

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	8 <sup>th</sup> October 2014
<b>Application Number</b>	14/03343/FUL
<b>Site Address</b>	Land at Brynards Hill Royal Wootton Bassett
<b>Proposal</b>	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.
<b>Applicant</b>	Wainhomes (South West) Holdings Limited
<b>Town/Parish Council</b>	ROYAL WOOTTON BASSETT TOWN COUNCIL
<b>Division</b>	ROYAL WOOTTON BASSETT SOUTH – Cllr Chris Hurst
<b>Grid Ref</b>	408096 181869
<b>Type of application</b>	Hybrid Full and Outline Planning
<b>Case Officer</b>	Lee Burman

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### Reason for the application being considered by Committee

Councillor Hurst called the application to Committee to consider the scale of development proposed 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 and the conditions listed below.

#### 2. Report Summary

13 Representations of objection from Local Residents. Royal Wootton Bassett Town Council raises objection 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. Planning History

N/93/00582/FUL	Construction of 2-arch culvert to allow excess canal water to pass under footpath/towpath 2-arch culvert	Approved
N/01/00147/TN2	Replacement of existing telecommunication mast and equipment with 15m telecommunication mast, antenna & equipment cabin	Withdrawn
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/03/00268/FUL	Proposed motorcycle shed (revision to 02.01817.ful)	Approved
N/03/03395/TN3	Replacement 17.5m monopole, including dishes and ground equipment	Withdrawn
N/04/01334/OUT	Extension of existing interface business park (use classes b1, b2 and b8)	Withdrawn
N/04/02443/ADV	Freestanding static signs in 'a' formation	Approved
N/04/02955/TN3	Installation of six antennas, two transmission dishes together with ground based equipment to existing telecommunications mast	Permitted Development
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/11/04162/FUL	Phase 3 - erection of 43 dwellings with associated roads, sewers, landscaping, parking, garages and associated works.	Refused
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 (resubmission of n/11/04162/ful)	Approved

## 5. The Proposal

This is 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. The proposal in part relates to land that already benefits from consent for employment related uses in the B1 B2 and B8 use classes – the extension of the Interface Business Park. In addition a small part of the site relates to land that benefits from consent for the provision of a Country Park, whilst the current application effectively seeks to amend that site area reducing the proposed site area of the country park by approximately 3 hectares from that originally proposed under application N/09/00870/OUT. Similarly the proposals seek to relocate and reconfigure the recently granted consent for the Country Park car park.

## 6. Planning Policy

National Planning Policy Framework

Paragraphs 14, 17, 22, 32, 34, 47, 49, 50, 58, 60, 61, 70, 100, 103, 109, 118 and 123

Planning Practice Guidance

North Wiltshire Local Plan 2011

C2 Community Infrastructure

C3 Development Control Policy

NE9 Protection of Species

NE10 Managing Nature Conservation Features

NE11 Conserving Biodiversity

NE14 Trees and the Control of New Development

NE15 Landscape Character of the Countryside

NE18 Noise and Pollution

T1 Minimising the need to Travel

T2 Transport Assessment and Travel Plans

T3 Parking

T4 Cycling Walking and Public Transport

H4 Residential Development in the Open Countryside

H5 Affordable Housing In Urban Areas

BD2 Safeguarding Existing Business Uses

CF2 Leisure Facilities and Open Space

CF3 Provision of Open Space

Emerging Wiltshire Core Strategy (Submission Draft as proposed to be amended) April 2014

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

CP45 Meeting Wiltshire's Housing Needs

CP46 Meeting the Needs of Wiltshire's Vulnerable and Older people

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**

**Spatial Plans** No objection subject to the Economic Development Team consideration of the loss of employment land and Landscape Officers' consideration of visual impact on the character and appearance of the area. Planning policy considerations and comments of the Spatial Plans Team detailed further in the body of the report.

**Economic Development** Following the submissions of details confirming the extended period of marketing without producing interest and the availability of properties within the existing business park no objection raised.

**Estates Department** Following submission of details and evidence confirming marketing of the site Officers agree that the site has been effectively marketed at appropriate valuation and there is no interest expressed. No objection.

### **Landscape Officers**

Considering the site history of granting planning permission and the Planning Inspectorate assessment of proposals at this locality and the subsequent extant consent for employment uses at the site no objection is raised.

### **New Housing Team**

In respect of the Elderly Persons Home Officers sought clarification as to the intended care group, residential or nursing care, whether or not people with dementia would be included, evidence of the need, potential operator and proposals for safety of residents. The proposal is in Outline with all matters reserved at this stage in order to ensure some flexibility as to provision. The age restricted dwellings will be limited to 55+ age group and the care home

would be for retirement age +. Following these further submissions from the applicant Officers raised no objection and provided the CoCouncil's Older People's Strategy which identifies needs in the locality to inform future development of the proposals.

In respect of Affordable Housing Officers identify that proposals include 40% provision which is in accord with the eWCS. Tenure Mix should be 80% rent with 20% New Build Home but. It is further identified that a proportion (not specified) of the elderly persons accommodation should also be affordable housing which was not specified in the submissions proposals. It is considered that this matter can be addressed through the preparation of the S106 Agreement.

**Highways Officers** Initial objection raised due to lack of detail and inadequate parking provision. Following receipt of revised plans further concerns raised as to the adequacy and layout of the parking provision and further amendments were sought. Further information requirements were also identified in respect of refuse vehicle tracking for the proposed road layout and confirmation of details for the layout of cycling and walking routes and their future maintenance. At the time of writing the applicant has confirmed in writing an intention to submit further revised plans and additional information to address these requirements in advance of the Committee meeting. This matter will be reported as a late item.

### **Ecology**

Given the extant consent applicable to this site no objection in principle subject to "Grampian" condition to require implementation of the agreed Ecological Management Plan (EMP) for earlier phases of development which in part relate to the Country Park site and which do not appear to have been implemented to date as was required by the EMP.

### **Archaeology**

No objection.

### **Public Protection**

Environmental Health Officers identified a requirement for Noise and Lighting Assessments to consider the impact of industrial noise and floodlighting operations at the business park. The applicant has prepared and submitted Assessments and the Officers consider that the impacts and arrangements will be acceptable subject to agreement of design details of the Elderly Persons Home at Reserved Matters application stage. Wessex Water recommended consultation with Environmental Health Officers in respect of potential alteration to consultation zones re: odour pollution related to sewage treatment works. Officers identified that there had been no complaints received in this respect for this locality and consequently officers consider there is no reason to believe that the works would cause an adverse odour impact for future residents. No objections raised.

### **Urban Design**

Officers identified significant concerns in respect of the initial application submissions including poor linkages to the existing urban area of the town and its services and facilities; poor legibility in the housing layout; extensive use of cul de sacs not providing access through to the open space and the town beyond; inadequate parking provision; and inconsistent use of materials resulting in a confused design character. Following the

submission of revised plans officers considered that these concerns were partially addressed but with further minor amendments' would be fully addressed. It was recommended that one of the access routes across the Country Park should be cycleway standard; Open plan frontage to plots adjacent the country park; further opening up of the hedgerow to link through the site to the country park (no objection to this from Landscape Officer and Ecologist); Additional use of stone facing to dwelling elevations on the principle access route; additional parking provision for several plots. At the time of writing the applicant has committed in writing to providing further revised plans to address the final outstanding minor design amendment alongside the amendments required to address Highways Officer's comments. The applicant has committed to providing these revised details in advance of the Committee meeting and the position will be formally confirmed in late items and observations.

### **Drainage Engineers**

In initial representations Officers identified concerns in respect of the foul drainage system capacity and recommended consultation with Wessex Water. Further concerns were also identified as to albescence of some detail as to the proposed foul drainage proposals. 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. Subject to responses received and the use of conditions to secure provision of detailed proposals for surface water and foul drainage in advance of the commencement of development. No objections raised.

### **Wessex Water**

Identified that their apparatus in form of pipelines exist on site albeit no 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 upon the existing syphons and pumping station. The developer will be expected to contribute towards the cost of study and any resulting capacity improvements. In respect of surface water drainage proposals to the Woodshaw Storage Area that earlier phases of development at Brynards Hill were required to provide reprofiling works to increase storage capacity and that these works have not been implemented. As such the additional works are still required. Given this position Wessex Water raise no objection subject to conditions requiring the provision of details for foul and surface water drainage in advance of development.

### **Environment Agency**

No in principle objection however the Environment Agency has surveyed the Woodshaw Storage Facility and identified that the agreed improvement works tied to previous planning permissions as Brynards Hill have not been implemented. 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. The submitted FRA and drainage strategy proposes further discharge to this facility on the basis that there is sufficient capacity following implementation of these works. As the works have not been implemented there is insufficient capacity and a holding objection is issued until additional information regarding the implementation of the agreed works and subsequent water storage capacity is submitted and/or the agreed works are implemented. The applicant has subsequently written to the Environment Agency to confirm that the works have not been implemented but implementation will take place prior to the commencement of development. The applicant has proposed the use of "Grampian" condition to this effect and will provide formal recording of the operations to confirm implementation. At the time of writing the Environment Agency's response is awaited and will be reported as an additional item.

### **Environmental Services**

Raise no objection but identify a requirement for financial contributions of £25,358 toward built leisure facility provision (Indoor Swimming Pool enhancements); and clarification as to the long term management and maintenance of the Country Park. An estimate of the commuted sum likely to be required for the Country Park based on available information has been provided of £277,463 covering a 20 year period.

### **Education**

Officers have identified a requirement for primary and secondary school place provision that cannot be met from existing facilities based on current and projected school rolls. Primary School £234,752 and Secondary School £248,092. Subject to provision no objection is raised.

Officers have also identified a requirement for financial contributions to early years provision but at this stage the justification does not appear to assess existing available capacity or to provide an explanation as to why provision for ages groups 2, 3 & 4 has risen from 20% of children to 40%. In addition 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 express support within adopted and emerging policies for early years education provision. 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. 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 the hybrid nature of the application requiring the submission of further details and the proposals for the provision of a country Park offer ample opportunity for the development to incorporate features as part of the proposals. In addition the Council has yet to adopt policies supporting formal contribution requirement to public art.

### **Wiltshire Fire & Rescue**



Raised no objection to the proposals but sought financial contributions toward the cost of fire hydrants. The Council's adopted policies do not provide a sound and defensible basis for such a requirement. Recommendations for consultation with the service in respect of provision for sprinkler systems, water supplies for fire fighting, access for emergency vehicles and Fire safety legislation are included. This can be addressed through the use of informatives.

### **Right of Way Team**

Officers identify that the site is affected by public rights of way and diversion orders will be required and consultation with the team in this respect is recommended. This can be addressed through the use of informatives.

### **Royal Wootton Bassett Town Council**

Strongly objects to the proposal on the grounds of conflict with NWLP policy C3 criteria i ii vi & x; the site is within a flood risk zone and conflicts with NWLP policy NE21; the site is a principle employment area as defined by CP35 eWCS; the site is wholly unsuitable for the proposed use by remote form services and facilities and not served by public transport; the topography of the site is not conducive to elderly persons; and harm to the landscape setting. The Town Council also query if a separate change of use permission would be required. In this latter respect officers note that the Hybrid Outline and Full Planning Application would address this matter and no separate application for Change of Use would be necessary.

### **Local Residents**

13 letters of representation were received raising objections and concerns as follows:-

- conflict with NWLP policy C3 criteria i ii vi & x;
- the site is within a flood risk zone and conflicts with NWLP policy NE21;
- the site is a principle employment area as defined by CP35 eWCS;
- the site is wholly unsuitable for the proposed use by remote form services and facilities and not served by public transport;
- the topography of the site is not conducive to elderly persons; and harm to the landscape setting
- provision of employment on this site was part of the justification for earlier phases of residential development, the requirement for employment land remains;
- Conditions requiring completion of landscape and provision of the country park scheme in advance of completion of the housing are required;
- Inadequate infrastructure in the town
- Traffic congestion at peak times on local roads leading to J16 of the M4;
- Greater effort to secure the employment provision is required;
- Inadequate medical services in the locality
- Loss of well use Right of way (footpath WBAS10);
- The area for the country park is being gradually eroded for piecemeal residential development;
- Local schools and doctors surgeries are at capacity;
- The location is very damp and unsuitable for the elderly;
- Inadequate marketing of the employment land;
- Planning Application was inadequately advertised;
- The proposed country park area is of ecological value which would be lost;

- Country Park will provide a location for anti social behaviour;
- Further housing without employment provision promotes put commuting to Swindon;
- All the proposed housing should be affordable;
- 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**

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 adopted North Wiltshire Local Plan (NWLP) or the emerging Wiltshire Core Strategy (eWCS) or any other development plan document for the proposed development. The proposed development of residential dwellings, age restricted residential dwellings, elderly persons care home and associated development is not development that would be supported under the adopted NWLP policies in that it is not for the purposes of agriculture or forestry. The proposed country park situated in close proximity to the settlement boundary and benefiting from a previous planning permission would be acceptable in principle.

In addition the Council considers that it can demonstrate a 5 years supply of available and deliverable sites for housing plus a 5% contingency in accord with the requirements of the NPPF. It is noted that in recent appeal decision Inspector's have identified that the Council has less than 5 years supply but this was based on draft Housing Land Supply Assessment and followed the significant alteration to the housing land requirement that emerged out of the eWCS Examination Inspector's 10<sup>th</sup> Procedural letter following the examination of the submission draft document. The Council has undertaken a full and comprehensive Housing Land Supply Assessment with a base date of April 2014. This incorporates the revised housing requirement, latest information from developers as to housing trajectories for sites with permission, and monitoring data as to sites under construction. On this basis the Council has identified a 5.85 years supply of land for housing. Even taking into account conclusions of Inspectors' in recent appeal decisions as to assumptions on delivery from sites with permission and from Strategic Allocations on a worst case scenario basis the Council maintains that there is a 5.43 years supply of land for housing. The eWCS identifies a requirement for the Royal Wootton Bassett of 1070 homes. The latest Housing Land Supply assessment identifies that at April 2014 Royal Wootton Bassett has a residual housing target of 162 dwellings over and above the sites delivered or committed at the town since 2006.

There are, however, a range of other material considerations to take into account in any assessment of the principle of development as proposed in this location. Firstly the area of the site proposed for residential and care home development already benefits from an extant planning permission for development. Whilst this consent is for employment related

purposes the site has permission for built development. The issue regarding loss of this employment land is addressed further below. Given this extant permission, implementation of previous related permissions nearby and the proposed approach of the Site Allocations Development Plan Document that is under preparation it is anticipated that the settlement framework boundary of Royal Wootton Bassett will be amended in this specific locality to include the land within the defined area of the town very shortly. As such the site would become a location where the development proposal would be acceptable in principle subject to site-specific considerations.

Secondly, there have been 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 not capable of effective mitigation. As already noted 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 eWCS. The Council's Spatial Plans Team have 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); 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 local community needs, including for elderly persons, the economic benefits arising both from construction and the local expenditure of the additional population, the provision of the Country Park facility, and the employment benefits arising from the elderly persons home. On balance given that there is not an adopted plan in place and many relevant policies are consequently out of date 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 the early stages of preparation and it could not be successfully argued that this development is of such a scale and location 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 DPS.

The provision of residential accommodation to meet the needs of elderly and vulnerable persons accords with the Council's Elderly Persons Accommodation Strategy which identifies a requirement for provision in the Royal Wootton Bassett locality. It is also to

accord with the eWCS policy CP46 which permits proposals for extra care housing and elderly persons homes in sustainable locations within and adjacent established settlements, where there is an identified need.

### **Loss of Employment Land**

Both the adopted NWLP and the emerging WCS contain policies that seek to retain existing employment land subject to certain criteria. This includes existing commitments in the form of extant permissions in relation to Policy BD2. Policy BD2 of the NWLP 2011 identifies three exceptions criteria including exploring the retention of the site/commitment fully without success including marketing of the property for at least 1 year at an appropriate market rate and where the site is no longer required to meet economic needs. The emerging WCS CP35 seeks to retain land and buildings used or last used for B1 B2 B8 employment uses. The committed employment site is part of the pool of sites referred to in Core Policy 2. 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. Both policies allow for alternate uses where these would also provide employment opportunities.

The applicant has submitted evidence that the property has 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 has not generated any significant and proceedable interest in development and use of the site for employment purposes. In addition the applicant's agents have identified that there are existing sites within the Interface Business park that have also remained un-let for substantive periods.

The Council's Economic Development Team and Estates Department have assessed the submissions. Additional information and evidence in support of the submitted statements was requested from and provided by the applicant. In addition the Economic Development Team requested that Public Protection Officers assess the proposals in the context of the potential for noise disturbance from the existing business park operation to future residents. The concern being that future noise complaints may be received which could compromise the future operation of employment uses at the business park. This matter is addressed further below. Following the additional submission neither team raises objection to the proposed development and the loss of this employment commitment considering that the evidence demonstrates that there is limited demand for employment land in this location. This reflects the proximity to Swindon and the substantive release of land for employment uses in and around this urban area i.e. Wichelstowe.

Finally it should also be noted that the proposals will provide local employment opportunities through the development and provision of the care home. The applicant submits that the care would provide a significant level of local employment. Whilst not in the order of that which could potentially have come forward from B1 Office development of the site it is still a material consideration and particularly in the context of no employer interest in developing the site for B1 B2 or B8 uses. Furthermore, at paragraph 22 of the NPPF it states that

'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Taking into consideration the above information it is considered that the development is acceptable in principle.

### **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 consent for employment related uses which will generate a significant level 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 and such that consent ought to be refused on these grounds.

Highways Officers have reviewed the initial and revised plan 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. At the time of writing the applicant has committed to addressing all of these matters comprehensively in further revised site layout plans and supporting statements. The applicant has committed to further submissions in this respect in advance of the Committee and officers will report on the situation through late observations. It is considered that the concerns raised by Highways Officers are readily capable of being addressed and the Applicant has provided written confirmation of intention to do so in advance of the Committee and on this basis the case officer does not consider that there is a sound basis for refusal of the application. It should also be noted that the requirement to prepare and complete a planning obligation will provide sufficient time to fully resolve any outstanding minor matters in respect of the detailed layout of the residential element of the site.

### **Design Character**

The Council's Urban Design Team have reviewed the application submissions and revised plans and provided detailed input on both iterations. The applicant has responded to the initial comments and provided revised scheme proposals. This relates to the full application scheme proposals for the market residential element of the scheme. No details are available in respect of the care home, age restricted properties and country park at this stage.

The Urban Design Team 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 and vehicular and pedestrian linkages through the site and connectivity through to the Country park and the services and facilities located within the town centre. Further comments following

revisions centred on detailed arrangements with respect to parking provision, legibility through the site and the use of materials and treatment of principle route facades of the proposed dwellings. At the time of writing the applicant has committed in writing to providing further revised plans to address the final outstanding minor design amendment alongside the amendments required to address Highways Officer's comments. The applicant has committed to providing these revised details in advance of the Committee meeting and the position will be formally confirmed in late items and observations. It is however considered that the outstanding matters are minor in nature and can be readily addressed. In this context the requirement to prepare and complete Planning Obligation will provide sufficient timeframe to address such minor details.

As regards the elderly persons care home, age restricted dwellings and country park all matters are reserved including design, scale, layout and appearance. The plans include an indicative layout for these elements such that the relationship with the proposed market housing can be considered and this arrangement and relationship is assessed to be appropriate and acceptable.

### **Residential Amenity**

With respect to the layout arrangement of proposed dwellings in relation to one another and the proposed care home and age restricted properties 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.

As noted above the Economic Development team identified concerns in respect of the potential for noise disturbance to future residents of the residential dwellings and care home property. Consultation with the Public Protection Team was undertaken and the need for noise and lighting impact assessments was identified. The applicant prepared and submitted both and Environmental Health Officers confirmed that the assessments demonstrated no significant potential for harm to the proposed residential properties and care home. On this basis it is considered that the proposals would neither result in significant levels of noise disturbance complaint in respect of the adjacent employment development, or that the residential amenity of the proposed residential properties and care home would be compromised and harmed such that a substandard level of amenity would result.

### **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 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 and the care home alongside the Country park would be more in accord with the existing character and appearance of the town that that which is approved. 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. Both Wessex Water and the Council's drainage engineers raise no objection to the proposals 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 both identify 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 has raised no objection in principle to the proposed development but has issued a holding objection in respect of the submitted surface water drainage strategy. The strategy proposes to discharge unattenuated surface water from the proposed development site into the Hancock's Water Flood Storage Area (FSA).

The impounding structure to the FSA is owned and maintained by the Environment Agency. It has recently been subject to an inspection by a Reservoirs Engineer whose report states that the structure is currently in a poor condition. The FSA currently does not hold enough water to come under the Reservoir Act, but it will fall under the act if the proposed changes to the Flood and Water Management Act come into force. The Environment Agency has some concerns that further discharge of water above the existing discharge from the completed element of the wider scheme may increase risk to the structure, if the compensatory works discussed below have 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.

The FRA submitted under the current planning application states that this excavation work has been carried out. However, during a recent site visit by Environment Agency officers to inspect the impounding structure these works were not evident. The general state of the FSA indicated that it may not have been maintained to an appropriate standard in accordance with the agreed O&M Strategy (April 2011). Therefore, prior to accepting any further drainage under this application the Environment Agency requires the applicant to demonstrate that there is 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.
- We also require 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 can be submitted the Environment Agency has stated that it would be able to withdraw their holding objection and offer a conditional

response.

The applicant has submitted information and proposals to the Environment Agency in response to the above identified requirements for agreement. This identifies that the improvement works identified above have not been implemented to date but that the applicant proposes use of a Grampian condition to restrict implementation of development until all necessary works have been completed. At the time of writing the Environment Agency's response is awaited and will be reported as a late item. Subject to the Environment Agency's response it is considered that in principle the holding objection could be overcome by use of such a condition. In addition the timeframe for preparation of the required Section 106 agreement would offer scope for the commencement of these works well in advance of development. This has been put to the applicant and they have confirmed in writing their intention to proceed with the agreed works immediately. On this basis it is not considered that there is a sound and defensible objection on the basis of inadequate provision for surface water drainage that could not readily be overcome.

### **Planning Obligation**

Requirements in respect of Affordable Housing provision at 40% as required under the emerging WCS; Education provision (primary & secondary school places); built leisure facilities; and cycle and pedestrian facility provision and maintenance have all been identified. In addition the Council has identified a requirement for the future maintenance of the Country Park and provided an estimate of commuted sums in this respect. The applicant has submitted Heads of Terms for a Planning Obligation which addresses all these matters and makes provision for a private management company to manage and maintain the Country Park. As such it is considered that these requirements are addressed by the applicant and there is no basis for refusal in this respect.

## **10. Conclusion**

Given the current position in respect of the WCS, site allocations DPD, Neighbourhood Plan; the extant consent for employment 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 in principle objections to this development proposal. It is accepted that the applicant has effectively marketed the site for the approved 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. On this basis it is considered that the site is not required for employment 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 a marginal benefit and that a refusal of permission would not be defensible in principle. In this respect concerns over drainage, noise and lighting pollution, highways impact, parking provision and design and layout of the development can readily be overcome through further scheme revisions, information provision and use of conditions such that permission can safely be granted.

## **RECOMMENDATION**



To DELEGATE authority to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement and the following conditions:-

**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.

**WA2 OUTLINE PLANNING PERMISSION -COMMENCEMENT**

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.

**WA3 APPROVAL OF CERTAIN RESERVED MATTERS**

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;
- (e) The means of access to 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 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

**WA4 RESERVED MATTERS TO BE SUBMITTED**

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.

**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.

#### **WB17 DETAILS OF MEANS OF ENCLOSURE**

No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure 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.

#### **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.

#### **WD7 APPROVAL OF LAYOUT BEFORE COMMENCEMENT-OUTLINE**

No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

#### **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.

## **WD26 TRAVEL PLAN**

No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

## **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.

No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority, including any diversions of existing public sewers crossing the site under agreement with Wessex Water. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

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.

No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details and enlargement of the Woodshaw storage area pond, has been submitted to and approved in writing by the Local Planning Authority, including any diversions of existing public sewers crossing the site under agreement with Wessex Water. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

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 hereby permitted shall not be occupied until the approved sewage disposal and drainage works proposed have been completed in accordance with the submitted and approved details.

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

#### **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.

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

- persons of state pensionable age; 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 hereby permitted shall be occupied only by:

- persons of age 55 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.

#### **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.

#### **WM13 APPROVED PLANS**

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

To be confirmed as a late Item

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

#### **WP1 REFERENCE TO LETTER ATTACHED TO DECISION**

The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire & Rescue Service Dated 16/4/2014 and Wessex Water Dated 22/08/2014.

#### **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.

#### **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.

#### **Background Documents Used in the Preparation of this Report:**

Application Submission and further revisions and additional information  
National Planning Policy Framework  
Planning Practice Guidance  
Emerging Wiltshire Core Strategy (Submission Draft As proposed to be amended) April 2014  
North Wiltshire Local Plan



