

AGENDA

Meeting: Northern Area Planning Committee

Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER

Date: Wednesday 13 September 2023

Time: 2:00 pm

Please direct any enquiries on this Agenda to Matthew Hitch of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718059 or email matthew.hitch@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

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

Membership:

Cllr Tony Trotman (Chairman)
Cllr Howard Greenman (Vice-Chairman)
Cllr Chuck Berry
Cllr David Bowler
Cllr Steve Bucknell
Cllr Gavin Grant

Cllr Jacqui Lay
Cllr Dr Brian Mathew
Cllr Nic Puntis
Cllr Martin Smith
Cllr Elizabeth Threlfall

Substitutes:

Cllr Clare Cape
Cllr Ruth Hopkinson
Cllr Peter Hutton
Cllr Bob Jones MBE

Cllr Dr Nick Murry
Cllr Ashley O'Neill
Cllr Tom Rounds

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Public Participation

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

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

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

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

AGENDA

1 **Apologies**

To receive any apologies or substitutions for the meeting.

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

To approve as a true and correct record the minutes of the previous meeting held on 23 August 2023.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

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

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

Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than

5pm on Wednesday 6 September 2023 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Friday 8 September 2023. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals and Updates** (*Pages 15 - 18*)

To receive details of completed and pending appeals and other updates as appropriate.

Planning Applications

To consider and determine the following planning applications.

7 **PL.2022.01975: Hawthorn Works, Westwells, Corsham, SN13 9RD** (*Pages 19 - 44*)

Erection of a new data centre, plant, highways works, vehicle access, infrastructure, enclosures, landscaping and other associated works.

8 **PL.2022.05273: Land at Marsh Farm, North of Malmesbury Road, Royal Wootton Bassett, SN4 8ER** (*Pages 45 - 114*)

Erection of Class E food store, car parking, works to create community open space, new access, landscaping and associated works

9 **PL.2022.09034: Land South of Low Lane, Calne, SN11 8EQ** (*Pages 115 - 138*)

Reserved Matters Application Dealing with the Scale, Layout, External Appearance, Landscaping and Means of Access for Residential Development of 26 Entry Level Dwellings and Associated Works, Following Outline Permission Ref 19/11601/OUT.

10 **PL.2023.01007: Land south of Abberd Lane and east of Spitfire Road, Calne** (*Pages 139 - 162*)

Development of a new Local Centre comprising a Class E(f) day nursery and Class E(a) convenience store, with associated parking, access and landscaping.

11 **PL.2023.03187: 1 The Peak, Purton, Swindon, SN5 4AT** (*Pages 163 - 170*)

Single storey extension to side and rear of property. Extension to have a wheelchair accessible bedroom and shower room, connected onto existing ground floor of property with wheelchair access onto entire ground floor and access to front and garden.

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Urgent Items

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

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Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 23 AUGUST 2023 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr David Bowler, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Martin Smith, Cllr Elizabeth Threlfall and Cllr Ruth Hopkinson (Substitute)

47 **Apologies**

Apologies were received from Councillors Chuck Berry, Nic Puntis, and Dr Brian Mathew. Councillor Dr Brian Mathew was substituted by Councillor Ruth Hopkinson.

48 **Minutes of the Previous Meeting**

Resolved:

To approve and sign as a true and correct record the minutes of the meeting held on 21 June 2023.

49 **Declarations of Interest**

There were no declarations of interest.

50 **Chairman's Announcements**

The Chairman noted the fire alarm procedure.

51 **Public Participation**

The Chairman noted that the Committee had received a question from a member of the public, which was published as a supplement to the agenda and was eligible for a verbal response from officers during the meeting. The Chairman explained that the questioner was unable to attend the, but that a written response would be available online as part of the minutes.

52 **Town and Country Planning Act 1990 - Sections 257 and 261 - Temporary Diversion of Footpath Compton Bassett 18 (part) and Compton Bassett Bridleway 5 (part)**

The Definitive Map Officer, Ali Roberts, explained that the application was made on behalf of Hills. She stated that planning permission had been granted in March 2022 for the extraction of minerals. The granted quarry was sited directly over the footpath and bridleway, therefore temporary diversions were required to preserve the connectivity of the rights of way network whilst mineral extraction works were undertaken.

The Officer described how the Countryside Access Officer had provided a detailed specification of installation works that would be required for these paths to be certified as temporary replacements. The footpath and bridleway would be reinstated along the original routes once the extraction area had been restored to a standard detailed in the Countryside Access Officer specification.

The Officer explained to the Committee that Condition 5 of the planning permission imposed a 70-metre stand-off distance requirement. With the decision on the 70-metre standoff, the temporary diversions were still required as only a short section of the Compton Bassett 5 would be excluded from the permitted extraction area, which would leave an unnecessary spur. The section of Compton Bassett 18 through the quarry site would be unaffected by the extended standoff distance. However, the 70-metre condition was essentially a mitigation measure aimed at reducing noise, dust and visual impacts on the cottages; it would not alter the boundary of the permitted mineral working. The boundary of the permission area was the site in its entirety, not the individual extraction areas. The boundary of the site was to be fenced for the health and safety of the public and operational needs.

The Officer explained that an Order was made on 4 June 2018 to temporarily divert Footpath Compton Bassett 18 and Bridleway Compton Bassett 5 which received 28 objections including Compton Bassett Parish Council and Calne Without Parish Council. An error was found in the Temporary Diversion Order dated 2018; therefore, a new Temporary Diversion Order was drawn up correcting the details regarding the planning permission that enabled the temporary diversion of the rights of way. Wiltshire Council made the corrected Order on 31 May 2023. Those who responded to the previous incorrect Order were contacted explaining that to follow due process and regulation they would need to resubmit their response for it to be a duly made representation or objection. In total four objections were resubmitted, with one additional objection received. Due to five objections, the diversion order was required to be put to the Committee. The Officer explained that were the Authority to proceed with the order, it should be submitted to the Secretary of State for Environment, Food and Rural Affairs.

The Officer stated that she considered the legal tests for making the Order had been met, as the granted quarry was sited directly over the legal line of Footpath 18 and Bridleway 5 Compton Bassett. The alternative routes around the fenced boundary of the site provided the continued connectivity of the Rights of Way network. The temporary diversion of the footpath and bridleway

would have effect on the date on which Wiltshire Council certified that the alternative highways for use as temporary replacements were provided as specified by the Countryside Access Officer. As per condition 1 of the planning permission, the extraction would cease within six years of the notified date of commencement, and per condition 31, within 12 months of the permanent cessation of mineral extraction the existing footpath and bridleway would be restored to the reasonable satisfaction of Wiltshire Council.

The officer explained that where an application is refused, Wiltshire Council must demonstrate that the development, for which a planning application has been granted, can be carried out without the need to divert the footpath and bridleway. She asserted that in this particular case, the planning application was granted in March 2022 with the quarry sited directly over the legal lines of the rights of way, therefore the development could not continue without the successful temporary diversion of the footpath and bridleway.

She stated that the options for the Committee to consider were to forward the diversion order to the Secretary of State for Environment, Food, and Rural Affairs with or without modification, or to abandon the order with reasons given. She concluded with a recommendation that the order be forward to Secretary of State as made.

The Committee then asked technical questions of the Definitive Map Officer. Councillors Martin Smith and Ruth Hopkinson sought clarity on the diagram in the report. Councillor Gavin Grant enquired as to whether the decision made concerning the original temporary diversion order in 2018 was at all material to their own deliberations. The Definitive Map Officer explained the nature of the administrative error that led to the order being abandoned, and Legal Officer Stephen James confirmed that the original decision regarding the 2018 order was immaterial to their own decision. Councillor Lay sought further information on who would be responsible for maintaining the diverted footpath, citing issues with diversions being unexpectedly extinguished in her ward in previous years. The Definitive Map Officer confirmed that extinguishments must be consulted upon as part of a legal process. The Officer clarified that Hills would be responsible for the installation of the alternative routes as per the Countryside Access Officer's specification and the temporary diversion order would not commence until these works had been certified by Wiltshire Council.

Oliver Laidler spoke on behalf of Land & Mineral Management in support of the application.

The Chairman read out a written statement from the Local Divisional Member, Councillor Ashley O'Neill, who was unable to attend in person. Councillor O'Neill accepted the need for some kind of diversion but advocated for a deferral of the order until more information had been acquired regarding whether the diversions were still required as previously specified.

The Chairman then opened the item up for debate. Councillor Howard Greenman moved that the temporary diversion order be forwarded to the Secretary of State for Environment, Food, and Rural Affairs without modification

as per the officer recommendation. Councillor Gavin Grant seconded the motion.

Councillor Greenman stated that this issue was discussed at some length at the relevant Strategic Planning Committee meeting he chaired. He described how the Committee resolved that they would accept planning permission for the site subject to the 70-metre bund, rather than the 16-metre bund that was initially proposed and was deemed essentially useless. It was also discussed at the time that a diversion order would be necessary. Councillor Greenman urged that the diversion be made, suggesting the whole application would be thrown into disarray otherwise. He stated that he did not accept Councillor O'Neill's argument towards deferral as he believed it would not achieve anything other than to delay matters.

Councillor Elizabeth Threlfall asserted that if the whole site was indeed to be fenced, then a diversion was necessary if the footpath network was to be preserved. Councillor Lay added that it was vitally important that sites like the quarry were fenced, but also adding that it was crucial that any alternative routes were well-maintained so that the public were still able to make use of the Rights of Way in the area. She stated that the diversion order was unfortunate but necessary and so supported Councillor Greenman's motion.

Councillor Smith echoed his support for the motion, adding that the only approach in which one would be significantly disadvantaged by the diversion order was from A to D on the report diagram.

Councillor Hopkinson also saw no option but to forward the diversion order, seeing no sense in Councillor O'Neill's request for deferral. She posited that the five objections received were essentially delaying tactics against the quarry itself rather than the Rights of Way diversions.

Councillor Grant noted that permission for mineral extraction had already been granted, and that the impact of abandoning the temporary diversion order would be severe, with no alternative available. He considered it perverse to reverse an earlier decision, given that the Committee was only discussing the order due to understandable human error. He also expressed scepticism as to whether Councillor O'Neill's points were material to their decision making.

Councillor Steve Bucknell shared Councillor Hopkinson's view that the objections received were likely an either deliberate or accidental concatenation of objections to the quarry with objections to the diversion order.

Resolved:

That the temporary diversion order be forwarded to the Secretary of State for Environment, Food, and Rural Affairs without modification.

53 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2:00 - 2:55 pm)

The Officer who has produced these minutes is Cameron Osborn of Democratic Services, direct line 01225 718224, e-mail cameron.osborn@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

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Wiltshire Council

Northern Area Planning Committee

Wednesday 23 August 2023

Item 5 – Public Participation

From Caroline White, Broad Town Parish Clerk

Question (N23-01)

What action can be taken or what are the ramifications if a planning applicant knowingly lies or withholds pertinent facts on a planning application which is subsequently approved? Who is responsible for ensuring that the planning application states the facts fully and accurately?

Response:

What action can be taken or what are the ramifications if a planning applicant knowingly lies or withholds pertinent facts on a planning application which is subsequently approved?

Once a planning application is approved it is the final decision of the Council unless a judicial review is lodged. In certain circumstances Section 97 of the Town and Country Planning Act 1990 (“the TCPA”) allows councils to revoke or modify a planning consent “to such extent as they consider expedient” with regard to the development plan and any other material considerations. If incorrect information is present on plans, then enforcement action can be taken if the proposal is not built in accordance with the approved plans.

Who is responsible for ensuring that the planning application states the facts fully and accurately?

The onus is on the applicant to ensure that the information presented in the planning application is accurate. If the planning officer believes something to be inaccurate or misleading, they can challenge the applicant for evidence to ensure the information is accurate and if it is material in the determination of the application, they can take the appropriate course of action.

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Wiltshire Council
Northern Area Planning Committee
13th September 2023

Planning Appeals Received between 12/05/2023 and 01/09/2023

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2021/06167	Plough Lane Caravan Site, Plough Lane, Kington Langley, Chippenham, SN15 5PS	Kington Langley	Use of site for stationing of 44 statics for holiday purposes	NAPC	Written Representations	Approve with Conditions	24/05/2023	Yes
PL/2021/06991	Land adjacent B4040, Minety, North Wiltshire, SN16 9RQ	Minety	Extension of existing Gypsy/Traveller site with 4 no. additional pitches including 4 no. day rooms, 4 no. mobile homes, 4 no. touring caravans, and associated works	DEL	Hearing	Refuse	12/05/2023	No
PL/2021/09852	Land to the East of Waitrose, A429, Malmesbury, Wiltshire	Malmesbury	Self build residential development with associated infrastructure works, landscaping, open space and a minor variation of the route of footpath MALM19. For the purposes of the Community Infrastructure regime (an any other relevant purpose), the application is for a phased development. Phase A comprising the construction of the infrastructure works, landscaping, open space and a minor variation of the route of footpath MALM19. The construction of each self build dwelling is an individual phase.	DEL	Written Representations	Refuse	10/082023	No
PL/2021/11145	3-4 New Road, Chippenham, SN15 1EJ	Chippenham	Replacement windows	DEL	Written Representations	Refuse	08/082023	No
PL/2021/11198	Christian Farm, Foxham Road, Foxham, SN15 4NE	Bremhill / Christian Malford	Variation of condition 11 (vehicle routing movements) on 18/00523/FUL	NAPC	Written Representations	Approve with Conditions	08/082023	Yes
PL/2022/01233	35 Chapel Lane, Hankerton, Malmesbury, SN16 9LG	Hankerton	Demolition of existing house and erection of a replacement dwelling	DEL	Written Representations	Refuse	15/05/2023	No
PL/2022/03760	Former Wiltshire College, Cocklebury Road, Chippenham, SN15 3QD	Chippenham	Erection of Retirement Apartments (Category II Type) with Communal Facilities and Car Parking & Erection of Assisted Living Accommodation (Class C2) with Communal Facilities And Car Parking	NAPC	Written Representations	Approve with Conditions	16/06/2023	Yes
PL/2022/04624	1 Queens Road, Royal Wootton Bassett, Swindon, SN4 8AH	Royal Wootton Bassett	Demolition of garage to construct 2 no. dwellings on land to the side and rear and alterations to existing house	DEL	Written Representations	Refuse	12/07/2023	No
PL/2022/05118	9 Esmead, Chippenham, SN15 3PR	Chippenham	Two Storey Side Extension	DEL	Householder Appeal	Refuse	28/06/2023	No

PL/2022/05678	Land at the Old Dairy Upper Pavenhill, Purton, SN5 4DQ	Purton	Notification for Prior Approval under Class Q for the Conversion of Existing Agricultural Building into a Dwelling house	DEL	Written Representations	Refuse	11/082023	No
PL/2022/05796	Springfield, Church Lane, Box, Corsham, Wilts, SN13 8NR	Box	Proposed new door opening and replacement roof in existing outbuilding. Proposed parking area to front of house, with widened opening in existing stone boundary wall.	DEL	Written Representations	Refuse	30/05/2023	No
PL/2022/05817	Gorseley Leaze Farm, Honey Lane, Gorseley Leaze, Norton, SN16 0JW	Norton	Notification for Prior Approval under Class Q for a Proposed Conversion of Agricultural Building to Create One Dwelling	DEL	Written Representations	Refuse	08/082023	No
PL/2022/06612	Land at Saltersford Lane, Patterdown, Chippenham	Chippenham	Outline application for residential development of up to 70 dwellings with associated access, landscaping and open space. All matters reserved except for means of access	DEL	Inquiry	Refuse	22/06/2023	No
PL/2022/07202	Euridge Manor, Euridge, Colerne, Chippenham, Wilts, SN14 8BJ	Colerne	Use of land and buildings for events, retention of caravan as accommodation for event guests, formation of new access track for agricultural and events use, formation of new passing place, together with associated landscaping – part retrospective	DEL	Inquiry	Refuse	09/06/2023	No
PL/2022/07499	Springfield, Church Lane, Box, Corsham, Wilts, SN13 8NR	Box	Proposed new door opening and replacement roof in existing outbuilding. Proposed parking area to front of house, with widened opening in existing stone boundary wall.	DEL	Written Representations	Refuse	30/052023	No
PL/2022/07661	Field Adjoining Bullocks Horn Lane, Charlton, Malmesbury, SN16 9DZ	Charlton	Agricultural barn for the storage of hay, equipment, tools, thresher and fertiliser.	DEL	Written Representations	Refuse	24/052023	No
PL/2022/08492	Land Adjacent to Rossley House, Milbourne, Malmesbury, Wilts, SN16 9JA	St. Paul Malmesbury Without	Erection of one dwelling	DEL	Written Representations	Refuse	08/082023	No
PL/2022/09836	Land adjoining 51, Whitegates, Castle Combe, SN14 7HQ	Castle Combe	Proposed Conversion of Garage into Dwelling	DEL	Written Representations	Refuse	15/082023	No
PL/2023/00282	31 The Maltings, Malmesbury, SN16 0RN	Malmesbury	Replacement Front Door	DEL	Householder Appeal	Refuse	24/07/2023	No

Planning Appeals Decided between 12/05/2023 and 01/09/2023

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2021/09997	Follywood Farm, Brinkworth Road, Royal Wootton Bassett, SN4 8DT	Royal Wootton Bassett	Retention of temporary mobile home for occupation by essential on-site equestrian worker	DEL	Written Reps	Refuse	Allowed with Conditions	18/05/2023	Appellant applied for Costs - ALLOWED
PL/2021/10000	Sambourne House, Sambourne Road, Minety, Malmesbury, SN16 9RQ	Minety	Retention of building for use as garage and 2 x holiday lets and retention of 2.3m high boundary wall.	DEL	Written Reps	Refuse	Allowed	31/05/2023	None
PL/2022/04131	1 Middlefield Road, Chippenham, Wilts, SN14 6GY	Chippenham	Conversion of Freehold Garage into a Home Office.	DEL	Written Reps	Refuse	Allowed with Conditions	17/07/2023	None
PL/2022/05133	Calne Quarry, Abberd Lane, Abberd, Calne, Wilts, SN11 8TJ	Cherhill	Variation of condition 2 of N/10/03280/WCM - To allow alterations to timeframe for removal of the processing plant and infrastructure that is associated with the current and historic mineral extraction operations	DEL	Written Reps	Appeal Withdrawn	Appeal Withdrawn	14/06/2023	None
PL/2022/05274	Land to the east of 279 Quemerford, Calne, Wiltshire, SN11 8LA	Calne	Outline application with some matters reserved for the erection of 4 dwellings and associated works (access only)	DEL	Written Reps	Refuse	Dismissed	02/08/2023	Appellant applied for Costs - REFUSED
PL/2022/05413	Building at 16 Broad Town Road, Broad Town, Swindon, SN4 7RB	Broad Town	Notification for Prior Approval under Class Q - Conversion of Existing Building to Create 1no. New Dwelling	DEL	Written Reps	Refuse	Allowed with Conditions	24/07/2023	Appellant applied for Costs - ALLOWED

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	13 th September 2023
Application Number	PL/2022/01975
Site Address	Hawthorn Works, Westwells, Corsham, SN13 9RD
Proposal	Erection of a new data centre, plant, highways works, vehicle access, infrastructure, enclosures, landscaping and other associated works.
Applicant	Ark Data Centres Ltd
Town/Parish Council	Corsham
Electoral Division	Corsham Without (Councillor Derek Walters)
Type of Application	Full planning permission
Case Officer	Simon Smith

Reason for the application being considered by Committee

The application has been called into committee at the request of Councillor Walters to consider the massing and scale of development in the context of its location and surrounding residential properties.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED, subject to the imposition of planning conditions.

Corsham Town Council support the application but would like to encourage sufficient planting to help screen the building from residential properties.

No third-party representations have been received.

2. Report Summary

The application is for the extension of an existing employment building as well as the erection of a new employment building within the site. The planning issues arising for consideration are as follows:

- Principle of expanding and extending an existing employment site
- Scale, design and visual impact of the new buildings
- The potential for impacts upon the amenities of surrounding residential occupiers
- Highways impacts, access and parking
- Landscaping

Corsham Town Council do not object to the proposals.

3. Proposal

The proposed development is for one additional data centre building, complete with ancillary office space, external roof plant and associated access and service yard. The use class of the proposed building is generally accepted to fall into the B8 use class. Its general form, appearance and function is to generally follow the characteristics of the existing data centres on the Spring Park complex. The submission sets out the scale and nature of the proposed development as:

- 6,020m² GEA footprint
- 3-storey c.12m high flat roof design, with first floor bridge link to adjacent data centre
- Profile sheet cladding external elevations to match that of the adjacent Spring Park complex
- Landscaped “buffer” to boundaries to Rowan Lane and Westwells Road, including bund to Westwells Road
- Two access to Rowan Lane to be created but used as an exit and service yard entrance only. Main access and parking to be via the existing Spring Park complex to the north
- 2no. parking spaces

The submission documents confirm the erection of a security fence around the site. Although it could be inferred that the fencing would be of c similar height and construction to that of the adjacent Spring park site (c.4.0m), no details have been supplied within the application.

The proposed development will result in the demolition of two brick/stall cladded existing commercial buildings along with a change to their existing access arrangements from Rowan Lane.

During the life of the application, additional cross sections were submitted so as to better illustrate the development’s presentation to Rowan Lane and Westwells Road. Also submitted were revised landscaping scheme plans. Addition ecology information and plans were also submitted during the application process.

4. Application site

Situated on a corner junction and extending to a little over 1.0Ha, the “Hawthorn Works” site presents as potentially the most publicly visible portion of the southernmost part of Westwells Road, with frontages to both Westwells Road itself as well as Rowan Lane, which leads to the Royal Arthur retirement housing complex. Public Footpath CORM135 follows the route of Rowan Lane.

At present the site is occupied by two brick/cladded commercial buildings, the taller of the two being relatively recently constructed under planning permission 16/05856/FUL, the larger, but lower profile, of the two being older and possibly being a remnant of the previous MoD ownership and use of the site. A service yard and access onto Rowan Lane is positioned between the two existing buildings. A c.2.5m tall security fence surrounds the site.

The “Hawthorn Works” site itself has been subject to two relatively recent permissions for the replacement of the previous commercial building at the site:

- 15/012404/FUL - Erection of New Building (B1/B8 Use), Creation of New Parking & Turning Area and the Relocation of Existing Boundary Fence. Approved.
- 16/05856/FUL - Erection of new building (Class B1/B8 Use), creation of new parking & turning area and the relocation of existing boundary fence (Resubmission of 15/12404/FUL). Approved.

To the south of the application site on the opposite side of Rowan Lane is an area of scrub/vegetated land that is currently undeveloped, but on which planning permission was granted at appeal for residential development, under reference 18/09884/OUT. It is unclear whether that permission is likely to be undertaken, with the permission expiring April 2024 unless a Reserved Matters application has been submitted. The nearest residential properties are those found on the immediately opposite side of Westwells Road. A large retirement housing complex is accessed via Rowan Lane, but with no immediate intervisibility with the application site due to the geometry of Rowan Lane.

To the immediate north and west of the site is the Spring Park data centre complex, into which the new development would be integrated, should permission be granted. The relevance of the Spring Park site set out below.

5. Relevant planning history

Formally a series of ex. military buildings converted to employment uses, the adjoining Spring Park data centre site has been built out over the past 15 years. The substantive grant of planning permission for that development being N/07/03214/OUT.

That 2007 permission allowed for a mix of office, research and data facilities, data storage and processing centres of up to some 60,000 sqm of floorspace. The indicative masterplans originally envisaged that the front of the site (the part closest to Westwells Road) would be used for offices. However, detailed proposals for this use on this part of the site have not come forward because there is no longer a business need for Ark to develop any additional office space on the Spring Park Campus.

Development at Spring Park (P1, P2, P3 and P4) has been developed under a series of reserved matters permissions, new full permissions and has been subject to a number of applications seeking minor material, and non-material, amendments.

The Spring Park site is within the locality identified by the Swindon and Wiltshire Local Enterprise Partnership: Strategic Economic Plan (March 2014), as being an important centre for in the information and communications industries within Wiltshire. The plan is considered to be a material consideration of moderate weight in favour of the proposal.

The intended integration of the application site into the Spring Park complex shown in below extract from submission documents.



6. Consultation

Corsham Town Council – No objection:

“Agreed: to support the application. The Town Council would like to encourage sufficient planting to help screen the building from residential properties.”

Council Landscape Officer – No objection, subject to conditions:

As you know I think the scale of the proposed building is oppressive to Rowan Lane, in terms of its bulk and height. However, this is not technically a landscaping matter, more an issue of design, scale etc. but it will impact on the local character of the area. While the existing and extant data centre buildings alongside the MoD complex does excerpt an industrial modern build character adjoining and further north, these buildings tend to have generous landscaped standoffs to adjacent roads. I acknowledge that the site’s landscape and visual baseline is an existing employment site/facility which has little or no value in terms of character/appearance/materials etc.

All things considered, I suggest we are on the realms of acceptability given the revised landscape proposals, which will provide an instant 2m high evergreen Yew hedge screening the perimeter and security fences and will help screen lower building levels. The larger ‘Liquidambar’ trees will help to break up views of the building during summer, but oppressive building massing from Rowan Lane / public footpath CORM 135 & 139 will remain.

I suggest further expansion south for any further applications for large data centre buildings or other large modern industrial shed builds to the south of Rowan Lane on the ‘Donkey Field’ site with extant/old housing consent, will in my opinion, conflict with the character of existing housing areas south of Westwells, and potentially the transition with / setting to Neston Conservation Area.

I’m minded to remove my recommended landscape objection for this current application, with a clear landscape planning steer that further applications for further large industrialising data centre/shed insertions south of Rowan Lane, beyond and breaching the TPO woodland strip (running along the southern edge of Rowan Lane, will result in landscape reasons to recommend objection, based on the resulting harm to the local character of the area and will conflict with the existing Public Rights of Way Network which clusters through a clearly identifiable green corridor extending into countryside and the Cotswolds AONB beyond.

I note the Councils ecologist has already requested that a LEMP (Landscape and ecological management plan) be conditioned. Please also include the standard model Wiltshire Planning Condition W2, requiring maintenance of soft landscaping with an annual plant failure replacement clause for 5 yrs following planting etc.

Council Highway Engineer – No objection.

I refer to the Technical Note dated July 2022 produced by IMA in response to the highway consultation response dated 26th April 2022.

The Technical Note provides detail of delivery vehicle movements on Rowan Lane advising that “Articulated delivery vehicles will exit the P5 North service yard as previously agreed for the P5 north application via the existing internal access road adjacent to the main car park and it is proposed that other delivery vehicles will exit the P5 North service yard via the service road and gate onto Rowan Lane.”

The internal access road also provides for emergency access for both the P5 North and P5 South buildings.

The delivery vehicles (OGV and LGV) expected to use the service road and exit onto Rowan Lane is understood to be low, as there would still be the option for such vehicles to exit through the main site access roundabout.

The survey data used to inform the number of delivery vehicles to the P5 North and P5 South site suggests 5 HGV departures via Rowan Lane in both the am and pm peak periods. This has been compared to the former use of the site which could have generated 14 and 4 movements in the am and pm peak periods respectively.

The smaller P5 South service yard is proposed for use by maintenance vehicles and emergency access.

Having regard to the previous use of the site, where exclusive access and egress was via Rowan Lane, and the proposed level of vehicle movements associated with the proposal, I am happy that there would be a reduction in vehicle movements, and this is therefore considered acceptable.

With regard to the location of the two access points onto Rowan Lane, these are proposed to be amended from their current positions, with the existing points of access to be taken out of use and permanently abandoned.

The swept path analysis for the P5 South service yard is considered acceptable for a fire appliance, but it is noted that a note on the Drawing states "Vehicular Site Exit Only" where it should read "Access and Exit".

With regard to the Firing Range access, it is understood that it is currently accessed through the P5 North application site from Westwells Road. Due to the proposed P5 South Building as alternative access is being proposed via Rowan Lane.

This access shown on the submitted plan IMA-21-154-012 A shows an access to the west of the existing sub-station to join the current route to the firing range. The route is proposed as 4m in width with a gate set back to ensure a vehicle can pull clear of Rowan Lane whilst the gate is opened. Visibility spays of 2.4m by 22m are proposed.

In response to concerns raised over the potential for conflicting movements along the access route, it is advised, in Appendix 3, that no more than two vehicles would access the firing range on any one occasion, with access only being required approximately 7 times per month.

These number of movements would not be likely to cause any concerns regarding conflicting movements which would impact on the users of Rowan Lane.

Having regard to the above, I would recommend that the following conditions be attached to any permission granted:-

The development hereby permitted shall not be first brought into use until the whole of the parking area/turning areas for the accesses off Rowan Lane have been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

The development hereby permitted shall not be first brought into use until at least the first 5m of the Firing Range access, measured from the Rowan Lane 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.

No part of the development shall be first brought into use, until the visibility splays shown on the approved plans for the Firing Range access have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

Reason: In the interests of highway safety.

No development shall commence on site until details of the stopping up of all existing accesses onto Rowan Lane, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

Reason: In the interests of highway safety.

No development shall commence on site until details of the stopping up of the existing vehicular access on Westwells Road (located approximately 60 metres north-west of the Rowan Lane junction accesses onto Rowan Lane) and the reinstatement of full height kerbs have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development.

Reason: In the interests of highway safety.

The Travel Plan Statement (within the Transport Assessment dated March 2022) shall be implemented on first occupation of the P5 South data centre building.

Reason: In the interests of promoting sustainable patterns of travel to and from the development

Council Drainage Engineer – No objection subject to conditions:

“Documents Reviewed:

- Flood Risk Assessment (WIE17837-107-R-1-2-2-FRA, January 2022, Waterman Infrastructure & Environment Limited)*
- Sustainable Drainage Strategy (WIE17837-107-R-5-1-1-DRA, January 2022, Waterman Infrastructure & Environment Limited)*
- Proposed Drainage Layout (17831-WIE-92-ZZ-DR-C-00001, Rev. P02, January 2022, Waterman Infrastructure & Environment Limited)*
- Proposed Levels Layout (17831-WIE-95-ZZ-DR-C-00001, January 2022, Waterman Infrastructure & Environment Limited)*
- Proposed Site Plan (PL-1021, hale architecture)*

The application has been supported with a Flood Risk Assessment and a Sustainable Drainage Strategy. It should be noted that our comments below are reliant on the accuracy and completeness of the Sustainable Drainage Strategy and we do not take any responsibility for incorrect data or interpretation made by the authors.

The applicant has proposed to manage surface water through use of a detention basin and rainwater harvesting, based upon a controlled discharge rate of 1.0l/s for all storm events up to and including the 1 in 100yr + 40% rainfall event. Discharge is proposed to a private surface water sewer (some flows already discharge freely to the surface water sewer).

The proposed rate is significantly lower than the existing runoff rates to the surface water sewer and thus complies with Wilshire Council betterment policy. The applicant is to provide approximately 288m³ of storage based upon the calculated required attenuation volumes for the 1 in 100 year storm event plus 40% climate change allowance.

Conditions:

The drainage team have the following conditions which need to be addressed by the applicant:

- Provision of details of the proposed rainwater harvesting scheme.*
- It is noted that the applicant has provided Source Control calculations to demonstrate that attenuation will likely be appropriately sized on site. In order to confirm that surface water will be managed fully without increasing flood risk to people or property, the applicant is required to provide detailed hydraulic modelling results covering:*
 - o Calculations and drawings for the drainage system design showing conveyance routes are designed to convey without flooding the critical 1 in 30 year rainfall event.*
 - o Calculations and drawings for the drainage system design showing attenuation features are designed to attenuate without flooding the critical 1 in 100 year rainfall event + climate change.*
 - o Hydraulic Models should set the MADD factor / additional storage volume factor to 0m³ / ha in order to prevent an overestimation of storage capacity in the proposed drainage network.*
- Provision of a construction management plan, which shall include monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.*

Council Arboriculturalist – No comment received.

Council Ecologist – No objection, subject to conditions:

“Thank you for consulting me on the above application in relation to ecology. I have reviewed the submitted information (below) against mapping (OS and aerial) along with photographs of the site and surrounding area, together with GIS layers of statutory and non-statutory designated sites and existing records of protected species:

- Preliminary Ecological Appraisal of Building 5 (Daniel Ahern, December 2021).*
- Bat Activity Survey Report (Daniel Ahern Ecology, May 2022).*
- Habitat Regulations Assessment Stage 1 Screening (Daniel Ahern Ecology, May 2022).*
- Biodiversity Net Gain Assessment (Daniel Ahern Ecology, February 2022).*
- External Lighting Report Rev. D (Waterman Building Services, 10th November 2021).*

The proposed application site is located approx.. 600m away from Box Mine SSSI which is a component of the Bath & Bradford on Avon Bats SAC. Box Mines SSSI is one of a group of sites used by greater horseshoe, lesser horseshoe and Bechstein’s bats. Due to the location of this application site, within the core sustenance areas for these Annex II species and there are records of horseshoe species close to the application site, the application must be considered under the Habitat Regulations.

While the applicant has submitted a Biodiversity Net Gain Assessment, we request that the unlocked spreadsheet is submitted with the application please.

With respect to the HRA Stage 1 Screening Assessment which concludes that application can be

screened out of Appropriate Assessment taking into consideration the submitted mitigation measures.

As the HRA report correctly points out in Section 2.2.2 Defining Likely Significant Effect (LSE): The 'People Over Wind'⁷ judgement established that a Competent Authority cannot take account of any "measures that are intended to avoid or reduce the harmful effects of the envisaged project on the site concerned", at Screening Stage (Stage 1) of the HRA. The effect of this is that the screening stage must be undertaken on a precautionary basis with no regard to any proposed integrated or additional avoidance or reduction measures.

As such the LPA as the Competent Authority cannot consider the mitigation measures put forward and the application must be screened into Appropriate Assessment.

Final Comments

All requested information has been submitted and the Appropriate Assessment has been signed off by Natural England.

Therefore, I have no objection subject to the following conditions:

1. The development hereby approved shall be carried out in strict accordance with:

- The Preliminary Ecological Appraisal (Daniel Ahern Ecology, 19th December 2021).
- Bat Activity Survey Report (Daniel Ahern Ecology, May 2022).
- Biodiversity Net Gain Assessment (Daniel Ahern Ecology, February 2022).

REASON: To ensure adequate protection and mitigation for protected species.

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

- 8) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds and reptiles.
 - c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
 - d) Details and locations of any temporary construction lighting required.
 - e) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (EcoW) shall be present on site.
 - f) Key personnel, responsibilities and contact details (including Site Manager and ecologist/EcoW).
 - g) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/EcoW and to include photographic evidence.

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

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and

during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable

8. All lighting shall be installed and maintained in accordance with the approved details as set out the External Lighting Report Rev. D (Waterman Building Services, 10th November 2021) and no other lighting shall be installed.

REASON: To ensure the boundary features to the west and south are maintained as dark corridors for bats.

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

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

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

5. There will be no night-time working which will ensure there are no additional vehicles/people/machinery outside daylight hours.

REASON: The introduction of artificial light/noise disturbance may mean that qualifying bat species are disturbed and/or discouraged from using established flyways or foraging areas. Such disturbance will constitute an offence under relevant wildlife legislation.

Natural England – No objection subject to mitigation.

Public Protection team – No objection:

The Noise Impact Assessment demonstrates that with specific attenuation, the plant associated with the data centre will not be detrimental to the amenity of neighbours of the site.

Please could the noise attenuation details in S. 5.4 of the Noise Impact Assessment, and the noise reduction values they provide to specific items of equipment, form a condition to be added to any approval.

Wessex Water – Confirms that infrastructure within the application site:

Existing Services –

There is a 300mm diameter reducing to 225mm diameter public foul sewer along the boundary with Westwells Road, In accordance with Wessex Water Policy, there must be no buildings within a minimum of 3m either side of the public foul sewer and no tree planting within a minimum of 6m. This includes no surface water attenuation features and associated earthworks in the easement strip. Wessex Water require unrestricted access to maintain and

repair our apparatus. Measurements are given for a pipeline depth of between 900mm and 2000mm. The stand-off distance may increase for a strategic water main due to material, size, depth and pressure.

The applicant will need to agree protection arrangements for the existing 300mm reducing to 225mm diameter public foul sewer which crosses the site (6m easement). Any damage to our apparatus by third parties will result in a compensation claim.

All apparatus must be accurately located on site and marked on deposited drawings.

A map showing all known Wessex Water Assets within the area of the proposed site is attached at the bottom of this response. Additional maps can be obtained from our website Mapping enquiries (wessexwater.co.uk)

Foul Drainage –

There is capacity in the foul sewer network to accommodate foul only flows from this development. We can agree a foul only connection to the existing public foul sewer running along the Westwells Road boundary.

It is noted that the applicant is proposing to remove existing surface water drainage connection for the public foul sewer, any existing surface water connections to the existing foul water system must be redirected upon re-development and redundant drains and laterals must be sealed at the point of connection to the public sewer. We will not accept connections to the public foul sewer from below ground level (basement level) any foul flows must be pumped to ground level prior to connection to the public foul sewer.

The point of connection to the public network is by application and agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards. The developer should contact the local development team development.north@wessexwater.co.uk to agree proposals for the Section 104 adoption or and submit details for technical review prior to construction.

Surface Water Drainage –

It is noted that the applicant is proposing to discharge surface water runoff from the site via a connection to an existing private surface water drainage to the south of the site, as this is not a Wessex Water asset permission will need to be sought from the owner of the surface water system and discharge rates and volumes will need to be approved by the Lead Local Flood Authority.

Supply –

A connection can be made for domestic type flows only from the existing distribution network on Westwells Road from which there is an existing spur into the site. Should the applicant require flows greater than those deemed as domestic they will need to reconsult Wessex Water.

7. Publicity

No representations received.

8. Planning considerations

Principle

The application site is previously developed land and is already in use for employment purposes. The site is immediately adjacent to existing development used for similar purposes and of a similar scale. Policy CP34 to the Wiltshire Core Strategy confirms that proposals for employment development will be supported in settlements such as Corsham. Policy BE3 to the Corsham Neighbourhood Plan confirms, inter alia, that the expansion of business development to the west of Corsham is to be supported.

The application site is also within the locality identified by the Swindon and Wiltshire Local Enterprise Partnership: Strategic Economic Plan (March 2014), as being an important centre for in the information and communications industries within Wiltshire. The plan is considered to be a material consideration of moderate weight in favour of the proposal, with data centre development being a recognised part of the digital economy.

In the above context, the principle of development is considered to be acceptable. The detail of the proposal, however, must also be considered against other policies within the development plan.

Design, appearance, massing, scale and impact on urban form and landscape

The proposed data centre building is to be of a utilitarian appearance – coloured profile cladding, regular fenestration, external emergency staircases and flat roof. The application confirms that the new buildings will match the aesthetic and material palette of the existing buildings on the adjoining Spring Park site, in an effort to create visual coherence within the complex and views from the public realm. All plant and air conditioning units are to be positioned on the roof, a proportion of which behind a similarly roof mounted “acoustic screen”. A linking pedestrian bridge feature at first floor level is also proposed, linking to the nearest existing data centre building on the adjoining Spring Park site. The bridge is similarly clad, interspersed with glazed windows.

The general appearance, design and materials used for the external finish of the building is considered to be reflective of those buildings on the adjoining Spring Park site on the western side of Westwells, with the design retaining a reasonably “active frontage” to Westwells, as is advocated by Policy BE3 to the Corsham Neighbourhood Plan. To this extent, the design and external appearance of the building is considered to be appropriate. The character on the immediately opposite, eastern side of Westwells is residential, with no substantive overlap in feel and appearance.

With regard to scall and massing, at some c.12m – 14m in height (once the roof mounted plant and screening is taken into account – albeit being mounted some distance back from the edge of the roof), the proposed building is of unquestionably substantial height with a largely unarticulated elevation treatment presenting to both road frontages. Indeed, since the submitted cross-sections suggesting the building up of ground levels closest to Rowan Lane (c.2.0m), it is reasonable to expect that the presentation, and therefore perceived height and mass, of the flank wall of the building in particular will increase when experienced from Rowan Lane (a reasonably heavily used public right of way and access to the retirement housing at the Royal Arthur site), to which the building will have a very close relationship. Whilst the applicant suggests the existing buildings on the site sit at a similar finished floor level to that proposed and that the new buildings would sit somewhat deeper inside the site than at present, there remains no doubt that the development will be highly prominent in the street scene and it is for these reasons that the Council’s Landscape Officer has remained concerned about the proposals.

As is noted in the Landscape Officers commentary, while the existing and extant data centre buildings alongside the MoD complex does exert a somewhat industrial build character, with substantial buildings and perimeter fencing, in contrast to the proposal/application site, those existing buildings tend to have generous, landscaped standoffs to their road frontages. Indeed, whilst the applicant points to the application site’s visual *baseline* as an existing employment site/facility which has little or no value in terms of character/appearance/materials etc., the proposal does represent a significant intensification of built form and increase of building height/massing closer to the road frontages.

In response to initial concerns over the visual effect of the development on Westwells and Rowan Lane, revised landscaping plans were submitted. In addition to the bunding and planting already shown for the Westwells frontage of the site, these plans propose additional planting along the Rowan Lane frontage, including a 2m tall evergreen hedge screening the perimeter and security fences. As is noted within the

Landscape Officers comment, this evergreen hedge will provide instant screening at lower levels with the larger 'Liquidambar' trees helping to break up views of the building during summer.

Nevertheless, whilst there is no doubt there is no doubt that the character of Rowan Lane and the public footpaths CORM 135 & 139 will still be significantly altered as a result of the development, the Council's Landscape Officer is mindful of the revised landscaping scheme and confirms in their final comments that, subject to the imposition of conditions which compel the management of the planting, the impact is not so great that they would raise an objection. However, they do note concerns over the possibility of further large industrialising datacentre/shed development on the land south of Rowan Lane and the cumulative impacts that could result to the character of the area and the experience when using the Public Rights of Way Network, which clusters through a clearly identifiable green corridor extending into countryside and the Cotswolds AONB beyond. Of course, until such proposals for that adjacent site (known as Sands Quarry) come forward, it is not possible to assess that cumulative impact and there it is not a material consideration in the determination of this planning application.

Turning to longer distance views, the Spring Park site is thought to be reasonably self-contained, being somewhat enclosed by existing built form and mature woodland in combination with local rising topography etc. which restricts potential for impact upon the Cotswolds AoONB (the boundary to which is some 10km to the West) and wider countryside inter-visibility and rural rights of way network, which spreads to the South and West.

For reasons connected to both the minimisation of ecological impacts (considered in a separate section below) and visual impacts in the locality, it is considered important that any new security lighting should be designed so as to reduce upward light spill and light polluting glare as far as possible, in accordance with latest government guidelines and recommendations and designed in line with Institute of Lighting Professionals etc.

With regard to the security and boundary fencing of the site where it fronts Westwells Road and Rowan Lane, the locality is very much defined by its security fencing (from both military and sensitive commercial ventures), as well as the site already being surrounded by fencing and in that context is not considered to be unacceptable. However, since the submission does not appear to contain full details of the fencing, it is considered necessary and reasonable to impose a planning condition which requires full details to be supplied prior to their installation.

Ultimately, whilst it is undeniable that the proposed building is substantial and will have a significant effect upon the character of the Westwells Rowan Lane junction and the public rights of way, it is also the case that the development will take place in the context of existing substantial development at the adjoining Spring Park complex. Subject to the imposition of planning conditions, particularly in respect of the delivery and maintenance of the landscaping to Rowan Lane, lighting and perimeter fencing, the impact on that character is not considered to rise to an unacceptable level and would comply with the relevant requirements of policies CP51 and CP57 of the Wiltshire Core Strategy as well as the general design criteria with Policy HE1 and relevant criteria to policy BE3 of the Corsham Neighbourhood Plan.

Highways, traffic generation, parking

The Hawthorn Works site currently accommodates two factory units (including offices), with access gained via two points of access from Rowan Lane, which is a private road and the route of Public Footpath CORM135. The proposal will see the demolition of those building and the erection of a new data centre of c. 6,021m² floorspace, which would comprise 3,220m² of data centre, 1,733m² of plant area and a 1,068m² ancillary block. New accessed are to be created into Rowan Lane, with internal access from the adjoining Spring Park. A Transport Assessment was submitted within the application (reference IMA-21/-154, prepared by IMA Transport Planning, dated March 2022).

Access

Within the submitted TA, the intention of the applicant to access the site, for all modes of travel,

via the existing site access roundabout off Westwells Road. However, the TA also comments that articulated delivery vehicles will exit the P5 North service yard as previously agreed for the P5 north application via the existing internal access road adjacent to the main car park. Other delivery vehicles will exit the P5 North service yard via the service road and gate onto Rowan Lane and that a smaller service yard, accessed from Rowan Lane, will provide secondary service access and emergency access for P5 South.

Within their initial comments to the application, the Council Highway Engineer observes that no detail of the types and numbers of the delivery vehicles expected to exit onto Rowan Lane, nor has there been any detail to elaborate on the statement that “The existing access route to the MoD firing range would be rerouted along Rowan Lane as part of the proposed P5 South development.”

In response, the applicant provided additional information in the form of a Technical Note (reference IMA-21-154, prepared by IMA Transport Planning, dated July 2022). This note confirms that the delivery vehicles (OGV and LGV) expected to use the service road and exit onto Rowan Lane is understood to be low, as there would still be the option for such vehicles to exit through the main site access roundabout, with a comparison with the potential use of the existing buildings on the Hawthorn use suggesting a lower traffic movements. The Council Highway Engineer is content to accept that proposition.

With regard to the submitted drawings of the new access, the technical note confirms that the smaller P5 South service yard is proposed for use by maintenance vehicles and emergency access only with the also submitted swept path analysis confirming satisfactory space for a fire appliance. It is also confirmed that the submitted layout drawing incorrectly states “vehicular site exit only” for this service entrance, where in fact it should be “access and exit”.

With regard to the Firing Range access, it is understood that it is currently accessed through the P5 North application site from Westwells Road. Due to the proposed P5 South Building as alternative access is being proposed via Rowan Lane. This access shown on the submitted plan IMA-21-154-012 A shows an access to the west of the existing sub-station to join the current route to the firing range. The route is proposed as 4m in width with a gate set back to ensure a vehicle can pull clear of Rowan Lane whilst the gate is opened. Visibility spays of 2.4m by 22m are proposed. Indeed, in response to concerns raised over the potential for conflicting movements along the access route, it is advised, in Appendix 3 to the technical note (comprising email communication from the MoD), that no more than two vehicles would access the firing range on any one occasion, with access only being required approximately 7 times per month. In response, the Council’s Highway Engineer confirms that these number of movements would not be likely to cause any concerns regarding conflicting movements which would impact on the users of Rowan Lane.

Traffic generation and accessibility

Having regard to the data provided within the submitted TA, the Council’s Highway Engineer observes that the additional traffic generated by the proposed new data centre would be minimal with a predicted additional 17 two-way trips in the AM peak and 11 two-way trips in the PM, which can be adequately accommodated by the existing highway network.

With regard to accessibility, this has been considered as part of the earlier phases of development of Spring Park, the Council Highway Engineer considers there to be good provision for pedestrians, cyclists and public transport users, such that there would be sustainable travel choices for staff and visitors. The TA has included a Travel Plan Statement which details the provision for sustainable modes of travel, with route and timetable information to be provided to staff. The details of this Travel Plan Statement will need to be conditioned as part of any approval.

Parking

Due to the nature of the use of the site as a data centre, it is understood that it requires minimal levels of staffing, with day-time staff being advised as 2 Engineers, 1 contract administrator, 1 security manager and 1 security staff, and night-time staff being 1 engineer and 1 security staff.

With regard to the existing parking provision of the Spring Park campus, it is understood that the main car park provides 146 car parking spaces, including 4 for blue badge holders. It is proposed that an additional 2 disabled spaces will be provided close to the entrance to the building. The parking for the P5 South data centre will be proposed to be served by the existing main car park.

The submitted TA confirms that a survey of parking on the site was undertaken (September 2019) which indicated parking within the main car park was at 62% of its capacity, and it is considered by the applicant that the existing parking levels are suitable to cater for the existing built development, and for the P5 North and South sites. In their commentary, the Council's Highway Engineer has regard to the operation of the facility, with all parking fully contained within the gated site, and agrees that no additional parking provision is necessary.

Conclusion

Ultimately, the Council's Highway Engineer raises no objection to the proposal subject to the imposition of planning conditions. There is no reason to conclude differently and as such the proposed development is considered to comply with policies CP60 and 61 of the Wiltshire Core Strategy.

Ecology

The Spring Park complex is located some 600m away from Box Mine Site of Special Scientific Interest (SSSI) which is a component of the Bath & Bradford on Avon Bats Special Area for Conservation (SAC). Box Mines SSSI is one of a group of sites used by greater horseshoe, lesser horseshoe and Bechstein's bats. Due to the location of this application site, within one of the core sustenance areas for these Annex II species associated with the Bath & Bradford on Avon Bats SAC and there are records of horseshoe species close to the application site. In their comments, the Council's Ecologist confirms that the location of this application site within one of the core sustenance areas for bat species associated with the Bath & Bradford-on-Avon SAC.

Recognising the importance of the site, the following documents were submitted and considered by the Council's Ecologist:

- Preliminary Ecological Appraisal of Building 5 (Daniel Ahern, December 2021).
- Bat Activity Survey Report (Daniel Ahern Ecology, May 2022).
- Habitat Regulations Assessment Stage 1 Screening (Daniel Ahern Ecology, May 2022).
- Biodiversity Net Gain Assessment (Daniel Ahern Ecology, February 2022).
- External Lighting Report Rev. D (Waterman Building Services, 10th November 2021)

Habitats within the application site comprised mainly buildings/hard standing with no vegetative cover, interspersed with areas of amenity grassland, some ornamental shrubs and semi-mature native and ornamental trees. Habitats adjacent and further afield comprised woodland (to the south), mixed farmland (including cattle-grazed pasture) and including existing MoD sites and sites that are undergoing or have undergone re-development in recent years.

An artificial bat cave was constructed in the western part of the Ark Spring Park site in 2011, to compensate for the loss of a roost in a section of disused mine. Monitoring surveys of the bat cave (undertaken by the same ecologists that have completed the Ecological Impact Assessment for this application) completed between 2012 and 2018 revealed that it was used as a day and night roost by at least 5 bat species: lesser horseshoe, greater horseshoe bat, Daubenton's bat, whiskered bat and Natterer's bat. Lesser horseshoe bat also used the cave as a hibernation roost in winter. In addition, there are a number of records for horseshoe species and Bechstein's bats in adjacent habitats.

The site itself is considered to have relatively low ecological value, with a subsequent bat survey confirming no bats being present in the existing building. Following the initial objections of the Council's Ecologist, additional information was supplied by the applicant which allowed consultation with Natural England and the Council's Ecologist to conclude no objections be raised, subject to the imposition of

conditions (in respect of bat mitigation measures proposed in the submitted bat survey, CEMP, LEAMP and external lighting).

In light of the locational sensitivity of the site, the Council's Ecologist has also prepared an Appropriate Assessment under the Conservation of Species and Habitat Regulations 2017 (as amended). Prior to the determination of this application, Natural England were consulted on the AA and confirmation of their satisfaction with the proposal received.

A condition suggested by the Council Ecologist would have the effect of preventing all working and operations at the site outside of daylight hours. It is assumed such a condition should in fact make reference to the construction phase only, since a condition that prohibits working on a commercial site outside daylight hours would be unreasonable. Indeed, no such conditions were imposed on adjoining development which is positioned in a similarly sensitive location. The wording of this condition has been amended accordingly.

Accordingly, and based upon the comments of the Council's Ecologist, the LPA can be satisfied that the development is acceptable when assessed against the requirements of Policy CP50 to the Wiltshire Core Strategy, subject to the imposition of appropriate conditions.

Noise

The application has been submitted complete with a Noise Impact Assessment (reference: 65204497-SWE-ZZ-XX-RP-YA-0001 Revision: C03, prepared by SWECO, dated 9 December 2021), which concludes the development is likely to have a low impact on the nearest and most exposed residential properties along Westwells Road and the immediate environs.

Under previous permissions at the Spring Park site, the Council's EHO rightly sought the use of a strict maximum noise limit planning condition in respect of fixed plant at the site. The applicant agreed to the use of such a condition since it was anticipated that the plant would be substantially quieter. The previous permissions have always envisaged a significant amount of plant across the site and the proposal is no different.

In this particular instance, the nearest residential properties (on the opposite side of the Westwells road) are located in closer proximity to this part of the Spring Park complex than other elements other elements, rendering the need to ensure any installed plant would not result in unacceptable impacts on amenity.

Nevertheless, the roof mounted plant is to be predominantly positioned to the rear of the building, at the further point away from the residential properties and shielded by the bulk of the building, and is optimal so as to avoid noise impacts. The Council's Environmental Health Officer is broadly satisfied with the proposal in this respect and, in common with previous permissions at the adjoining Spring Park, the use of a planning condition which demands all plant achieve a noise Rating Level of at least 5dB below background level (LA90T) at the nearest noise sensitive receptor (ie. the dwellings) would secure amenities of those occupiers.

Following the comments of the Council's EHO and subject to the imposition of planning conditions, the proposal is considered to avoid unacceptable impacts on the amenities of surrounding residents and would comply with the relevant requirements of policy CP57 of the Wiltshire Core Strategy.

Drainage

The application site is located in an area of low flood risk (flood zone 1).

The application has been submitted complete with, *inter alia*, Flood Risk Assessment (WIE17837-107-R-1-2-2-FRA, January 2022, Waterman Infrastructure & Environment Limited), Sustainable Drainage Strategy (WIE17837-107-R-5-1-1-DRA, January 2022, Waterman Infrastructure & Environment Limited),

and Proposed Drainage Layout (17831-WIE-92-ZZ-DR-C-00001, Rev. P02, January 2022, Waterman Infrastructure & Environment Limited).

The proposed management arrangements for surface water is via a detention basin towards the Westwells Road frontage as well as rainwater harvesting, with the Council's Drainage Engineer observing a suggested controlled discharge rate of 1.0l/s for all storm events up to and including the 1 in 100yr + 40% rainfall event. Discharge is proposed to a private surface water sewer along We3stwells (which will require separate agreement with Wessex Water).

Within their commentary, the Drainage Engineer observes that the proposed rate is significantly lower than the existing runoff rates to the surface water sewer and thus complies with the Council's betterment policy. The applicant is to provide approximately 288m³ of storage based upon the calculated required attenuation volumes for the 1 in 100 year storm event plus 40% climate change allowance.

Ultimately, and subject to the imposition of conditions, the Council's Drainage Engineer raises no objections and there is considered to be no reason to conclude otherwise, with the proposed development considered to comply with policies CP67 and CP68 of the Wiltshire Core Strategy.

9. Conclusion

The application site is previously developed land and is already in use for employment purposes. The site is immediately adjacent to existing development used for similar purposes and of a similar scale. Policy CP34 to the Wiltshire Core Strategy confirms that proposals for employment development will be supported in settlements such as Corsham. Policy BE3 to the Corsham Neighbourhood Plan confirms, *inter alia*, that the expansion of business development to the west of Corsham is to be supported. The principle of development on the site is therefore considered to be acceptable.

The design and external appearance of the building is considered to be acceptable and will retain an active frontage to Westwells Road. Whilst it is undeniable that the proposed building is substantial and will have a significant effect upon the character of the Westwells Rowan Lane junction and the public rights of way, it is also the case that the development will take place in the context of existing substantial development at the adjoining Spring Park complex. Subject to the imposition of planning conditions, particularly in respect of the delivery and maintenance of the landscaping to Rowan Lane, lighting and perimeter fencing, the impact on that character is not considered to rise to an unacceptable level.

Subject to the imposition of planning conditions, it is not considered that the necessary fixed plant will cause unacceptable noise and disturbance to the amenities of the nearest residential properties, found at Westwells Road and the immediate surroundings. Similarly, the proposed foul and surface water drainage arrangements are considered to be acceptable. In all other respects, the proposed development is considered to be acceptable.

Subject to the imposition of conditions concerning, *inter alia*, highways and access, ecological and drainage matters, noise from plant and construction, in all other respects, the proposal is considered to comply with the requirements of Policies CP11, CP34, CP50, CP51, CP57, CP60, CP61 and CP62 of the Wiltshire Core Strategy 2015, policy HE1 and BE3 to the Corsham Neighbourhood Plan as well as relevant paragraphs to the NPPF.

10. RECOMMENDATION: That Planning Permission be GRANTED subject to the following conditions:

Limits of permission

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as

amended by the Planning and Compulsory Purchase Act 2004.

2. The floorspace created on this site shall be used for data storage and processing (together with any ancillary uses) only and for no other purpose, including any other uses that may fall within class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.

REASON: For clarity and the avoidance of doubt and because of the location of the development and particular nature and conclusions of the transport assessment undertaken.

Construction

3. The building works required to implement this development shall only be carried out between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 12:30 on Saturdays, and not at all on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity.

4. No construction vehicles may arrive or depart, be loaded or unloaded at or from the site outside the hours of 08:00 to 18:00 Mondays to Fridays, and outside the hours of 08:00 and 12:30 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity.

5. Prior to the commencement of any demolition works on the site, a Demolition Method Statement and Environmental Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the demolition phase, including but not necessarily limited to, the following:
 - a) the parking of vehicles of site operatives and visitors;
 - b) storage of plant and materials used in constructing the development;
 - c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - d) wheel washing facilities;
 - e) measures to control noise and the emission of dust and dirt during construction so as to protect the amenity of surrounding residential occupiers;
 - f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - g) measures for the protection of the natural environment and details of the arrangements to be made for the drainage during the construction phase.

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

REASON: In the interests of residential amenity.

6. No development shall commence on site (excluding demolition works), 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;
- h) measures for the protection of the natural environment and details of the arrangements to be made for the drainage during the construction phase; and
- 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.

Noise

- 7. The development and all operation of the data centre shall be carried out in accordance with the specifications and attenuation recommendations contained within the submitted Noise Impact Assessment (prepared by Sweco UK Ltd, document reference: 65204497-SWE-ZZ-XX-RP-YA-0001 REV.03, dated 9th December 2021).

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

- 8. In accordance with the details hereby approved, all fixed and mobile plant to be installed on the site shall be enclosed. Any changes to the development which include proposals for external plant to be provided without enclosure shall be the subject of a separate planning application.

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

- 9. During normal operational conditions, all plant (including generation plant, air conditioning units, extraction systems or other air handling plant etc.) shall be so sited and designed in order to achieve a Rating Level (BS4142:2014) of at least 5dB below the background noise level (LA90T) determined at the nearest noise sensitive receptor, when the plant is intended to operate.

At the request of the Local Planning Authority (LPA), the plant operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, whether noise from the plant meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA. The consultant should use BS4142:2014 methodology to carry out the assessment and provide further details on the generators expected frequency of use and duration.

Good internal standards set out in BS8233:2014 and WHO will need to be achieved at the nearest sensitive receptors.

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

Drainage

10. Notwithstanding the submitted Sustainable Drainage Strategy (prepared by Waterman Infrastructure & Environment Ltd, dated January 2022), no development (with the exception of demolition works) shall take place on site until the following details have been submitted to and agreed in writing by the Local Planning Authority:
- a) The proposed rainwater harvesting scheme.
 - b) Detailed hydraulic modelling results covering:
 - i. Calculations and drawings for the drainage system design showing conveyance routes are designed to convey without flooding the critical 1 in 30 year rainfall event.
 - ii. Calculations and drawings for the drainage system design showing attenuation features are designed to attenuate without flooding the critical 1 in 100 year rainfall event + climate change.
 - iii. Hydraulic Models should set the MADD factor / additional storage volume factor to 0m³ / ha in order to prevent an overestimation of storage capacity in the proposed drainage network.

The development shall be carried out in complete accordance with the drainage details so agreed.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

Ecology and landscaping

11. The development hereby approved shall be carried out in strict accordance with:
- The Preliminary Ecological Appraisal (Daniel Ahern Ecology, 19th December 2021).
 - Bat Activity Survey Report (Daniel Ahern Ecology, May 2022).
 - Biodiversity Net Gain Assessment (Daniel Ahern Ecology, February 2022).

REASON: To ensure adequate protection and mitigation for protected species.

12. Prior to the commencement of development, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
- a) Identification of ecological protection areas/buffer zones and tree root protection areas and
 - b) details of physical means of protection, e.g. exclusion fencing.
 - c) Working method statements for protected/priority species, such as nesting birds and reptiles.
 - d) Mitigation strategies already agreed with the local planning authority prior to determination,
 - e) such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
 - f) Details and locations of any temporary construction lighting required.
 - g) Work schedules for activities with specific timing requirements in order to avoid/reduce
 - h) potential harm to ecological receptors; including details of when a licensed ecologist and/or
 - i) ecological clerk of works (ECoW) shall be present on site.
 - j) Key personnel, responsibilities and contact details (including Site Manager and
 - k) ecologist/ECoW).

- l) Timeframe for provision of compliance report to the local planning authority; to be completed
- m) by the ecologist/ECoW and to include photographic evidence.

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

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

- 13. All lighting shall be installed and maintained in accordance with the approved details as set out the External Lighting Report Rev. D (Waterman Building Services, 10th November 2021) and no other lighting shall be installed.

REASON: To ensure the boundary features to the west and south are maintained as dark corridors for bats.

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

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

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

- 15. 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.

- 16. At no time during the construction phase shall there be any working outside of daylight hours which results in vehicle movements, people or machinery being used on the site.

REASON: The introduction of artificial light/noise disturbance may mean that qualifying bat species are disturbed and/or discouraged from using established flyways or foraging areas. Such disturbance will constitute an offence under relevant wildlife legislation.

Highways

17. The development hereby permitted shall not be first brought into use until the whole of the parking area/turning areas for the accesses off Rowan Lane have been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

18. The development hereby permitted shall not be first brought into use until at least the first 5m of the Firing Range access, measured from the Rowan Lane 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.

19. No part of the development shall be first brought into use, until the visibility splays shown on the approved plans for the Firing Range access have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

20. No development (with the exception of demolition works) shall commence on site until details of the stopping up of all existing accesses onto Rowan Lane, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

21. No development (with the exception of demolition works) shall commence on site until details of the stopping up of the existing vehicular access on Westwells Road (located approximately 60 metres north-west of the Rowan Lane junction accesses onto Rowan Lane) and the reinstatement of full height kerbs have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development.

REASON: In the interests of highway safety.

22. The submitted Travel Plan Statement (within the Transport Assessment dated March 2022) shall be implemented on first occupation of the development hereby granted planning permission and shall remain in operation thereafter.

REASON: In the interests of promoting sustainable patterns of travel to and from the development

Fencing, bunding and external storage

23. Prior to its creation and installation, full and complete details of all earth bunding and security/site

fencing to be created and installed at the site and, in particular, its relationship to the frontages to Rowan Lae and Westwells Road, shall have been submitted to and agreed in writing by the Local Planning Authority. Any bunding and fencing shall be created and installed in complete accordance with the details so agreed.

REASON: In the absence of details submitted within the application, so as to ensure the bunding and fencing and its relationship to the Rowan Lane and Westwells Road frontage takes an appropriate form.

24. No materials, goods, machinery, finished or unfinished products/parts of any description, skips, crates, containers, waste, or waste products shall be placed, stacked, deposited or stored on any area of the site outside the buildings, unless otherwise agreed in writing by the Local Planning Authority in the form of a separate planning permission in that regard.

REASON: In the interests of visual amenity and views across the site in this prominent junction location.

Approved plans

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

- Proposed Drainage Layout – ref. 17831-WIE-92-ZZ-DR-C-000
- Final Ground Investigation Locations Existing Site Layout – ref. 16316-110-WIE-ZZ-XX-DR-V-80-001
- Sustainable Drainage Strategy – ref. WIE17837-107-R-5-1-1-DRA
- Utility Map Survey – ref. WIE17837-107-R-5-1-1-DRA
- Wiltshire Strategic Flood Risk Assessment North Wiltshire Other Sources of Flooding –
- Flood Risk Assessment – ref. WIE17837-107-R-1-2-2-FRA
- Final Ground Investigation Locations Existing Site Layout - 16316-110-WIE-ZZ-XX-DR-V-80-001
- Proposed West and South Elevations – PL – 2031
- Proposed Stret Elevation and Section – PI-3000
- Proposed Bridge – PL- 9000
- Proposed Masterplan – PL-1020
- Proposed Site Plan – PL – 1021
- Proposed Hard and Soft Landscaping Plan – PL- 1022
- Proposed Ground Floor GA Plan – PL-2010
- Proposed First Floor GA Plan – PL-2011
- Proposed Second Floor GA Plan – PL-2012
- Proposed East and North Elevations – PL – 2030
- Proposed Roof GA Plan – PL – 2013
- Site Location Plan – PL-1000
- Spring Park View – 02V01
- P5 South Soft Landscape Plan – 17873-WIE-114-XX-DR-L-74300
- Bat Activity Survey Report Ark Estates Spring Park Ltd – Job Number 4448
- Biodiversity Metric 3.0 – Calculation Tool Start Page – Project name: Building 5, Spring Park, Corsham
- Biodiversity Net Gain Assessment – Building 5, Spring Park, Corsham
- BREEAM Letter – Focus Environment Design Limited
- BREEAM Pre-Assessment Report ARK Data Centres, Spring Park P5 South – 2020-B07-P5S-PAR-01
- Community Infrastructure Levy (CIL) – Form 1: CIL Additional Information
- Design and Access Statement – Spring Park, Building South, Corsham
- Habitat Regulations Assessment Stage 1: Screening – Reference: 4425 P5 South

- Proposed Data Centre, P5 South, Spring Park – IMA-21-154
- External Lighting Report – 001saj211110
- Noise Impact Assessment - 5204497-SWE-ZZ-XX-RP-YA-0001
- Planning Statement –
- Preliminary Ecology Appraisal Building 5, Spring Park, Corsham –
- Preliminary Risk Assessment - WIE17837-113-R-1-2-3
- Proposed Site Section – PL-3010
- Sustainable Data Centre Design, Development and Operations – Sustainable Statement (incorporating Sustainable Energy Strategy)
- Transport Assessment – IMA-21-154

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

INFORMATIVES:

The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

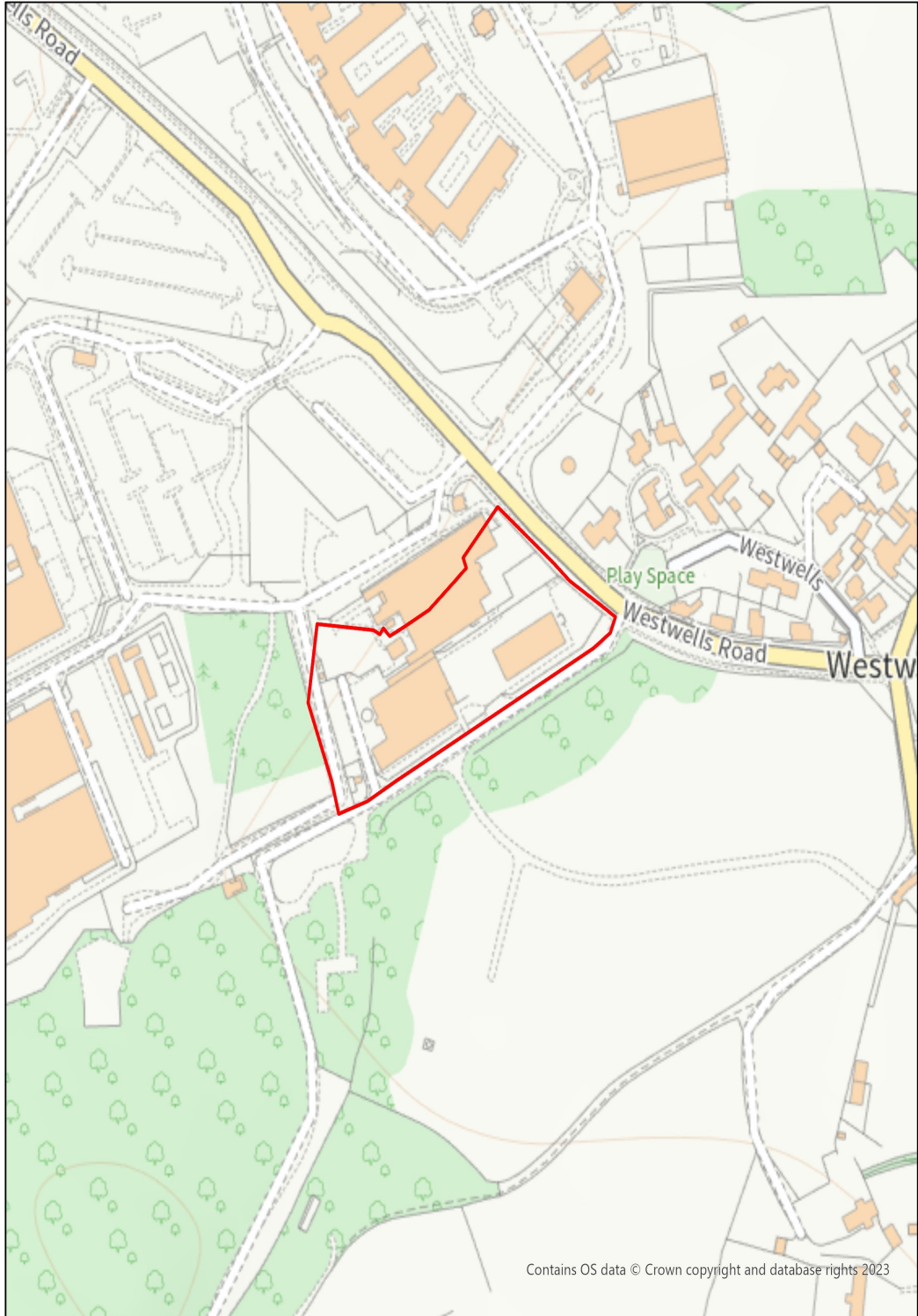
There is a low risk that bats may occur at the development site. Bats are a transient species and therefore move around; many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2017 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on **0845 1300 228**, email enquiries@bats.org.uk or visit the [Bat Conservation Trust](http://BatConservationTrust.org.uk) website.

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Wiltshire Council

PL/2022/01975

Hawthorn Works, Westwells Road,
Corsham , SN13 9RD



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REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	13 th September 2023
Application Number	PL/2022/05273
Site Address	Land at Marsh Farm, North of Malmesbury Road, Royal Wootton Bassett, SN4 8ER
Proposal	Erection of Class E food store, car parking, works to create community open space, new access, landscaping and associated works
Applicant	Lidl Great Britain Limited
Town/Parish Council	Lydiard Tregoze CP, Royal Wootton Bassett CP
Electoral Division	Royal Wootton Bassett North, Royal Wootton Bassett East, Councillor Steve Bucknell
Grid Ref	407378E 183751N
Type of application	Full planning application
Case Officer	Olivia Tresise

INTRODUCTION

Members may recall that this application was deferred by the Northern Area Planning Committee in June for three cycles until clarity on such issues as foul water sewage and the parkland could be provided. Since the deferral of this application, the applicant submitted a statement to address the concerns raised by the Committee (see attached). The statement is summarised as follows:

Foul drainage method:

- The foul drainage strategy for the proposed Lidl site has not changed since the application was submitted. The most efficient approach to discharge the foul water flows is to connect via gravity into the private foul network of the neighbouring care home. These flows will be conveyed to the water pumping station located on the care home site, where it will be pumped via a rising main into an existing Wessex Water foul water sewer. The care home developers have reverted to the original foul drainage solution, a strategy that has been agreed fully by Wessex Water and the Council's Drainage Team. This strategy is deliverable and consistent with the applicant's proposed design.

Parkland:

- The proposed parkland is to enhance the setting of the store and to enhance the landscape setting of the store in response to the Planning Inspector's appeal decision.
- If this application is approved, it provides an opportunity for the parish council to engage with LEDA, as landowner, to allow the parkland to adapt for specific community needs if required. The changes to the parkland could be formalised through drop in planning applications for specific uses and/or the variation of planning conditions if applicable.
- The delivery of the community parkland will be completed within 12 months following the implementation of the planning permission. Lidl are happy to accept the delivery of such as a pre-occupation condition.
- The community parkland will be subject to an ongoing and indefinite maintenance management plan. Lidl will be happy for the submission of such management plan to be agreed with Wiltshire Council as a pre-occupation condition of the planning permission.
- The community parkland will be subject to a planning restriction ensuring it is only used as community open space in accordance with the planning permission.
- Lidl is prepared to deposit a £50,000 bond for ongoing main of the parkland area if the Council deems that this is required.

Highway:

- An email from the Council's Highways Authority to confirm that the HA objects to an additional informal pedestrian crossing due to the proximity of 2 toucans within a very short distance. Also the existing one is the best location as it picks up the Jubilee Lak car park pedestrian and the Buxton Sports Ground pedestrians. Therefore, the HA would not support relocation of the crossing eastwards.

In addition, your case officer has the following updates:

- (I) Condition 10 (foul drainage method) has been amended. Given that the proposed foul drainage would connect to a private foul network of the neighbouring property, a Grampian condition therefore should be used.
- (II) Conditions 13 (Ultra Low Energy Vehicles Infrastructure), Condition 34 (Delivery hours) and Condition 35 (Opening hours) were amended to reflect the officers' update at the Committee.
- (III) Additional consultation responses: 11 letters of support were received after the Committee was held in June. Full comments are available in the Council website for public inspection and the comments are summarised as follows:
 - more job opportunities,
 - give another choice of affordable groceries
 - reduce carbon footprints and traffic into Swindon

- the park makes use of land and give access to the public while preserving the natural landscape (and wildflower meadow)
- short visits to the sporting facilities in the area
- no objection as long as they are held strictly account regarding the promised green space and play area etc.,

(IV) Comments from EcoRWB Active Travel Group

- The current plans pay insufficient attention to and provide insufficient information on safe access to the site by Active Travel routes and means as set out in National Planning Policy Framework (NPPF).
- Insufficient linkage to and from the nearby Toucan crossing on the B4042 and walking access to the site and the entrance to the supermarket.
- Suggest a new section of LTN 1/20 compliant Active Travel path is provided by the applicant that links Saffron Close (and also Jubilee Lake) to the crossing.
- Secure the funding and construction of a Toucan/cycle friendly crossing, on the A3102 linking the Maple Drive/A3102 Marlowe Way section of existing cycle route, nearby in the town
- Insufficient detail on the near store entrance covered cycle parking shown on the plan view
- Insufficient detail on the PV installation in respect of how much renewable energy it will provide in relation to the KWh needs of the store and it will meet Wiltshire Council's Net-Zero by 2030 strategy.
- Insufficient detail on water saving and conservation measures
- a planning condition requiring more permeable surfaces to slow down and absorb surface water
- more information on how biodiversity net gain will be achieved on the site.

Your case officer currently seeks further advice from consultees on the foul drainage strategy, park land and the highway works. Members will be updated at the Committee.

Reason for the application being considered by Committee

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

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

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

The site is close to a relatively new Aldi store, at the far northern end of the town. Much of the recent development of Royal Wootton Bassett has been to the South and East of the town. This proposal could have an increased impact on the vitality of the town centre whilst not benefitting residents by delivering a more accessible food store than that which has already been developed (Aldi). The adverse impact on the town centre is not, therefore, offset by satisfying a need for additional retail space.

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

1. Purpose of Report

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

2. Report Summary

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

Planning Issues raised for consideration of the proposal are:-

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

3. Site Description

The application site lies directly adjacent to and immediately north of the Malmesbury Road/B4042 stretching westward near to the Coped Hall Roundabout, and the site area is approximately 3.54 hectares. The land is presently in agricultural use and generally has gentle contours and a level topography. There is varied landscaping around the site's perimeter, with hedges demarcating the existing field pattern and

some mature trees growing near the north-western corner of the site. There is no formal vehicular access to serve the site.

The site is outside of the defined settlement framework boundary for the town of Royal Wootton Bassett and is therefore defined as being within the open countryside. The application site is not subject to any international (e.g. European), national or regional designations but is within proximity of a Listed Building, Marsh Farm, and a known location of archaeological interest and potential. The site is however not situated within any designated conservation area.

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

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

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

4. Planning History

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

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

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

Refusal reasons:

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

- 2 The proposals by virtue of scale and location will result in the loss of open countryside resulting in harm to the character and appearance of the locality contrary to Wiltshire Core Strategy (Adopted January 2015) Core Policies CP51 and CP57 (I, ii & iii) and National Planning Policy Framework (NPPF) paragraphs 17 & 109.
- 3 The application fails to meet the identified and necessary supporting services and infrastructure requirements generated by the development, including Affordable Housing, Education, Highways and Open Space Management and is therefore in conflict with Wiltshire Core Strategy (Adopted January 2015) Core Policies CP3, CP43, CP60 & CP61; and National Planning Policy Framework (NPPF) paragraphs 2, 7, 17 & 196.

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

Refusal reasons:

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

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

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

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

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

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

5. The Proposal

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

The application is supported by revised details and following documents:

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

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

- The proposed park land area will be retained in the freehold ownership of LEDA. LEDA will maintain and manage the park area at its own costs (with an agreed contribution from Lidl). No requirement for the Council to adopt this land or take on management responsibilities or cost.
- The park land has been designed to provide outdoor amenity space to complement the existing park at Jubilee Lake and a route to encourage pedestrians to the Lidl store
- The water features proposed will serve as an attenuation for the food store and the drainage design will ensure that discharge into the existing drainage networks is regulated so as to replicate existing flows to Jubilee Lake
- It is acknowledged that there is interest in providing community facilities, such as skate park at this site. LEDA would be pleased to engage with the Lydiard

Tregoze Parish Council to see how this park, once constructed, can adapt to particular community needs.

- The Lidl application includes the provision of an access road that meets the minimum requirement of Lidl to access by service vehicles. The route also has the potential to provide a point of access to the LEDA land to the north should any planning application be progressed in future. For the purposes of the Lidl application, the access roads provides a grasscrete access into the LEDA land to provide access to LED's retained land for agricultural vehicles.

6. Planning Policy

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

National Planning Policy Framework (NPPF)

Section 2: Achieving sustainable development

Section 4: Decision making

Section 6: Building a strong, competitive economy

Section 7: Ensuring the vitality of town centres

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

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

Section 15: Conserving and enhancing the natural environment

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

Ensuring the vitality of town centres and Construction Requirement

Wiltshire Local Plan: Core Strategy (Adopted January 2015)

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

- Core Policy 68: Water Resources

Saved policies of the North Wiltshire Local Plan 2011

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

Neighbourhood Plan

Royal Wootton Bassett Neighbourhood Plan

Lydiard Tregoze Neighbourhood Plan

7. Consultations

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

7.1 Lydiard Tregoze Parish Council

Comments on the revised scheme:

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

Comments on the original scheme:

1. It goes against Core Policies 51 and 57 - development in open countryside.
2. The 'public open space' is not in ownership of Lidl or a public/community organisation, but is instead still owned by the developers to do with as they please. The Parish Council feel that this is deceptive planning and misleading to the public.
3. The entrance requires a "Left Turn Only" for exiting, as it is on a busy road with children crossing to the right to access the sports ground. Aldi was allowed to build WITHOUT the provision of a 'Left Turn Only' exit and it has created a dangerous intersection, with frequent near misses and hard stops. This is compounded by vehicles turning right out of the Esso just a short distance away. Another development on the other side of the roundabout with right turning vehicles would make the length of road from the Esso to the sports ground treacherous. If the Coped Hall roundabout was deemed inadequate to handle extra traffic from a 'Left Turn Only' out of Aldi, then it is most assuredly inadequate to handle the extra traffic coming from Hook, Royal Wootton Bassett, and surrounding communities to shop at Lidl (or any other development

proposed on the site), as there is no pavement or safe crossing for pedestrians.

4. Research by Lidl has indicated that their store would not affect Royal Wootton Bassett town centre shops, specifically mentioning Sainsbury's, but LTTC has recently been informed that the Iceland shop on the High Street has lost business to Aldi and is feared to possibly close. This shop is important to the community of Royal Wootton Bassett, especially those who walk. A second discount grocery store would be detrimental to Iceland's business.

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

7.2 Royal Wootton Bassett Town Council –

Additional comments

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

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

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

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

Initial comments:

The current plans pay insufficient attention to and provide insufficient information on safe access to the site by Active Travel routes and means as set

out in National Planning Policy Framework (NPPF), which at paragraph 110 states

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

a) give priority: firstly, to pedestrian and cycle movements, both within the scheme and with neighbouring areas, and secondly, so far as is possible, to facilitate access to public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

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

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

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

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

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

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

than to drive, therefore the access should reflect this. The path should also branch to link to the entrance to Jubilee Lake (and provide alternative safe access to the Rugby Club via the children's play park, the cafe and the adventure scout huts.)

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

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

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

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

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

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

- 7.3 **Spatial Planning Team** - The planning policy position has been covered in detail within the recent appeals. In terms of the Local Plan Review, it is worth noting that the site is being promoted for development. Further information, the representations and maps, are available in the RWB Site Selection Report.
- 7.4 **Highway Officer** – No objection subject to conditions
- 7.5 **Ecology** – No objection subject to conditions

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

(i) Existing Services

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

(ii) Foul Drainage

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

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

(iii) Surface Water Drainage

Having reviewed the Drainage Strategy Drawing ref: C160504-PLN-XX-XX-DR-C-224 Rev S2-P04 dated March 20, included as appendix G to

the FRA and Drainage strategy and submitted with the application, it is noted that the applicant is proposing to attenuate surface water flows on site and discharge to the existing private surface water sewer that crosses the site. The LLFA will need to approve the discharge rates and volumes and permission to connect to the private surface water sewer will need to be obtained from the riparian owner.

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

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

7.14 Urban Shape Retail Consultants Commissioned by the Council

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

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

8. Publicity

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

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

Objection:

- Out of town development, outside settlement boundary, harmful to the existing town centre
- Almost to the cost of other jobs in the town
- Lidl only more of the same (provided by Aldi)
- Increase in traffic along Malmesbury Road, traffic congestion
- Risk of accidents increase
- The improvements in cycle and footpaths are inadequate

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

Support:

- cheaper shopping, competition and variety
- this store will benefit the town with job opportunities and electric charging points
- new community parkland would be very welcome
- they will be incorporating native species of trees such as Spindle and Wayfaring tree
- increasing population in the surrounding area fully justifies a further supermarket with easy access
- Our high street will not suffer as the independents offer differing services and products.

- More choice will also make Royal Wotton Bassett more attractive for shoppers to stay local rather than driving to Swindon which will benefit local businesses.
- great thing to have Parkland, indoor bakery
- Our Jubilee Park area is overly busy at times and short of parking spaces due to the popular playground and fishing facilities.
- Reduce the carbon footprint of shopper visiting Lidl supermarkets in Swindon.
- bring more business into the town

9. Planning Considerations

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

Principle of development

- 9.5 This application proposes a 1,895 sq m gross (GIA) foodstore, which is smaller food store than that previously proposed (2,469 sq m gross GIA) over a single floor with a total net sales area of 1,251 sq m comprising 80% (1,001 sq m) for the sale of convenience (food and drink) goods and 20% (250 sq m) for the sale

of comparison goods. The store is designed to face westwards over a 125 space car park (Fig.2.2). Public parkland forms a key component of the application proposals, comprising approximately 2.20 ha of open space centred upon a lake that serves as both amenity and drainage feature. The intention is for the food store and the park to share a vehicular access from the B4042.

- 9.6 National policy in the NPPF and the NPPG alongside Local Policies in the WCS CP 38 seek to direct new large scale retail development (over 200m sq) to existing defined town centres. CP19 makes no provision for a retail store within the town or Community Area. Proposals outside of defined town centres are required to demonstrate a sequential approach to site selection seeking locations within or adjacent defined centres in preference to out of town sites. Where an out-of-town site is proposed, as is the case here, assessment of the impact of the proposal on the vitality and viability of the relevant existing town centre is required. In considering site selection applicants and developers including the retail operators must adopt a flexible approach to operational requirements under national policy.
- 9.7 As noted in the consultation section of this report, the Council commissioned a retail and town planning consultant, Urban Shape, to review and advise in respect of the submitted Planning and Retail Statement. Urban Shape has reviewed the submitted documents, planning history including recent appeal decision of this site, and concluded the following:

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

Flexibility and Alternative Sites

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

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

Whilst we have not visited Royal Wootton Bassett as part of our instruction, we have not been made aware of any further alternative sites or suitable vacant units within the town centre. The most up-to-date town centre health check prepared by Mango (2022) notes the low number of vacant units, and also their small floorplates – generally below 100 sq m. This is consistent also with the findings of the WRTCS. Providing the Council are not aware of any newly suitable alternative sites, we conclude that the proposed development has met the provisions of the sequential test as set out in paragraph 87-88 of the NPPF and Policy 38 of the Core Strategy.'

Retail Impact Assessment (Viability and Vitality)

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

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

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

Highway safety and parking provision

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

Sustainability

- 9.13 The proposed development, while being on the edge of the town, is within the preferred maximum walking distance of 2000m of almost all residential development and key facilities in Royal Wootton Bassett. All town facilities are within a reasonable cycling distance including some nearby villages. The development includes adequate cycle parking facilities. In terms of distance, cycling to and from the site will be a reasonable option for residents, staff and customers. Required improvements to cycle infrastructure are discussed further below. There are also reasonable bus services within walking range of the development. Bus service provision past the development is set out at Table 3.1 of the TA. In addition the frequent X55 service between Swindon and Chippenham is within walking distance of the development. In addition, the submitted Travel Plan is also acceptable.

Traffic movement and Highway Safety

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

Access

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

Parking provision

- 9.17 The maximum car parking provision for this level of retail food store development is 135 spaces. As 125 parking spaces are proposed, it is

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

Other highway issues

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

Flood Risk and Drainage

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

- 9.23 It is the applicant to discharge of surface water into the adjacent development's surface water drainage system. In the event that the applicant is unable to implement the submitted drainage scheme, the applicant will need to seek consent from the local planning authority to amend the scheme.

Landscape

- 9.24 During the course of the application, a revised landscape scheme, revised proposed boundary treatment drawing was also submitted, no. AD_114 Revision C, to change the new boundary to 1.2 metres high hit and miss timber fence, a revised landscape management plan was also submitted.
- 9.25 Core Policy 51 of the adopted Core Strategy states that development should protect, conserve and where possible, enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.
- 9.26 As noted above, the site is subject to an appeal in the past. The Inspector objected to the proposal and stated:

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

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

Ecology

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

Ballards Ash Protected Road Verge (PRV)

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

Habitats

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

Species

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

Mitigation and Enhancement

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

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

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

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

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

Site Boundary

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

In summary

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

Heritage Asset Impact

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

Archaeology

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

Design and Visual Amenity

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

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

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

Environmental matters

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

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

Residential Amenity

- 9.42 Core Policy 57 of the adopted Core Strategy requires a high standard of design for all new developments having regard to the compatibility of adjoining

buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).

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

Other matters

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

10. CONCLUSION

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

10.5 On this basis, it is considered that the proposal would not be contrary with development plan, and it is therefore considered that the proposal can be support subject to the appropriate conditions to safeguard the amenity of the locality.

11 RECOMMENDATION

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

Condition 1 (Time limit for implementation)

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

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

Condition 2 (Approved plans)

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

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

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

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

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

The following documents received by the Council on 8 July 2022

- Proposed Site Section, 19078/AD119/Rev A
- Site location plan, AD_100 Rev B

- Proposed roof plan, AD_112
- Proposed elevations, AD_113 Rev B
- Proposed building (floor) plan, AD_111 Rev A

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

Condition 3 (Retail use only)

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

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

Condition 4 (No sub-division of the unit)

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

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

Condition 5 (Restriction sale of comparison goods)

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

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

Condition 6 (Removal of Permitted development rights)

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

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

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

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

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

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

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

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

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

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

ecologist/ECoW).

f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

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

Prior to the commencement of the development hereby approved, a scheme for the discharge of surface water from the site /phase, including SuDS (sustainable drainage systems) and all third-party approvals, shall be submitted to and approved in writing by the Local Planning Authority.

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

Condition 10 (foul drainage – Grampian condition)

No development hereby permitted shall commence 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. The building shall not be occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

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

Condition 11 (Building materials – pre-commencement condition)

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

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

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

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

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

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

Condition 13 (Ultra Low Energy Vehicles Infrastructure)

Prior to the first occupation of the development hereby approved, a scheme of Ultra Low Energy Vehicle infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and maintained permanently and satisfactorily as such thereafter.

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

Condition 14 (Landscaping Scheme for park land area required)

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

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

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the

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

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

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

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

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

Condition 16 (restrict shopping trolleys leaving the site)

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

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

Condition 17 (Odour)

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

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

Condition 18 (External Lighting)

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

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

Condition 19 (Storage and Refuse)

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

REASON: In the interests of public health and safety.

Condition 20 (Boundary treatment)

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

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

Condition 21 (Landscaping Implementation)

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

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

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

of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

Condition 22 (Landscaping management)

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

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

Condition 23 (highway work)

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

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

Condition 24 (Widen the pedestrian and cycle way)

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

REASON: In the interests of good development accessibility.

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

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

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

Condition 26 (Alteration of the existing toucan crossing)

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

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

Condition 27 (Provision of parking and turning areas)

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

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

Condition 28 (Provision of cycle parking spaces)

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

REASON: In the interests of good cycle accessibility.

Condition 29 (relocation of direction sign)

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

REASON: In the interests of highway safety.

Condition 30 (Provision of bus shelter)

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

REASON: In the interests of public transport accessibility.

Condition 31 (Travel Plan)

The food store hereby permitted shall not be brought into use until those parts of the Food store Travel Plan capable of being implemented prior to first use have been implemented. Those parts identified for implementation after first use shall be

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

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

Condition 32 (Service yard management scheme)

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

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

Condition 33 (construction hours)

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

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

Condition 34 (deliveries hours)

Deliveries to or collection from the retail development hereby permitted shall not be permitted before 07:00 and after 23:00hrs. No reversing beepers shall be used during these hours. Waste collections should also take place within these hours and preferably before 22:00.

REASON: In the interests of residential amenity

Condition 35 (opening hours)

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

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

Condition 36 (Noise and disturbance)

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

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

Condition 37 (No external storage)

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

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

Background Documents Used in the Preparation of this Report:

Appeal Decision

Applicant's response statement dated 9th August 2023



RW/210119/L0002

9th August 2023

By email only

Ms O Tresise
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
BA14 8JN

Dear Olivia

**On behalf of Lidl Great Britain Limited (“Lidl”)
PL/2022/05273 – Land at Marsh Farm, Royal Wootton Bassett, SN4 8ER:
Response to the reasons for deferring the planning application**

At the Northern Area Planning Committee on the 21st of June 2023, the application was deferred by Committee Members. The draft minutes of the meeting are enclosed (**Enclosure 1**). Further to this, we received email correspondence from the Council summarising the reasons for deferral, these are reproduced at **Enclosure 2**.

This letter and accompanying enclosures provide a comprehensive response to the reasons for deferral.

Reasons for deferral

The application was deferred for three main reasons, these are summarised as follows:

- Foul drainage method – The scheme currently proposed to discharge foul sewerage to the adjacent care home site which was part of the original 18/02955/FUL care home consent, as clarified within the submitted Foul Drainage Strategy and restricted by Condition 5. The care home operator recently applied to amend their scheme to allow for the installation of private sewage treatment plant, however, the Environment Agency (“EA”) objected to the proposal. The EA’s preferred option is to use the approved connection to Wessex Water’s sewer network. Taking account of this background knowledge, members require clarity on the foul sewerage arrangements for the Lidl proposal;
- Highways – Provision of an additional toucan crossing on the B4042; and
- Open Space – Members have sought further clarification and certainty that the parkland will be delivered. They also seek clarification that the parkland will provide facilities and/or opportunities for the needs of the local residents, examples are a

skatepark or cemetery. Due to previous experience within the district, Members were also concerned about applicants complying with planning conditions.

Foul drainage method

Pinnacle Consulting Engineers has prepared a Technical Note explaining the foul water drainage strategy, this is produced at **Enclosure 3**.

As explained, the foul drainage strategy for the proposed Lidl site has not changed since the application was submitted. The most efficient approach to discharge the foul water flows is to connect via gravity into the private foul network of the neighbouring care home. These flows will be conveyed to the water pumping station located on the care home site, where it will be pumped via a rising main into an existing Wessex Water foul water sewer. As set out at Paragraph 7.7 and 7.13 of the Committee report, this approach has been supported fully by the Council's Drainage Team and Wessex Water. In addition to this, Lidl has agreed to the inclusion of Condition 10 (as drafted within the Committee report) within any decision notice:

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

The proposed condition will ensure that the required detail will be submitted prior to commencement of development and the approved strategy will be fully implemented prior to the store opening. If this Condition is not complied with, development could not commence and/or the store could not open.

I believe the recent confusion derives from the care home seeking to vary their proposed foul discharge method by installing a sewerage treatment plant on their site. This method was only considered as an alternative to the approved design as the Highway Authority had advised of long lead in periods to secure a partial road closure for the foul sewer works required in the highway. The Environment Agency however rejected the use of a sewage treatment plant due to concerns of contamination of the existing watercourse. The care home developers have now reverted to the original foul drainage solution, a strategy that has been agreed fully by Wessex Water and the Council's drainage team from day one. This solution is fully deliverable and consistent with our proposed design and an appropriate condition has been agreed to control the detail design before commencement of development. This matter should not therefore be a reason for further delay to the determination of this application.

Highways

As you will be aware, the applicant can only do work in the highway under licence or with permission by the Highway authority. Accordingly, following Members comments, Simon Moody from the Transport Planning Associates ("TPA") has sought clarity from the Council's Highways team on whether they would support an additional toucan crossing along the B4042 Malmesbury Road. I enclose a copy of the email correspondence at **Enclosure 4**.

This correspondence confirms that the Highways Authority would oppose firmly the installation of an additional toucan crossing. The Highways officer explains that the proximity to the roundabout would not be an issue but the proximity of 2 toucans within a very short distance would be a concern. Furthermore, the Highways officer clarifies that the existing toucan is in the best location as it picks up the Jubilee Lake car park pedestrians, and the Buxton Sports Ground pedestrians. Consequently, the Highways Authority would not support relocation of the crossing eastwards.

Alongside this, the pedestrian island to the east of the existing toucan is on the desire line to and from the proposed Lidl store for some pedestrians and it is confirmed that this is adequate for the development's accessibility given the existing toucan crossing is a short distance to the west.

As part of the works, Lidl also proposes to widen the pedestrian and cycle way between the existing toucan crossing and the site access and include a traffic calmed cycle crossing on the access road. All these measures will maximise the accessibility of the site for pedestrians and cyclists.

The proposed highways works and the development proposal is supported fully by the Highways Authority. This matter should not therefore be a reason for further delay to the determination of this application.

Parkland

As you will be aware, the parkland has formed part of this planning application proposal from the outset to enhance the setting of the store rather than the statutory requirements for leisure/open space that would be required for a proposal such as residential development, to meet any policy requirement. Lidl decided to include the parkland as an addition to the foodstore on their own accord, it was not specifically requested or suggested by the Planning Inspector within the appeal decision or requested by the Council's landscape consultants. It's therefore very disappointing that the inclusion of this parkland area, proposed to be open to the public, is delaying the delivery of the foodstore itself.

All consultees have assessed the proposal and concluded that the proposed development (including the parkland) is acceptable as it stands. There is no planning requirement for the inclusion of this parkland and planning policy does not support a specific function for the parkland site. Therefore, the planning process should not concern itself with this level of detail of different uses/functions within the parkland. The principle of this proposal is to deliver a foodstore and to create the parkland. The submission of further details could be incorporated as part of a planning condition if required.

The alternative is for this area to be purely landscaped with no public access. This would lead to no community benefit. Therefore, it is perverse that the application is being delayed by Members when a policy compliant proposal with significant community benefit has been recommended for approval by the Council.

During the pre-application consultation that was undertaken by Lidl, the parkland was integral within the material that was sent to the public, as shown at **Enclosure 5**. The leaflet was sent to 6,350 properties, the area covered is as shown on the enclosed map (**Enclosure 5**). The pre-application consultation was heavily focused on the parkland, this included Lidl personally

presenting at meetings with Lydiard Tregoze Parish Council and Royal Wootton Bassett Town Council.

61% of residents supported the proposal on that basis. We note that some individuals and/or campaign groups have requested alternative uses on site such as a skate park or a cemetery. As indicated above, the majority of respondents to the pre-application consultation were in support of the proposed parkland as currently proposed. Therefore, it is inappropriate to undertake further consultation on a policy compliant proposal to consider alternative uses and inaccurate to say that the applicant has not consulted with either the community or town or parish councils regarding the plans.

The parkland is proposed specifically to enhance the landscape setting of the store in response to the Planning Inspector's appeal decision. The extensive landscaping including amenity grass land, wildflower grass land, wet grass land, native woodland, native hedgerows, shrub planting, and 25 individual trees, is entirely appropriate and supported by an extensive Landscape and Visual Impact Assessment and, as stated above, extensive public consultation.

However, the letter prepared by LEDA (that was submitted during the planning process) at **Enclosure 6** also sets out that:

"We are aware that there is interest in providing community facilities such as a skate park at this site. LEDA would be pleased to engage with the Lydiard Tregoze Parish Council to see how this park, once constructed, can adapt to particular community needs."

If this application is approved, it provides an opportunity for the parish council to engage with LEDA, as landowner, to allow the parkland to adapt for specific community needs if required. The changes to the parkland could be formalised through drop in planning applications for specific uses and/or the variation of planning conditions if applicable.

Draft Conditions 13 and 14 within the committee report ensure that the parkland landscaping, details and management are approved and implemented in accordance with the approved plans. These planning conditions ensure that the parkland will be delivered. At Planning Committee, Members noted their lack of confidence in Wiltshire's enforcement team of ensuring developers comply with planning conditions, this was also due to experience of other developers within the district. Members should not be delaying this proposal for such reason, the planning process has to be followed and planning conditions are an entirely appropriate method of controlling development at all authorities across England and Wales.

Within our submitted planning statement, Lidl did offer planning obligations that provided further certainty for the delivery of the parkland as follows:

- The delivery of the community parkland will be completed within 12 months following the implementation of the planning permission. Lidl are happy to accept the delivery of such as a pre-occupation condition;
- The community parkland will be subject to an ongoing and indefinite maintenance management plan. Lidl will be happy for the submission of such management plan to be agreed with Wiltshire Council as a pre-occupation condition of the planning permission; and
- The community parkland will be subject to a planning restriction ensuring it is only used as community open space in accordance with the planning permission.

If the Council deem that these (or similar worded obligations) are necessary and are not delivered by the current draft planning conditions, Lidl is happy for these obligations to be formalised through a Section 106 Agreement or a Unilateral Undertaking. Alongside this, Lidl is prepared to deposit a £50,000 bond for ongoing maintenance of the parkland area if the Council deem that this is required, given LEDA have a contractual obligation to Lidl to maintain the parkland area. If these obligations are formalised through a Section 106 Agreement or Unilateral Undertaking, the relevant conditions can then be removed from the decision notice.

The parkland proposed is supported by your planning and landscape officers and by the public following an extensive public consultation exercise. The parkland offers great community benefit and is offered to enhance the landscape setting of the site. This matter should not therefore be a reason for further delay to the determination of this application.

Wiltshire's Local Plan Review

It is also noteworthy that Wiltshire's Local Plan Review is currently being progressed. It's very encouraging that the Council have included the site as a draft allocation (Enclosure 7), the concept plan that forms part of the draft allocation includes the Lidl store and the parkland itself as part of the Council's vision for the site and Royal Wootton Bassett. The subject proposal (including the parkland) is therefore entirely consistent with Wiltshire's vision for the area.

We note that some councillors have expressed concern with the access road providing future access to additional residential development to the North. Any future residential development will be subject to a separate planning application reviewed by Wiltshire Council and will be subject to determination by members. This application does not propose any residential development and is solely for a retail foodstore and parkland and should be determined accordingly. We do note however that the land to the North of the site has also been proposed for residential allocation, for approximately 150 dwellings, within Wiltshire Council's Local Plan Review.

Conclusions

Following the submission of this additional information, we request that the application is to be added to the next available agenda of the Northern Area Planning Committee. It is not considered appropriate to further delay the determination of this planning application given all matters above have been satisfactorily addressed. The Planning Committee are currently in a position to determine a policy compliant proposal, this is not an opportunity for an alternative proposal to be sought that they may wish to see.

If the Council deem that a Section 106 Agreement or Unilateral Undertaking is required, it would be prudent to start drafting an agreement at the earliest opportunity. The main obligations included within such an Agreement could then be presented to Members at Planning Committee.

If you require any further information, please don't hesitate to get in touch.

Kind regards.

Yours sincerely



Rhodri Williams
Associate

cc. **Planning Director – Nic Thomas**
Development Manager – Simon Smith

Enclosures

- Enclosure 1 – Draft Minutes of the Northern Area Planning Committee on the 21st of June 2023
- Enclosure 2 – Email correspondence from Olivia Tresise
- Enclosure 3 – Technical note prepared by Pinnacle
- Enclosure 4 – Correspondence between TPA and Highways Authority
- Enclosure 5 – Pre application consultation leaflet
- Enclosure 6 – LEDA letter
- Enclosure 7 – Wiltshire Local Plan Review draft allocation



Enclosure 1

Draft Minutes of the Northern Area Planning Committee on the 21st
of June 2023

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 21 JUNE 2023 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr David Bowler, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Dr Brian Mathew, Cllr Nic Puntis, Cllr Martin Smith and Cllr Elizabeth Threlfall

37 **Apologies**

Apologies for absence were received by Councillor Chuck Berry.

38 **Minutes of the Previous Meeting**

Resolved:

To approve and sign the minutes of the meeting held on 26 April 2023 as a true and correct record.

39 **Declarations of Interest**

There were no declarations of interest.

40 **Chairman's Announcements**

The Chairman noted the fire alarm procedure.

41 **Public Participation**

The Chairman noted the rules on public participation.

42 **Planning Appeals and Updates**

The Committee considered the Planning Appeals and Updates report from 21 June 2023. Councillor Steve Bucknell congratulated planning officers for the dismissal of the appeal for Application 20/11655/FUL at Brynards Hill in Royal Wootton Bassett.

Resolved:

To note the planning appeals and updates report from 21 June 2023.

PL/2022/05273: Land at Marsh Farm, North of Malmesbury Road, Royal Wootton Bassett, SN4 8ER

Planning Officer Olivia Tresise took the Committee through the planning application from Lidl as detailed in the report in the agenda pack. The application was for the proposed erection of a Class E food store, with car parking, works to create community open space, new access, landscaping, and other associated works. The Planning Officer highlighted details including the location of Marsh Farm Hotel, a grade II listed building adjacent to the site, the three-story care home recently built to the east of it, the two-story residential property opposite and the sports grounds to the northwest. She also drew the Committee's attention to the recently agreed conditions that were not outlined in the report relating to electric vehicle parking and weekend opening hours.

Members sought clarity on the situation surrounding foul water sewage, citing similar problems in the care home adjacent to the site. The Committee discussed the likely effectiveness of imposing Grampian conditions to ensure sufficient measures were taken regarding foul water sewage prior to commencement, referencing a tendency for developers to ignore such conditions.

The Chairman then invited members of the public to speak to the application:

- Daniel Preece spoke in support of the application on behalf of Lidl.
- Councillor Steve Walls spoke on behalf of Royal Wootton Bassett Town Council.

The Local Unitary Member, Councillor Bucknell, spoke to the application, expressing dissatisfaction with the proposed location of the site and sharing his concerns regarding the proposed country park behind the food store. He referenced recent problems with similar proposals, and pointed out that furthermore, the applicant did not own the land in question. He also expressed scepticism as to the future of the development, pointing out the potential for further residential development. He suggested that the possibility for proper consultation with local councils and organisations on how best to use the land behind the food store had been passed up, and concluded by acknowledging that the Committee could only consider what was in front of them today but recommending that harsh conditions are imposed to restrict future development as best they could.

The Planning Officer pointed out Conditions 14 and 15 in the Officer Report could be used in relation to the parkland area, but Councillor Bucknell reiterated his concerns that since the applicant did not own the land in question, they could potentially evade any repercussions for not complying with the conditions.

Councillor Gavin Grant warned of the dangers involved in improvising conditions, and after consulting with the Chairman, moved to defer the item for three cycles until clarity on such issues as foul water sewage and the parkland could be provided. Councillor Howard Greenman seconded the motion.

Councillor Brian Mathew suggested the Committee consider imposing a condition ensuring safe and adequate pedestrian access from across the road, and the Committee discussed the speed limit of the road in front of the site. Councillor Jacqui Lay pointed out that the road was part of the official diversion route from the A419 and was a lorry route when that road was out of action. Councillor Grant added that with proper consideration and consultation, the application could suit several parties, and stressed that he was satisfied to see that the objections raised at appeal had been met. The Committee also discussed the potential problem of parking, noting that the parkland had no parking arrangements outside the parking for the food store. Councillor Greenman stated his dislike for deferrals as Chairman of Strategic Planning Committee but considered it the only viable solution in this instance. The Chairman agreed with Councillor Mathew's insistence that if conditions relating to Section 106 funding for a pedestrian crossing were not included, they likely would not happen at all.

Resolved:

To defer the item for three cycles until clarity on such issues as foul water sewage and the parkland could be provided.

The meeting was then adjourned from 2:59 pm until 3:03 pm.

The Chairman moved to consider Item 9 before Item 8 and was seconded by Councillor Grant.

Resolved:

To consider Item 9 before Item 8.

44 **PL/2022/08432: Corner House, The Common, Heddington, Calne, Wiltshire, SN11 0NZ**

PL/2022/08432: Corner House, The Common, Heddington, Calne, Wiltshire, SN11 0NZ (Pages 73 - 84)

Development Manager Team Leader Simon Smith presented a report on the next item, explaining the proposal for an extension and outbuildings to Corner House on The Common, as well as a change of use of land for residential purposes. He detailed that the land that's use was to be changed was situated to the rear of the property, which was itself in open countryside close to Heddington. The Team Leader also pointed out two inaccuracies in the report, stating that the height increase referenced on page 77 was actually 0.6 metres rather than 0.9 metres, and that contrary to page 79, only one Juliet balcony was proposed rather than two. He concluded by stating that the officer recommendation was to grant planning permission subject to conditions.



Enclosure 2

Email correspondence from Olivia Tresise

From: Tresise, Olivia Olivia.Tresise@wiltshire.gov.uk 
Subject: RE: RWB - Lidl - Planning Committee
Date: 22 June 2023 at 10:58
To: Rhodri Williams rhodri@mangoplanning.com

Morning Rhodri,

I have already asked the Officer to send me the briefing note / minutes , and will send it to you once I receive.

I believe the suggested 3 committees cycle is a minimum. However, I can ask the Chair of Committee to consider/discuss the application earlier if all issues are resolved.

We can have an in-person meeting in mid-July, so you have an opportunity to work on the information that required by the Committee. As far as I understand, the main issues are:

Foul drainage method – the scheme currently proposed to discharge foul sewerage to the adjacent care home site. However, the foul drainage method for the care home hasn't been approved yet. They recently submitted an application to amend their scheme to allow for the installation of private sewage treatment plan, however, Environment Agency objects to the proposal. EA's preferred option is to use the approved connection to Wessex Water's sewer network. In order to achieve that, it would result in the closure to the road to enable necessary connection works to be carried. However, the Council Highway Team already objected to the closure of the road. I am liaising with the officers in the Highway Team, Drainage Team, and EA to seek the best possible options for both of the adjacent care home and the proposed food store (and I am also exploring other options for Lidl site).

Open Space – Committees seek further clarification and [certainty] from the applicant to ensure that the parkland / landscape area with appropriate [play] equipment will be provided in perpetuity. I would suggest the applicant to contact the town / parish council asap to find out how they would like to use the park area, e.g. skateparks, etc. Once the applicant reaches an agreement with the council(s), the drawings should be updated, a legal agreement would likely be required to secure that.

Highway issue – provision of a new toucan crossing. At the moment, the scheme only proposes to alter the existing toucan crossing. Would the applicant consider to provide additional toucan crossing to address the concerns raised by the Committee?

My observation is that the Committee have concerns on a number of issues about this proposal, whilst it appears that they didn't object to the proposed food store as such. They are also concerned if whatever proposed within the area would be definitely implemented. Therefore, I would suggest all details should be clearly shown on the drawings to avoid any ambiguity, before going back to the Committee, to avoid the use of any pre-commencement or Grampian conditions.

I hope I have capture most of the key points that were discussed in the Committee yesterday. In case I may miss something, I will forward the minutes once I receive it.

Kind regards
Olivia Tresise
Senior Planning Officer

From: Rhodri Williams <rhodri@mangoplanning.com>
Sent: Thursday, June 22, 2023 9:45 AM
To: Tresise, Olivia <Olivia.Tresise@wiltshire.gov.uk>
Subject: RWB - Lidl - Planning Committee

Morning Olivia,

Very frustrating committee yesterday afternoon.

Can you please confirm the exact wording for the reasons for deferral and the timescales please? It was unclear if they deferred for a maximum of 3 committee cycles or a minimum?

Once we get the exact wording for the reasons to defer, we can then look at what's required from ourselves (and yourselves as officers).

It may be beneficial to arrange a sit down meeting to discuss everything and set out a clear plan for a way forward.

Thanks,

Rhodri Williams
Associate

Mango Planning & Development Limited
29 Bocam Park
Pencoed
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Enclosure 3

Technical note prepared by Pinnacle

Project Name: LIDL RWB	Client: Lidl
Project No: C160504	Prepared By: RP
Document No: 2022-05273-Response	Date: 28/07/2023

1.0 Introduction

The purpose of this Technical Note is to outline the foul water discharge strategy of the Lidl Store, located at Marsh Farm, Royal Wootton Bassett. This development is subject to planning PL/2022/05273.

2.0 Discharge Location

Following a review of the existing drainage infrastructure local to the proposed development, little existing foul water infrastructure has been identified. The most efficient approach to discharge the foul water flows is to connect via gravity into the private foul network of the neighbouring care home, located approximately 20m east of the proposed development. Please see **Figure 1**, gravity connection highlighted in yellow.

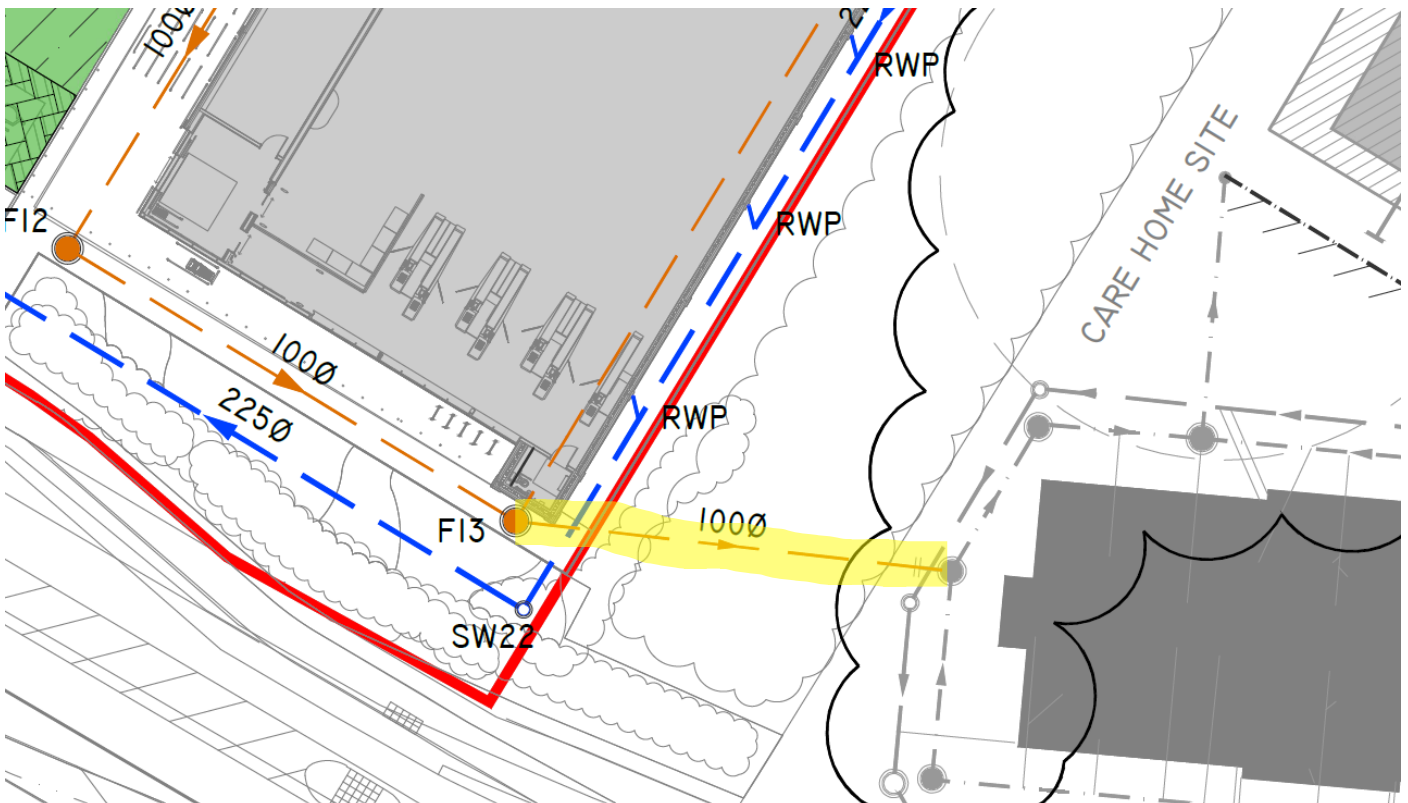


Figure 1 – Proposed connection from Lidl Development to Care Home Drainage

These flows will be conveyed to the care home foul water pumping station, where it will be pumped via a rising main, under Hook Road, and along Swindon road where it will discharge into an existing Wessex Water foul water sewer (N 407716.985, E 183444.717), located within Swindon Road, approximately 350m southeast of the development site. Please refer to **Figure 2**.

This strategy is in line with the approved planning application (18/02955/FUL), comprising the pumping and discharge into an existing Wessex Water foul sewer.



Figure 2 – Plan route of Care Home Rising main.


To ensure a robust design, other options were reviewed prior to the selection of the pumping station discharge method. Previously the contractor explored the option of utilising a proposed sewage treatment plant within the care home site. The environment agency rejected the use of a sewage treatment plant due to concerns of contamination of the existing watercourse. Following the rejection of the sewage treatment plant, the contractor has reverted to the foul rising main discharge (Wessex Water has agreed discharge rate) to the Wessex Water public sewer.

In summary, this Technical Note captures the design choices involved with opting for the rising main as the sole means of discharge for the proposed development.



Enclosure 4

Correspondence between TPA and Highways Authority

From: Simon Moody simon.moody@tpa.uk.com 
Subject: FW: Lidl at Royal W Bassett 22 05273
Date: 12 July 2023 at 12:30
To: Rhodri Williams rhodri@mangoplanning.com
Cc: James Darrall james.darrall@tpa.uk.com



Hi Rhodri,

Please see the below. I believe this should provide you with the required response to the planning officer and planning committee.

If you need to discuss further just let me know.

Kind regards

Simon

Simon Moody | Associate
Transport Planning Associates

25 King Street | Bristol | BS1 4PB
0117 925 9400 | 07780 674445

[who we are](#) | www.tpa.uk.com

 Please think of the environment; don't print this e-mail unless you really need to.

From: Wiltshire, Mark <mark.wiltshire@wiltshire.gov.uk>
Sent: 12 July 2023 12:23
To: Simon Moody <simon.moody@tpa.uk.com>
Cc: Rogers, Gareth <Gareth.Rogers@wiltshire.gov.uk>
Subject: RE: Lidl at Royal W Bassett 22 05273

Simon,

The HA would firmly oppose this suggestion. It is not the proximity of the roundabout that would be a concern, but the proximity of 2 toucans within a very short distance. Further, the existing one is in the best location as it picks up the Jubilee Lake car park pedestrians, and the Buxton Sports Ground pedestrians, therefore the HA would not support relocation of the crossing eastwards

The pedestrian island which the development proposes to the east of the existing toucan and on the desire line to and from the retail store for some pedestrians is adequate for the development's accessibility given the existing toucan a short distance to the west.

Kind regards,
Mark

Mark Wiltshire MIHE
Major Projects Officer
Sustainable Transport

Wiltshire Council

**Highways,
Wiltshire Council,
Trowbridge, BA14 8JN**

01225 713448

mark.wiltshire@wiltshire.gov.uk

www.wiltshire.gov.uk

From: Simon Moody <simon.moody@tpa.uk.com>
Sent: Thursday, July 6, 2023 5:00 PM
To: Wiltshire, Mark <mark.wiltshire@wiltshire.gov.uk>
Cc: James Darrall <james.darrall@tpa.uk.com>
Subject: RE: Lidl at Royal W Bassett 22 05273

Hi Mark,

Further to planning committee, the proposed Lidl application in Wootton Bassett (PL/2022/05273) has been deferred.

With reference to the attached, a highways issue was raised regarding the safe and adequate provision of pedestrian crossing facilities on the B4042 Malmesbury Road.

With consideration of the attached drawing which was agreed with yourself, a toucan crossing will remain in the existing location to the west of the proposed access, with an additional informal pedestrian crossing, with refuge island, provided to the east of the proposed access and within the vicinity of the bus stops. This proposed appropriate crossing facilities.

It is my understanding the committee has suggested a toucan crossing should be provided in the location of the proposed informal crossing to the east. Even if this was provided within the scheme, is this something that you would approve of given the proximity to the existing toucan and to the roundabout?


Kind regards

Simon

Simon Moody | Associate
Transport Planning Associates

25 King Street | Bristol | BS1 4PB
0117 925 9400 | 07780 674445

[who we are](#) | www.tpa.uk.com

 Please think of the environment; don't print this e-mail unless you really need to.

From: Simon Moody
Sent: 03 February 2023 08:42
To: Wiltshire, Mark <mark.wiltshire@wiltshire.gov.uk>
Cc: James Darrall <james.darrall@tpa.uk.com>; Paul White <paul.white@tpa.uk.com>
Subject: RE: Lidl at Royal W Bassett 22 05273

Hi Mark,



Enclosure 5

Pre application consultation leaflet

Fresh proposals

Previous plans which included a care home and housing near this site have been revised following discussions with Wiltshire Council. Lidl's new proposals for a foodstore on this site will provide the community with increased shopping choice, new jobs and community parkland.





About Lidl

Since establishing itself in Great Britain in 1994, Lidl GB has experienced continuous growth and today has over 27,500 employees, over 920 stores and 13 distribution centres in England, Scotland and Wales.

Social responsibility and sustainability are at the core of the company's daily operations, with the company placing a strong emphasis on its responsibility for people, society and the environment. Lidl GB is passionate about working with British producers and sources two thirds of its products from British suppliers.

If you have any queries, please contact us:

 0800 089 0361

 lidlrwb@new-stores.co.uk

A new Lidl store & community parkland for Royal Wootton Bassett



Lidl would like to open a new local foodstore and provide new open recreational space off Malmesbury Road in Royal Wootton Bassett.

A new Lidl store on this site would create up to 30 new local jobs, increase local shopping choice and be designed to our latest specifications. A new open space would be created including children's play areas, seating areas and accessible footpaths for the community to enjoy.



Lidl is preparing to submit a planning application to Wiltshire Council, and we would like to know what the community thinks of the plans.

Have your say

Please tell us what you think by completing the attached feedback form and return it using the freepost address provided. Alternatively, comments can also be made through our website rwb.expansion.lidl.co.uk or by email to lidlrwb@new-stores.co.uk.

rwb.expansion.lidl.co.uk



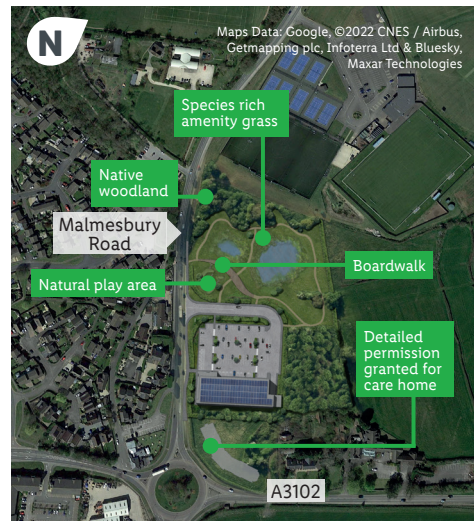
The proposals

- **A new Lidl store** with a 1,251 sq m sales area, including modern in-store facilities like Lidl's popular bakery, longer-style tills with dual packing and customer toilets
- **125 parking spaces**, including conveniently located accessible spaces and parent and child spaces
- **New vehicle access** from Malmesbury Road
- **Enhanced environmental features**, including Electric Vehicle Charging spaces (with capacity for more to be installed in the future) and solar (photovoltaic) panels on the roof. Lidl has an ongoing commitment to enhance the sustainability of its existing and new stores
- **Up to 30 jobs** for local people including full and part-time roles, all paid at least at Lidl's competitive £10.10 per hour starting pay.

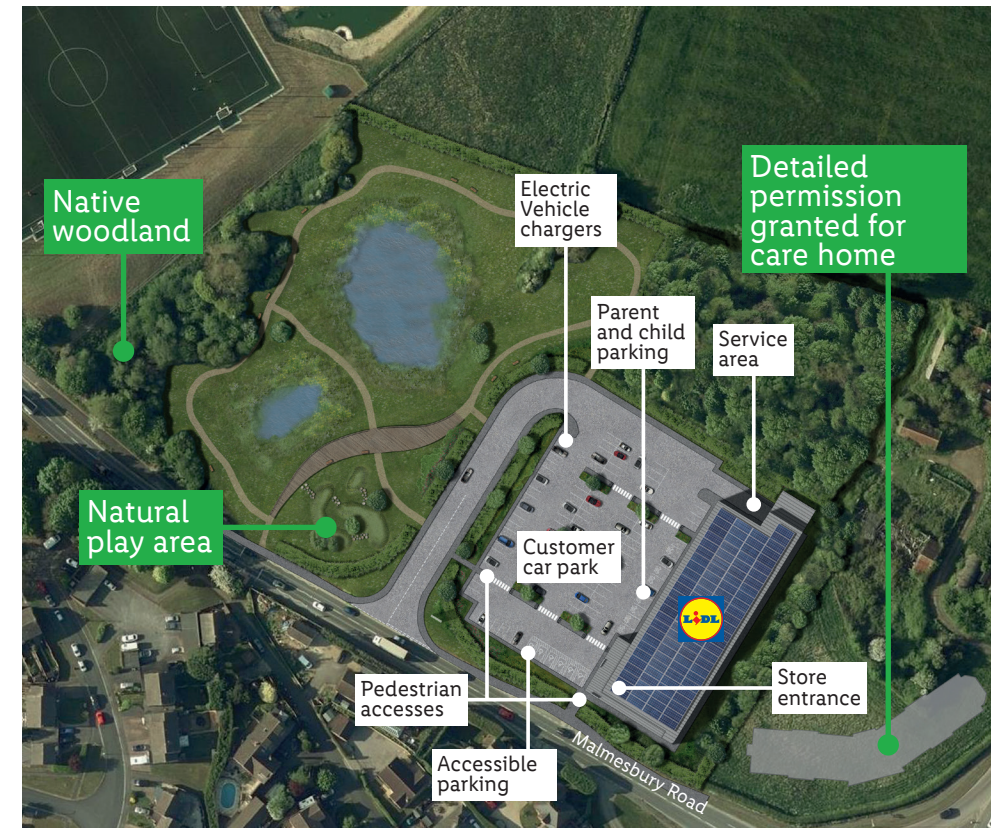
New community parkland

A new 2.15-hectare community open space is proposed west of the Lidl store. This green space would centre upon two lakes serving as amenity and drainage features and include:

- Seating areas
- Accessible footpaths throughout
- Timber boardwalks
- Play areas for families to use
- Wildflower meadow



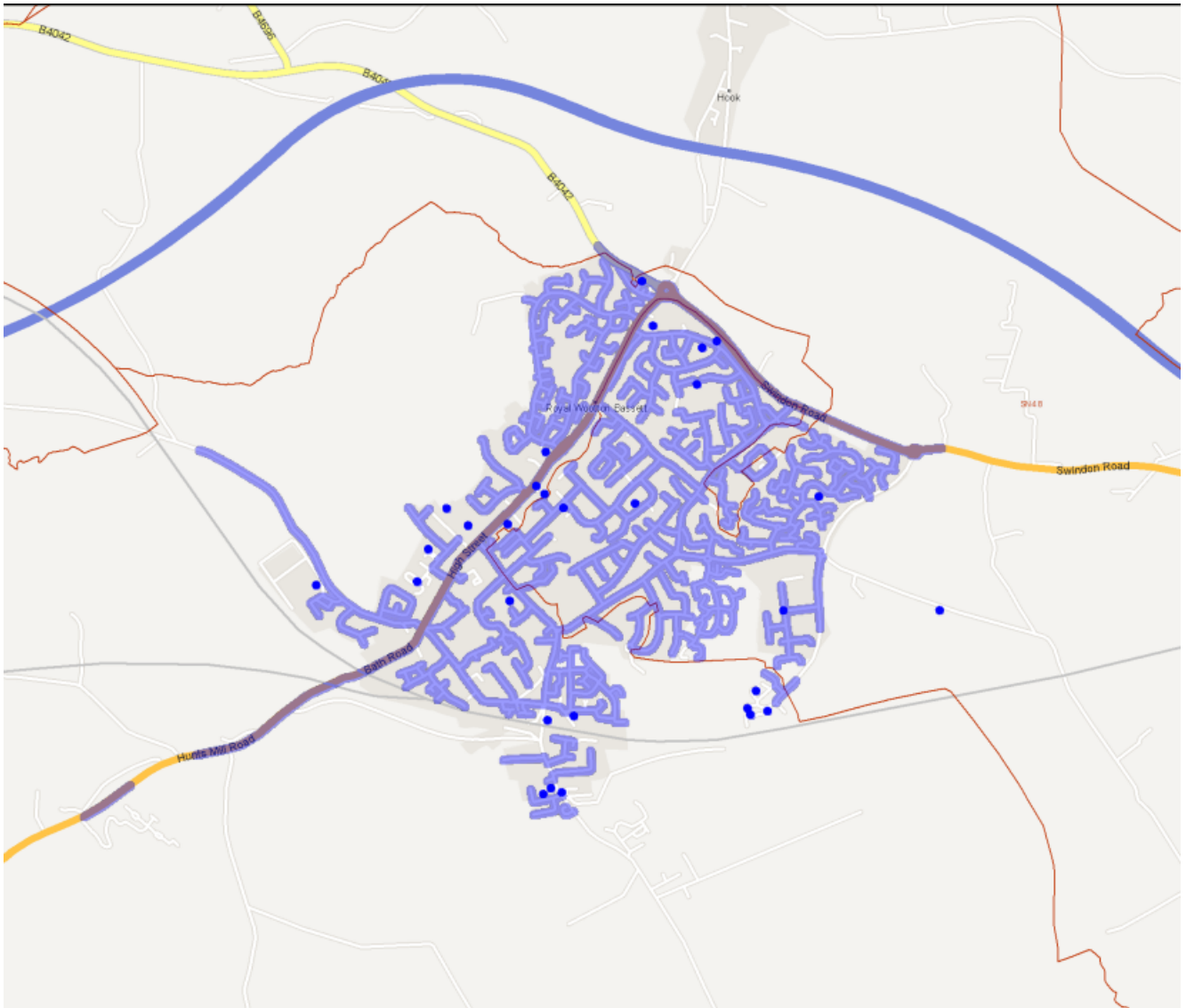
Indicative site plan



New native woodland

A new native woodland would be planted to the north-east of the site alongside wider hedgerow retention and further shrub planting. This will add to the site's biodiversity credentials and help to contain views of the site.







Enclosure 6

LEDA letter

Ref: NJH

11 July 2022



Daniel Preece
Lidl Great Britain Ltd
Central Park
Palmer Avenue
Severn Beach
Bristol
BS35 4DF

LEDA Properties Ltd
2 Bignell Park Barns
Chesterton
Bicester
Oxon OX26 1TD

Dear Daniel

PROPOSED STORE, ROYAL WOOTTON BASSETT

Further to your recent meeting with Royal Wootton Bassett Town Council you have asked me to provide you with further details on two matters:

1. How the park land proposed as part of Lidl's scheme will be owned and managed; and
2. What LEDA's aspirations are for the remainder of its land holding to the north of the Lidl site.

I address each in turn.

Park Land

The proposed park land area will be retained in the freehold ownership of LEDA. LEDA will maintain and manage the park area at its own cost (with an agreed contribution from Lidl). There will not be any requirement for any Council to adopt this land or take on management responsibilities or costs.

Sections 5 and 6 of the submitted Landscape Management Plan sets out the detail of how the site will be managed and maintained including details of grass cutting, litter management, watering and defects reinstatement.

The park land design has been determined in consultation with the Council's landscape officer and provides outdoor amenity space to complement the existing park at Jubilee Lake and provide a pleasant route to encourage pedestrians to the Lidl store.

The water feature proposed will serve as attenuation for the foodstore and the drainage design will ensure that discharge into the existing drainage network is regulated so as to replicate existing flows to Jubilee Lake.

We are aware that there is interest in providing community facilities such as a skate park at this site. LEDA would be pleased to engage with the Lydiard Tregoze Parish Council to see how this park, once constructed, can adapt to particular community needs.

LEDA's development land

LEDA's aspiration to secure residential development of land to the north of the Lidl application site is well known. There remains strong housebuilder interest in that land and we continue to promote it for housing development through the local plan.

The Lidl application includes the provision of an access road that meets the minimum requirement of Lidl for access by service vehicles.

This route also has the potential to provide a point of access to the LEDA land to the north should any planning application be progressed by us on that land in future.

The use of this road for that purpose would of course need to be examined by the Council as part of any future LEDA planning application and is not material to the Lidl application.

For the purposes of the Lidl application we have asked that the access road provides a grasscrete access into the LEDA land to provide access to our retained land for agricultural vehicles.

Conclusions

I trust that the above sets out clearly our position in respect of the two matters you have raised.

Yours sincerely,

With kind regards,

Yours sincerely



Nick Hardcastle
Director
Leda Properties Ltd

Mobile: 07918 025434
Email: nick@ledaproperties.co.uk

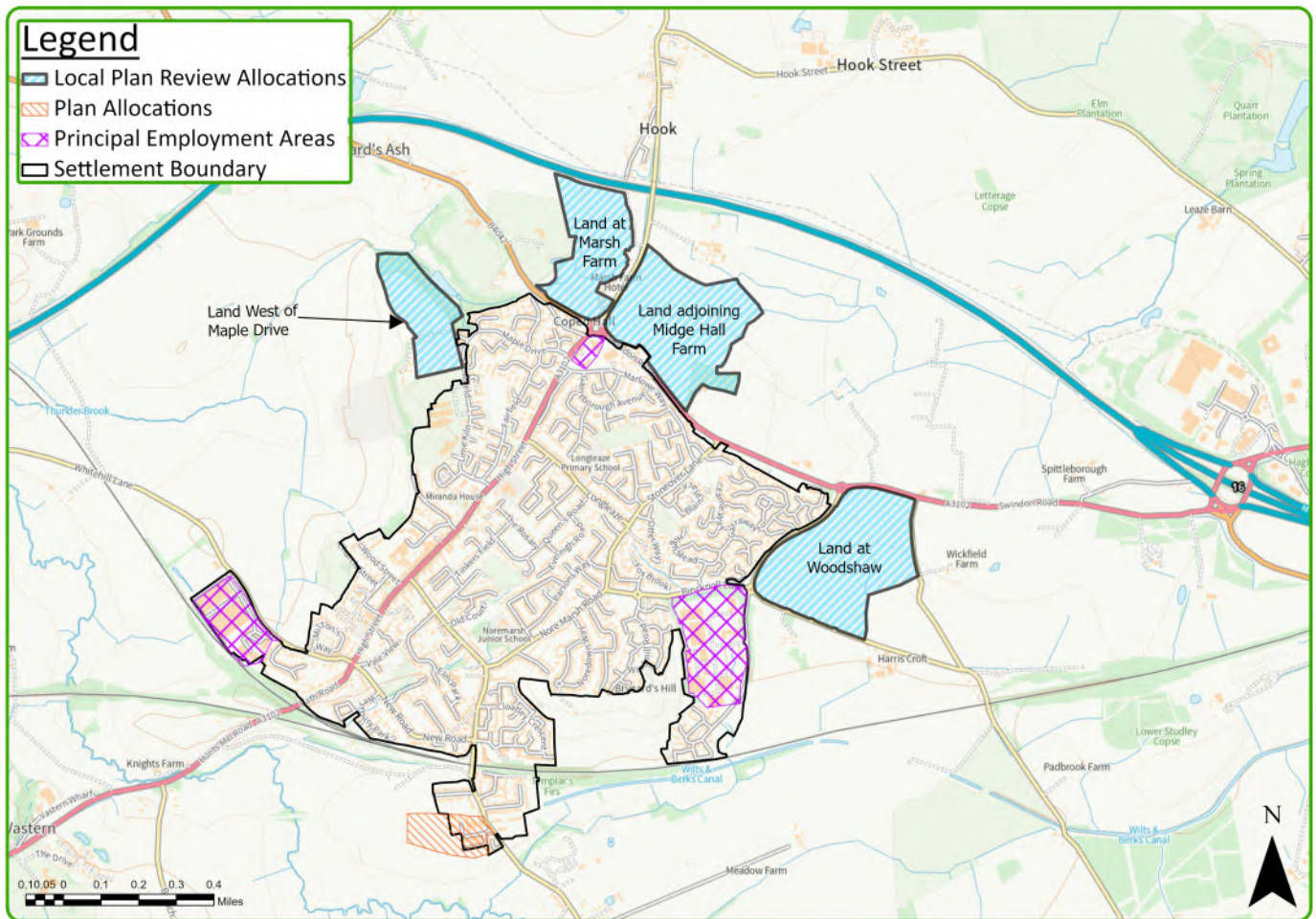
Enc.



Enclosure 7

Wiltshire Local Plan Review draft allocation

Figure 4.32 Royal Wootton Bassett Policies Map



Land at Marsh Farm

- 4.245** Land at Marsh Farm, Royal Wootton Bassett is allocated for the development of approximately 150 dwellings.
- 4.246** Together with land allocated at Midge Hall Farm, this area forms an extension to the town that establishes a permanent northern boundary including substantial amounts of green space and planting. The site benefits from being reasonably well connected to the town centre on foot or cycle, and there are regular bus services on Malmesbury Road. The site is also close to retail, employment opportunities and sports facilities.

Policy 48

Land at Marsh Farm

Land at Marsh Farm, as identified on the Policies Map is allocated for residential development of approximately 150 dwellings.

A single comprehensive Masterplan, phasing and delivery strategy for the development, must be prepared and approved by the Local Planning Authority in advance of any planning application being submitted for the whole or part of the allocated site. This must take account of the requirements of this Policy and the principles shown within the Concept Plan and be prepared in consultation with the local community and local planning authority. Subsequent planning applications must be in accordance with the approved Masterplan.

Infrastructure and mitigation requirements include:

- vehicular access from B4042 Malmesbury Road with secondary access point from Hook Street to be investigated at planning application stage;
- improvements to cycling and walking routes within the site, and linking up with existing network;
- improvement or replacement of existing controlled pedestrian crossing and improved cycle access to Old Malmesbury Road;
- enhancement of, and connectivity improvements to bus stops on Malmesbury Road and Marlowe Way;
- appropriate site design and layout required to mitigate the noise impacts from the M4 motorway and the B3102;
- the setting of the Grade II listed Marsh Farm Hotel will need to be reflected and respected in the site layout;
- further investigation is needed into the survival and extent of ridge and furrow earthworks in the eastern site area. Mitigation could involve avoiding ridge and furrow earthworks in site layout;
- separation from the M4 to the north and Midge Hall will be required to mitigate impacts, such as coalescence with Hook and to ensure a strong boundary to the town by landscaping to include substantial tree planting;
- green spaces are required on the southern part of the site to take pressure off the County Wildlife Site and Local Nature Reserve at Jubilee Lake; and
- works will be required to the B4043 to provide wildlife tunnels between on site green spaces and the county wildlife site.

Land at Midge Hall Farm

- 4.247** Land at Midge Hall Farm, Royal Wootton Bassett is allocated for the development of approximately 415 dwellings, 1.8 ha of employment land, 2 ha of land for a two form entry (FE) primary school that includes space for a nursery and a local centre.
- 4.248** Together with land allocated at Marsh Farm, this area forms an extension to the town that establishes a permanent northern boundary, including substantial amounts of green space and planting. The site benefits from being reasonably well connected to the town centre on foot or cycle, and there are regular bus services on Malmesbury Road. The site is also close to retail and employment opportunities.
- 4.249** The development is of a scale to provide a good mix of housing types, including a proportion of affordable homes. The development includes land for business, a local centre and a two form entry (FE) primary school. In addition, developer contributions will be necessary to help expand local nursery and healthcare.

Policy 49

Land at Midge Hall Farm

Land at Midge Hall Farm, as identified on the Policies Map, is allocated for mixed use development of approximately 415 dwellings, 1.8 ha of office development and 2 hectares of land for a 2 Form Entry primary school that includes space for a nursery and a local centre.

A single comprehensive Masterplan, phasing and delivery strategy for the development, must be prepared and approved by the Local Planning Authority in advance of any planning application being submitted for the whole or part of the allocated site. This must take account of the requirements of this Policy and the principles shown within the Concept Plan, and be prepared in consultation with the local community and local planning authority. Subsequent planning applications must be in accordance with the approved Masterplan.

Infrastructure and mitigation requirements include:

- vehicular access to be provided from A3102 Swindon Road and C Class Coped Hall Road;
- enhancements and extensions to existing public transport services, pedestrian and cycling infrastructure, to include a new controlled pedestrian crossing and improved cycle access to the A3102 leading to the High Street;
- widening of the footway on northern side of Swindon Road to meet LTN 1/20 standards;
- provision of a controlled pedestrian crossing and improved cycle access to the A3102 leading to the High Street;
- enhancement of and improvements to connectivity to Marlowe Way bus stops;
- bus stop provision to be made within the site to accommodate a re-routed extension of the 55 Service be delivered;
- the site is close to the M4 motorway and the B3102 which could give rise to noise impacts and may need to be mitigated through appropriate site design and layout;
- separation from the M4 to the north and Midge Hall will be required to mitigate impacts, such as coalescence with Hook and effects on the setting of the Grade II listed building, and to ensure a strong boundary to the town by landscaping to include substantial tree planting; and
- further investigation will be needed into the survival and extent of water meadows within the site. Mitigation could involve avoiding water meadows in site layout and incorporating historic landscape elements such as field patterns, hedgerows and mature trees.

4.250 How the sites may be developed is shown on the Concept Plan below. This illustrates one treatment of the sites that considers mitigation requirements and the homes, other uses and infrastructure envisaged.

Figure 4.33

NB. ALL AREAS ARE APPROXIMATE!

Site 1	
Boundary	10.7 Ha
Residential*	4.0 Ha = 150 homes @ 37dph(average)
Highway (non dev)	~0.04 Ha
Remaining GI	~6.7 Ha (~62% gross area)
Indicative SUDs	0.2 Ha (~5% of dev. area)
Existing & proposed woodland planting	
* excluding 10m width for primary corridor to account (approximately) for additional spatial features of primary street.	
Site 2	
Boundary	24.3 Ha
Residential*	11.2 Ha = 415 homes @ 37dph(average)
Highway (non dev)	~0.15 Ha
School	2.0 Ha
Employment	1.8 Ha
Remaining GI	~11.4 Ha (~47% gross area)
Indicative SUDs	0.7 Ha (~5% of dev. area)
Existing & proposed woodland planting	
* excluding 10m width (as above, Site 1)	
** Need for this nursery is TBC	

	Vehicular Access
	Foot/Cycle access
	Existing PROW/bridleway
	Proposed new PROW
	Proposed cyclepath
	Primary street (5m wide + 2x2m tree-lined verges)



Land at Maple Drive

- 4.251** Land at Maple Drive, Royal Wootton Bassett is allocated for the development of approximately 70 dwellings.
- 4.252** The site has a close relationship with Jubilee Lake Local Nature Reserve and Jubilee Lake Fields County Wildlife Site. A proposed development layout will secure the woodland setting to Jubilee Lake and provide additional green space that reduces pressure on the designated areas. New buildings will be restricted to the southern part of the site in a layout that does not compromise the on site habitat and biodiversity.
- 4.253** The site is reasonably well connected to the town centre, albeit improvements will be needed to secure sustainable transport options to reach employment sites, and other services and facilities at the town.

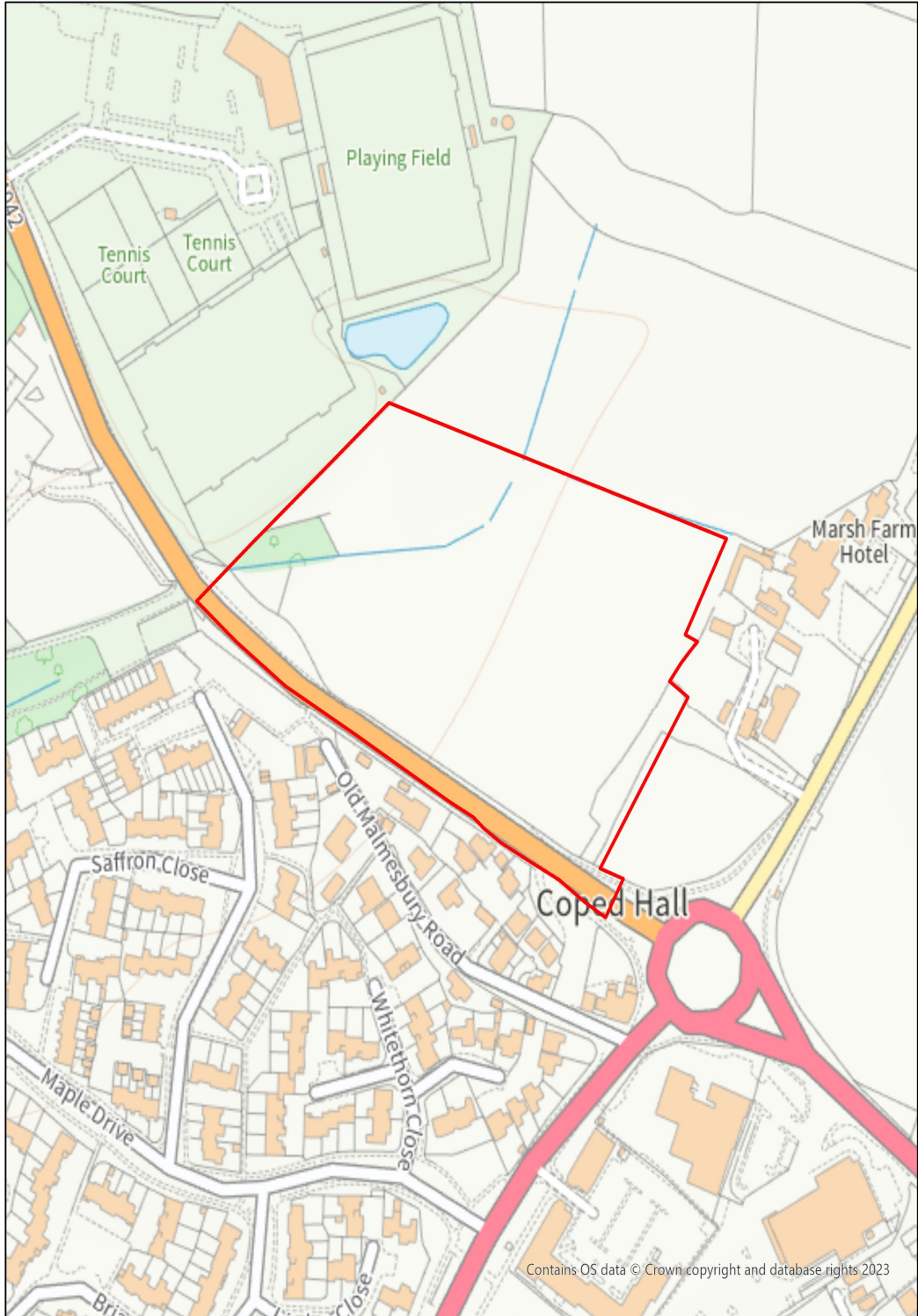
Policy 50

Land West of Maple Drive

Land at West of Maple Drive, as identified on the Policies Map, is allocated for residential development of approximately 70 dwellings. Development should come forward in accordance with the Concept Plan.

Infrastructure and mitigation requirements include:

- primary vehicular access to be provided from Maple Drive. Secondary access via unclassified Lucerne Close;



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	13 September 2023
Application Number	PL/2022/09034
Site Address	Land South of Low Lane, Calne, SN11 8EQ
Proposal	Reserved Matters Application Dealing with the Scale, Layout, External Appearance, Landscaping and Means of Access for Residential Development of 26 Entry Level Dwellings and Associated Works, Following Outline Permission Ref 19/11601/OUT
Applicant	Camelford Rise Ltd
Town/Parish Council	Calne Town Council / Calne Without Parish Council
Electoral Division	CALNE CENTRAL (Cllr Ian Thorn)
Type of Application	Reserved Matters
Case Officer	Peter Crozier

Reason for the application being considered by Committee

The application was called in for determination by Councillor Ian Thorn in the event of a recommendation to approve to allow Members to debate the following issues of the proposal:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental / highway impact
- Car parking

1. Purpose of Report

To consider the reserved matters application and to recommend that planning permission be GRANTED subject to the imposition of planning conditions.

The principle of development has been established through the granting of outline planning permission 19/11601/OUT ('the outline planning permission', granted 09/06/2021). That outline planning permission, which was subject to a Section 106 Agreement, granted approval for a residential development of 'up to 26 entry level dwelling with associated infrastructure, open space, landscaping and new vehicular access.' All matters on that outline application were reserved and are now the subject of this current reserved matters application.

2. Report Summary

The application is for reserved matters (all matters), following the approval of outline planning permission. The planning issues arising for consideration are as follows:

- Scale and layout of development
- External appearance and impact upon the surrounding area
- Amenity and relationship to adjoining properties
- Access and vehicle parking
- Energy and sustainability
- Waste management
- Landscaping and Public Open Space
- Ecology

The principle of the development has been established at outline application stage and it is not therefore possible or appropriate to (re-)consider the principle of development under this Reserved Matters application.

Calne Town Council and Calne Without Parish Council have each objected to the application.

3. Site Description

The application site is a 0.99ha very linear and roughly rectangularly shaped parcel of land to the south-east of the Market Town of Calne. The site is located to the immediate south-east of Low Lane and runs along part of the length of that road, which to the west connects to Anchor Road, and to the east to a rural network of lanes leading to Lower Compton Quarry.

To the north and west the site is thus bound by Low Lane, beyond which is residential development of predominantly two-storey semi-detached properties which front Low Lane; to the east and south is open countryside.

The site is currently used for grazing, with mature hedges forming the boundaries along the length of the site to both Low Lane, and the more open agricultural land to the east. Low Lane – and thus the site itself – initially rises to the east before dropping away such that the central portion of the site is set higher level than both the eastern and western ends.

Calne is defined as a Principal Settlement within the Wiltshire Core Strategy. The site is outside the settlement boundary for Calne and, as such, in planning terms, is in open countryside. The site does not lie in any designated area, is within Flood Zone 1, is not within any Conservation Area, and the nearest listed buildings are over 130m away.

4. Proposal

The reserved matters

This application seeks approval for the following reserved matter details, for the erection of 26 entry-level dwellings:

- (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

Whilst all matters were reserved for subsequent approval, an Illustrative Masterplan was submitted with the outline planning application (dwg. no. 301.P.3.1) which shows an illustrative layout for the site. Condition no. 14 on the outline planning permission requires that the reserved matters details be in general conformity with this illustrative masterplan as well as the approved Design and Access Statement, stating:

“14. Applications for the approval of the Reserved Matters shall be in accordance with the principles and parameters described and illustrated in the approved Design and Access Statement and in broad accordance with the structure of the layout shown within the approved Illustrative Masterplan (unless otherwise agreed by the LPA).”

The access point and related dimensions are shown on that illustrative masterplan, although detailed approval remains part of this reserved matters application.

Housing need and type

The outline planning permission approved the site on an ‘exception’ basis, that was for Entry Level Housing of which 100% is Affordable, as defined in Annex 2 of the NPPF. As set out in the Officer’s Report for the outline planning application, Paragraph 72 of the NPPF describes Entry Level Housing as being suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area. Such sites should not be on land already allocated for housing and should:

- a) comprise of entry-level housing that offer one or more types of affordable housing as defined in Annex 2 of the NPPF; and
- b) be adjacent to existing settlements, proportionate to them (no larger than 1ha or exceed 5% of the size of the existing settlement); and comply with any local design policies and standards.

The outline application was accompanied by a Needs Assessment (carried out by Pioneer Housing and development consultants) which set out the specific need for Entry Level / First Time Buyer Affordable Houses for Sale. That need was confirmed by the Council’s Housing Enabling team during the consideration and determination of that outline planning application.

This reserved matters application has amended the housing mix which was previously approved at the outline stage, and which was agreed and secured through the related Section 106 Agreement. This amended detail has been subject to consultation with the Council’s Housing Enabling team and full consideration of this is set out below at Section 9 of this Report. In summary, the details previously approved at outline stage included a mix of: (i) affordable rented, (ii) shared ownership, and (iii) discount market units. That mix is now proposed to be amended to exclude the discount market units and comprises a mix of solely (i) affordable rented, and (ii) shared ownership; details are included within the submitted Design & Access Statement and also the Schedule of Accommodation.

Importantly, these amended details remain compliant with the entry-level and affordable housing requirements set out in the NPPF and relevant local planning policy, as well as the parameters of the outline planning permission. It will remain the responsibility of the applicant to satisfy themselves

that the development undertaken respects the obligations signed up to by the applicant within the s106 agreement.

Amended Drawings

Amended drawings and documents were submitted during the course of the application to address technical consultee comments and representations, revised in the following key respects:

- Revised design and layout, in particular to amend the layout, the roof-forms, and a reduction in the number of red brick units.
- Additional detail to show ecological mitigation.
- Amendments to private drive detail and provision of additional visitor parking spaces.
- Additional pedestrian access point towards the north of the site.

In addition, the applicant provided further detail regarding specific points relating to: housing mix and layout, parking provision, design, drainage, sustainability and EV charging points – these are considered in the relevant sections of this report.

Summary of proposal

Full consideration of these reserved matter details is set out below at Section 9 of this Report, but following the above amended plans, in summary the proposal is for:

- 26 dwellings of a mix of detached (5no.), semi-detached (18no.) and one terrace of three units; 16no. of these will be 2-bed and 10no. will be 3-bed dwellings.
- A mix of elevation materials including red brick (3no.), reconstituted stone (21no.) and render (2no.), with concrete or reconstituted slate roof tiles.
- A total of 52no. parking spaces with 6no. visitor spaces (each with either cable or remote EV charging).
- Vehicular access at the southern end of the site (as per the masterplan approved at outline stage), with one pedestrian access points at the mid-point of the site and a further towards the northern end of the site.
- Associated landscaping of the site, including Public Open Space (LAP) area.

5. Planning policy

Calne Community Neighbourhood Plan 2016-2026 (CCNP, Made February 2018)

- Policy H2: Affordable Housing
- Policy H3: Housing Mix
- Policy H4: Settlement Boundaries and Housing Sites
- Policy GA1: Sustainable Transport
- Policy GA2: Highway Impact
- Policy CF1: Health, Leisure & Wellbeing
- Policy BE1: Integration and Landscaping
- Policy BE2: Design Principles for Local Distinctiveness
- Policy BE3: Parking Provision
- Policy NE2: Setting of Calne and Calne Without
- Policy NE3: Biodiversity

- Policy NE4: Energy Conservation

Wiltshire Core Strategy (adopted Jan 2015)

- CP3: Infrastructure requirements
- CP43: Providing affordable homes
- CP45: Meeting Wiltshire's housing needs
- CP50: Biodiversity and Geodiversity
- CP51: Landscape
- CP52: Green Infrastructure
- CP55: Air Quality
- CP57: Ensuring High Quality Design and Place Shaping
- CP60: Sustainable Transport
- CP61: Transport and Development
- CP62: Development Impacts on the Transport Network
- CP63: Transport strategies
- CP64: Demand Management

North Wiltshire Local Plan 2011 (saved Policies) (NWLP, Adopted June 2006)

- NE18: Noise and Pollution

Wiltshire Housing Sites Allocation Plan (WHSAP, Feb 2020)

No relevant policies

Wiltshire and Swindon Waste Core Strategy ('WSWCS', July 2009)

- Policy WCS6

National Planning Policy Framework ('NPPF', July 2021)

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 5: Delivering a sufficient supply of homes
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment

Other

Wiltshire Local Transport Plan 2011-2026: Strategy (March 2011) / *Car Parking Strategy* (March 2015)

6. Relevant planning history

A schedule of relevant planning decisions is set out below:

- N/05/01603/HRN: Permitted the removal of approx. 5m of hedge abutting Low Lane to the South-West of the site.
- 19/11601/OUT: Outline application with all matters reserved for residential development of up to 26 entry level dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Low Lane – Approved 09/06/2021

7. Consultations

Calne Town Council – Object, stating:

“The amended plans do not address the objections raised in December 2022 and June 2023 and that this is an inappropriate space for housing.

“The Planning, Licensing and Highways Consultative Committee objects to this application on the grounds of potential drainage issues have not been addressed, the proposal is bland and unattractive so not in keeping with other houses in the area, problems relating to environment and habitat need to be addressed and there is no evidence of need for more affordable housing, or further housing developments in the town. The scale of the development would be overbearing on Low Lane and neighbouring properties.

Members believe that this application contravenes Policies 50, 55, 57, and 61 of the Wiltshire Core Strategy, and Calne Without Neighbourhood Plan. Members also request that a Site Access Plan should be created before this application could proceed, since it appears that the site is inaccessible by typical, large delivery vehicles for plant and materials due to the following issues:

- *The narrow confines of Mill Street and Anchor Road made worse by dense residential parking on Shelburne Road, make it an unsuitable route for anything larger than light vans as evidenced by frequent problems with mis-directed HGVs being stuck in the area, most of the day.*
- *The road width, tight bends and bridge on Brewers Lane, and the extremely tight turn from Brewers Lane to Low Lane on a steep slope make it impossible for HGVs to use it as an access route.*
- *School children and other pedestrians frequently use Brewer’s Lane and there is no footpath.*

Core Policy 1 – Settlement Strategy

Calne comes under the Market Town definition, which states “Having the ability to support sustainable patterns of living, through their current levels of facilities, services and employment opportunities.

Facilities

Calne is seeing its facilities being reduced, with the closure of a number of retail outlets, including to significant one in recent years (COOP and M&CO)

Services

Water and Sewage system is already overwhelmed and continues to be with lack of investment by Wessex Water

Doctors and Dentists are already oversubscribed with no sight of new facilities being commissioned.

Employment Opportunities

Calne has lost three major employers in recent years, COOP, M&CO and Fabrinet. Loss of hundreds of jobs

Housing requirements

Calne and Calne Without is well over the 1605 (1440 +165) houses it is required to supply.

Core Policy 3 – Infrastructure Requirements

4.37 “The Timely delivery of new infrastructure to support the development proposals must be secured”.

There is no evidence within this proposal that indicates the timely delivery of needed new infrastructure including new GPs, Dentists & Schools

4.38 “protect and enhance appropriate services and facilities including health facilities, flood protection measures, watertreatment infrastructure, waste water treatment works”

Recent flooding, including raw sewage on the Regents Park estate has already shown that these facilities are not capable of supporting current development and are overwhelmed, let alone the ability to support an additional 340 homes!

ore Policy 8 – Calne Area Strategy

5.28 – “Further opportunities for re-generation remain and further development in Calne should be focused on supporting investment in services

There is nothing in this development that focuses on supporting investments in services, such as GPs, Dentists, Cemetery provision etc.

5.39 – “The strategy for Calne is to ensure housing growth is carefully balanced with job creation and town centre improvement”

Calne is losing employment opportunities and whilst there will be some jobs, during construction this is limited and only temporary.

5.41 “Specific issues to be addressed in planning for the Calne Community Area include: infrastructure requirements include the need to expand the existing GP surgeries and provide additional cemetery capacity”

There is nothing in the proposal that contributes to this.

With the AQMA having been declared in the town and the mandatory limits set by European Directive 2008/50, already being exceeded. There is nothing in this proposal that includes measures to improve air quality in Calne (just a few trees isn't the answer).

Planning, Licensing and Highways Committee have adopted the Calne Community Neighbourhood Plan in conjunction with the Design Code and the proposed development at Low Lane goes against these two documents:

Active Travel

Better or new links to existing network at midpoint (there is one but it puts pedestrians directly onto the road no refuge – CCNP Policy BE1 Ensure Access routes are safe and attractive) and northern end of site should be provided.

Doesn't provide new or better access to RoW CLAN374

No signage proposed to indicate connections to existing footpath and cycleway network (Design Code P114)

Parking

Overuse of tandem parking provision and concentration on parking in the centre of the site at the public open space with little or no landscaping to break it up. (Design code P110 on street parking should not dominate the street scape).

Design

Refer to CCNP BE1 and BE2

Build density should reduce towards the countryside edge with more space given to larger gardens.

Wide use of red brick not acceptable should be replaced with stone (page 137 of the Design Code).

The Planning, Licensing and Highways Consultative Committee has approved a Sustainability Statement as part of the Climate Emergency & Climate and Environmental Pledge which we would ask is considered when determining this application.

Calne Without Parish Council – Object, stating:

“Calne Without object to the plans for a number of reasons. It notes that there has been an increase of parking spaces, however there continues to be concerns about the layout and parking provision and the subsequent ability of larger servicing vehicles that may experience difficulties whilst navigating the development.

We welcome the provision of EV charging points but are disappointed that charging points are not provided to all plots therefor having an impact on the sustainability of the site.

In the Calne Area design code it is noted in section DC04 that Calne Area has a wide variety of architectural styles, New developments should be respectful of style and use of materials of surrounding houses whilst ensuring a mix of styles are provided that are in keeping with the Calne Area Palette.

Calne Without Parish Council feel that the design is generic uninspiring and not in keeping with the local housing styles and not in keeping with the Calne Area design code.”

Council Housing Enabling Officer – Support revised mix of affordable housing unit types, stating:

“Thank you for your email. I note confirmation that 16 x 2 bed/4 person houses (to include 2 x 2 bed/4 person houses built to M4(2) Standard and having a ground floor shower room and 1st floor bathroom) and 10 x 3 bed/5 person houses are to be provided. The 2 x 2 bed/4 person M4(2) houses are to be provided as Affordable Rented/Social Rented tenure. This is acceptable.”

Council Highways Engineer – No objection, subject to Conditions. The response confirms acceptability regarding car and cycle parking provision, electric vehicle charging, tracking and manoeuvrability, and notes that advice should be sought from the Countryside Access Team regarding pedestrian links. The full response states:

“I refer to the above planning application dated 22/11/2022 for approval of reserved matters following outline permission 19/11601/OUT and the revised plans dated 24/05/2023.

The site has an outline permission for up to 26 dwellings and the principal for residential development has been accepted here by virtue of this permission.

Low Lane is a private Road which connects to Anchor Road, an unclassified section of public highway subject to a speed limit of 30mph. Some 90m of the initial section of Low Lane is unclassified public highway until the road splits into a residential access and Low Lane, both of which are private sections of highway. The proposed development site is bound by Low Lane to the west, dwellings on Sandy Ridge, a private cul-de-sac to the south, a PROW and Fields to the east and a short section of private access road to the north.

There is a PROW footpath to the south of the site, CLAN37, which should remain unaffected by the proposals, although it may be desirable to provide a footpath link through to this on the site, especially considering that the illustrative proposals include a link from the site, across low lane to the footway which links to open space from Portland Way to the North. Advice should be sought from the Countryside Access Team in this regard.

The Design and Access Statement for the proposals details the breakdown of units and the number of bedrooms, there are proposed to be 16 2-bed units and 10 3-bed units, all at entry level and therefore 100% affordable housing. There are proposed to be 52 vehicle parking spaces, allocated as 2 spaces per dwelling, which is in accordance with the required standards, and it is stated that the Electric Vehicle Charging will be provided in line with requirements. A bin and cycle store are proposed within each property curtilage. There are now a total of 6 visitor spaces provided within the site, which accords with Wiltshire Councils Parking Strategy, therefore I now consider the previous concerns with regard to the visitor parking issue resolved.

The access has been detailed with geometry in line with the requirements of Manual for Streets, swept path analysis has shown the access and site to be manoeuvrable by larger HGV traffic required to enter the site. Tracking also details that the vehicle parking for visitors is accessible.

In further regard to vehicle parking, it would appear that the proposals include an EV charging bay for each property, some of which are remotely connected to properties due to the location of the parking. A single EV bay per household with allocated parking is the minimum required standard and therefore acceptable provided it complies with the Buildings Regulations Approved Document Part S 2022.

The provision of footpaths within the site and crossings which connect to the existing footway network on Anchor Road/Low Lane allow for walking to and from the site safely. In relation to active travel, it is proposed to provide cycle parking for each dwelling within the curtilage, which can be seen on the Waste Collection and Cycle Storage Strategy Plan. The storage should adhere to the standards for cycle parking provision, this would be at a rate of 1 space per bedroom for up to 3-bedroom properties and 3 spaces for a 4-bedroom property. The quantum of cycle parking can be conditioned as part of any permission.

There is a proposed link through to a footpath which is intended as a connection but not yet in place, provisions for making this connection should be provided by the developer with a view to allowing the connection with the site.

Provisions for footway improvements were made within the outline application which are covered by S106 contributions attached to that permission. The site access and internal road would be required to be subject to a S278 and S38 Highways agreement respectively.

The revised plans are acceptable with regard to highways, and I can now recommend that no highway objection be raised subject to the following conditions and informative:

VISIBILITY SHOWN ON DRAWING

No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter. Reason: In the interests of highway safety

ACCESS

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.

PARKING

No dwelling of the development hereby approved shall be first occupied until such time as the parking area shown on the approved plans for said dwelling has been consolidated, surfaced and laid out in accordance with the approved details and attached parking schedule. This area shall be maintained and remain available for this use at all times thereafter.

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

CYCLE PARKING

The development hereby permitted shall not be first brought into use/occupied, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter. REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

INFORMATIVE

APPLICANT TO ENTER INTO A S278/S38 AGREEMENT

The developer/applicant will be expected to enter into a S278 and S38 Agreement with the Highway Authority before commencement of works hereby approved."

Council Arboricultural Officer – No objection, but comment relating to the detailed layout requiring a need for revised Arboricultural Method Statement, covered by appropriate Conditions.

Council Archaeologist – No objection

Council Drainage Officer – No objection (following amended plans); conditions relating to detailed drainage arrangements, construction management plan, integrated SuDS and third-party approvals were provided on the outline permission.

Council Waste Management team – Support, with comments and subject to conditions.

Council Public Protection team – No objection: Comment noting that outline consent 19/11601/OUT included the requirement for a Construction Method Statement (Condition 7), ULEV (Condition 8) and CEMP (Condition 10) remain outstanding.

Council Climate team – No objection (following amended plans) subject to Condition.

Council Ecologist – No objection (following amended plans)

Council Urban Design Officer – No objection (following amended plans)

Rights of Way – No objection (following amended plans)

Natural England – No comment

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation. 66no. representations were made in respect of the application, all of which are in objection; no representations of support.

A number of the representations referenced the principle of the proposed development, which is already established as being acceptable under the outline planning permission. For that reason, those representations cannot be regarded as material to the determination of this Reserved Matters application. The scale of local objection to that outline planning application was noted and considered at that stage. To clarify, such matters include:

- Issues regarding the process and determination of the outline planning application, and this type of reserved matters application.
- The location and suitability of the site.
- Access, highways and traffic impact, and in particular the suitability and capacity of the local road network, as well as conflicts between different road users.
- The existing use of the land.
- The lack of necessary supporting infrastructure.
- Flood risk.

The points of objection material to this application are summarised below:

- Construction phase impacts (pollution, mess and noise) including ensuring appropriate routes for construction traffic.
- Lighting should be controlled such that it does not extend beyond the site and should reflect other street lighting times.
- Any fences would be a visual eyesore.
- The new houses will detrimentally affect the existing homes on Low Lane.
- Red-brick houses are not appropriate
- Ecology reports are out of date and not accurate, including showing a 'dry pond' (which should not be adversely affected).
- Loss of ecological area (wildlife / green corridor).
- Ensure that the established hedgerow between the site and Low Lane is retained
- The proposed design will not be in keeping with the existing character.
- Determination should be held up due to changes policy guidelines being released.
- Accuracy of the vehicle tracking plan.
- Adequacy of the number of visitor parking spaces.
- Provision should be made for swift bricks.
- Discrepancies between plans, in particular relating to the accuracy of the red-line boundary.

- Road user conflict: vehicles / cyclists / pedestrians.
- Need to ensure that existing residents are not without mains water as a consequence of works.
- Height of the road leads to visual impact and possible overlooking and / or light impact from headlights.
- Running the services, such as water, gas, power and Internet would cause upheaval and disturbance to residents and wildlife.

9. Planning Considerations

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the Framework (para. 2), applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The statutory development plan in respect of this application consists of the Wiltshire Core Strategy ('WCS', adopted January 2015), the 'saved' policies of the North Wiltshire Local Plan 2011 ('NWLP', adopted June 2006) and the Calne Community Neighbourhood Plan 2016-2026 (CCNP, Made February 2018)

Background, principle of development and the outline planning permission

All matters relating to the principle of development, site access and traffic generation have been considered and ultimately determined pursuant to the outline planning permission: 19/11601/OUT ('the outline permission', 9th June 2021). These matters are not material to the consideration and determination of this Reserved Matters submission. Consideration must be limited to the reserved matters, being: scale, layout, appearance, landscaping and access – as defined by the Town and Country Planning (Development Management Procedure) Order 2015.

To clarify, Condition 2 on the outline permission relates to the need for approval of reserved matters. There remain a number of other Conditions on the outline permission which remain to be discharged (and / or adhered to), these are referred to in the following sections as appropriate and relate to such matters as drainage, construction method, ecology, external lighting, and highways.

The accompanying S106 also includes a number of provisions and contributions in relation to affordable housing, public open space (and play area), public footpaths, air quality, waste and recycling. The conditions on both the outline permission and provisions within the legal agreement remain relevant to the reserved matters decision.

The affordable housing is secured within the S106. The proposed tenures have been amended from those approved at outline stage (from a mix of: (i) affordable rented, (ii) shared ownership, and (iii) discount market units to a mix that now excludes the discount market units and comprises a mix of solely (i) affordable rented, and (ii) shared ownership) but remains acceptable, as confirmed by the comments of the Housing Enabling Officer. It remains the applicant's responsibility to satisfy themselves that the development undertaken does not conflict with the provisions agreed under s106.

Scale and layout of development

In terms of scale, Condition 19 on the outline permission establishes that a maximum quantum of 26 dwellings shall be constructed on the site. Whilst the Town Council's concerns in respect of density are understood, the proposal is for 26 dwellings, thus in compliance with this condition.

The layout is, to a large extent, driven by the shape and dimensions of the site. However, in response to a number of concerns raised regarding the details of the layout of the scheme as originally submitted, a number of amendments were made; in particular, to the parking arrangement (for nos. 25 and 26), and to address cramped curtilage areas in some instances (for nos. 23 – 26).

The proposed dwellings are each of two-storey form, consistent with the surrounding character which is of two-storey dwellings. The layout includes a mix of frontage areas of both semi-detached (predominantly) and detached dwellings, as well as one short terrace of three dwellings at the northern end of the site; these are interspersed with open space and parking areas which provide opportunities for visual links throughout the site to the countryside beyond. The layout includes the Local Area for Play (LAP) located centrally within the site, as approved at outline stage.

Following amendments to the proposed layout, the Urban Design Officer confirmed 'no objection' with regard to the layout and, based on the revisions made to the design scheme plans from those originally submitted, is now considered to be acceptable.

External appearance and impact upon the surrounding area

WCS Core Policy 57 requires new development to be of a high standard of design and requires development to create a strong sense of place through drawing on the local context and being complimentary to the locality. Amongst other matters, the policy requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials streetscape and rooflines, to appropriately integrate the new built form into its setting. Similarly, Calne NP policy BE2 seeks to ensure in particular that: *"Buildings on the fringes of major developments should have variations in height, style and position."*

The Urban Design Officer raised a number of points in response to the originally submitted design scheme drawings. To address these comments, as well as points raised by third party response (as noted above), the proposed design scheme drawings were then amended in the following key respects:

- Initially all of gable roof-form, amendments introduce a hipped roof-form on 6no. dwellings, as well as front dormer gables on 9no. dwellings.
- Changes of facing material details on a number of the dwellings from render and red-brick to stone, such that the mix now proposed is: 3no. red brick (house types E and F); 21no. stone (A, C and D); 2no. render (B)
- Slate roof tiles introduced on 6no. properties.

As now proposed there remains a variety of house types within the development, all of which are 2 storey and contain a mix of 2 and 3 bedrooms. In addition to the mix of materials noted above, these also now display a mix of frontage detailing, in particular stone quoins on a number of dwellings as well as the dormer gables.

There is a variety of house types, designs and materials in the wider area. Following the amendments made it is considered the proposed designs now more closely reflect the design characteristics of the immediate locality as well as Calne more generally, and the aims and objectives of the relevant planning policies. As such, the materials and varied house types would be appropriate in this location.

Amenity and relationship to adjoining properties

A number of representations noted the difference in levels across the site and also 'through' the site across Low Lane and to the existing dwellings on the western side of Low Lane. This point was made with reference to both 'over-looking' and amenity issues, and also regarding possible light impact.

Regarding amenity, the existing dwellings on Low Lane are set back from the road with parking areas fronting the road. They will thus be separated from the new dwellings by that parking area, the highway land of Low Lane, the boundary hedge to be retained along the western boundary of the site and the proposed new access road. As such, the separation distance between the existing and proposed dwellings will be over 30m across the site except for plot no.1, the side elevation of which will be some 25m from the existing dwelling on Low Lane. Given the relatively standard front to front arrangement, this is considered adequate to ensure no adverse amenity issue arises, this despite the different footing levels.

Regarding light impact, ambient light from the dwellings themselves and associated vehicles towards the existing dwellings on Low Lane would be filtered through the existing hedge and is not considered to give rise to any unacceptable impact. Any further proposed external lighting can be suitably controlled by way of condition, as covered by the relevant Condition on the outline permission (Condition no. 13).

Highways, access and parking

Access and manoeuvring

The new junction onto Low Lane forms the main access to the site and remains unchanged from that shown in the approved masterplan at outline stage (dwg. no. 301.P.3.1). However, as access was a reserved matter its formal approval is required at this stage. As such, the Council's highways officer has confirmed that: "... *the access has been detailed with geometry in line with the requirements of Manual for Streets, swept path analysis has shown the access and site to be manoeuvrable by larger HGV traffic required to enter the site. Tracking also details that the vehicle parking for visitors is accessible.*"

Refuse tracking provided shows that all collection points within the site can be accessed and the Council's Waste Officer has no objection subject to an informative in relation to indemnity if waste collection is required prior to the roads being adopted.

Parking

In respect of parking provision, following amendments to the submitted plans, vehicular and cycle parking is proposed in accordance with Wiltshire Parking Standards, with a total of 52no. allocated spaces and 6no. visitor spaces; on this basis the Highways Officer has confirmed no objection.

EV charging points are shown for each of the dwellings, either by cable (18no. dwellings) or remotely (8no. dwellings).

Public Rights of Way

Public Right of Way (PROW) CLAN37 runs parallel to the eastern boundary of the site and PROW CALW63 heads north-east away from Low Lane at the northern boundary of the site. The masterplan approved at outline stage (dwg. no. 301.P.3.1) showed pedestrian links through the site as follows: (i) at the southern end of the site alongside the vehicular access; (ii) at the mid-point of the site across Low Lane to allow for future linkage to Portland Way; and (iii) at the northern end of the site to provide a closer point to link to PROW CALW63.

The first of these – at the mid-point of the site – is shown as safeguarded on the masterplan accompanying this reserved matters application as per the outline masterplan. Regarding the second – at the northern end of the site – this was not shown on the original or amended plans due to difficulties of alignment and delivery. In particular, additional planting at the northern end, coupled with third party land-ownership rendered the link as shown the outline masterplan difficult to achieve. However, in part based on the support for this additional opening from the Public Rights of Way and Climate Officers, this opening has now been shown on the Site Plan towards that northern end of the site opposite plot no.22 as the shared surface starts. This will provide a much better pedestrian route through to CALW63 and the Council's Ecologist has confirmed that this does not raise any particular concern in terms of ecological impact. As such, this link has been shown as included on the latest revised plans.

Construction phase

A number of representations raised concerns regarding impacts during construction phase. Whilst valid, it should be noted that such impacts are temporary and that notwithstanding, the intention of Condition no. 10 on the outline permission – which requires the submission and approval of a Construction Environmental Management Plan, and Condition no. 7 – which requires submission and approval of a Construction Method Statement, is that impacts during construction phase are appropriately managed and mitigated. To confirm, that Condition requires (inter alia) details regarding plant deliveries and hours of construction.

Conclusion

The Council's Highway Engineer has no objection subject to proposed conditions in relation to the completion of roads and footpaths prior to occupation, the provision of vehicular and cycle parking provision, and an informative in relation to S278 and S38 agreements. The Conditions on the outline permission relating to highways and public rights of way also remain to be discharged in addition to those attached to this reserved matters application.

Energy and sustainability

The Council's Climate Officer made a number of comments and recommendations relating to the initial drawings. Subsequent revisions to the plans along with additional information provided by the Applicant confirms the following:

- A pedestrian link is shown as being safeguarded at the midway point of the site and northern end of the site.
- Each plot is now shown with having dedicated or remote EV charging.
- Secure cycle parking is now shown for each of the properties (the provision of this will be secured through appropriate condition).
- A condition regarding water efficiency is included, which requires use limited to 110 l/p/d.
- Additional planting has been shown on the submitted plans (see below).

The request for solar PV panels being shown on all of the buildings is balanced against the design objective of showing some roofs being of hipped form; that notwithstanding the maximisation of provision of solar PVs will be taken forward through the next phase and building regulations stage. Based on the amended drawings and the Applicant's response to the initial Climate Officer comments, the Climate Officer has confirmed withdrawal of their initial objection.

Waste management

A contribution towards waste management (waste and recycling equipment) is included with the S106 Agreement signed to accompanying the outline permission. In terms of the detailed design at this reserved matters stage, there was initially concern raised regarding the location of a bin collection point at the northern end of the site; however, this is now more visible on the plans and the interface between shared surface and highway has been amended to resolve this issue. The Waste Management Team has advised that an informative in relation to indemnity being required should waste services need to operate on unadopted roads is necessary.

Landscaping and Public Open Space

Planning context

The wider landscape impact was considered during consideration and determination of the outline application. It was considered a residential development on the site up to 26 dwellings would have an acceptable effect upon the character and appearance of the area.

Conditions were applied on the outline permission in relation to requiring both a Landscaping Scheme (Condition no.4) and a Landscape and Ecological Management Plan (Condition no. 9); these will together provide specific details regarding landscaping.

Landscaping and Trees

The site benefits from strong hedgerow boundary around much of its perimeter. The landscaping details, as detailed on the Ecological Enhancement Plan, show that any gaps in this are to be filled with mixed native species. Given the configuration and layout of the site, opportunities for additional planting have been shown at the southern, northern and mid-points of the site – in total some 26no. new trees are shown on the public land within the site; specific details of these will be secured by way of Condition on both the outline and this reserved matters planning permission.

The Arboricultural Officer has noted that the amendments to the layout and the potential impact on trees but has confirmed acceptability that this can be covered by way of submission and approval of an Arboricultural Method Statement, secured by way of Condition. This would be in addition to Condition no. 17 on the outline planning permission which requires submission and approval of a Tree Protection Plan, including details of protection fencing etc.

There is a mix of boundary treatments, with stone walls being the predominant feature in terms of the streetscene, with some limited red-brick elements which are set back from the frontage. The boundaries to the rear of the properties are formed of standard close boarded fence, allowing access for maintenance of the existing hedgerow along that eastern boundary.

Public Open Space

The masterplan for this reserved matters application accords with the parameters of the masterplan approved at outline stage in terms of the general location and layout of Public Open Space.

The S106 Agreement requires the provision of public open space in accordance with the specified standards. Given the revised dwelling mix – in particular the removal of the 1-bed units – there will be some consequential implications (increase) on the final amount / sum provided for through that mechanism, albeit relatively minor.

The land to accommodate the equipped play area (Local Area for Play) is indicated on the Site Plan. The provision of appropriate space for this, based on the revised dwelling mix and stated formula in the S106, will be secured via the S106 Agreement and any necessary Deed of Variation to that Agreement.

Ecology

The ecological impact of the development was assessed at outline stage and conditions were applied on the outline permission in relation to both a Landscape and Ecological Management Plan (Condition no. 9) and Construction Environmental Management Plan (Condition no.10).

During the current reserved matters application the Council's Ecologist requested further details related to provision of appropriate mitigation measures. In response, an Ecological Enhancement Plan was submitted in support of the application setting out the mitigation measures to be provided for birds, bats and invertebrates. Following further clarification regarding the mitigation details on the specific house types, the Council's Ecologist has confirmed no objection.

Artificial lighting details have been considered above in terms of neighbour and amenity impact – these are covered by the relevant Condition on the outline permission (Condition no. 13).

Other matters

Red-line boundary

A number of representations queried the extent of the red-line boundary, and the potential consequent impact this may have on the validity of the planning application – in particular relating to the size of the site. The site boundary presented for this reserved matters application replicates that for the outline planning permission and the site area has been confirmed as correct as stated on the application form. The proposed areas of hedgerow planting, as shown on the Site Plan, can be undertaken such that they are planted on land falling within the red-line boundary.

S106 Deed of Variation

It is the view of the Housing Enabling Officer that a Deed of Variation to the S106 Agreement is necessary prior to the formal grant of any planning permission. This is currently being undertaken and will confirm a revised mix of affordable units (as set out above in this report) as well as dealing with any necessary consequential amendments.

10. Conclusion

This reserved matters application seeks permission for the detailed layout, design and appearance of 26no. new dwellings. The matters for approval are: access, layout, scale, external appearance and landscaping.

The principle of the development has been established at outline application stage and it is not therefore appropriate to (re-)consider that at this stage. Calne Town Council and Calne Without Parish Council have each objected to the application.

All of the 26 dwellings are to be affordable, with the mix of units being affordable rented (70%) and shared ownership (30%). No discount market units are now proposed to be included and whilst this differs from the scope of the outline planning permission, the Housing Enabling Officer has confirmed acceptability of this mix.

This report has considered the relevant planning issues and set out how the objections from various technical consultees have been addressed and resolved through amended plans, although the extent of remaining local objection and concern is noted. Much work has been undertaken to amend the design and appearance of the dwellings so that they now much better relate to their local context, as well as the planning policy considerations, including the Calne Neighbourhood Plan.

Understandably, much of the local objection relates to traffic impact. However, as noted above, the principle of erecting up to 26 dwellings on the site has been considered and approved through the outline planning process and the consideration of this reserved matters application is set within that established and approved context.

On balance, and given the amendments to the plans through the consideration and determination process to address and resolve the range of consultee objections and concerns, it is considered that this application proposal is acceptable and should be granted permission.

11. RECOMMENDATION: Planning Permission to be GRANTED subject to the following conditions:

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

LLC-RHAR-ZA-XX-GA-A-01.revI: HousetypeA-3B5P
LLC-RHAR-ZA-XX-GA-A-02.revI: HousetypeA-3B5P-Hipped
LLC-RHAR-ZB-XX-GA-A-01.revI: HousetypeB-3B5P
LLC-RHAR-ZC-XX-GA-A-01.revJ: HousetypeC-2B4P
LLC-RHAR-ZC-XX-GA-A-02.revC: HousetypeC-2B4P-Hipped
LLC-RHAR-ZC-XX-GA-A-03.revC: HousetypeC-2B4P-Hipped Stone
LLC-RHAR-ZD-XX-GA-A-01.revH: HousetypeD-3B5P
LLC-RHAR-ZE-XX-GA-A-01.revG: HousetypeE-2B4P.M4(2)
LLC-RHAR-ZF-XX-GA-A-01.revC: HousetypeF-3B4P
LLC-RHAR-ZZ-XX-GA-A-0001.revE: Site Location
LLC-RHAR-ZZ-XX-GA-A-0002.revE: Site Analysis
LLC-RHAR-ZZ-XX-GA-A-0030.revQ: Proposed Site Plan
LLC-RHAR-ZZ-XX-GA-A-0031.revK: Waste Collection & Cycle Storage Strategy
LLC-RHAR-ZZ-XX-GA-A-0032.revI: Vehicle Strategy
LLC-RHAR-ZZ-XX-GA-A-0033.revL: External Works
LLC-RHAR-ZZ-XX-GA-A-0034.revJ: Fences & Enclosures

LLC-RHAR-ZZ-XX-GA-A-0035.revJ: Building Heights
LLC-RHAR-ZZ-XX-GA-A-0036.revA: Ecological Enhancements
LLC-RHAR-ZZ-XX-GA-A-0037.revD: House Type Materials
LLC-RHAR-ZZ-XX-GA-A-0038.revC: Affordable Housing Plan
LLC-RHAR-ZZ-XX-GA-A-0040.revK: Street Scenes
LLC-RHAR-ZZ-XX-RP-A-0001.revC: Design and Access Statement
P22-196/SK001/P4: Drainage Strategy Plan
WHL-1504-01: Public Realm and on-Plot Planting

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity

3. No development shall commence above ground floor slab level until details 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.

4. No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety

5. 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.

6. No dwelling of the development hereby approved shall be first occupied until such time as the parking area shown on the approved plans for said dwelling has been consolidated, surfaced and laid out in accordance with the approved details and attached parking schedule. This area shall be maintained and remain available for this use at all times thereafter.

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

7. The development hereby permitted shall not be first brought into use/occupied, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

8. Within one month of the first available use of the play area shown indicatively on the approved Site Plan, 2no. waste / re-cycling bins to a specification previously approved in writing by the Local Planning Authority shall be provided and retained permanently thereafter.

REASON: In the interests of residential amenity.

9. No development shall commence on site until the applicant has submitted calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment.

REASON: To prevent pollution of the receiving watercourse.

10. The dwellings shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; and to use natural resources prudently in accordance with the NPPF.

11. Prior to first occupation final details of the electric vehicle charging locations, cabling and charge points shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of sustainability and air quality

12. Prior to first occupation final details of any air source heat pumps including manufacturers details, locations and cabling shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of sustainability and energy efficiency

13. Prior to first occupation final details of the roof mounted solar PV panels including manufacturers details, locations and number of panels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the sustainability and energy efficiency.

11. No development shall commence above ground floor slab level 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);

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

12. 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 any of the dwellings 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.

INFORMATIVES

The developer/applicant will be expected to enter into a S278 and S38 Agreement with the Highway Authority before commencement of works hereby approved.

The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption. The required arrangements are set out in section 5.8 of the attached guidance with a sample indemnity provided in Appendix C.

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.

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

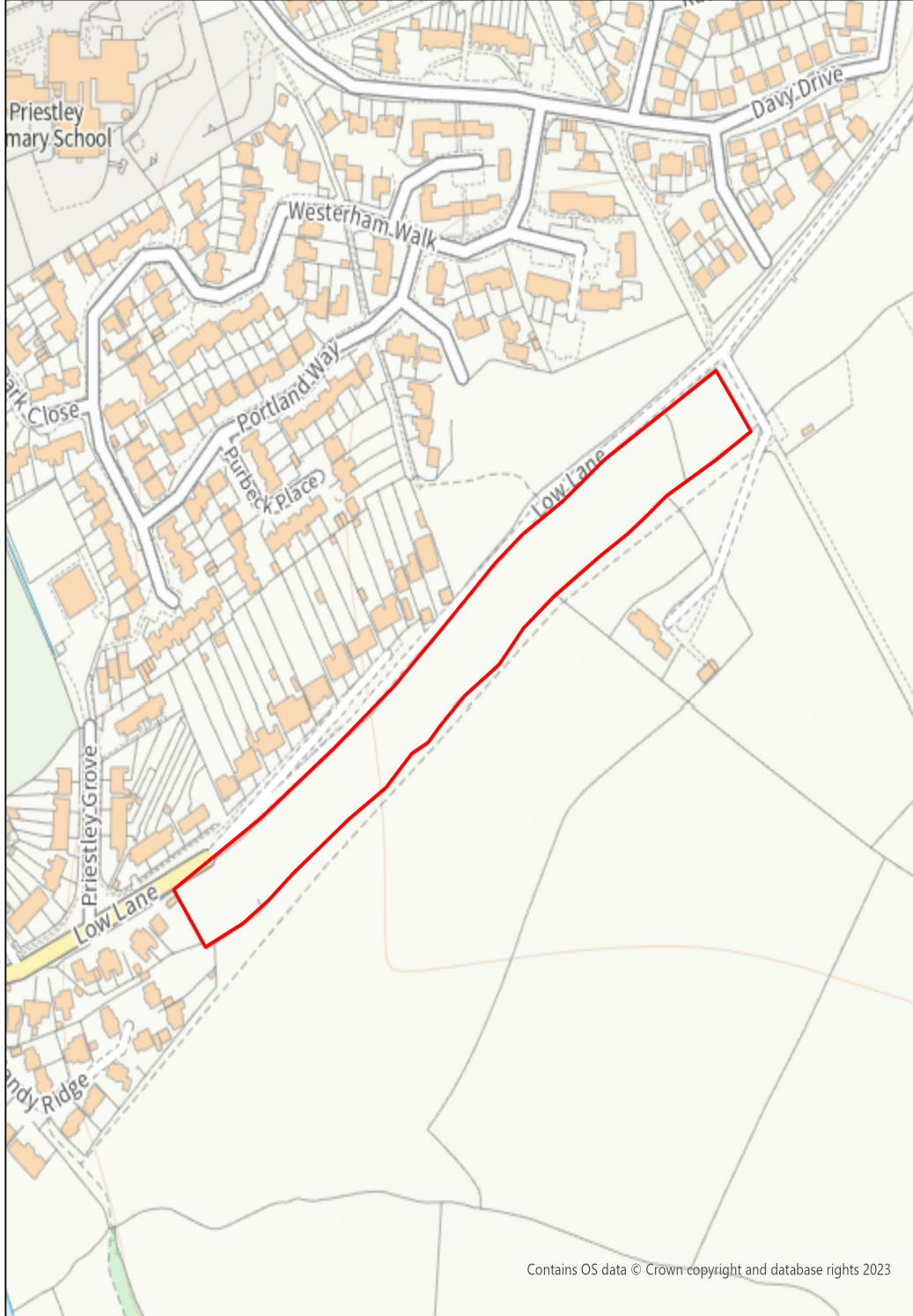
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

This permission shall be read in conjunction with the Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 8th June 2021, and any related Deed of Variation agreed pursuant to that Agreement.

Your attention is also drawn to the conditions imposed on the outline planning permission reference 19/11601/OUT dated 9th June 2021.

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.

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



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	13 September 2023
Application Number	PL/2023/01007
Site Address	Land south of Abberd Lane and east of Spitfire Road, Calne
Proposal	Development of a new Local Centre comprising a Class E(f) day nursery and Class E(a) convenience store, with associated parking, access and landscaping.
Applicant	Robert Hitchins
Town/Parish Council	CALNE / CALNE WITHOUT
Electoral Division	Predominantly CALNE NORTH (Cllr Ashley O'Neill) – but with access to the site within CALNE CP (Cllr Tony Trotman and Cllr Ian Thorn)
Type of Application	FULL
Case Officer	Peter Crozier

Reason for the application being considered by Committee

Under the Scheme of Delegation Specific to Planning the Director for Economic Development and Planning (and any officers designated by that officer under a Scheme of Sub Delegation) is authorised to determine any planning application under delegated powers. This does not apply where an application has been referred to Committee by the Wiltshire Council Division Member, or where the proposal constitutes 'major' development.

The site of the proposed built facility sits within the parish of Calne Without; however the related highway works (and thus the red-line boundary) sits within the parish of Calne Town. Both Calne Without Parish and Calne Town Council support the application and, as this report concludes, the officer recommendation is for approval.

This application is very closely linked to current application PL/2022/07893 which seeks outline planning permission for 100 houses. That application has been called to Committee for determination by Cllr O'Neill; however, at this stage there remain some outstanding technical matters which are currently being resolved and that application will thus be considered by Committee in due course.

Cllr Trotman has expressed concern regarding the timing and consideration of this application in terms of the inter-related nature of the applications, and this application has thus been brought to Committee at this stage (i.e. in advance of application PL/2022/07893) as it is: (i) not a fundamental requirement that these two applications are considered in tandem; and (ii) timing considerations stated by the Applicant relating to the delivery of this proposed facility.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to the imposition of planning conditions.

Calne Town Council and Calne Without Parish Councils both support this application, subject to planning conditions being imposed.

Three (3no.) letters of objection have been received; none received in support.

2. Report Summary

The application is for the erection of a 'neighbourhood centre' comprising a local convenience retail store alongside a creche facility. The planning issues arising for consideration are as follows:

- Principle of development
- Layout, scale, design and appearance
- Highways impacts, pedestrian and vehicular access and parking
- Sustainability and energy efficiency
- Landscaping and visual impact
- Noise, odour and dust
- Drainage

3. Site Description

The site is located within a parcel of land situated at the junction of Spitfire Road and Abberd Lane, as that road heads north-east away from the town. These two roads meet at a relatively newly formed roundabout and the site is predominantly situated on the eastern side of this roundabout, but also includes that roundabout as well as a stretch of Spitfire Road, from which access to the site is proposed.

Although the parcel of land is agricultural in nature, it has an existing gravel track running north-south through it, and also has a tarmacked bellmouth access from Spitfire Way which is understood to have been formed due to the relatively recent (2016-2019) use of the site as a contractor's compound to serve the delivery of housing to the north and west of the site.

The site itself extends to 0.83ha (including the proposed access road) and is bound to the north the by Abberd Lane, immediately beyond which is newly built housing formed around Ceres Place. To the immediate south is an attenuation pond, which was built to serve the housing development to the west of the site on the opposite side of Spitfire Way; to the east is agricultural land.

The site is not within the defined settlement boundary for Calne; however, it is immediately adjacent to that boundary which runs along Spitfire Way following the relatively recent development of housing on the immediate western side of Spitfire Way, opposite the site, as shown on the plan extract below:



The site does not fall within any landscape or conservation designated areas and is not crossed by any Public Rights of Way; however, Public Right of Way CALW56 runs from the town centre along Abberd Lane, to cross the roundabout which falls within the application site, then on up Spitfire Road along the northern extent of the parcel of land within which the site is located. The site falls within flood zone1.

4. Proposal

The application seeks permission for a new Local Centre comprising: (i) a Class E(f) day nursery which includes 511sq.m. internal floorspace as well as external play areas ('Unit 1') and shows provision for children of ages from the first year up to pre-school ages 3 – 5, along with associated facility, storage, plant and kitchen spaces; and (ii) a convenience store ('Unit 2') (Use Class E(a) incorporating 326sqm of retail floorspace.

- associated parking for 31no. vehicles, 2 of which will be disabled, 4no. of which will have EV charging points; 1 motorcycle space and cycle parking for 12 bicycles;
- access and highway improvements (on and off-site);
- associated landscaping.

During consideration of the application proposal, further information and clarification was sought from the applicant regarding the following points, with amended plans submitted accordingly:

- landscaping – amended landscape plans have been submitted
- external lighting – an External Lighting Plan has been submitted
- ecology – additional information has been submitted
- rationale for, and details of, the acoustic fence as well as the plant room and bin store – these matters are considered below.

The application is supported by the following information:

Landscape Management Plan / Proposals
Biodiversity Net Gain Assessment
Archaeological Evaluation / WSI
Landscape & Visual Appraisal
Drainage Statement
Planning Retail Statement
Transport Statement
Noise Assessment
Ecological Assessment
Design and Access Statement
Framework Travel Plan
Energy Statement
Delivery and Servicing Management Plan

This application has been amended during the course of determination to ensure that it can be appropriately considered in advance of the application for housing on adjacent land – in particular, the boundary treatment and consideration of appropriate site landscaping. Given the need for this type of facility (as set out in the Calne Neighbourhood Plan) and the degree of support, it is considered appropriate and acceptable to consider this application in advance of that of PL/2022/07893.

5. Planning Policy

Local Planning Policy

Calne Community Neighbourhood Plan 2016-2026 (Made February, 2018)

Policy GA1 – Sustainable Transport
Policy GA2 – Highway Impact
Policy WS3 – Local Neighbourhood Shopping
Policy BE1 – Integration and Landscaping
Policy BE2 – Design Principles for Local Distinctiveness
Policy BE3 – Parking Provision
Policy NE2 – Setting of Calne and Calne Without
Policy NE3 – Biodiversity
Policy NE4 – Energy Conservation

Wiltshire Core Strategy (adopted Jan 2015)

Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 3: Infrastructure Requirements
Core Policy 8: Spatial Strategy for the Calne Community Area
Core Policy 38: Retail and Leisure
Core Policy 41: Sustainable Construction and Low Carbon Energy
Core Policy 50: Biodiversity and Geodiversity
Core Policy 51: Landscape
Core Policy 52: Green Infrastructure
Core Policy 55: Air Quality
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 60: Sustainable Transport
Core Policy 61: Transport and Development
Core Policy 62: Development Impacts on the Transport Network
Core Policy 64: Demand Management

North Wiltshire Local Plan 2011 (saved Policies) (NWLP, Adopted June 2006)

NE14: Trees, Site Features and the Control of New Development
NE18: Noise and Pollution

Material considerations

National Planning Policy Framework ('The NPPF', July 2021)

Paragraphs 8, 10-13, sections 4, 6, 7, 8, 9, 11, 12 and 15

Planning Practice Guidance (PPG, July 2021)

Wiltshire Local Transport Plan 2011-2026: Strategy (March 2011) / Car Parking Strategy (March 2015)

6. Relevant planning history

A schedule of planning decisions relating to the site is set out below:

- **N/10/03389/FUL**: Attenuation Pond, Access, Associated Sewers and Ancillary Development – Approved with Conditions – 03/12/2010

7. Consultations

Calne Town Council – Support, stating:

“The Planning, Licensing and Highways Consultative Committee has approved a Sustainability Statement as part of the Climate Emergency & Climate and Environmental Pledge which we would ask is considered when determining this application.”

Calne Without Parish Council – Support, stating:

It is noted that CWPC recently objected to a development due to lack of local amenities being proposed. They continue to object to the housing development however they see the benefit of improving local amenities.

CWPC Supports the proposal to improve the local amenities in the development. They appreciate the benefit that local shops can bring to these housing developments and acknowledge that there is a need for further childcare spaces in the area.

The neighbourhood plan states that infrastructure should be developed alongside the housing and not lag behind it.

CWPC would like to see greater emphasis on the sustainability within the development, it was noted that the roof appears large enough for solar panels and the large car park is a missed opportunity for ground source heat pumps.

CWPC would like to see improved pedestrian access to the site from the existing houses opposite the proposed development.”

Highways Officer – No objection, following submission of revised information and subject to Conditions relating to agreement to a section 278 Agreement for the provision of off-site highway improvements and the requirement for a Travel Plan, stating:

“Having considered the information provided I am happy with that the adjacent road network will accommodate the associated vehicle movements. I am also happy to accept the parking as proposed. ...

As part of any approval I will require the offsite highway improvements to be provided as per the submitted drawings H690/2 Rev B and H690/1 Rev F, these should be provided via a S278 agreement and before occupation of the site.

And subsequently, following further correspondence:

“I am happy to not insist upon a pedestrian priority crossover and am willing to accept EV parking as being provided for both the retail and nursery unit as per the current parking layout, which shows 4 spaces.

Therefore subject to the parking and access arrangements being provided as per the submitted information I am happy to offer no highway objection.”

Council Archaeologist – No objection

Spatial Planning team – No comment

Urban Design Officer – Objection, stating:

As per the Landscape officer's comment during pre-app, this application is quite in isolation (both physical and in terms of planning), and is unable to demonstrate any regard for the future context of settlement growth that will take place around it, let alone the development of the remainder of the field within which this building and car park would be but a piece.

Therefore it is not possible to provide a constructive critique of the building's design in terms of form and scale and aspect, nor of the plot in terms of access and efficient use of land. The design currently looks as if it is designed to sit permanently in a rural setting, where car-dependent visitors expect a large convenient car park to dominate the entrance. But that will not be the future context, as land all around this site is part of a vision for settlement growth.

Permission of such a design now, far ahead of any agreement on the masterplanning of the wider area would preclude opportunities for direct walking routes into the land west of north of it, for efficient use of airspace over the convenience store (for accommodation) for the creation of greater height and scale to reinforce a more urban sense of place, should that be found to be appropriate, which it no doubt will.

Permission for such a land use here would also likely undermine the provision of similar community facilities likely to be expected within (and forming) the heart of a new residential development, where they could be designed around pedestrian access and the focal point of new homes, in a place with a character more akin to a traditional high street rather than another drive-by retail unit.

For these reasons I recommend the application is withdrawn and the applicant engage with the council to promote the site as part of the wider masterplanning of the area.”

Ecology – No objection, following submission of revised information and subject to Condition

Drainage Officer – Support, with comments and subject to Conditions

“The drainage team have the following conditions which need to be addressed by the applicant:

- 1) Prior to commencement, the applicant will be required to resubmit calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events. The applicant is referred to the informatives to comply with Wiltshire Council policy when undertaking revised calculations.*

Reason: Wiltshire Council's betterment policy for greenfield sites states that “With regards the control of surface water discharges from greenfield sites, Wiltshire Council requires post development discharges to provide 20% betterment over pre-development (greenfield) discharges for both peak flow and volume. To demonstrate compliance, the applicant must provide pre and post development runoff rates for a range of return periods (1, 30 and 100 year), and pre and post development runoff volumes for the 100 year, 6 hour rainfall event. This takes account of national policy, as outlined in the SuDS Technical standards”

- 2) The applicant shall submit a plan showing overland exceedance routes for flows in excess of the 1 in 100 year plus climate change (40%) rainfall event, demonstrating that exceedance flows will be wholly and safely managed on site and will not flood people / property.*

Reason: to ensure flood risk is not increased to existing adjacent property and residing people, and to ensure flood risk is mitigated to proposed property and people.

- 3) No development shall commence on site until a construction management plan has been submitted to control pollution to existing watercourses and groundwater.*

Reason: to mitigate pollution to existing watercourses adjacent to the site and groundwater, and to mitigate flood risk to existing adjacent property and residents.

Informatives

Within the calculations, the MADD factor must be set to zero, so as not to overpredict attenuation volume within the network. If a value other than 0m3/ha is selected for the MADD value, the applicant will need to provide quantitative evidence to demonstrate that this is appropriate.

Economic Development – Support

Arboricultural Officer – No objection, subject to the hedgerow being protected during construction phase.

Public Protection – Support, subject to Conditions:

The acoustic report by LFAcoustics dated January 2023 (the report) advises that the following is necessary in order to protect amenity:

- *limits to the times of deliveries to the proposed retail food store*
- *acoustic fences along rear boundary of the food store and along the side of the loading area, extending to the front of the vehicle parking area.*
- *Acoustic fence to fixed plant associated with the nursery and a close boarded fence to retaining wall of retaining wall of play area*

The above mitigation is therefore necessary in order to protect any future residential dwellings that are subject to adjacent development ref PL/2023/01007 (currently pending a decision).

I therefore proposed the following conditions:

- 1) *The rating level (LArTR) of the noise emitted from the proposed development shall not exceed the existing background noise level (LA90T). The rating level shall be determined by measurement or calculation at the boundary of the nearest noise sensitive premises or at another location that is agreed with the local planning authority. Measurements shall be made in accordance with BS4142:2014 +A1:2019. Where the background levels are to be taken as a LA90 1 hour during the daytime [07:00 - 23:00] and LA90 15min during the night [23:00 – 07:00], and the specific sound levels expressed as an LAeq 1 hour during the daytime [07:00 - 23:00] and LAeq 15 minutes during the night [23:00 – 07:00] with all measurements taken at the boundary of the nearest residential noise-sensitive receptors.*

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

- 2) *No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0700 nor after 2300 on any day.*
- 3) *Acoustic fencing shall be installed to meet the specifications and location in the LFAcoustics report dated January 2023 and to the following locations.*
 - *On top of the retaining wall along the rear boundary of the food store and along the side of the loading area, extending to the front of the vehicle parking area. The acoustic fence shall have an absorptive inner face to minimise any reflection effects and shall be constructed to a height of 4 metres*
 - *On top of the retaining wall to the sides and rear of all local centre buildings, extending along the delivery bay and food store public parking. The acoustic fence shall be 2 metres along the boundary with the nursery.*

Landscape Officer – No objection, subject to Condition, stating:

“The site is for a local centre consisting of nursery, shop, parking, and ancillary landscaping. The site originally came in as a pre-app ENQ/2022/00244 which I commented on as well as being referred to in the outline application for the surrounding housing PL/2022/07893 commented on by my colleague Maxine Russell. As noted in previous comments the site lies outside the settlement Boundary of Calne and within 1.3km of the North Wessex Downs AONB.

I had previously noted in the pre-app comments that that any scheme would benefit from the earth bund being planted to help screen the development from views from the east (AONB) as well as providing street tree planting in the car park, to provide shelter, reduce rainwater run off, remove air pollution, as well as provide an attractive setting to the development.

Whilst I am pleased to see that my suggestion of landscape planting on the slope has been introduced, the amount of tree planting in the car park is not what I would have expected. I am also concerned as to the practicality of the long tapering planting bed and the risk of plant failure due to lack of soil volume and car park users walking through the planting beds and trampling the plants.

I would therefore ask as a condition of any approval that additional room is made for a planting bed along the front of the scheme and additional car park trees included as noted on the enclosed plan.

I note the urban design officers comments on needing to ensure that this scheme integrates with the wider design for the surrounding housing scheme PL/2022/07893 along with the wider urban extension to Calne and this no objection on landscape grounds subject to the above conditions can not be used to infer that I do not have my concerns about the disjointed nature of the master planning process but I feel this has been better dealt with in the urban design officers comments.”

Public Rights of Way Officer – No comment received.

8. Publicity / Representations

The application was advertised by site notice, press advert and neighbour consultation. Three (3no.) letters of objection have been received (one on behalf of Spar), on the grounds of:

- No need for the development with other supermarkets / convenience stores nearby and there is no demand for a nursery (although a primary school / medical centre are needed).
- The impact on the existing Spar store has been underestimated.
- The land is needed for drainage.
- Sewer and drainage capacity issues in area.
- Restrictions on opening / delivery times would be required.
- Benefits are outweighed by environmental impact.

9. Planning Considerations

Principle of development

Policy Context

Core Policy 1 designates Calne as a ‘Market Town’ within the settlement hierarchy; Core Policy 2 explains that within such locations there is a presumption in favour of sustainable development within the limits of development. The site is not within the limits of development; however, it is located immediately adjacent to that boundary, as shown on the map extract at Section 3 above.

Core Policy 38 requires that all proposals for retail or leisure uses outside designated centres that are in excess of 200sqm gross, must be accompanied by an impact assessment in order to: *“... demonstrate that the proposal not harm the vitality or viability of any nearby centres. All such proposals must also comply with the sequential approach, as set out in national guidance, to ensure that development is on the most central site.”*

Section 7 of the National Planning Policy Framework (NPPF) generally aims to protect the role of town centres, in particular through the application of a sequential test to ensure the main town centre uses are located in town centres, then in ‘edge-of-centre’ locations, and only then if no suitable sites are available should ‘out-of-centre’ sites be considered (paragraph 87). Paragraph 89 states that the sequential approach should not be applied to applications for ‘small scale rural offices or other small scale rural development,’ and paragraph 90 continues on to set out an indicative threshold for when an impact assessment might be required, stating that:

“90. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace) ...”

Thus, whilst Core Policy 38 sets a threshold of 200sqm for a retail impact assessment and compliance with the sequential test, in setting a somewhat higher threshold, the NPPF clearly places the rationale for this approach on ensuring that existing town centres are not adversely impacted by any ‘out of centre’ development.

Policy WS3 and associated paragraphs 126 to 131 of the Calne Community Neighbourhood Plan (CCNP) refer specifically to ‘Local Neighbourhood Shopping’, the second part of that Policy stating:

“Development proposals that add to and/or sustain the distribution of local neighbourhood convenience shops, designed to be accessible primarily on foot or by cycle, will be supported subject to compliance with all relevant development plan policies.”

The supporting text to this explains that many of the newer housing developments in Calne have been built with no provision for retail or community facilities, and that: *“... the residents have indicated that ... we need to provide local shopping facilities for more of our community, given the lack of facilities provided in recent developments, for small top-up shopping and pharmacies near to where people live”* (paragraph 129).

Town centre impact and the sequential test

The retail element of the proposed facility falls with the definition of a ‘town centre use’ set out in the NPPF and as such triggers the need for consideration of the proposal against the sequential test. As set out above, the clear aim of the sequential test is to ensure that no harm is caused to the vitality and viability of existing town centres.

The scale of the proposed retail floorspace and the rationale of the proposal presents the clear aim of the facility meeting solely local needs as a ‘top-up’ shopping facility. The quantitative capacity assessment submitted in support of the application sets out that there is sufficient expenditure capacity arising from the recently completed and currently committed new housing on the eastern side of the town, this not including any further growth which may occur on this eastern side of Calne in the future. It concludes that the store is capable of being supported with no reliance on trade being diverted from existing stores in the town centre. For these reasons, it is considered that there will be no material harm caused to the existing town centre services and facilities.

In terms of trade diversion from the existing (and relatively recent) Spar store on the south-eastern side of town, the Applicant has provided a rebuttal to the objection submitted on behalf of that store explaining that the impact on that store is expected to be ‘de minimis’. Importantly, this is based on the existing situation in terms of housing numbers, catchment spend and retail offer, but clearly with the additional residential development which is highly likely to come forward on the more northern

area of the eastern side of Calne over future years, the impact is likely to be reduced even further. Thus, whilst the catchment areas of the Spar store and the retail store now being proposed overlap to some limited extent, the different retail offer and location of new housing delivery means that the conclusions regarding a relatively 'de minimis' impact appear logical and robust.

However, a Condition is considered warranted to ensure that there is no future expansion to the retail floorspace, and that there is no possibility of the creche facility being subsumed into the retail floorspace to create a larger retail facility at this location, thus ensuring the store remains serving only its local scale catchment area.

In terms of the specific location, whilst the site is located at a site which does not fall within the settlement boundary, there are not considered to be any suitable and / or available sites within the local catchment area which this facility will serve, which are located within the settlement boundary. In particular, the new housing developments to the north and south of Abberd Lane (at Hurricane Drive and around Anson Avenue / Hercules Road) do not provide any opportunities for such a facility. In this sense, to serve the local catchment as intended, the site is considered to be 'suitable' in a sequential sense.

Whilst not holding any material weight at this stage, it is of contextual relevance to note that the illustrative masterplan for land to the east of Calne included within the emerging draft Local Plan, includes space for a 'convenience store' which is similarly located to front the main road (Sand Pit Road), albeit a further 300m north of the facility now being proposed.

The need for the facility

Since the CCNP was made, a new local retail facility has opened some 400m to the south of the site along Spitfire Way. That facility was limited to 190sqm floorspace (planning permission 17/00679/OUT / 18/12108/REM) and is operated by Spar. That functions as a local top-up retail facility to serve for the new housing which has been, and continues to be, constructed around that area of the town following the grant of 17/00679/OUT which allows for up to 165 dwellings, along with the existing residential development in that part of the town. However, there is no such similar local top-up facility to serve the new housing development which has taken place around Sand Pit Road and Hurricane Drive, along with the existing residential development in this part of the town.

Whilst somewhat larger than the floorspace approved for the existing facility further south, the scale is clearly aimed at meeting solely the local need, functioning as a local 'top-up' facility; certainly in the context of the NPPF thresholds. The CCNP identifies a clear need for this type of local shopping facility to support the new housing development which has taken place around the application site on this eastern side of Calne. Thus, although the site does not conform with the general spatial policies set out in the CCNP, it is noteworthy that both Calne Town and Calne Without Parish Councils both support the application (in the context of Policy WS3) – seemingly a clear demonstration that the facility is needed for the local community.

Conclusion

In that the application site does not fall within the settlement boundary for Calne, the proposal conflicts with the general locational policies of the Core Strategy. Whilst Policy WS3 of the CCNP provides clear policy support for local neighbourhood convenience shops, this is caveated as being subject to compliance with all relevant development plan policies. Thus, the position is that there is a definite need for the facility, evidenced not least through the level of local support and which has some clear support in policy terms, but the provision of which on this specific site is not in full compliance with the development plan.

Layout, scale, design and appearance

The proposed building would be set back from the frontage of Spitfire Way, allowing for the retention of the existing hedgerow which currently fronts that road. Set behind that existing hedgerow is a gravel track which runs broadly the length of the site and following that hedgerow around the northern

boundary to meet Abberd Lane some 50m north of the roundabout. As such, and also due to the reduction in levels at the northern end of the site, the building will appear set into the site somewhat, although there is considered to be potential for further landscaping (see below).

The Urban Design Officer has queried this scale of the facility, in particular in terms of the context of the recent development which has occurred on this eastern side of Calne, and also noting that it is difficult to reach a definitive view on acceptability without consideration of the wider parcel(s) of land subject to application PL/2022/07893 for up to 100 dwellings, which remains undetermined. In terms of the first of these points, the design is considered suitable and appropriate for a neighbourhood centre of this nature and the combination of uses proposed is clearly needed by the local community. The determination of the application for up to 100 dwellings will of course need to take account of any permission for this local centre, should it be granted. In particular, whilst it is acknowledged that a denser scale of development may be desirable as can sometimes be found at local centre type complexes (e.g. accommodation above the commercial elements), it is considered that in its wider setting and context of the recent housing development nearby, the modern design and materials will not appear incongruous and is, on balance, considered acceptable.

The proposed Design Scheme drawings have been amended such that the 4.0m tall acoustic fence, which was initially included as proposed, has been removed from the drawings. The basis and rationale for the acoustic fence was driven primarily from the proximity of the dwellings shown on the illustrative masterplan for the adjacent land. However, as that application remains undetermined and there is no certainty regarding the likelihood and / or timing of that application proposal coming forward, requiring an acoustic fence as part of this application is considered inappropriate and not necessary, particularly given the proposed nature and scale of the fence at 4.0m tall. As such, details of the boundary treatment have not been included on the proposed plans, and these details will therefore need to be dealt with by way of Condition to ensure they are appropriate for both the site itself and also its immediate setting.

During the consideration of application reference PL/2022/07893 for residential development surrounding the site, it will be necessary to consider the acceptability of the potential effect of noise and disturbance from fixed plant and activity from the commercial activities on residential amenity as well as any mitigation measures required along the boundary.

The details and specification of the plant and bin stores has not been provided. These features are shown in a relatively prominent position at the end of the parking area and, whilst the need for these features is acknowledged, their detailed design will be an important consideration. As such, it is considered necessary and appropriate to cover these details by way of Condition.

Highways impacts, pedestrian and vehicular access and parking

Access, parking and highway impact

The application is supported by a Transport Statement, a Framework Travel Plan and a Delivery & servicing Management Plan. Vehicular access to the site will be taken from Spitfire Way via the existing site access and the Highways Officer has confirmed that impact on the wider network will be acceptable.

The Transport Statement sets out the level of parking provision. A reduced provision against the adopted 'maximum' standards is justified on the basis of the facility, as a neighbourhood centre, being supported by a Travel Plan to encourage the use of more sustainable modes of transport. A total of 31no. spaces are proposed, split between 15no. spaces for the convenience store (compared to a potential 'maximum parking accumulation' of 17no. spaces), and 16no. spaces for the creche (compared to a potential 'maximum parking accumulation' of 20no. spaces). A total of 12 cycle spaces are proposed on site, with three Sheffield stands adjacent to the nursery entrance and three Sheffield stands adjacent to the convenience store entrance – this quantum being commensurate with local guidance.

Tracking diagrams have been provided which show vehicle manoeuvrability within the site, in particular for the delivery vehicles. For the convenience store it is estimated that there will be between four and five Heavy Goods Vehicle deliveries (medium sized articulated vehicles) daily, and an additional one or two 'drop and drive' deliveries made by smaller vehicles. For the creche deliveries will be made by smaller vehicles (7.5 tonne) around once a week for larger deliveries and two to three times a week for fresh food deliveries.

The scale of movements would be akin to that at other comparable neighbourhood centres and the Highway Officer has raised no objection to the application. In the interest of public amenity it is appropriate to Condition the timing of deliveries.

Access and legibility

Pedestrian access will be available via Spitfire Way but linkages through the site to the roundabout to the north-west of the facility are proposed via the existing gravelled track to link up with pedestrian access improvements around and across the roundabout. These will provide wider pedestrian and cycle connectivity routes (including to the Public Right of Way CALW56) and will be secured through a Section 278 agreement as well appropriate Condition(s).

Sustainability and energy efficiency

The Energy Report submitted with the application sets out measures to ensure appropriate thermal construction properties, along with the use of electric heating and hot water generation – these will be secured by way of Condition. The measures, and implementation of passive design demonstrate compliance with the relevant Building Regulations.

Landscaping and visual impact

The site is not located within any sensitive landscape and, although located on agricultural land, the wider setting of the site is of recent housing development. Indeed, that recent housing development has somewhat altered the character of the site and the parcel of land within which it sits, in particular through: (i) the existing tarmac access to the site; (ii) the gravel track through the site; and (iii) the attenuation pond on land to the immediate south of the site.

The conclusion reached by the submitted Landscape and Visual Appraisal is that: *“This assessment has identified that the site has a medium-low visual and landscape character sensitivity and can accommodate change without significant or unacceptable harmful effects to the contextual and wider landscape character or to the views experiences [sic] within the wider visual envelope of the site. Overall, the development proposals conserve the wider landscape character with opportunities for enhancement in keeping with both local and national landscape policy requirements”* (section 21).

The Council's Landscape Officer has confirmed no objection to the application, but has suggested that additional landscaping – particularly at the frontage of the site – would be beneficial in terms of screening and softening the visual impact of the development. Given the extent of land ownership of the Applicant, it will be possible and appropriate to secure this by way of Condition.

As originally proposed, the scale of the acoustic fence did present a somewhat 'engineered' appearance to the site boundary. Whilst this may be appropriate should the surrounding context of the site change, it does not necessarily present the most appropriate form of site boundary at the point of determination of this application. As the specific need for the acoustic fence arises solely through the suggested proximity of the residential development proposed on the illustrative masterplan supporting application PL/2022/07893, at this stage it is not considered appropriate to include that boundary detail. Accordingly, that boundary detail has been removed and the specific boundary detail which would be appropriate for this application will be dealt with by way of Condition.

In addition to the suggested landscaping along the site frontage, it may also be then that some landscape treatment on land within the Applicants control adjacent to the northern boundary will be appropriate; that will be considered alongside the proposed boundary treatment. This may

potentially have consequential impacts on the layout of the residential development proposed on the adjacent land (under PL/2022/07893).

Noise, odour and dust

In terms of impacts on the occupants of the existing residential development, there are no immediate neighbours who would be particularly adversely impacted by the proposed development. Construction phase impacts can be suitably covered by way of Condition, and once operational, the location of the proposed facility will not result in an unacceptable level of noise, odour or dust arising.

In terms of noise, it is clear that the Noise Assessment (LF Acoustics) has been undertaken in the context of, and taking into consideration, the proposed development on the adjacent site currently under determination (PL/2022/07893). Based on this, the report sets out the need for a retaining wall around the site, along with fencing on top to: “... *provide screening to the residents of the proposed development*” (section 3.2). The mitigation measures are predominantly required due to the adverse impacts which would arise for the occupiers of the proposed residential development associated with deliveries and vehicular movements to the side and rear of the site.

However, as considered above, the need for the retaining wall / acoustic fence as a boundary treatment is not clearly defined at the time of determination of this application since there is no built or consented development on the land to the immediate north and east of the site which would be impacted. Accordingly, and in the context of a 4.0m tall acoustic fence not being appropriate for this countryside location or necessary to mitigate against unacceptable noise at this stage, it is considered reasonable to make use of a condition that will require the submission and agreement of the detail of boundary treatments.

Issues of odour and dust arising relate substantially to the construction phase and, based on the response from the Public Protection team, it is considered that these can be appropriately dealt with by way of Condition.

Similarly, external lighting can be appropriately dealt with via planning condition, which is considered necessary and reasonable in this instance.

Drainage

The application includes a Drainage Strategy and associated Drainage Strategy Plan; a wider Flood Risk Assessment and Drainage Strategy has been undertaken in relation to the outline application on adjacent land for 100 dwellings which is currently being considered. The proposed solution for each of these sites is for surface water to discharge into the existing attenuation pond located at the immediate southern boundary of the site.

With respect to this application, the Drainage Officer has raised no objection, but has commented that further calculations and details are required; it is considered acceptable that this detail can be secured by way of Condition.

Other matters and material considerations

Local support

As referenced above, although the application proposal gives rise to some issues of policy conflict, both Calne Town and Calne Without Parish Councils support this application proposal based on a local need for such facilities. Thus, as noted previously, whilst the application proposal gives rise to some policy conflict, this strong degree of local support is set in the context of Policy WS3 of the CCNP, which provides clear policy support for local neighbourhood convenience shops and facilities.

Adjacent land

As noted previously in this report, the context of the application site is one in which it is located within a larger parcel of agricultural land, that land being the subject of a live outline planning application for 100 dwellings, being considered under application ref. no. PL/2022/07893. This report has identified and explained the inter-relationship between the two sites where relevant.

In the event that PL/2022/07893 were to be considered acceptable, the context of this site would be materially different: from a site which is located on the edge of the settlement boundary, to one in which it would be an integral part of (predominantly) either existing or approved residential development.

The emerging Local Plan

As noted above, whilst the emerging Local Plan (pre-submission draft, 2020-2038) currently carries no weight given its very early point in the review process, for contextual relevance it is noteworthy that land to the north of Abberd Lane and to the east of the wider site the subject of PL/2022/07893 is identified for allocation for a mix of uses including residential, employment as well as a convenience store and nursery facility. In terms of paragraph 50 of the NPPF, there can be no argument of prematurity justifiably maintained at this early stage. However, those draft allocations do add weight to the definite need for the facilities now being proposed, these being located to front Sand Pit Road in the draft masterplan, in a position not dissimilar to that as now proposed, albeit some 300m further to north of this site.

10. Conclusion

This application seeks permission for a new local centre comprising a day nursery of some 511sqm and a convenience store comprising some 326sqm of retail floorspace. Associated parking provision is made for 31no. vehicles, of which 2no. for disabled; 4no. will have EV charging points, as well as 1 motorcycle space and cycle parking for 12 bicycles. The proposal also includes on and off site vehicular and pedestrian access and highway improvements and associated landscaping.

The proposal gives rise to a number of planning issues. In terms of the principle of the development, as the application site does not fall within the settlement boundary for Calne, the proposal conflicts with the general locational policies of the Core Strategy: Core Policies 1 and 2. Policy WS3 of the CCNP provides clear policy support for local neighbourhood convenience shops; however, this is caveated as being subject to compliance with all relevant development plan policies. Thus, whilst there is a definite need for the facility, evidenced not least through the level of local support and which has some clear support in policy terms, the provision of such a facility on this specific site is not in full compliance with the development plan.

The context of the application site is one in which it is located within a larger parcel of agricultural land, that land being the subject of a currently live outline planning application for 100 dwellings (ref. no. PL/2022/07893). Where necessary, this report has considered the inter-relationships between these two application proposals, and the details of this application proposal have been amended such that they can be appropriately considered in advance of (and in isolation from) the proposals for the adjacent land.

On balance, given the need for the facility to serve existing development, coupled with the local support and policy objective set out in the CCNP to provide such facilities, the application proposal is considered to be acceptable on its own merits. However, should PL/2022/07893 be considered acceptable and granted permission, the context of this application site would be materially different: from a site which appears is located on the edge of the settlement boundary, to one in which it would be an integral part of (predominantly) either existing or approved residential development. As a consequence, the justification for this application proposal would then be strengthened rather than compromised in any way.

RECOMMENDATION: Planning Permission to be GRANTED subject to the following conditions:

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

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

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

Location Plan 9311 PL01.revB
Existing Site Plan 9311 PL03.revB
Proposed Site Plan 9311 PL04.revE
Block Plan 9311 PL02.revB
Proposed Ground Floor Plan 9311 PL10.revA
Proposed Roof Plan 9311 PL11.revA
Proposed Elevations 9311 PL15
Proposed Sections AA & BB 9311 PL16
Drainage Strategy Plan P20-109 SK011.P5
Levels strategy plan P20-109 SK010.P4
External Lighting SPF-HYD-XX-XX-DR-E-9001
Soft Landscape Proposals – MHP
Landscape Management Plan – MHP
H690/1.revF: Proposed Site Access Arrangements
H690/2.revB: Swept Path Analysis

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order) 2015 (or any Order revoking or re-enacting or amending this Orders with or without modification, the site shall be used solely for purposes within Classes E(a) and E(f) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification) unless planning permission has been specifically granted following receipt of a planning application by the local planning authority.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending this Orders with or without modification there shall be no additions / extensions / external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans unless planning permission has been specifically granted following receipt of a planning application by the local planning authority.

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, or the installation of any outdoor plant/machinery.

5. No development shall commence above ground floor slab level until details of the storage of refuse and recycling, and any plant store, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the approved refuse / recycling / plant storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health, safety and amenity.

6. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site without the prior approval in writing of the Local Planning Authority in the form of a separate planning permission in that regard.

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

7. No development shall commence above ground floor slab level until details of any boundary walls and / or fences and / or screens have been submitted to and approved in writing by the Local Planning Authority. Such walls / fences / screens shall be erected in accordance with the approved details prior to the occupation of the building hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: In the interests of public amenity.

8. Notwithstanding the submitted details for the site, no development shall commence above ground floor slab level until a scheme of hard and soft landscaping, for the site and adjoining land, 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 on the site and adjacent land;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

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

9. 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.

10. The off-site highway improvements shall be provided via a S278 Agreement prior to occupation of the site, as per the approved drawings H690/2 Rev B and H690/1 Rev F (Transport Statement).

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

11. Within 6 months of first use of the development hereby approved a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The full Travel Plan when approved shall be implemented (including the appointment of a travel plan co-ordinator) within 12 months of first occupation.

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

12. No deliveries or despatches shall be made to or from the site by HGV vehicles, and no HGV delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0700 nor after 2300 Monday to Saturday, and between 0800 and 2000 on Sundays, Bank or Public Holidays.

REASON: In the interests of public amenities.

13. No part of the development hereby approved shall be first brought into use until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

14. No part of the development hereby approved shall be first brought into use until the cycle and motorcycle parking provision shown on the approved plans has been installed in accordance with the approved details. These shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles and powered two-wheelers are provided and to encourage travel by means other than the private car.

15. No part of the development hereby approved shall be first brought into use until details of the surfacing of the existing and proposed pedestrian tracks have been submitted to and approved in writing by the Local Planning Authority. These shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that satisfactory non-car connections are maintained to encourage travel by means other than the private car.

16. The development shall be undertaken in full accordance with the energy and sustainable measures detailed in the Hydrock Energy Statement (dated 31 January 2023)

REASON: For the avoidance of doubt and in the interests of sustainability.

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

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

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

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

18. 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 hedgerows on the site and adjacent land and their protective fencing has been submitted to and approved in writing by the Local Planning Authority. 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 hedgerow shall be cut down, uprooted or destroyed, other than in accordance with the approved plans. If any hedgerow is removed, uprooted, destroyed or dies, another 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.

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

19. The development will be carried out in strict accordance with the following documents:

- External Lighting, Drawing No: SPF-HYD-XX-XX-DR-E-9001, Revision: P05, Date: 04/04/23 by Hydrock
- 10 Year Landscape Management Plan, Commercial Centre at Spitfire Road, Calne, Issue No 7, Date: 05/05/2023 by MHP Design Ltd.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

20. No further external lighting shall be installed on site whatsoever unless otherwise agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

21. No development shall commence above ground floor slab level until details showing ventilation and extraction equipment within the site (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the building hereby approved being first occupied and shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area.

22. Prior to commencement, the applicant will be required to resubmit calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events. The applicant is referred to the informatives to comply with Wiltshire Council policy when undertaking revised calculations.

REASON: Wiltshire Council's betterment policy for greenfield sites states that "With regards the control of surface water discharges from greenfield sites, Wiltshire Council requires post development discharges to provide 20% betterment over pre-development (greenfield) discharges for both peak flow and volume. To demonstrate compliance, the applicant must provide pre and post development runoff rates for a range of return periods (1, 30 and 100 year), and pre and post development runoff volumes for the 100 year, 6 hour rainfall event. This takes account of national policy, as outlined in the SuDS Technical standards."

23. The applicant shall submit a plan showing overland exceedance routes for flows in excess of the 1 in 100 year plus climate change (40%) rainfall event, demonstrating that exceedance flows will be wholly and safely managed on site and will not flood people / property.

REASON: To ensure flood risk is not increased to existing adjacent property and residing people, and to ensure flood risk is mitigated to proposed property and people.

24. No development shall commence on site until a construction management plan has been submitted to control pollution to existing watercourses and groundwater.

REASON: To mitigate pollution to existing watercourses adjacent to the site and groundwater, and to mitigate flood risk to existing adjacent property and residents.

25. The rating level (LArTR) of the noise emitted from the proposed development shall not exceed the existing background noise level (LA90T). The rating level shall be determined by measurement or calculation at the boundary of the nearest noise sensitive premises or at another location that is agreed with the local planning authority. Measurements shall be made in accordance with BS4142:2014 +A1:2019. Where the background levels are to be taken as a LA90 1 hour during the daytime [07:00 - 23:00] and LA90 15min during the night [23:00 – 07:00], and the specific sound levels expressed as an LAeq 1 hour during the daytime [07:00 - 23:00] and LAeq 15 minutes during the night [23:00 – 07:00] with all measurements taken at the boundary of the nearest residential noise-sensitive receptors.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

26. No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, 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;
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

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.

INFORMATIVES

The developer/applicant will be expected to enter into a S278 and S38 Agreement with the Highway Authority before commencement of works hereby approved.

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected.

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.

This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted 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.

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

Within the drainage calculations, the MADD factor must be set to zero, so as not to overpredict attenuation volume within the network. If a value other than 0m³/ha is selected for the MADD value, the applicant will need to provide quantitative evidence to demonstrate that this is appropriate.

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REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	13/09/23
Application Number	PL/2023/03187
Site Address	1 The Peak, Purton, Swindon, SN5 4AT
Proposal	Single Storey extension to side and rear of property. Extension to have a wheelchair accessible bedroom and shower room, connected onto existing ground floor of property with wheelchair access onto entire ground floor and access to front and garden.
Applicant	Wiltshire Council
Town/Parish Council	Purton Parish Council
Division	Purton
Grid Ref	53.53477, -5.207386
Type of application	Householder Planning Permission
Case Officer	Stefan Galyas

Reason for the application being considered by Committee

1. Purpose of Report

The application concerns a council owned dwelling which has received a letter of objection from an adjacent neighbouring occupier with regard to the proposal's impact on their residential amenity.

2. Report Summary

The application has undergone an assessment within the report and found the proposal to have an acceptable impact on the residential amenities of adjacent neighbouring occupiers by virtue of the degree of separation between the two properties and the proposal's limited scale.

3. Site Description

The site consists of a two-storey semi-detached dwelling with a pitched roof and a conservatory addition to the rear (east) elevation of the dwelling. The dwelling stands adjacent to the eastern side of The Peak and has a small driveway that provides access from the highway. The remainder of the site comprises of a small front lawn and rear garden amenity space.

The existing building's materials include brick walls, concrete roof tiles and uPVC windows and doors.

The site is located in a residential area, with a variety of bungalows and two storey dwellings making up the street scene. There are several other dwellings of comparable architectural design, with many dwellings using either rendering or exposed brick to their exterior. Boundary fences and walls run adjacent to the highway and are broken up sporadically to allow access to driveways.

The site is located within the defined settlement framework for Purton, which is identified as a large village by the Wiltshire Core Strategy.

In terms of policy constraints, the site is not located within any designated area.

4. Planning History

The site has no recent history of any planning applications.

5. The Proposal

The application seeks planning permission for the development of a single storey side and rear extension. The proposal would be 6.6m in depth, 7.3m wide, have an eaves height of around 2.7m and a ridge height of 4.4m. External materials would constitute brick walls, concrete roof tiles and uPVC windows and doors.

6. Planning Policy

Wiltshire Core Strategy (WCS) (Adopted January 2015)

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 19 – Royal Wootton Bassett and Cricklade Community Area

Core Policy 51 – Landscape

Core Policy 57 – Ensuring High Quality Design and Place shaping

Purton Neighbourhood Plan Made 2018

Policy 13 – Development Principles

Wiltshire Local Transport Plan 2011-2026

Car Parking Strategy

National Planning Policy Framework (NPPF) (2021)

Paragraph 2- Compliance with the Development Plan

Paragraphs 7 and 8 – Sustainable Development

Paragraph 11 – Presumption in Favour of Sustainable Development

Paragraph 38 – Proactive Approach to Decisions

Paragraph 47 – Determination in Accordance with the Development Plan

Paragraph 110 – Consideration of Development Proposals

Paragraph 130 – Function and Form of Development

Section 12 – Achieving Well Designed Places

National Design Guide 2021

7. Consultations

Purton Parish Council: No objection

8. Publicity

There was one letter of representation received in response to the application. It raised an objection against the development's potential overshadowing impact on neighbouring properties. It was noted that the site does not have much space to its rear or side and that the neighbouring property to the north is a bungalow which receives little light.

9. Planning Considerations

Assessment

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

Principle of Development

The principle of extending or altering an existing dwellinghouse located within the defined settlement framework is considered to be acceptable and in accordance with Core Policies 1, 2, 19 and 57 of the WCS.

Impact on the Character, Appearance and Visual Amenity of the Locality

The promotion of high-quality design is encouraged through the planning system and is reflected in Core Policy 57(iii) of the WCS, requiring design to relate closely to the existing pattern of development regarding size, scale, massing, materials, elevational design, roofline and the layout of the proposal. Core Policy 57(vi) also requires development to take into account the characteristics of the site and deliver appropriate development.

Paragraph 130 of the NPPF states, among other matters, that development should be visually attractive as a result of good architecture and be sympathetic to local character. The need for good design is reinforced by the National Design Guide (2021). Additionally, Policy 13 of the Purton Neighbourhood Plan requires the form and layout of the development to reflect the vernacular, design and materials found within Purton.

The proposal would be visible from the street and would use matching materials including brick walls and a concrete tile roof. The proposal is considered to assimilate well to its surroundings. A ramp would be included on the principal elevation on the dwelling and would allow for wheelchair accessibility. It is considered that this element of the proposal would have an acceptable impact on the character and appearance of the area.

Accordingly, the proposed development is not considered to be harmful with regard to the character, appearance and visual amenity of the locality.

Impact on Residential Amenity

Paragraph 130(f) of the NPPF seeks to secure a high standard of amenity for existing and future users. This is further reflected in Core Policy 57(vii) of the WCS which requires the proposed development to achieve appropriate levels of amenity in respect to neighbouring buildings and within the development itself.

The proposal would decrease the distance between the existing dwelling and the neighbouring property to the north of the site. The neighbouring dwelling, no.1b, is a bungalow set at a lower level than the application site. The neighbouring dwelling has a limited amount of garden amenity space and is set within a small plot.

It is considered that the proposal would be modest in height with a ridge height of approximately 4.4m. At its closest point, the proposal would be set approximately 1.2m away from the neighbouring dwelling. It is concluded that a reasonable degree of separation would remain between the proposal and the neighbouring garden.

The extension would be located closer to the site boundary than the existing house, however by virtue of the proposals single storey nature and distance from the boundary it is not considered that the proposal would result in an overshadowing or overbearing impact.

There would be no additional windows located on the northern elevation that would overlook neighbouring dwellings. It is also noted that there are no facing windows on no.1s side (southern) elevation. There would be an additional window on the rear (eastern) elevation. However, given the boundary treatment to the site's east boundary, the window would not result in an overlooking impact.

The proposal would help improve the accessibility of the site, providing sloped access to the front elevation and a stepped access to the proposed rear elevation. Furthermore, access to the rear elevation will be obtained through the use of a step lift.

The remaining rear garden amenity space would be limited, however, it is considered that the south-eastern corner of the plot would provide a sufficient space for the present and future occupiers to use.

In summary, the proposal would be limited in scale and therefore would not likely result in significant harm in regard to overshadowing, loss of outlook or noise impact on neighbouring properties.

10. Conclusion

The proposed development is considered to accord with Core Policies 1, 2, 19 and 57 of the Wiltshire Core Strategy, Policy 13 of the Purton Neighbourhood Plan and relevant paragraphs of the NPPF. Accordingly, it is recommended that the application be approved.

RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:

Conditions: (3)

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
25189/1 Existing Floor Plan
25189/2B Proposed Floor Plan
25189/3 Existing Proposed Front and Rear Elevations
25189/4 Existing Proposed Side Elevations

25189/5 Site Block Plan
SU0987 Site Location Plan
All received 21st April 2023

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match be as stated on the approved plans, application form and submitted documentation.

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

Informatives: (4)

1. 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.
2. 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.

3. 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.
4. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website.

Appendices:

Background Documents Used in the Preparation of this Report:



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