate for the impacts

92. The Standing Advice states planning authorities and developers should start by looking for ways to avoid the development affecting ancient woodland or veteran trees. As already noted, the application site is land that has been allocated for minerals extraction in the adopted Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan. A significant amount of evidence was gathered to establish whether, in principle, the sites contained within the Local Plan are suitable for mineral extraction.
93. The evidence gathered from detailed assessments undertaken as part of the site identification process illustrated that there are very few areas in Wiltshire and Swindon that can be considered appropriate and/or deliverable for sand and gravel extraction during the plan period (i.e. up to 2026). Minerals can only be worked where they exist and consequently there are specific locations where the councils could look to identify potentially suitable sites. The resource in these areas is either highly constrained (in the Calne area; and south east of Salisbury area) or, as in the case of the Upper Thames Valley, is running out as a result of past production. The councils included in the Local Plan those sites deemed to be the most appropriate given an absence of more suitable alternatives. This includes the 2 areas as an extension to Brickworth Quarry in the South East of Salisbury Aggregate Resource Area.
94. Given that mineral can only be worked where resources exist, avoidance of disturbance of ancient woodland soils in order to extract sand at this site is not possible since the sand resource lies beneath the woodland that is designated as 'PAWS'.
95. The PAWS classification has had a significant influence on the design of the scheme. Areas where Ancient Woodland Indicator species are highest, together with irreplaceable surviving features of the ancient woodland structure (specifically the hedge banks supporting hazel coppice) will be retained and protected during the extraction process.

96. The Applicant has in the Environmental Statement reported the potential alternatives considered to the development as proposed. A possible alternative would be not to extract sand to meet planned requirements, but such an approach would create a shortage of mineral necessary to support the construction industry. Extracting sand from a site that is not identified in the Mineral Site Allocations Local Plan would run counter to the plan-led system and undermine the purpose of the Local Plan which is to identify in the first instance suitable sites for sand extraction.

Mitigation and compensation measures

97. This planning application is the culmination of a substantial lead-in which has included pre-application consultation and discussion with the applicant and specialists in respect of ecology, soils, hydrology and landscape. In line with Table 4.1 of the Minerals Site Allocations Local Plan, consideration has been given to how the processes that would be implemented to achieve the proposed mineral extraction would impact on the soils and whether this impact would be harmful to the ancient woodland seed bank.
98. Mitigation has been built into the design, with particular consideration to the timing and phasing of the proposed works. This includes the general principle that any phase, from felling of existing woodland to replanting will be open for as little time as possible, that the greatest amount of PAWS soils is direct placed and that the water runoff and infiltration remains as near as possible to that currently existing. There will be advance planting of 2.5 ha broad-leaved woodland to the east of the plant site, adjacent to the A36 and strengthening the northern edge of the woodland of Area A.
99. The impact assessment and Soil Resource Strategy (SRS) specifically assesses the likely effects of the proposed extensions on soil resources. The SRS has been devised, as part of the overall land restoration scheme, to identify and safeguard the quality and quantity of PAWS and non-PAWS soil resources available for reuse at the site. This follows the approach of DEFRA's Construction Code of Practice for the Sustainable Management of Soil and other relevant best practice for handling soils.
100. The proposed phasing allows 86.3% of the PAWS soils to be translocated from the donor site directly to the receptor site (i.e. direct placement). The objective of the SRS is to restore a soil profile at a suitable receptor site which comprises (from ground surface to a depth of one metre) a 10 cm layer of translocated PAWS topsoil (including the seed bank, fauna and mycorrhiza it contains), over a 40 cm layer of translocated PAWS subsoil, over a 50 cm layer of well-drained coarse sand. Where the proposed scheme involves some temporary storage of PAWS soils (i.e. approximately 13.7% of PAWS), a specification for soil storage has been devised to minimise adverse effects of stockpiling. Ancient woodland soils will not be mixed with other soils.

101. The SRS aims to minimise damage to soil structure, and maintain pre-mineral extraction soil characteristics in terms of healthy soil aeration (and gaseous exchange), adequate drainage, and levels of fertility. By implementing the SRS, it is predicted that biological life in the soil (including fauna such as earthworms) will re-establish in the short to mid-term (1-5 years). It is recognised that more complex mycorrhizal systems associated with undisturbed ancient woodland soils will take longer to develop.
102. There will be a complete replacement of all woodland removed as part of the development as broad-leaved woodland rather than conifer as currently projected. The planting of the woodland, advance planting and planting of the 'Finger Field' will provide a net gain of 5.62 ha. Additionally here will be a modification of the planting from conifer to broad-leaved of 3.63 ha at Round Copse North. Overall, the restoration has been designed carefully so as to maximise the areas of woodland created and ensure a continuity of woodland connectivity both within the site and to the wider countryside.
103. The Forestry Commission advises that the methodology described in the soil management report - including using low ground pressure excavators and trucks to strip from donor sites and place (loose tip) on receptor sites on the same day (minimising disturbance to soil) - represents current good practice. The Council's Senior Ecologist considers the SRS and phasing programme proposed, together with the proposed restoration plan, will contribute to the conservation of ancient woodland soils within the site and subsequently the ancient woodland seed bank they contain.
104. The Standing Advice confirms planning authorities can accept large scale woodland planting as a compensation measure, alongside other measures; and this could be on soil that has been moved from the destroyed area of ancient woodland ('soil translocation').
105. It is considered therefore that, in line with Table 4.1 of the Minerals Site Allocations Local Plan, adequate mechanisms can be put in place to ensure that the soils are preserved and can be directly replaced, unadulterated by other soils within the site. These mitigation and compensation measures, together with subsequent ecological monitoring, can be secured by planning condition.

Whether the benefits of the proposed minerals development in this location outweigh the loss of ancient woodland

106. The NPPF states at paragraph 118 that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

107. The Standing Advice states that in assessing development proposals, planning authorities must decide on the weight to be given to ancient woodland and veteran trees in individual cases. Appeal decisions, including those for quarrying within an area of PAWS, have observed that “Not all ancient woodland is the same and, in order to properly balance the harm against the benefits, the characteristics of the ancient woodland in question must be assessed”.
108. The Standing Advice reiterates it is Government policy (NPPF, paragraph 118) to discourage development that would lead to loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. Despite the term ‘irreplaceable’ being applied to ancient woodland, the guidance clearly does allow for circumstances where the loss can be outweighed by other considerations. The classification of woodland as ancient does not prohibit any loss of its area simply due to its inclusion within the Ancient Woodland Inventory.
109. As established through the plan-making process and confirmed through this planning application, the woodland in this case comprises a coniferous commercial forestry crop which is now ready for felling. The trees will be felled whether or not planning permission is given to extract sand. No ancient woodland trees will be lost since none currently remain. Botanical surveys show that whilst a range of ancient woodland indicator species are present in discrete areas, there are no individually protected or notable floral species present. Areas where ancient woodland indicator species are highest, together with irreplaceable surviving features of the ancient woodland structure, would be retained. The important aspect of this site is the underlying soils as they represent the potential seed bank for typical ancient woodland species. Accordingly, a Soil Resource Strategy has been devised that follows best practice guidance and is based on best available knowledge of safeguarding both the quality and the quantity of PAWS and non-PAWS soil resources for re-use within the site.
110. The NPPF at paragraph 144 states that when determining planning applications, local planning authorities should “give great weight to the benefits of the mineral extraction, including to the economy”.
111. As noted above, the application site forms part of a large area of land that has been allocated for minerals extraction as ‘Extensions to Brickworth Quarry’ in the Minerals Site Allocations Local Plan and forms part of planned supply for soft sand.
112. When determining whether the Local Plan was ‘sound’ and compliant with the legal requirements, the Inspector appointed by the Secretary of State stated:
- “Bearing in mind the important contribution that the land at Brickworth Quarry would make to the needs of Wiltshire and Swindon, I find that there is a clear case for the loss of what is defined as ancient woodland”.*

113. As noted in paragraph 66 above, the landbank in Wiltshire and Swindon is just 4 years, compared to the minimum requirement of 7 years. Planning Practice Guidance advises that where a landbank is below the minimum level this may be seen as a strong indicator of urgent need. The applicant has stated it expects the currently consented reserve at Brickworth Quarry to be exhausted early in 2017.
114. Paragraph 142 of the NPPF recognises minerals are essential to support sustainable economic growth and therefore the importance of ensuring that a sufficient supply of material is available for the needs of infrastructure, buildings, energy and goods that the country needs.
115. Within the context of the application area being allocated for mineral extraction in the Development Plan and the proposals meeting a clear and urgent need to supply demand and bolster the landbank which is below minimum requirements, it is considered that the proposed benefits of the extensions to this quarry are clear and sufficient to outweigh the loss of a commercial forestry crop that is classified as ancient woodland. In accordance with the Development Plan, the application has demonstrated that the site can be worked for minerals in a way that robustly protects and retain the soils which contain the potential ancient woodland seed bank. In addition, there will be a complete replacement of all woodland removed with broad-leaved woodland.

Biodiversity

116. Policy MDC6 of the Minerals Development Control Policies DPD requires that proposals for minerals development be accompanied by an objective assessment of the potential effects of the development on features of biodiversity and/or geological interest. Proposals for minerals development will only be permitted where adverse impacts will be: a) avoided; or b) where an adverse impact cannot be avoided, the impact will be adequately mitigated; or c) where adverse impacts cannot be avoided or adequately mitigated, compensation will result in the maintenance or enhancement of biodiversity/ geodiversity.
117. Table 4.1 of the Mineral Sites Allocations Local Plan considers that any future planning application for the Extensions to Brickworth Quarry should include surveys with particular reference to great crested newts, dormouse, butterflies, bat roosts in trees and bat foraging availability within and around the sites.
118. An Ecological Assessment report of the proposed extensions to the existing operational quarry has been provided in the ES. The report describes the ecological importance of land, evaluates the effects of developing the site, identifies measures to minimise significant negative effects and prescribes appropriate mitigation and compensation measures.
119. Mitigation has been built into the quarry design, with particular consideration to the timing and phasing of the proposed works following discussions with Natural England and Wiltshire Council Ecologist relating to the designated sites, ancient woodland soils and protected species.

120. Detailed ecological surveys have been carried out during 2015, with some running into 2016 where necessary to gain sufficient information. These comprised: Extended Phase 1 survey, NVC survey of woodlands, invertebrate (including butterfly) amphibian, reptile, bird, badger, hazel dormouse and bat roost and transect surveys to determine key bat flight lines and foraging areas.
121. The Council's Senior Ecologist advises that all surveys have been carried out in line with the relevant current national survey guidelines and is therefore confident that the habitats within the site and the diversity of species they support is well understood and that this knowledge has been used to design a restoration plan that will continue to provide good quality habitat for key species. Results of the assessment of the woodland by the applicant's ecologists are closely similar to the latest assessment made by the Wildlife Sites Officer.
122. The results of these surveys have been used to help delineate the area of extraction, identify the most sensitive areas of the site for retention and protection, inform a suitable phasing programme to take account of the soil handling strategy that will be necessary to preserve the integrity of the ancient woodland soils, and inform an appropriate restoration plan that will be relevant to the current ecology of the site and will offer suitable enhancement for biodiversity. Enhancement of the site will result from an increase in the overall area laid to woodland and from the creation of habitat areas to benefit reptiles, bats, dormice, birds and great crested newts.
123. There will be an impact on 8.0 ha woodland in Area A; 13.7 ha woodland in Area B and 3.2 ha improved grassland in Area A for extraction and soil storage. No hedges will be removed and there will be margins left around the site and standoffs from hedgebanks which will remain untouched. It should be recognised that the woodland is currently under commercial forestry and will be felled under forestry licence and replanted even if the minerals development does not proceed.
124. Survey of the woodland has been undertaken by a specialist woodland ecologist. The majority of the woodland is classified as NVC W10, with small areas of W8. A good range of ancient woodland indicator species are present in discrete areas where least disturbance has occurred. These areas will be retained outside of the extraction zone and protected from over-run by machinery or other disturbance associated with the mineral workings.
125. With regard to Protected Species, the Council's Senior Ecologist is satisfied that all relevant species likely to occur within the site have been subject to sufficient survey. Great crested newt and dormouse licensing issues have been fully discussed with Natural England. No bat roosts were found in trees within or immediately adjacent to the site and no key flight lines for commuting or foraging bats (particularly Annex II bat species) were identified within the site or within the expected zone of impact. Reptiles, birds, badgers and other small mammals will be protected during the extraction period through a Construction Ecological Method Statement which will be submitted for approval prior to commencement of works. A dedicated receptor area

suitable for reptiles, great crested newts, and other amphibians will be prepared and made ready prior to the start of works.

126. The phasing of areas to be extracted has been designed around the primary need to handle the ancient woodland soils only once in order to preserve the seedbank, as well as the need to maintain sufficient quality habitat areas to support the wildlife species known to be present within the site. At each phase, an assessment of the habitats will be made and this will determine the need for translocation of sensitive plant species to prepared receptor areas. A soil resource strategy has been devised as part of the overall land restoration scheme. This follows best practice guidance which is based on best available knowledge of safeguarding both the quality and the quantity of PAWS and non-PAWS soil resources (i.e. topsoil and subsoil), for re-use within the site.
127. The total area of woodland within the restored site (PAWS plus additional planting) will be substantially increased. Areas of habitat creation within the wider site will benefit specific wildlife species, namely bats, dormice, great crested newts, birds and reptiles. These include the additional areas of planting referred to above, together with attenuation ponds and soakaways that will be of benefit to amphibians, birds and invertebrates, provision of bat, bird and dormouse boxes throughout the site and refugia and basking areas for reptiles. Moreover, the restoration strategy has been designed specifically to maintain and enhance habitat connectivity into surrounding woodland sites and associated habitats, such that the function of the wider local landscape will be increased for biodiversity. The application is therefore considered to accord with Table 4.1 of the Mineral Sites Allocations Local Plan and Policy MDC6 of the Minerals Development Control Policies DPD.
128. Both extension areas are designated as County Wildlife Sites, Lowden's Copse, which is described as ancient woodland largely planted with conifer, in Area A and Sandland Copse and Goose Eye Copse, which is described as conifer plantation, in Area B. These areas are designated as County Wildlife Sites because they are included in the Natural England Ancient Woodland Inventory. The wider site is currently managed as commercial forestry and more than one growing and felling cycle has already taken place so the trees themselves within these areas are not ancient or veteran but are a recent commercial crop.
129. County Wildlife Sites are protected through Wiltshire Core Policy 50, which allows for some development to take place if it meets the criteria of the Policy. The Council's Senior Ecologist is satisfied that the development as proposed meets the required criteria since it includes a robust soil handling strategy based on current best available knowledge that will ensure that the ancient woodland soil bank can be preserved. In addition, the restoration proposal is sufficiently well designed such that the quality of the future woodland on the site (which will continue within the commercial forestry cycle) will continue to support a high level of biodiversity.

Landscape and Visual Impact

130. Policy MDC5 of the Minerals Development Control Policies DPD states that proposals for minerals development should include an assessment of impacts upon Wiltshire and Swindon's landscape character and the landscape character of adjacent areas, as deemed appropriate to the scale and nature of the development, and in particular in relation to specified designated areas which includes the New Forest National Park.
131. Table 4.1 of the Mineral Sites Allocations Local Plan considers that the proximity of the New Forest National Park will need to be fully considered and demonstrate that the interests of the National Park and its setting are not eroded.
132. A Landscape and Visual Impact Assessment (LVIA) has been undertaken in relation to the proposals to extend Brickworth Quarry and forms part of the ES that accompanies the planning application. The LVIA assesses the qualities and value of the existing landscape resource and the visual amenity of the site and its surrounding area; describes the development proposals in their landscape context and then predicts and evaluates the landscape and visual effects that may arise from the proposed development.
133. The LVIA records that the existing quarry occupies a rural location and is extensively enclosed by commercial forestry plantations. The surrounding landscape comprises large areas of mixed woodland plantations, interspersed with a mix of arable farmland and permanent pasture. The application site is located within an area that is not subject to any national landscape designation, but is situated close to the northern boundary of the New Forest National Park.
134. The site and much of the local landscape surrounding the site is designated as a Special Landscape Area (SLA) under the saved policies the Salisbury District Council Local Plan (2011). In essence the relevant policy states that '*only development which is essential to the rural economy or desirable for the enjoyment of its amenities will be permitted, and the location, scale and nature of such development will be carefully controlled in order to conserve the character of the Special Landscape Areas*'. Notwithstanding this, the site is an established sand quarry which has very limited landscape and visual impact within the surrounding area. Moreover, both Areas A and B have been identified within Wiltshire Council's 'Minerals Site Allocations Local Plan' as extension areas to Brickworth Quarry. The Minerals Site Allocations Plan, at Table 4.1, states that '*The site has the potential to accommodate change as it has good existing screening and the opportunity for additional strengthening.*'
135. Although the site is located relatively close to The New Forest National Park, the proposed development is assessed as unlikely to cause any significant landscape or visual impact from within the National Park due the level of enclosure provided by surrounding woodland and other vegetation. The proposed development area is generally enclosed by commercial forestry plantations and has only limited visual connectivity with the wider character area and the New Forest National Park.

136. The proposed extraction and restoration schemes have been designed to mitigate the potential landscape and visual impacts resulting from mineral development and to provide a restoration scheme that has the objective of enhancing the overall landscape character and biodiversity value of the site and local area. The principal schemes of mitigation include:
- The siting of the proposed extraction areas mostly within blocks of commercial forestry plantation, with the retention of significant woodland edge vegetation to provide visual screening;
 - The working of the site in a series of phases with a rolling programme of extraction and restoration to minimise the extent of disturbance within the landscape;
 - The implementation of additional tree planting on the perimeter of the site to provide compensatory woodland habitat and visual screening;
 - The preservation and translocation of ancient woodland soils for restoration;
 - The backfilling of the extraction voids with imported fill to achieve a natural landform at similar ground levels to the pre-development site; and
 - The replanting of the restoration areas with native broad-leaved trees and shrubs to provide biodiversity enhancement and to preserve the long term wooded character of the site and surrounding landscape.
137. In terms of residual landscape effects LVIA concludes that the working of the minerals will have a moderate-major adverse effect upon the site itself, with minor effects on the wider landscape but only a negligible impact on the character and setting of the NFNP. A similar level of significance is attributed to visual effects. However, the final restoration of the site to woodland will result in an overall positive effect on the landscape and visual baseline, and will provide enhancement for the Special Landscape Area, biodiversity and local landscape character. The application is therefore considered to accord with Table 4.1 of the Mineral Sites Allocations Local Plan and Policy MDC5 of the Minerals Development Control Policies DPD.

Archaeology and Heritage Impacts

138. Policy MDC7 of the Minerals Development Control Policies DPD states that proposals for minerals development will only be permitted where it can be demonstrated through a process of assessment that historic assets of archaeological or cultural heritage importance and their settings can be appropriately protected, enhanced and/or preserved.

139. A Heritage Statement has been submitted as part of the ES, providing a description of the significance of any Heritage Assets affected by development proposals. The Statement highlights that among the key issues and potential mitigation measures listed for the Brickworth Quarry extensions in Table 4.1 of the Mineral Sites Allocations Local Plan are: –
- **Archaeology:** *There is a Late Medieval Settlement located within area A and a further settlement with medieval origins located to the east of the area. An undated field system has been recorded to the west of area B. Although these features cannot be considered to be an absolute constraint to working the site, any applicant will need to work closely with the County Archaeologist to develop and implement sufficient and suitable mitigation plans.*
 - **Historic Built Environment:** *No mitigation required as the site is significantly screened from nearby settlements and properties and is considered to be of low sensitivity.*
140. In the case of the heritage assets directly related to the development proposal, the interest is primarily archaeological. Within the area to be quarried are three recorded heritage assets, comprising trackways in both Goose Eye Copse and Lowden's Copse of probable post-medieval date and a post-medieval extraction pit in Lowdens Copse. The area proposed for soil storage lies within the recorded remains of a former field system, which is undated. The trackways and extraction pits still survive as earthworks within the woodland.
141. The development will completely remove the earthworks and buried archaeological remains within the extraction areas of the site. Any surviving field system earthworks in the proposed soil storage area theoretically may not be directly impacted but there is potential for damage unless appropriate mitigation measures are put in place.
142. Based on the experience of undertaking archaeological mitigation in previously quarried areas of Brickworth Quarry, it is proposed that the most appropriate form of archaeological mitigation would be archaeological observations and recording during topsoil removal and then 'Strip, Map, Sample and Record' during subsoil removal. This would enable the archaeological features to be 'preserved by record' to reduce the degree of harm caused by the proposed quarrying operations. The recorded earthworks on the site are not considered to be of sufficient significance to require any additional survey prior to the commencement of quarrying operations.
143. The County Archaeologist has confirmed the application site is of archaeological interest but that, whilst field evaluation would be difficult due to the presence of trees, it is not in any case appropriate due to the level of impact of the proposed works. The County Archaeologist therefore supports the application with the recommendation that a programme of archaeological works is carried out as part of any development, with the detailed nature of the works to form part of a written scheme of investigation to be secured by planning condition. In respect of archaeology and heritage impacts, the proposals are therefore considered to accord with the Development Plan.

Noise

144. Policy MDC2 of the Minerals Development Control Policies DPD states that applications for minerals development will only be permitted where it is demonstrated that the proposal avoids and / or adequately mitigates significant adverse impacts associated with environmental considerations including Noise levels. Proposals should be accompanied, where necessary, by an assessment of the impact of the proposal in terms of noise, dust, air emissions, lighting, and vibration.
145. Table 4.1 of the Mineral Sites Allocations Local Plan states a scheme of noise and vibration assessment and control must be provided to inform the design of the site at the planning application stage. The scheme must identify any potential noise or vibration impacts and demonstrate how, so far as is possible, these impacts will be eliminated, mitigated or controlled.
146. A Noise Impact Assessment has been submitted as part of the ES. The assessment has been carried out following background noise surveys undertaken at a location representative of the closest residential properties to the site and following detailed acoustic modelling of the proposed operations.
147. The assessment has indicated that the level of noise impact for the proposed scheme at the nearest properties will be lower than the level suggested for surface mineral workings within Planning Practice Guidance. It is considered, however, that there is scope for a degree of noise impact at Ashdod Lodge, primarily as a result of its relatively low background noise level and the receptor's proximity to the site. As a result an acoustic bund (at least 2.5m in height) would be constructed to reduce the noise impact at this location, primarily to provide protection during the works undertaken in Phases 1-4. It is considered that the bund should reduce the noise level from operations in Phases 1-4 by around 10 dBA and hence provide a significantly lower noise impact. The provision of this bund satisfies the comments made by the Environmental Health Officer. The application is therefore considered to accord with Table 4.1 of the Mineral Sites Allocations Local Plan and Policy MDC2 of the Minerals Development Control Policies DPD.

Dust

148. Policy MDC2 of the Minerals Development Control Policies DPD states that applications for minerals development will only be permitted where it is demonstrated that the proposal avoids and / or adequately mitigates significant adverse impacts associated with environmental considerations including Dust levels. Proposals should be accompanied, where necessary, by an assessment of the impact of the proposal in terms of noise, dust, air emissions, lighting, and vibration. Table 4.1 of the Mineral Sites Allocations Local Plan states a robust Dust Management Plan will need to be provided to support any planning application.

149. A Dust Assessment and Dust Control Management Scheme report has been prepared and submitted as part of the ES. The report considers impacts from dust, both in terms of disamenity (or 'nuisance') and in relation to the Air Quality Objectives, arising from site preparation, mineral extraction, on-site and off-site transport, mineral processing and site restoration. The report highlights that the Quarry would continue to operate as at present and it is of note that there have been no recorded complaints with regards to dust since 2003.
150. The report states that whilst dust generation from within minerals or waste site may primarily be of concern to its operator, staff and visitors, dust can propagate beyond the site boundary to affect people and properties beyond. The report assesses that adverse impacts from dust arising from Brickworth Quarry are unlikely beyond around 250 m. The site benefits from a high level of physical screening, including a substantial hedge on the eastern boundary of Area A with the A36. There are very few receptors within 250 m of the proposed quarry extension: Harestock Cottage, beyond the A36 is 30 m from the eastern extent of Area A (but at least 75 m from the eastern limit of extraction) and Ashdod Lodge is some 150 m to the south of Area A. It is noted however, that soil will be stored in the eastern area of Area A and thus will at times be handled within tens of metres of the A36 and Harestock Cottage.
151. Soil handling is a short-term process which must be handled with appropriate care to avoid damage. Therefore, provided that appropriate controls are in place when soils are handled, dust impacts on either the A36 or Harestock Cottage should be minimal. Comprehensive Dust control measures for soils handling and other operations at Brickworth Quarry are set in the submitted Dust Control Management Scheme, implementation of which can be secured by planning condition.
152. The dust assessment concludes that the proposed extensions to Brickworth Quarry is unlikely to have any significant impacts on the Air Quality objectives for PM10 and it is possible to manage the quarry operations to ensure that unacceptable disamenity dust impacts are not caused. The application is therefore considered to accord with Table 4.1 of the Mineral Sites Allocations Local Plan and Policy MDC2 of the Minerals Development Control Policies DPD.

Traffic

153. Policy MDC8 of the Minerals Development Control Policies DPD states minerals development will only be permitted where it is demonstrated that the proposals facilitate sustainable transport and requires, where appropriate, planning applications to be accompanied by a Transport Assessment.
154. Table 4.1 of the Mineral Sites Allocations Local Plan considers that the access/egress from the allocated Extension areas onto the A36 is suitable through existing access to Brickworth Quarry. Infrastructure is currently in place and any planning application should therefore seek to utilise this as a continuation of existing access arrangements.

155. A Transport Assessment has been submitted with application. This confirms the existing quarry has a high-standard access direct onto the A36 at its junction with the A27 with a light-controlled spur. The same access and routes would be used for the proposed extension areas. The development proposed will generate a similar level of traffic to that which presently exists (148 total movements per day). Both sand imports and inert fill imports will continue at broadly the same rates as present.
156. The A36 is a Trunk Road and designated Local Lorry Route. Nearly all lorries carrying sand or inert fill would travel via the A36 towards either Salisbury (north west) or Southampton (south east). Only lorries on local deliveries or collections, for example in Whiteparish (via the A27) would use a different route.
157. Despite the suggestion contained in Table 4.1 that the existing “traffic routing agreement” should be maintained, it should be noted that the extant Section 106 planning obligation for the Brickworth Quarry site provides only for the monitoring of the route HGV traffic take at the junction of the Site Access and A36 and A36 and A27 junction to ensure there is no infringement of the local Traffic Regulation Order prohibiting HGVs from travelling along the A27 through Whiteparish. This monitoring is undertaken by use of a CCTV camera which records all movements in and out of the site. This arrangement would be maintained.
158. The Council’s Highways Officer advises that as the site is served directly from the A36 trunk road this is a matter for Highways England. Highways England has raised no objection the proposed extensions to the quarry.

Water Environment

159. Policy MDC3 of the Minerals Development Control Policies DPD states minerals development will only be permitted where it can be demonstrated that appropriate controls will be made available to protect and, where appropriate, enhance the water environment.
160. An Hydrogeological and Hydrological environment impact assessment and Flood Risk Assessment the proposed quarry extensions has been undertaken.
161. The Hydrogeological report provides an assessment of potential impact upon the groundwater regime and the measures required to mitigate potential water impacts of the proposed development on local surface water bodies, wetlands and related groundwater dependent ecosystems.
162. The site is located on the Reading Formation, a sequence of sands and clayey sands varying between 2 and 25m thick. These are underlain by 120m thickness of the Upper Chalk. The Chalk is a major regional aquifer supporting public water supplies and environmental baseflows to springs, streams and wetlands. Saturated groundwater flow appears to pass beneath the proposed site within the Chalk aquifer.

163. The target sands within the Reading Formation have been observed to be dry year round. There is therefore no requirement for de-watering. The base of the excavation will not breach the clay-rich horizon above the Chalk and therefore there will be no interference with the underlying Chalk groundwater flow. The mineral extraction activities are limited to the Reading Formation and will not encounter groundwater, nor will the inert backfilling. The impacts of mineral extraction on the groundwater regime are considered to be negligible.
164. The only possible impact to the groundwater regime is the loss locally of rainfall recharge to the aquifer due to the placement of the inert waste mass to achieve the restoration, and whether this could affect the local springs and seepages into the Cabanne SSSI, Ashdod Pond and local waterbodies. The restoration of the excavated void using imported low permeability inert waste will have the effect of preventing rainfall percolating down through the Reading Formation across the 22 hectares of the site to be excavated and restored with waste. Instead the rainfall runoff from the soil and vegetation capped low permeability waste is likely to increase. At the local scale it is recognised that a reduction in recharge has the potential to reduce groundwater levels locally, and whilst the seasonal springs and seepages flowing to the Ashdod Pond, Cabanne SSSI and south-westerly waterbodies may not be affected, it is desirable to maintain the pre-development water balance for site for the post-development restoration, i.e. ensure the same amount of water enters the ground as recharge.
165. This is fully mitigated using an integrated water management strategy for the restoration, which will infiltrate site runoff into the underlying strata at the same rate (i.e. same percentage rainfall for any rain event) as in the pre-development situation, therefore retaining the pre-development site water balance between infiltration, evapotranspiration and runoff, ensuring identical groundwater and surface water flows reach the off-site ecosystems.
166. No water quality issues relating to the placement of inert waste into the void are foreseen, given the waste will be inert WAC (waste acceptance criteria) compliant, and the site will be appropriately regulated by the Environment Agency under Environmental Permitting Regulations.
167. The Hydrological report provides an assessment of flood risk and design required to mitigate the surface water impacts of the proposed development, including runoff water quality, volume and flow, whilst providing adequate environmental protection.
168. The site is located in Flood Zone I and therefore is not at risk of off-site flood encroachment onto the development area. The potential surface water impacts of the proposed development include increased surface runoff (and subsequent downstream flood risk) caused by the excavation of the permeable Reading Formation and inert landfill infilling of the quarry void, as well as elevated silt concentrations derived mainly during the operational phases of sand extraction, landfill and restoration. The restored site will have a negligible impact on water quality as silt production will be minimal from the vegetated and forested slopes.

169. A combined surface water management scheme of 2 No. attenuation ponds and 2 No. soakaways has been designed for the restoration landform, to reduce the off-site runoff rates from within the site area to below the Greenfield Runoff rate, whilst also replicating pre-development infiltration rates. There will therefore be no flooding impact due to the development. By providing flood attenuation and clarification of surface runoff, the scheme will prevent any deterioration of the receiving SSSI wetland within the New Forest National Park, meeting the requirements of the Water Framework Directive.
170. The groundwater and surface water regime will therefore be restored to its pre-existing condition. The application is therefore considered to accord with Table 4.1 of the Mineral Sites Allocations Local Plan and Policy MDC3 of the Minerals Development Control Policies DPD.

Conclusion

171. The proposed quarry extension areas comprise land that is allocated for mineral extraction in the Development Plan. The sites identified in the Mineral Site Allocations Local Plan are required in order to meet the demand for aggregate mineral working and are considered by the councils as being suitable for future minerals extraction.
172. The aggregate landbank (permitted reserves of sand and gravel) in Wiltshire and Swindon is just 4 years, significantly below the minimum NPPF level of 7 years. Planning Practice Guidance advises that where a landbank is below the minimum level this may be seen as a strong indicator of urgent need. The Applicant considers the currently permitted reserves at Brickworth Quarry are only sufficient to maintain sand production until early 2017. It is considered the proposed extensions to this existing quarry meet an urgent need to maintain a steady and adequate supply of aggregates.
173. The application area comprises woodland that is classified as ancient woodland, specifically 'Plantations on Ancient Woodland Sites' (PAWS). The loss of ancient woodland has attracted a number of objections expressing a view that quarrying within ancient woodland is inappropriate and should not be allowed. However, as established through the plan-making process and confirmed through this planning application, the woodland in this case comprises a coniferous commercial forestry crop which is now ready for felling.
174. The Minerals Site Allocations Local Plan acknowledges the classification of the site as ancient woodland, stating: "The vitally important aspect of this site, and the basis prerequisite that will have to be secured before the sites (Areas A and B on Inset Map 7) can be worked for minerals is the need to robustly protect and retain the soils (structure and quality) as they contain the potential seed bank for re-establishing typical Ancient Woodland species post-restoration."

175. National Planning Practice Guidance (PPG) includes guidance on ancient woodland and veteran trees. The referenced Standing Advice prepared by Natural England and the Forestry Commission, to provide assistance to local planning authorities in considering proposals which impact on ancient woodland or veteran trees, has been followed in the assessment of this application.
176. This process has confirmed that no ancient woodland trees will be lost since none currently remain. Botanical surveys show that whilst a range of ancient woodland indicator species are present in discrete areas, there are no individually protected or notable floral species present. Areas where ancient woodland indicator species are highest, together with irreplaceable surviving features of the ancient woodland structure, would be retained. The important aspect of this site is the underlying soils as they represent the potential seed bank for typical ancient woodland species.
177. Mitigation has been built into the design of the proposed quarry extensions, with particular consideration to the timing and phasing of the proposed works. A Soil Resource Strategy (SRS) specifically assesses the likely effects of the proposed extensions on soil resources. The SRS has been devised to identify and safeguard the quality and quantity of PAWS and non-PAWS soil resources available for reuse at the site and reflects current notions of best practice. The proposed phasing allows 86.3% of the PAWS soils to be translocated from the donor site directly to the receptor site (i.e. direct placement). The Forestry Commission advises that the methodology represents current good practice and the Council's Senior Ecologist considers the SRS and phasing programme proposed, together with the proposed restoration plan, will contribute to the conservation of ancient woodland soils within the site and subsequently the ancient woodland seed bank they contain.
178. There will be a complete replacement of all woodland removed as part of the development as broad-leaved woodland rather than conifer as currently projected. The proposed planting will provide a net gain of 5.62 ha. Additionally there will be a modification of the planting from conifer to broad-leaved of 3.63 ha at Round Copse North. Overall, the restoration has been designed carefully so as to maximise the areas of woodland created and ensure a continuity of woodland connectivity both within the site and to the wider countryside.
179. It is considered therefore that, in line with Table 4.1 of the Minerals Site Allocations Local Plan, adequate mechanisms can be put in place to ensure that the soils are preserved and can be directly replaced, unadulterated by other soils within the site. These mitigation and compensation measures, together with subsequent ecological monitoring, can be secured by planning condition.
180. The NPPF states at paragraph 118 that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

181. When determining whether the Minerals Site Allocations Local Plan was 'sound' the Inspector appointed by the Secretary of State stated: "Bearing in mind the important contribution that the land at Brickworth Quarry would make to the needs of Wiltshire and Swindon, I find that there is a clear case for the loss of what is defined as ancient woodland".
182. The NPPF at paragraph 144 states that when determining planning applications, local planning authorities should "give great weight to the benefits of the mineral extraction, including to the economy". Paragraph 142 of the NPPF recognises minerals are essential to support sustainable economic growth and therefore the importance of ensuring that a sufficient supply of material is available for the needs of infrastructure, buildings, energy and goods that the country needs.
183. Within the context of the application area being allocated for mineral extraction in the Development Plan and the proposals meeting a clear and urgent need to supply demand and bolster the landbank which is below minimum requirements, it is considered that the proposed benefits of the extensions to this quarry are clear and sufficient to outweigh the loss of a commercial forestry crop that is classified as ancient woodland. In accordance with the Development Plan, the application has demonstrated that the site can be worked for minerals in a way that robustly protects and retain the soils which contain the potential ancient woodland seed bank.
184. An Ecological Assessment report of the proposed extensions to the existing operational quarry has been provided in the ES. In line with Table 4.1 of the Mineral Sites Allocations Local Plan, detailed ecological surveys have been carried out. Mitigation has been built into the quarry design, with particular consideration to the timing and phasing of the proposed works following discussions with Natural England and Wiltshire Council relating to the designated sites, ancient woodland soils and protected species.
185. The results of these surveys have been used to help delineate the area of extraction, identify the most sensitive areas of the site for retention and protection, inform a suitable phasing programme to take account of the soil handling strategy that will be necessary to preserve the integrity of the ancient woodland soils, and inform an appropriate restoration plan that will be relevant to the current ecology of the site and will offer suitable enhancement for biodiversity. Enhancement of the site will result from an increase in the overall area laid to woodland and from the creation of habitat areas to benefit reptiles, bats, dormice, birds and great crested newts.
186. The total area of woodland within the restored site (PAWS plus additional planting) will be substantially increased. Areas of habitat creation within the wider site will benefit specific wildlife species, namely bats, dormice, great crested newts, birds and reptiles. The restoration strategy has been designed specifically to maintain and enhance habitat connectivity into surrounding woodland sites and associated habitats, such that the function of the wider local landscape will be increased for biodiversity.

187. A Landscape and Visual Impact Assessment (LVIA) has been undertaken and forms part of the ES. In line with Table 4.1 of the Mineral Sites Allocations Local Plan, the proximity of the New Forest National Park has been considered. The LVIA records that the existing quarry occupies a rural location and is extensively enclosed by commercial forestry plantations and has very limited landscape and visual impact within the surrounding area. Although the site is located relatively close to The New Forest National Park, the proposed development is assessed as unlikely to cause any significant landscape or visual impact from within the National Park due the level of enclosure provided by surrounding woodland and other vegetation. The proposed extraction and restoration schemes have been designed to mitigate the potential landscape and visual impacts resulting from mineral development and the restored quarry will potentially have significant positive effects upon the landscape character and biodiversity value of the site and local area.
188. A Heritage Statement has been submitted as part of the ES, providing a description of the significance of any Heritage Assets affected by development proposals. The interest is primarily archaeological and, based on the experience of undertaking archaeological mitigation in previously quarried areas of Brickworth Quarry, a programme of archaeological works would be carried out as part of any development. This can be secured by planning condition. In respect of archaeology and heritage impacts, the proposals are therefore considered to accord with the Development Plan.
189. In line with Table 4.1 of the Mineral Sites Allocations Local Plan, a Noise Impact Assessment and a Dust Assessment and Dust Control Management Scheme have been prepared and submitted. These demonstrate that any unavoidable noise and dust emissions can be controlled or mitigated, with the extensions able to be operated in a manner unlikely to cause adverse dust impacts and within appropriate noise limits for extraction in proximity to noise sensitive properties.
190. Table 4.1 of the Mineral Sites Allocations Local Plan considers that the access/egress from the allocated Extension areas onto the A36 is suitable through the existing high-standard access direct onto the A36 at its junction with the A27 with a light-controlled spur. The Transport Assessment submitted with application confirms the same access and routes would be used for the proposed extension areas. The development proposed will generate a similar level of traffic to that which presently exists. The A36 is a Trunk Road and designated Local Lorry Route. Highways England has raised no objection to the proposed extensions to the quarry.
191. A Hydrogeological and Hydrological environment impact assessment and Flood Risk Assessment of the proposed quarry extensions have been undertaken. The Hydrogeological report provides an assessment of potential impact upon the groundwater regime and the measures required to mitigate potential water impacts of the proposed development on local surface water bodies, wetlands and related groundwater dependent ecosystems. The Hydrological report provides an assessment of flood risk and design required to mitigate the surface water impacts of the proposed development, including runoff water quality, volume and flow, whilst providing adequate environmental protection. In accordance with Policy MDC3 of the

Minerals Development Control Policies DPD, it has been demonstrated that appropriate controls will be made available to protect and, where appropriate, enhance the water environment.

192. It is considered the development as proposed is in accordance with the Development Plan and that there are no material considerations to indicate that permission should be refused.

RECOMMENDATION

193. Having taken into account the environmental information, it is recommended that the application for Proposed extension of Brickworth Quarry (Minerals Local Plan Site Allocation Areas A and B) should be approved subject to the following recommended planning conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

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

2. The development hereby permitted shall be limited to a period of eleven years from notified date of commencement of the development by which time extraction/tipping operations shall have ceased and the site shall have been restored in accordance with Drawing No. B19/RBA/2/09/E dated 15/09/16.

REASON: To ensure development is carried out in accordance with submitted application and approved details.

3. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the following approved plans and as stipulated in the conditions set out below together with those further details required to be submitted for approval:

- Drawing Ref: BRCKPLAN1608 Drawing No 7 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 8 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 9 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 10 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 11 C dated 12.09.2016

- Drawing Ref: BRCKPLAN1608 Drawing No 12 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 13 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 14 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 15 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 16 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 17 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 18 B dated 12.09.2016
- Drawing No. B19/RBA/2/09 E dated 15/09/16.

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

4. No development shall commence until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the Mineral Planning Authority and that programme shall thereafter be implemented as approved.

REASON: To enable sites of archaeological interest to be adequately investigated and recorded.

5. No development shall commence until a detailed Construction Environment Management Plan (CEMP), incorporating an Ecological Monitoring Strategy, has been submitted to and approved in writing by the Mineral Planning Authority. The Plan shall incorporate all the avoidance and mitigation measures for mineral, ecological, landscape and restoration operation programmes as set out in the following documents contained within the Environmental Statement:

- Chapter 10 of the Hydrogeological and Hydrological Environmental Impact Assessment and Flood Risk Assessment prepared by GWP Consultants LLP dated September 2016;
- Chapter 5 of the Impact Assessment on Soil Resources prepared by Askew Land and Soil Ltd dated 16 September 2016;
- Chapter 15 of the Ecological Assessment prepared by Ward Associates dated September 2016; and
- Chapter 5 of the Landscape and Visual Impact Assessment prepared by Corylus Planning and Environmental Ltd dated September 2016

Thereafter the development shall be fully undertaken in accordance with the approved CEMP.

REASON: To secure the mitigation measures contained in the Environmental Statement in the interest of protecting environmental quality and of biodiversity.

6. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Mineral Planning Authority. The plan shall include details and specifications for the management of habitats and other features of biodiversity interest. Thereafter the development shall be fully undertaken in accordance with the approved LEMP.

REASON: To provide a reliable process for aftercare and remedial measures to ensure the protection and survival of important protected and notable species and features of nature conservation importance.

7. The development hereby permitted shall not be commenced until such time as a scheme for each of the following has been submitted to, and approved in writing by, the Mineral Planning Authority:
- a. *the storage of materials;*
 - b. *the storage of chemicals;*
 - c. *the storage of oil;*
 - d. *the storage of hazardous materials;*
 - e. *the proposed method of working;*
 - f. *the proposed phasing of development;*
 - g. *the proposed maintenance and after-care of the site;*
 - h. *future landscaping;*
 - i. *the provision of road and wheel cleaning facilities;*
 - j. *proposed scheme for groundwater and surface water monitoring on and off site designed to ensure the protection of off-site potential receptors as identified in GWP Consultants Hydrogeological and Hydrological Environmental Impact Assessment and Flood Risk Assessment for the Proposed Quarry and Inert Fill Extension Areas at Brickworth Quarry for Raymond Brown Minerals and Recycling Ltd, dated September 2016.*

Any such scheme shall be supported, where necessary, by detailed calculations; include a maintenance programme; and establish current and future ownership of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the Mineral Planning Authority.

REASON: Protection of the water environment is a material planning consideration and development proposals, including mineral extraction, should ensure that new development does not harm the water environment. In this case the proposal poses a threat to water quality because of the location within SPZ3 of Woodgreen PWS, the proximity to the Drinking Water Protected Area Groundwater Safeguard Zone, two private water abstractions down gradient of the site. and Carbonne SSSI which receives spring flow when the watertable is elevated.

8. Nothing other than inert waste shall be imported into the site and used in the restoration of the site.

REASON: Waste materials outside these categories raise environmental and amenities issues which would require consideration afresh.

9. No operations authorised by this permission shall take place outside of the following times:

Soil stripping and overburden removal: Monday – Friday 07.30 – 17.00

Mineral extraction and infilling: Monday – Friday 07.30 – 17.00
Saturday 07.30 – 12.00

There shall be no working on Sundays or Bank or Public Holidays.

REASON: To protect local amenity.

10. During the permitted working hours the freefield equivalent continuous noise level (LAeq, 1 hour) for the period due to mineral extraction and waste importation and depositing operations shall not exceed 55dB as recorded at the boundary of the nearest inhabited property.

REASON: To safeguard the amenity of local residents.

11. No plant, equipment and machinery including vehicles shall be operated on the site unless equipped with effective silencing equipment that has been installed and is maintained at all times in accordance with the manufacturer's, and/or supplier's instructions.

REASON: In the interests of neighbouring amenity.

12. No mobile plant or vehicles shall be operated on the site other than those with a 'white noise' type of reversing warning alarm system, or an alternative system approved in writing by the Mineral Planning Authority.

REASON: In the interests of neighbouring amenity.

13. The Dust Assessment and Dust Control Management Scheme prepared by DustScan Ltd dated September 2016 shall be implemented from the date of commencement of the development and shall be complied with at all times for the duration of the development hereby permitted.

REASON: To protect the amenities of the locality from the effects of any dust arising from the development.

14. All vehicles shall enter and leave the site via the existing junction onto the A36 Brickworth Corner and no other point.

REASON: In the interests of highway safety and to protect the amenities of the local area.
15. Except for sand, no mineral, topsoil or subsoil shall be exported from the site.

REASON: To ensure the preservation of such materials for use in restoration and landscaping.
16. No materials shall be stockpiled or stored at a height greater than 5 metres when measured from adjacent ground level.

REASON: In the interest of landscape character.
17. All restored areas of the Site shall undergo aftercare management for a 5 year period. The aftercare period for each part of the site will begin once the restoration condition for the relevant part of the site has been met, the date of which shall be notified in writing to the Mineral Planning Authority within 21 days.

REASON: To ensure that the site is restored to an acceptable standard.
18. An aftercare scheme, requiring that such steps as may be necessary to bring each phase of the land reclaimed under condition 2 to the required standard for use for forestry and agriculture shall be submitted for the approval of the Mineral Planning Authority not later than 6 months prior to the start of aftercare on all or part of the site and thereafter be implemented as approved.

REASON: To ensure satisfactory aftercare suitable for the intended afteruse.
19. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme as defined in this permission, and which in the opinion of the Local Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing for approval to the Local Planning Authority, within 6 months of the cessation of winning and working. The site shall be restored and landscaped in accordance with that approved revised scheme and within the timescale set out therein.

REASON: To enable the Local Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial afteruse.

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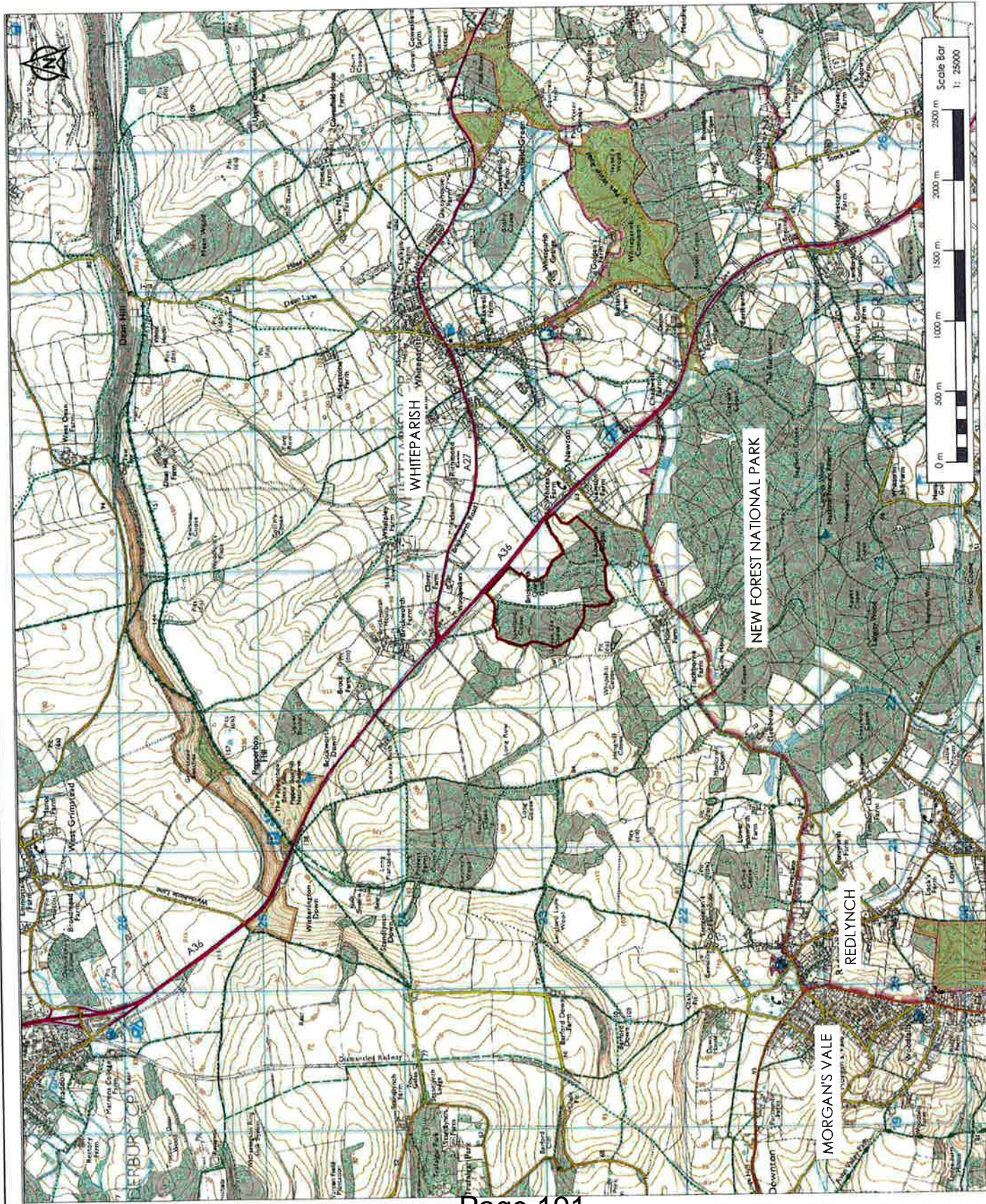
APPENDIX 1

Key:



Proposed Site Area

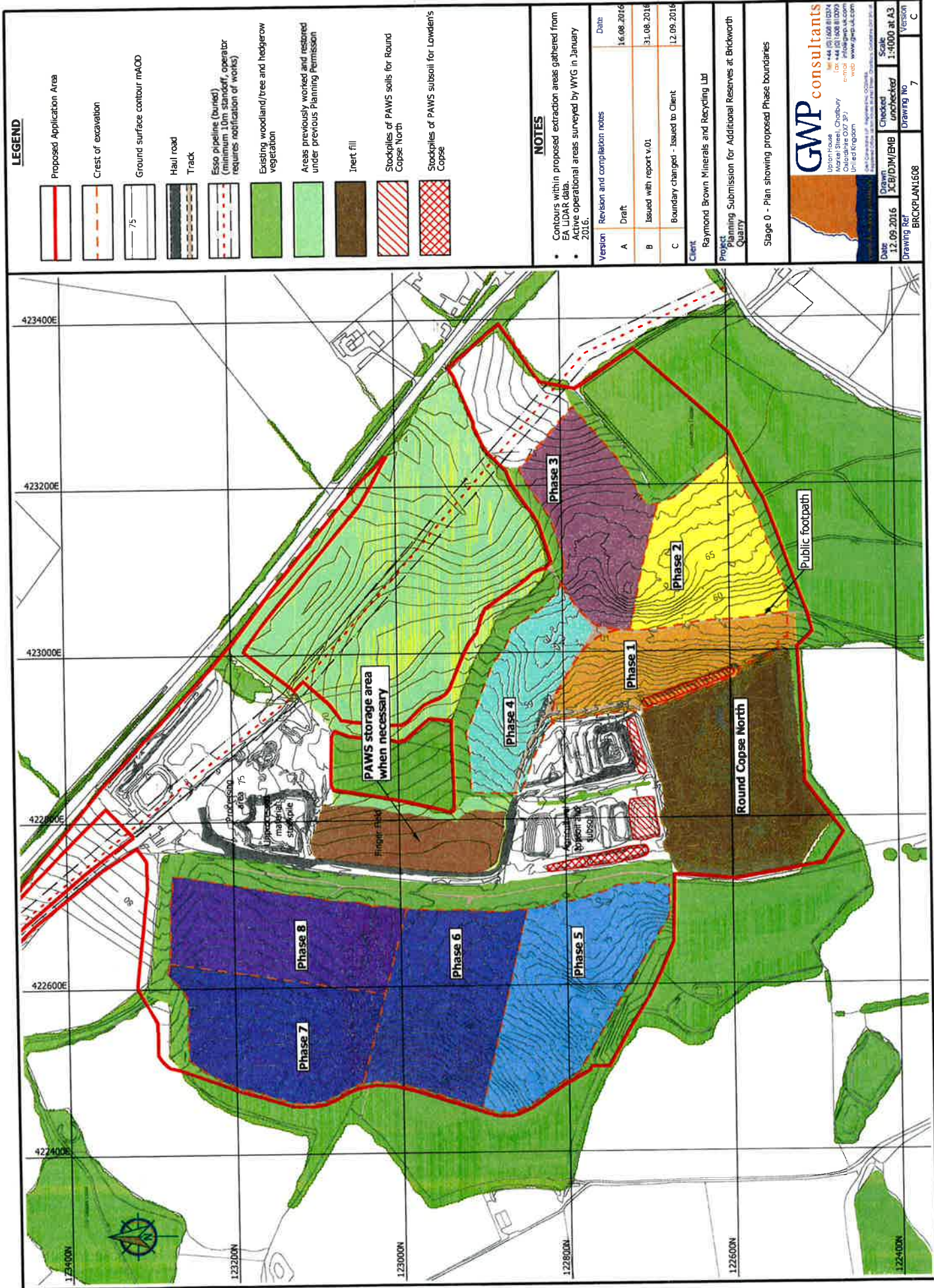
| | | | |
|---|--|--|---------------------------|
| | | Raymond Brown Aggregates Brickworth Quarry Areas A&B Location Plan | |
| The Old Dairy Chesham Choudbury GL54 2DQ Tel: 01494 71010 | 1:25,000 1:50,000 1:62,500 1:125,000 1:250,000 | 10m 20m 50m 100m 200m 500m 1000m 1500m 2000m 2500m | B19/RBA/2 B19/RBA/2/11 |



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APPENDIX 2



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APPENDIX 3

Planting Notes:
 All woodland restoration areas shall be planted with trees and shrubs to be selected from the following species list:

- Acer campestre* (Field Maple)
- Alnus glutinosa* (Alder)
- Betula pubescens* (Downy Birch)
- Carpinus betulus* (Hornbeam)
- Castanea sativa* (Sweet Chestnut) or *Fagus sylvatica* (Beech) depending on soil chemistry
- Corylus avellana* (Hazel)
- Crataegus monogyna* (Hawthorn)
- Ilex aquifolium* (Holly)
- Quercus robur* (Oak)
- Sorbus aucuparia* (Rowan)
- Viburnum opulus* (Guelder Rose)

The oak, hornbeam and sweet chestnut (or beech) will provide the basis of a commercial crop, whilst shrubs and other tree species will be planted on the woodland edges, along woodland rides and adjacent to ponds to provide diversity.

Advance planting areas on the margins of the site will comprise a mix of the following species:

- Acer campestre* (Field Maple)
- Alnus glutinosa* (Alder)
- Betula pubescens* (Downy Birch)
- Carpinus betulus* (Hornbeam)
- Corylus avellana* (Hazel)
- Crataegus monogyna* (Hawthorn)
- Pinus sylvestris* (Scots Pine)
- Prunus avium* (Wild Cherry)
- Prunus spinosa* (Blackthorn)
- Quercus robur* (Oak)
- Salix cinerea* (Sallow)
- Sorbus aucuparia* (Rowan)
- Viburnum opulus* (Guelder Rose)

All planting stock shall comprise 600-900mm bare rooted transplants to be notch planted and protected with appropriate tree and shrub guards to protect against deer and vermin. Each guard should be secured using a square section hardwood timber stake using integral ratchet ties.

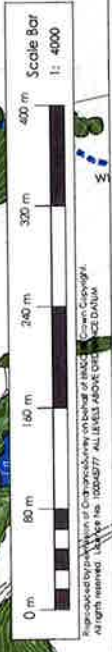
All planting areas shall be maintained for a period of 5 year following planting as part of a statutory after-care scheme to be approved by the Mineral Planning Authority.

Agricultural restoration areas shall be cultivated following soil placement and shall be seeded with a short term agricultural grass ley. A programme of agricultural management during the 5 year aftercare period will be agreed with the Planning Authority and the land owners.



KEY:

- Proposed restoration contours
- Extraction limits
- Existing retained woodland
- Areas previously restored to agriculture
- Advance tree shrub/ planting
- Agricultural restoration
- Woodland restoration
- Existing ponds
- Proposed ponds/drainage basins
- Drainage Ditch
- Public Right of Way



Site: 5 Field 1689/16 (889/16) (ACCI) Amendments to Pond Area

CORVUS
 Environmental Ltd
 The Old Barn
 Chesham
 Bucks
 HP84 5JG
 Tel: 01494 31212

Raymond Brown
 Aggregates

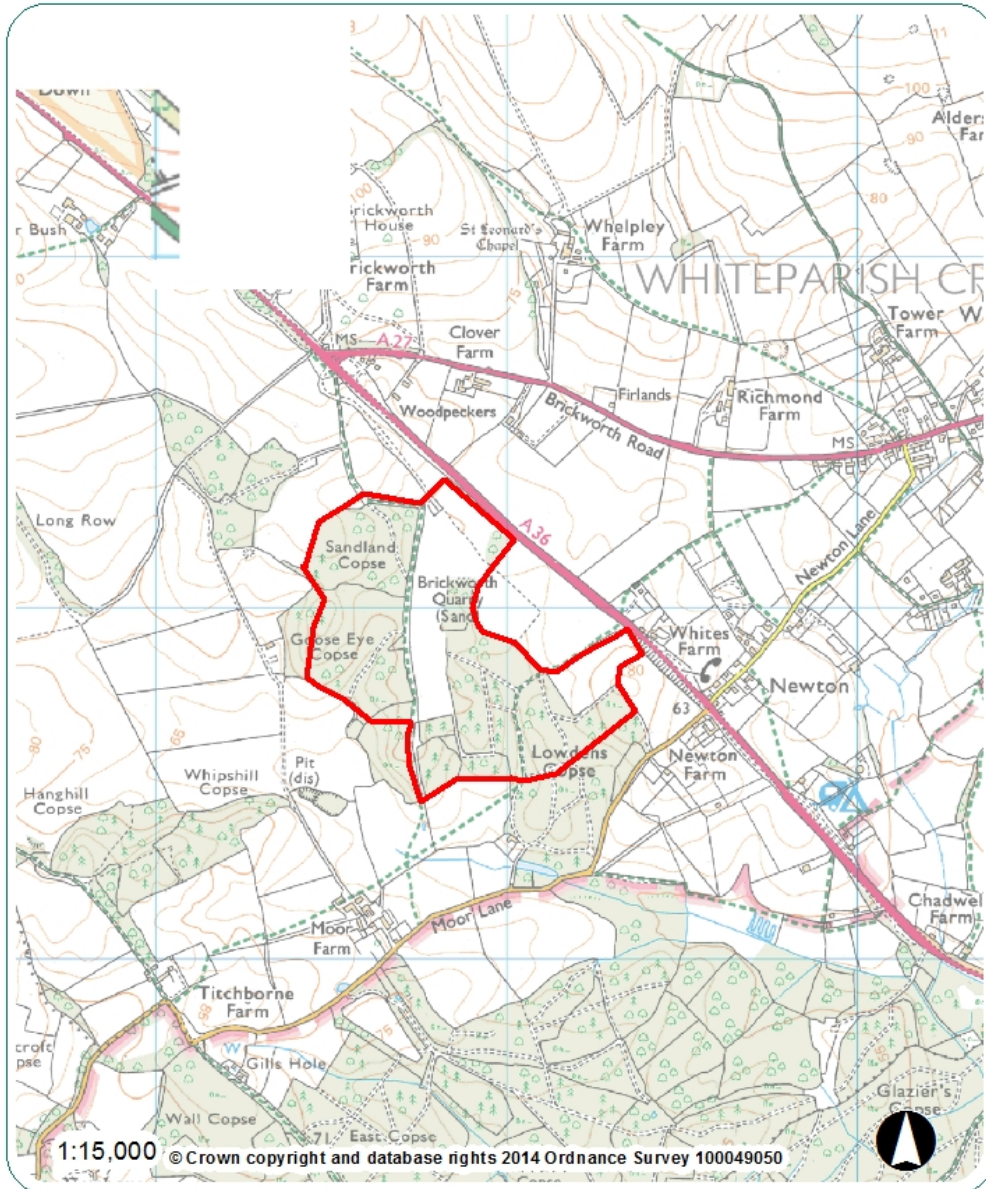
Areas A & B
 Brickworth Quarry

Restoration Scheme

| | | | | | |
|-----------|--------|----------|----------|----------|----------|
| DATE: | SCALE: | DATE: | DATE: | DATE: | DATE: |
| 14/06/16 | 1:4000 | 18/07/16 | 18/07/16 | 18/07/16 | 18/07/16 |
| PROJECT: | NO: | REV: | BY: | CHECKED: | APP: |
| B19/RBA/2 | AW | AW | AW | AW | AW |
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16/09386/WCM
Brickworth Quarry
Whiteparish
Salisbury
Wiltshire
SP5 2QE



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