

Date of Meeting	30th March 2016
Application Number	15/10486/FUL
Site Address	Lower Woodshaw Brynards Hill Royal Wootton Bassett
Proposal	Construction of 92 Dwellings with Associated Roads, Footways, Parking, Landscaping and Drainage Works.
Applicant	Wainhomes (South West) Holdings Limited
Town/Parish Council	Royal Wootton Bassett Town Council
Division	Royal Wootton Bassett South – Cllr Chris Hurst
Grid Ref	408096 181869
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

Councillor Hurst called the application to Committee to consider the scale of development, visual impact on the surrounding area and the environmental and highway impact of the development.

1. Purpose of Report

To recommend that authority be delegated to the Area Development Manager to grant planning permission subject to the signing of a Section Agreement within six months of the date of the resolution and the conditions listed.

In the event that the Section 106 agreement is not completed and signed within six months to delegate authority to the Area Development Manager to refuse permission for the reason set out in the recommendation.

2. Report Summary

18 Representations of objection in total from Local Residents and neighbouring businesses including multiple submissions by several objectors partly in response to the second round of consultation on revised plans. Royal Wootton Bassett Town Council strongly objects to the proposals.

3. Site Description

The site is located immediately to the south of the Interface Business Park off Bicknoll Lane and to the south of Brynards Hill and the ongoing residential development at this location. The site is accessed from the extension to the ring road that leads into the Interface Business Park. Situated to the north of the railway. The site is open agricultural land of largely level ground with some changes in levels and higher ground to the north and sloping

in a south easterly direction. The site features some matures hedgerows including mature trees.

4. Relevant Planning History

N/02/00084/OUT	Outline application for residential development (4.2 hectares) and industrial development (6.3 hectares) including details of means of access	Withdrawn
N/02/00083/OUT	Outline application for residential development (2.16 hectares) and industrial development (2.1hectares) including details of means of access	Withdrawn
N/02/00843/OUT	Outline application for office, industrial and warehousing development (B1, B2 & B8) with detailed means of access	Refused
N/04/01334/OUT	Extension of existing interface business park (use classes B1, B2 and B8)	Withdrawn
N/04/02772/OUT	Extension of existing interface business park (use classes B1, B2 & B8) (revised site area)	Refused
N/04/02916/COU	Change of use from B2 (general industrial) to b1(business), B2 (general industrial) and B8 (storage and distribution) use	Approved
N/04/03418/FUL	Erection of new perimeter security fence	Approved
N/06/00748/OUT	Mixed use development for up to 70 dwellings, 5.01 ha extension to interface business park, access, landscaping & associated works	Withdrawn
N/06/00747/COU	Change of use to country park	Withdrawn
N/09/00870/FUL	Change of use to a country park	Appeal Allowed
N/09/00871/OUT	Mixed use development for up to 100 dwellings and 4.9 hectare extension of interface business park, access, landscaping and associated works - outline	Appeal Allowed
N/10/02165/FUL	Extension to interface distributor road	Approved
N/10/02399/REM	Erection of 100 dwellings and associated works	Approved
N/10/03055/FUL	Residential development of 50 dwelling houses and associated works.	Appeal Allowed
N/10/04598/S73A	Removal of condition 5 of N/10/02165/FUL - submission of full operation & maintenance strategy	Withdrawn
N/12/01772/FUL	Proposed substitution of plots 54, 61, 65, 66, 69, 76, 77, 87, 88, 120 & 143 (variation of N/10/02399/REM and N/10/03055/FUL).	Approved
N/12/04026/FUL	Erection of 43 residential dwellings with associated roads, sewers, landscaping, parking, garages & associated works	Approved

	(resubmission of N/11/04162/FUL)	
N/14/03343/FUL	Hybrid Planning Application comprising: Full Planning Application for 68 no. Residential dwellings with associated roads, footways, parking, landscaping, landscaping, drainage and open space, along with Outline Planning Application (with all matters reserved) for 1 ha of land for a 39 bed care home (Use C2) and 22 no. Age restricted dwellings (use C3) and Country Park.	Approved

5. The Proposal

This is an application for full planning permission for the construction of 92 dwellings with associated roads, footways, parking, landscaping and drainage works. It is a revision to a previous application 14/03343/FUL which was a Hybrid Planning Application comprising:

Full Planning Application for 68 no. Residential dwellings with associated roads, footways, parking, landscaping, landscaping, drainage and open space, along with Outline Planning Application (with all matters reserved) for 1 ha of land for a 39 bed care home (Use C2) and 22 no. Age restricted dwellings (use C3) and Country Park.

That application was granted permission at North Area Planning Committee meeting 10/08/2014 with the approval issued under decision notice dated 10/03/2015 following completion of the related Section 106 agreement.

The key differences between the proposals are the removal of the care home and the age restricted dwellings from the scheme and their replacement with additional market residential properties (including affordable housing elements). The additional dwellings now proposed therefore equates to 24. Furthermore the red line application boundary for the site no longer includes the Country Park albeit this land remains in the ownership of the applicant. The revised layout for the residential scheme now proposed is not considered to further alter the total site area of the Country Park as previously permitted under 14/03343/FUL.

6. Planning Policy

National Planning Policy Framework

Paragraphs 14, 17, 22, 32, 34, 47, 49, 50, 58, 60, 61, 70, 103, 109, 118, 123 and 124

Planning Practice Guidance

North Wiltshire Local Plan 2011 Saved policies

NE18 Noise and Pollution

H4 Residential Development in the Open Countryside

Wiltshire Core Strategy Adopted Jan 2015

CP1 Settlement Strategy

CP2 Delivery Strategy

CP3 Infrastructure Requirements

CP19 Spatial Strategy: Royal Wootton Bassett and Cricklade Community Area

CP35 Existing Employment Sites

CP41 Sustainable Construction and Low Carbon Energy

CP43 Providing Affordable Homes

CP50 Biodiversity and Geodiversity

CP51 Landscape

CP52 Green Infrastructure

CP57 Ensuring High Quality Design and Place Shaping

CP60: Sustainable transport

CP61: Transport and development

CP62: Development impacts on the transport network

CP67: Flood risk

7. Consultations

The following section summarises the position of consultees following the submission of revised plans and additional information received as a response to consultation on the original application submissions.

Spatial Planning No objection subject to the comments of other specialist officers and assessment of all relevant material considerations by the case officer. Planning policy considerations and comments of the Spatial Planning Team addressed further in the body of the report.

Landscape Officers

Revised plans have addressed previous comments and concerns sufficiently. No objections.

Trees Officers

Following submission of revised plans and additional information no objections.

New Housing Team

No objections.

In relation to the amended plans now submitted comments and observations are as follows:

The applicant has now included a 40% affordable housing on site contribution as is the policy requirement to be sought for Royal Wootton Bassett Community Area.

The percentage mix re: bed size of units has been adjusted in the amended plans and is

more in line with demonstrable need and would be acceptable.

The tenure split indicated on the revised plan is 60% Affordable Rent and 40% Intermediate.

However, the sizes of the Intermediate Shared Ownership units within the affordable housing provision are extremely small and much less than the minimum sizes usually delivered within affordable housing contributions e.g: An Affordable Rented 2 bed house and a 2 bed Intermediate Shared Ownership house would normally be the same m2 size – whereas the units sizes indicated on the plan are very much smaller for the Intermediate Shared Ownership tenure houses.

The affordable homes have been integrated into the scheme in small clusters of no more than 15 units.

In our previous consultation response it was advised that a proportion of adapted homes would be sought based on demonstrable need and that a block of 6 x 1 bed flats should be provided for specialist use e.g. Mental Health or Learning Disability to the required standards at nil subsidy. This has not been shown - or any adapted units - on the latest plan.

Officer comment:

In respect of the sizes of AH units it was highlighted by the applicant that the previous permission as granted included the same form and scale of provision as is now proposed. The New Housing Team reviewed the previous scheme proposals and confirmed that given this previous extant permission no objection or further comment was now raised in this respect.

Highways Officers Initial objection raised due to inadequate parking provision, inadequate turning areas and inadequate verge areas in parts of the layout. Following receipt of revised plans no objections raised subject to the use of conditions and S106 requirements.

Highways England

No objection.

Ecology

No Comment.

Public Protection

No objections subject to conditions in respect of noise impact assessment and hours of construction. Contributions sought with respect to Air Quality Management projects in accordance with WCS CP55.

Urban Design

Following submission of revised plans and additional info no objections all concerns and comments have been addressed.

Waste & Recycling

No objections following receipt of revised plans and additional info. Conditions and S106

contributions sought.

Drainage Engineers

In initial representations Officers identified concerns in respect of the foul drainage system capacity and recommended consultation with Wessex Water. In addition Officers identified that the surface water drainage strategy and Flood Risk Assessment proposed drainage to the Woodshaw Flood Storage Area which is an Environment Agency Facility and recommended consultation with the Agency. Following receipt of representations from the Environment Agency raising concerns in respect of the implementation of previous commitments and works for surface water provision in relation to earlier phases of development a holding objection was issued.

Following the receipt of additional information and the further response officers raise no objection subject to appropriate conditions.

Wessex Water

Identified previously that their apparatus in the form of pipelines exist on site albeit not definitively plotted on available plans. As such diversions or alterations to the layout may be required once detailed investigations and proposals for foul drainage are completed. Wessex Water also identified that in respect of the proposed foul discharge to the Wootton Bassett Sewage Treatment Works that further appraisal will be required to consider the impact of the proposed development. The developer will be expected to contribute towards the cost of study and any resulting capacity improvements.

The applicant has proposed the discharge of surface water to the Woodshaw Flood Storage Area which will require approval from the appropriate authorities including the LLFA.

Given this position Wessex Water raised no objection subject to Grampian conditions requiring the provision of details for foul water drainage in advance of development.

Environment Agency

Holding objection and request for submission of confirmation details relating to the works required to enhance surface water drainage capacity at the Lower Woodshaw Flood Storage Area. Further detailed submissions received. At the time of writing no final response has been received and this matter will be reported as a late item.

Environmental Services

No objections. With respect to the previous application 14/03343/FUL clarification as to the long term management and maintenance of the Country Park was sought. An estimate of the commuted sum likely to be required for the Country Park based on available information was also provided of £277,463 covering a 20 year period. This was addressed in the Section 106 agreement for that application and it is considered appropriate that this is carried forward into the new S106 agreement to be attached to any new consent.

Education

Officers have identified a requirement for primary (infant and juniors) and secondary school place provision that cannot be met from existing facilities based on current and projected

school rolls. £169,790 (index linked), for infants provision; £237,706 (index linked) for juniors provision; £369,699 (index linked) Secondary provision.

Officers have also identified a requirement for financial contributions to early years provision of £82,080.00 to Early Years learning. The statutory requirement to make provision is conditional to where reasonably practicable. The Council itself does not provide facilities and seeks provision from the private sector. There is no proposal for on-site provision and no detail as to proposals to which contributions could be sought. As such it is considered that there is currently no sound and justifiable requirement for financial contributions that could be defended if challenged through an appeal. In addition is it possible that funding for such provision could be secured through the Community Infrastructure Levy. The case officer has not sought to secure these contributions with the applicant via a Section 106 agreement.

Public Art

Officers queried whether or not consideration had been given to public art provision in consultation with the applicant. This matter has not been raised as a financial contribution requirement as it is considered that proposals for the provision of a Country Park offer ample opportunity for the development to incorporate features as part of those scheme proposals and enhancements to the public realm are matters addressed through the Community Infrastructure Levy.

Right of Way Team

No objection. Recommend use of an informative:-

“A legal order to divert the rights of way will have to be undertaken to implement this development. If the development proceeds without this order and obstructs a right of way, legal action must be taken against the developer. It is recommended that the developer applies for this order at the earliest opportunity.”

Network Rail

Acknowledged previous permissions at the site and raised concerns regarding lack of previous consultation in past on earlier phases and proposals for bunding. Concerns raised regarding future arrangements of for the bund and flood storage measures,

No formal objection.

Wiltshire Police Liaison Officer

No Comment

Royal Wootton Bassett Town Council

Strongly objects to the proposal on the following grounds:-

- The development will increase the risk of flooding in the locality including the adj rail line, conflict with WCs CP67;
- Conflict with WCS CP19 – the RWB & Cricklade community area has already fulfilled

its housing requirement for the period to 2026;

- CP19 seeks to protect the existing character & identity of settlements, this approach is strongly supported. The emerging Neighbourhood Plan seeks to resist further development in this locality in order to minimize the scope for coalescence of Swindon and RWB. Conflicts with CP19 and CP51
- The emerging Neighbourhood Plan notes that there is a strong public desire for a railway station within Royal Wootton Bassett. The area identified for development encroaches upon one of the sites identified as a possible location for the station. The development would also hinder the installation of any pedestrian/cycle routes which would lead to and from any of the possible locations for the station.
- Originally, planning consent was granted with employment opportunities as the developer had intentions to build a Care Home and 22 units for people of pensionable age. These elements of the plan have now been shelved, meaning there would be no employment possibilities anywhere on site.
- Concerns over access and egress to the properties as identified previously by Highways. The development is not in a sustainable location, as it is on the outskirts of the town. Any access to public amenities would prove difficult. The remote location could also lead to incidents of criminal activity.
- The loss of potential employment, together with the unsustainable location of the proposed development is in contravention to Core Policy 2 of the Core Strategy, Delivery Strategy.
- It was noted that Rights of Way had not been fully consulted in relation to any of the applications for this site, which has led to concerns over the nature of the consultation in general.
- Country Park – The Country Park as promised to the town should have been made available to residents by now – the Committee would like a full update on where this application fits in with the aspiration for a Country Park.

Ramblers Association Swindon and North East Wilts Group

The proposed footpath diversions on revised plans appear reasonable – no objection and previous comments superceded.

Local Residents & neighbouring Business Operators

18 letters of representation were received in total including multiple submissions by some objectors, partly in response to the two rounds of public consultation undertaken including original submissions and revised plans and additional information submissions. Objection received are summarised as follows:-

- Object to loss of housing for the elderly which is much needed in the locality;
- The site is within a flood risk zone and development will increase the risk of flooding;
- The site is damp and unsuitable for residential use;
- The development results in the loss of trees and hedgerows and landscape proposals are inadequate;

- Previous operations by the developer in terms of spoil disposal have resulted in the loss of hedgerows and other countryside features;
- The site is a principle employment area as defined by CP35 WCS;
- The site is wholly unsuitable for the proposed use by remote form services and facilities and not served by public transport;
- Proposals result in harm to the landscape and character and appearance of the locality;
- Great Crested Newts on site and the proposals will result in harm to ecological and nature conservation value of the site;
- Provision of employment on this site was part of the justification for earlier phases of residential development, the requirement for employment land remains;
- Noise and Traffic Disturbance and conflict with adj employment operators;
- Noise impact Assessment required;
- Neighbouring business uses require security and this would be undermined by the proposed residential development;
- Inadequate infrastructure in the town
- Traffic congestion at peak times on local roads leading to the M4 & A3102 – this will be worsened by the development;
- Inadequate medical services in the locality
- Loss of well use Right of way (footpath WBAS10 WBAS11) and inadequate detail re: connections for diverted route to the wider network;
- Temporary and Permanente negative impacts to rights of way users;
- The area for the country park is being gradually eroded for piecemeal residential development;
- Local schools and doctors surgeries are at capacity;
- Planning Application was inadequately advertised;
- The proposed country park area is of ecological value which would be lost;
- Reduced Country Park area inappropriate;
- Concerned that the Country Park will not be provided;
- Country Park Car Park in wrong location;
- Earlier phases of development by the applicant are poor quality and do not meet conditioned requirements e.g. Road construction;
- Further housing without employment provision promotes out commuting to Swindon;
- Noise pollution to future residents from the adjacent rail line;
- Inadequate shopping facilities and parking provision.

8. Publicity

The application was advertised by press notice, site notice and neighbour consultation letters.

9. Planning Considerations

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 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 proposed site for development is located outside of the existing defined settlement framework boundary for Royal Wootton Bassett and within the open countryside. The site is not one that is allocated within the Wiltshire Core Strategy (WCS) or other emerging development plan documents for the proposed development. The proposed development of residential dwellings and associated works is not development that would be supported under the saved NWLP policies or the Core Policies of the Wiltshire Core Strategy in that it is not for the purposes of agriculture or forestry. As such the initial starting point is that there is conflict with the development plan and it is therefore necessary under the requirements of the NPPF to consider whether or not there are material considerations and circumstances that would justify a decision contrary to the policies of the development plan. In this instance at the current moment in time it is assessed that there are material considerations that justify approval of the proposals contrary to the policies of the development plan.

The first of these material considerations is the existence of the extant permission for a very similar form of development proposal relating to this site under reference 14/03343/FUL. That permission provided consent for residential development in the C3 use class, albeit including an extra care home and some dwellings that would be conditioned as age restricted in terms of occupancy, on the broadly same site area/built footprint as is now proposed. This permission remains live and extant. This is a material consideration of very significant weight. It is not considered that the revised proposals are so significantly different in terms of character and impact in relation to interests of acknowledged importance, as is assessed and set out in relation to issue specific matters below, such that permission now ought to be refused. Certainly it is not considered that the proposals result in additional harmful impacts over and above the permitted scheme such that permission should be refused in relation to any of those issue specific matters.

It is acknowledged that the potential employment benefits arising from the care home use and the benefits of providing age appropriate accommodation to meet local needs were both matters previously weighed in the balance and found in favour of the approved scheme proposals. This is a benefit that would not arise from the current scheme proposals. However this matter was given relatively limited weight as a benefit with greater importance being attached to other material considerations including the demonstrable lack of demand for the permitted employment uses at the site and the proposed alteration of the settlement framework boundary in the emerging Wiltshire Site Allocations DPD to include the site within the defined built area of the town. These two matters remain relevant, the proposed alteration to the settlement framework boundary remains as a material consideration of very significant weight in terms of the principle of development as ultimately this will become a location where the development proposed would be considered acceptable in principle subject to site specific impacts. The issue re: loss of employment land is revisited below.

In addition it should be noted that following the appeal decision (APP/Y3940/W/15/3028953) in respect of an application for residential development at Arms Farm, Sutton Benger it has been accepted that the Council cannot at the current time demonstrate a 5 year supply of available and deliverable sites for housing plus a 5% contingency in accord with the requirements of the NPPF. As a consequence core policy CP2 of the WCS 2015 cannot be afforded full weight at the current time and therefore cannot be relied upon as a reason for refusal of . The Council has sought to respond proactively to this position by granting several permissions where possible i.e. there are no other harmful impacts that would outweigh the

benefits of development. As a consequence it is considered that in the near future the position will change. However applications must be determined on the basis of the relevant material considerations and circumstances pertinent at the time of the application and decision and at present it cannot be asserted that the Council can demonstrate a deliverable 5 year supply of land for housing. In these circumstances para 49 of the NPPF becomes relevant and identifies that applications should be determined in accordance with the presumption in favour of sustainable development.

In addition it is important to note recent Court of Appeal judgements of relevance to the consideration of housing proposals in the absence of an adopted up to date development plan and which advance interpretation of the NPPF. One decision of particular relevance (Dartford Borough Council V Secretary of State and Skillcrown Homes Limited) has identified that in the context of para 14 of the NPPF the assessment of housing proposals must be undertaken holistically and that the decision maker must undertake an assessment of whether or not the positive attributes of the development outweigh the negative. This is particularly the case if the development plan is out of date and regardless of the Local Planning Authority being able to demonstrate an available and deliverable 5 year supply of land for housing. As will be seen through the assessment set out under the headings below it is not considered that there are significant site specific objections to the proposed development that are incapable of effective mitigation.

As noted above the site is highly likely to be one which will be brought within the defined framework boundary of the town given the extant consents on site. As such it is not considered that this site can be identified as in fundamental conflict with the strategy for the Town as set in CP19 of the WCS. The Council's Spatial Planning Team has confirmed that there is no in principle objection given this situation. The harm that would arise relates to the loss of the employment land (addressed further below) including loss of the care home facility; the loss of potential provision of housing to meet the needs for elderly persons in the locality; the pollution and additional congestion from additional traffic movements; and the likely out commuting of a significant proportion of the future population for employment, shopping and leisure purposes. It must also be identified that there are benefits arising from the proposed development including the provision of housing to meet some local community needs, the economic benefits arising both from construction and the local expenditure of the additional population, and the provision of affordable housing. It is also important to note that the applicant has made reference to the difficulty in securing interest from care home operators in this site/potential facility. This reflects experience elsewhere in this housing market area where other permissions for care homes have similarly not been implemented due to lack of operator interest and have subsequently come forward for residential development e.g. sites at Marden Farm, Calne and Copenacre, Corsham. On balance given the extant permission for residential development at this site; some of the relevant policies of the adopted WCS being assessed at appeal as currently of limited weight; the lack of demand for care home facilities and employment land at this site; and the likely inclusion of the site within the defined framework boundary for Royal Wootton Bassett in the future it is not considered that the harm identified is so significant in this instance as to outweigh the benefits of development such that consent ought to be refused in principle.

This position is further reinforced by the likely timeframes for the preparation of relevant development plan documents including the Site Allocations Development Plan Document

and the Neighbourhood Plan for the Royal Wootton Bassett locality. These documents are at early stages of preparation and it could not be successfully argued that this development is of such a scale that it prejudices the local community's ability to determine of the scale and distribution of development through these DPDs and is therefore premature to preparation of these DPDs.

Loss of Employment Land

The adopted WCS contains policies that seek to retain existing employment land subject to certain criteria. This includes existing commitments in the form of extant permissions. CP35 policy contains criteria which provide exemptions to this including where there is valid evidence that the site has no long term and strategic requirement to remain in employment use. The criteria goes on to state that it must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions.

The applicant previously submitted evidence that the property had been fully marketed in trade publications and using other industry approaches, at a reasonable valuation (£150,000 per acre), for a period in excess of 4 years. This exercise did not generate any significant and proceedable interest in development and use of the site for employment purposes. In addition the applicant's agents previously identified that there were existing sites within the Interface Business Park that had also remained un-let for substantive periods and this is considered to remain the case.

The Council's Economic Development Team and Estates Department assessed the submissions in relation to the previous application proposals. Additional information and evidence in support of the submitted statements was requested from and provided by the applicant. Following the additional submissions neither team raised objection to neither the proposed development nor the loss of this employment commitment considering that the evidence demonstrated that there was limited demand for employment land in this location. This is considered to remain the case. As noted above it is considered that there is a clear lack of interest from operators of elderly care homes in bringing forward new facilities in this locality. Liaison with the Council's new housing team has re-affirmed this position.

Taking into account the above it is considered that the proposed residential development is acceptable in principle in the context of previous employment related consent at the site.

Impact on Highways Network and Parking Provision

The site is well served in road access terms by the extension to the distributor road serving the existing business park which can be accessed from the east without drawing traffic through the town itself. It should also be noted that the site has extant consents for employment and residential related uses which would generate a significant and broadly similar levels of transport movements in themselves. The proposals include pedestrian and cycle links through to the recent and ongoing residential development to the north west and the town beyond, these will pass through the country park and lead to the informal open space serving the new residential development to the NW. Whilst the site is located on the edge of the settlement and somewhat separated by the built form of the business park the

proposed and existing pedestrian links through to the town are considered to provide a reasonable level of accessibility. Certainly it is not considered that the site is so remote and wholly separate from the existing settlement and town centre that it would be wholly unsustainable such that consent ought to be refused on these grounds.

Highways Officers reviewed the initial submissions and identified a series of queries in respect of the level of parking provision to serve the new residential properties; and in terms of the road layout for the residential development in terms of the scale of junctions and provision of adequate visibility splays. Following the submission of revised plans and additional details officers have raised no objections subject to the use of conditions and the requirements for traffic orders on Bicknoll Lane alongside contributions to pedestrian links which can be addressed through a section 106 agreement as was the case with the previous permission. This is addressed further under the section dealing with S106 contributions below.

Design Character

The Council's Urban Design Team has reviewed the application submissions and revised plans and provided detailed input on both iterations. The applicant has responded to these comments and additional details.

The Urban Design Officer initially identified concerns in respect of the character and continuity of characterisation of properties throughout the scheme particularly in terms of the use of materials, orientation of properties, arrangement of public and private spaces, related landscaping treatments; vehicular and pedestrian linkages through the site and connectivity through to the Country park and the services and facilities located within the town centre; the location of the Country Park Car Park; and provision for waste and recycling facilities. Following the submission of the revised plans and further details and clarifications the Urban Design Officer raises no objection to the scheme proposals.

Residential Amenity

With respect to the layout arrangement of proposed dwellings in relation to one another it is considered that the residential amenities of future occupants will be acceptable and would not be in conflict with adopted and emerging policies such that planning permission ought to be refused. Given significant distance between the development site and the nearest existing properties it is not considered that the proposals would have any impact on existing residential amenities.

The Council's Public Protection team has raised no objections or concerns in respect of the relationship of the residential development to nearby employment activity at the Interface Business Park and vice versa subject to the use of conditions. In this context it is noted that neighbouring business operators have objected to the scheme proposals on the grounds of potential conflicts with the adjacent residential properties but without submission of supporting evidence. In this context it must be noted that mixed use development is supported in national guidance and the business park is already located in close proximity to neighbouring residential development to the west and east/north east. The previous application was supported by noise impact assessment work given the proposed care home and age restricted dwellings being located directly adjacent to the business park in that layout. The assessment identified no significant harm and consent was granted. It is

considered that the use of the proposed condition to address potential noise impact matters is acceptable and appropriate in this context. A requirement for contributions to address air quality management issues in accordance with Core Policy CP55 has been sought and this can be addressed through a S106 agreement. This matter is discussed further under the section entitled S106 contributions below.

Impact on the Character and Appearance of the Locality

It must be recognized that the site benefits from an extant permission for significant, large scale employment related development and a separate consent for various forms of residential development and in this context the proposals would not have any greater visual impact on the local landscape character or visual amenity of the locality. In many respects the development of residential dwellings alongside the proposed Country Park would be more in accord with the existing character and appearance of the town that that which is approved, especially the extant employment scheme. In this respect and given the findings of previous appeal decisions in respect of earlier phases of development at Brynards Hill and the Inspectors' conclusions on landscape matters it is not considered that a sound and defensible reason for refusal exists in respect of visual impact on the character and appearance of the locality.

Drainage

Wessex Water, the Environment Agency and the Council's Drainage Engineers have all been consulted on these proposals. Wessex Water engineers raised no objection to the proposals in principle subject to the use of "Grampian" conditions requiring the submission and approval of full details in respect of foul drainage services and surface water drainage. In addition Wessex Water identifies the need for assessment of capacity in the foul sewer network which must be assessed at the expense of the developer. The output of such assessment will inform the detailed proposals for foul drainage provision.

At the time of preparation of this report the Environment Agency and the Council's drainage Engineers have raised a holding objection to the proposed development in respect of the submitted surface water drainage strategy and the absence of specific information confirming that the proposed strategy is capable of implementation. The strategy proposes to discharge unattenuated surface water from the development site into the adjacent Flood Storage Area (FSA) (variously called Lower Woodshaw or Hancocks Water) and required reinforcement works to be undertaken to support extra capacity

The impounding structure to the FSA is owned and maintained by the Environment Agency. It was subject to an inspection by a Reservoirs Engineer in relation to the previous application whose report stated that the structure was in a poor condition. The Environment Agency had some concerns that further discharge of water above the existing discharge from the completed element of the wider scheme could increase risk to the structure, if the compensatory works discussed below had not been adequately undertaken. Under planning applications 09/00871 and 10/03055, and the ensuing Operation and Maintenance (O&M) Strategy (Issue 6 April 2011) there was a requirement to undertake excavation/re-profiling works to enlarge the FSA in order to facilitate the proposed unattenuated runoff from these developments.

Prior to accepting any further drainage under the application the Environment Agency

required the applicant to demonstrate that there was no increased flood risk by submitting:

- Evidence that the previous permitted re-profiling of the FSA has been undertaken in accordance with the approved plans under planning permissions 09/00871/OUT and 10/03055/FUL. This should be confirmed by the provision of before and after survey evidence.
- Confirmation of the capacity of the FSA; capacity available to receive the discharge; anticipated water level; and the volumes of surface water currently discharging to the FSA.
- Evidence that the O&M Strategy is being appropriately implemented, we would have no objection to the proposed surface water discharge into the FSA subject to the planning conditions and comments below.

Providing that the appropriate information could be submitted the Environment Agency stated that it would be able to withdraw their holding objection and offer a conditional response.

This position was further reflected in the consultation response of the Council's Drainage Engineers also.

The applicant has submitted information copied to the Environment Agency in response to the above identified requirements for agreement. The Council's drainage engineers have considered and assessed these additional submissions and have removed their holding objection subject to the response of the Environment Agency and use of conditions as set out below. At the time of writing the Environment Agency has yet to respond further and as such this matter will be reported as a late item.

The consultation response of Network Rail is noted but the extant permissions for earlier phases of development that resulted in the flood attenuation proposals including bunding was determined in the first instance at appeal several years ago and are now confirmed requirements and material considerations. As noted above the EA has responsibility for the flood storage area.

Planning Obligation/S106 Requirements

Requirements in respect of Affordable Housing provision at 40% as required under the WCS; Education provision (primary & secondary school places); built leisure facilities; Traffic Regulation Order on Bicknoll lane to be funded by the developer; air quality management and cycle and pedestrian facility provision and maintenance have all been identified. In addition the Council previously identified a requirement for the future maintenance of the Country Park and provided an estimate of commuted sums in this respect. It is considered appropriate to take this provision forward into the new agreement.

The applicant has submitted a draft agreement for consideration and this addresses the majority of the identified heads of terms increased in a prop rata basis or amended to take account of changed circumstances. In addition the applicant has committed to meeting the identified requirements of consultees and the recommendation provides sufficient time to address matters fully and appropriately in the Section 106 agreement. Consequently it is not considered that there is a sound and defensible basis for refusal of the application on the basis of conflict with CP3 of the WCS and the absence of provision for the necessary

services and infrastructure generated as a consequence of the development proposals.

In addition the recommendation includes a timeframe of up to 6 months for completion of the S106 agreement and the applicant has confirmed that this is acceptable to them and indeed they will seek to complete an agreement well in advance of this deadline.

10. Conclusion

Given the current position in respect of the WCS, Site allocations DPD, Neighbourhood Plan; the extant consents for employment and residential development on the site; and recent appeal decision and High Court Judgements in respect of residential development it is considered that there is no sound basis to identify an in principle objection to this development proposal. It is accepted that the applicant has effectively marketed the site for the approved employment use and that there is no evidence of proceedable interest in the site for employment development. Similarly that there is evidence that existing employment provision is not being taken up. Also that there is no evidence of proceedable interest from care home operators in bringing forward a facility at his site. On this basis it is considered that the site is not required for employment or care home use in the foreseeable future. It is also considered that in terms of the balance between the harm and benefits arising from development that the proposals represent an overall benefit outweighing any harm in terms of conflict with the development strategy of the WCS set out in core policies CP1 & CP2 and that a refusal of permission would not be defensible in principle. In this respect concerns over drainage, highways impact, pedestrian and cycle accessibility, parking provision and design and layout of the development have been addressed in revisions to the scheme proposals and the submission of additional supporting information such that all site specific impacts can be readily mitigated through appropriate conditions and S106 agreement provisions. As such it is considered that on balance there are material circumstances that override the limited conflict with the development plan and thereby support a recommendation of approval.

RECOMMENDATION

To delegate authority to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement within the next 6 months and the conditions listed below.

In the event that the S106 agreement is not signed in the next 6 months delegate authority to the Area Development Manager to refuse permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Public Open Spaces and their maintenance including maintenance provision for the Country Park; Air Quality Management; Traffic Regulation Order; and Pedestrian Footpath works and is therefore contrary to Policies CP3 CP43 & CP55 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

Proposed Conditions and Informatives:-

WA1 FULL PLANNING PERMISSION -COMMENCEMENT 3 YEARS

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.

WB1 SUBSEQUENT APPROVAL OF MATERIALS FOR WALLS & ROOFS

No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

WC1 APPROVAL OF LANDSCAPING BEFORE COMMENCEMENT

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

WC2 LANDSCAPING TO BE CARRIED OUT & MAINTAINED

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.

WC6 PROTECTION OF RETAINED TREES

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 practise.

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

WC8 SUBMISSION OF LANDSCAPE MANAGEMENT PLAN

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: To ensure the proper management of the landscaped areas in the interests of visual amenity.

WD1 CONSOLIDATED ACCESS

The residential dwellings hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

WD8 ROADS/FOOTPATHS ETC TO BASE COURSE BEFORE OCCUPATION

The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

WE3 NO ADDITIONS/EXTENSIONS OR EXTERNAL ALTERATIONS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

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

WE6 NO GARAGES / OUTBUILDINGS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking

or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

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

WE15 USE OF GARAGE

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

NSC

Prior to the first occupation at the site the developer shall provide a scheme of footway / cycleway widening (3m) extending from the Interface Business Park access road onto the southern section Bincknoll Lane towards the 'Swallow Mead' bus stop. Full construction details shall be submitted to and approved in writing by the Local Planning Authority prior to construction taking place. The approved scheme shall be constructed in accordance with the approved details prior to the first occupation at the site and to the satisfaction of the Local Planning Authority.

REASON: To ensure that the development is served by an adequate means of access.

NSC

No works shall commence on site until full evaluation of the existing public and S104 drainage systems have been checked for capacity to serve the site and where reinforcement / mitigation works are required these need to be completed before first occupation.

REASON: to ensure no increase in downstream property flooding due to this development.

NSC

Prior to the commencement of works on site the excavation and re-profiling works to the Woodshaw Flood Storage Area approved within the Operation and Maintenance (O&M) Strategy (Issue 6 April 2011) under planning application references N/09/00871/OUT and N/10/03055/FUL shall have been completed in full and a condition survey report shall be submitted to the Local Planning Authority. The Woodshaw Flood Storage Area shall be maintained in accordance with the approved O&M Strategy and any subsequently approved surface water drainage details thereafter.

REASON: To ensure that the development can be adequately drained

WG4 DISPOSAL OF SEWERAGE -IMPLEMENTED

The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker

- a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development

Phasing

- the 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 sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

WH9 ECOLOGICAL ASSESSMENT (IMPLEMENTATION)

Prior to the commencement of works on site the mitigation measures detailed in the approved Ecological Management Plans in relation to planning application references N/09/00871/OUT & N/10/03055/FUL dated 28/2/2011, shall be carried out in full. Monitoring reports will be submitted in accord with the approved Ecological Management Plans.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

WM4 CONSTRUCTION METHOD STATEMENT

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;

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: 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.

NSC

The development hereby permitted shall not begin until a noise impact assessment and scheme for protecting the proposed dwellings and their cartilages from environmental and railway traffic noise has been submitted and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted dwelling is first occupied, unless an alternative period is agreed in writing by the Local Planning Authority.

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

NSC

No plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside the hours of 0730 to 1800hrs Mondays to Fridays and between 0730 and 1400hrs Saturdays or at any time on Sundays or Bank Holidays.

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

WM13 APPROVED PLANS

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

1629/01 REV F dated 06/02/106

1629/02 REV C dated 06/02/106

129/03 REV B dated 06/02/106

1629/03 REV B dated 06/02/106

1629/04 REV B dated 06/02/106

1269/06 REV A dated 06/02/106

1629/07 dated 06/02/106

1629/09 dated 01/03/2016

Lower Woodshaw House Types Booklet:

WAIN/PLAN/BC

WAIN/PLAN/NE15 REV A

WAIN/WR/01

WAIN/WR/02

WAIN/PLAN/DA/01

WAIN/PLAN/DA/02

WAIN/PLAN/DA/03

WAIN/PLAN/DA

WAIN/PLAN/DA SIDE

WAIN/PLAN/WOS/GARAGE

WAIN/PLAN/WO/SIDE

WAIN/PLAN/WO/01

WAIN/PLAN/WO/02

WAIN/PLAN/WO

WAIN/PLAN/SH15 REV A

WAIN/PLAN/ST15/01

WAIN/PLAN/ST15 REV A

WAIN/PLAN/SH15

WAIN/chau/01-1 REV A

WAIN/chau/01-2 REV A
WAIN/PLAN/FL/203/rent01 REV A
WAIN/PLAN/EL/204/rent REV A
WAIN/PLAN/FL/203/rent01
WAIN/PLAN/FL/HLe1/rent
WAIN/PLAN/FL/HKLplans/rent
WAIN/BL/2014/inter
WAIN/PLAN/FL/207 REV A
WAIN/PLAN/ENC REV A
Wain/gar/01 rev a
All dated 06/02/106
Wootton Bassett Feb 2016 Attenuation Pond As Built Survey Dated 08/03/2016

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

WP6 ALTERATIONS TO APPROVED PLANS

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.

WP8 REFERENCE TO SECTION 106 AGREEMENTS

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].

WP13 PUBLIC SEWERS

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. Any alterations to the approved plans, brought about by the need to secure easements for Wessex Water Facilities must first be agreed in writing with the Local Planning Authority before commencement of work.

WP18 PERMISSION NOT AUTHORISING WORK ON LAND OUTSIDE THE APPLICANT'S CONTROL & PARTY WALL ACT

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.

RIGHTS OF WAY LEGAL ORDER

A legal order to divert the rights of way will have to be undertaken to implement this development. If the development proceeds without this order and obstructs a right of way, legal action must be taken against the developer. It is recommended that the developer applies for this order at the earliest opportunity.

WP31 MATERIAL SAMPLES

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.

Background Documents Used in the Preparation of this Report:

Application Submission and further revisions and additional information
National Planning Policy Framework
Planning Practice Guidance
Wiltshire Core Strategy Adopted 2015
North Wiltshire Local Plan 2011 Saved Policies