

NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION

06th March 2019

This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

7a 18.02180.FUL Land East of the A429 Malmesbury - Lidl

Late Representations

a) 3 further representations from members of the public have been submitted expressing support for the proposals.

b) The Malmesbury Town Team has made a submission identifying that it does not support either of the proposals on the agenda due to the impact to the Town Centre. The Town Team also raises concerns as to the officer report recommendation and conclusions in respect of S106 contributions. Supporting information is provided as to the project work of the Town Team in hand and proposed and the benefits that the Town Team considers these will achieve.

Officer Response

The additional information and covering statement have been reviewed but it is considered that the officer recommendation as is set out in the report including as it relates to S106 matters remains appropriate. The additional information, whilst helpful, indicates that there is no robust methodology for assessing requirements, relating those in scale and kind to the impact of development, project work to be undertaken and the mitigation effects of the actions undertaken. It remains pertinent that no significant harm as result of development is identified by the Council's retail advisors such that consent ought to be refused on this basis and the Town Team also make clear that their work and the projects identified are at least in part aimed at mitigating the impacts to the town centre of changing retail trends being experienced by town centres nationally.

c) The applicant team has made further submissions to the case officer and members of the committee identifying a number of matters within the officer report which they consider are factually incorrect or inaccurate. Additionally a further "rebuttal" statement in respect of the assessed impact to heritage assets is submitted.

Officer Response

The case officer and senior conservation officer have reviewed the submissions and conclude that the recommendation remains appropriate and is unaltered by the submissions. In general terms many of the issues identified and statements made in this further submission are matters of judgement and opinion which differ from that of officers rather than factual inaccuracies or incorrect assessment. Additionally many of the comments contained in the submissions restate previous submissions made by the applicant team, which it is asserted have not been considered or taken into account. Officers can confirm as is set out in the report that all submissions made by the applicant team have been considered in full. It is however acknowledged that the following clarification is required:-

Section 10 para 2. The applicant team assert the reference to the site being the least sequentially preferable is incorrect and contradicts previous elements of the report.

Officer comment – this is a misinterpretation and misreading of the report taking a single sentence out of context. The reference here is to the sequential test in general terms with out of centre locations being the least sequentially preferable. If the paragraph is read as whole this is clear to the reader but for absolute clarity it is confirmed that this particular sentence is a generic comment re: the sequential test and out of centre locations and not a comparative assessment with the Malmesbury garden centre site.

7b 18.06980.FUL Land at Malmesbury Garden Centre – Mixed Use including Aldi

Late Representations

a) 5 further representations from members of the public have been submitted expressing support for the proposals.

b) The Malmesbury Town Team has made a submission identifying that it does not support either of the proposals on the agenda due to the impact to the Town Centre. The Town Team also raises concerns as to the officer report recommendation and conclusions in respect of S106 contributions. Supporting information is provided as to the project work of the Town Team in hand and proposed and the benefits that the Town Team considers these will achieve.

Officer Response

The additional information and covering statement have been reviewed but it is considered that the officer recommendation as is set out in the report including as it relates to S106 matters remains appropriate. The additional information, whilst helpful, indicates that there is no robust methodology for assessing requirements, relating those in scale and kind to the impact of development, project work to be undertaken and the mitigation effects of the actions undertaken. It remains pertinent that no significant harm as result of development is identified by the Council's retail advisors such that consent ought to be refused on this basis and the Town Team also make clear that their work and the projects identified are at least in part aimed at mitigating the impacts to the town centre of changing retail trends being experienced by town centres nationally.

c) The applicant team has made further submissions to officers following publication of the Committee report. A number of comments have been made on points of clarification and corrections including in relation to recommended conditions.

Officer response

Officers have reviewed the submission and do not consider that the recommendation as set out in the report requires amendment or is affected by the submissions made. The following clarifications, corrections and amendments are considered necessary and appropriate:-

Correction:-

Conclusion, Para 2 sentence 3 refers to Aldi and this should refer to Lidl.

Clarification:-

Proposed highways measures will be secured through a S278 Agreement under the Highways Act 1980.

Amendments:-

The recommended conditions should be amended as follows:-

8. No development above damp course level shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority.

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 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. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details for the detailed part of submission for the Aldi store including the storm system being sized to take flows from the outline part of the application with assigned discharges for each of the future sites limiting total flow from whole site to 29.3 l/s, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development site as a whole can be adequately drained

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

Design and Access Statements Rev E
160389 1501 P5
160389-1500-P4
SK202 REV A
SK203 REVA
Received 01/02/2019

10632-0050 REV D
Drainage Strategy Craddy's
Received 08/02/2019

160389 1601 P1
160389 1403 P7
Topographical Survey
SK203 Swept Path analysis
160389 1400 P6
Tree Protection Plan
Archaeological Evaluation
Landscape Addendum
Ecological Addendum
11593/PO9
11593/PO8
Received 21/12/2018

160389 1402 P2
160389 1401 P3
B2340-MJA-P105-4756-B
160389 - 1100 P4
Received 27/07/2018

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

37. Prior to first use of the development hereby permitted an assessment of the acoustic impact arising from the operation of all internally and externally located plant shall be undertaken in accordance with BS 4142: 2014 by a suitably qualified person. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed plant shall be less than background. The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: To protect local amenity from adverse effects of noise