

AGENDA

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

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

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

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Membership:

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

Substitutes:

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

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PART I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 14 December 2016.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

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

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

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

Questions

To receive any questions from members of the public or members of the

Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 1 February 2017** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Friday 3 February 2017**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals & Updates** (*Pages 13 - 14*)

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

7 **16/10934/FUL - Land Adjacent Old Telephone Exchange, Seagry Hill, Sutton Benger, Wiltshire, SN15 4SA - Change of use of land to one gypsy and traveller pitch, the erection of a day room, siting of a static home together with space for the parking of two cars, a mobile home, space for a garden and the siting of a cess pit.** (*Pages 15 - 28*)

A report by the Case officer is attached.

8 **14/08060/OUT - Land at Marsh Farm, Coped Hall, Royal Wootton Bassett SN4 8ER - Mixed Development of up to 320 Dwellings, Community Hub Comprising of 500sqm of A1/A2/A3/A4/A5/D1 & D2 Uses, Public Open Space, Landscaping, Extension to Approved Sports Hub & Access** (*Pages 29 - 74*)

A report by the Case Officer is attached.

9 **16/06995/FUL - Land North of Malmesbury Road, Royal Wootton Bassett SN4 8AY - Hybrid Application for a 2,469 m2 (GIA) supermarket with access and landscaping (detail), up to 33 senior living units and Class C2 care home of up to 3,000 m2 (outline).** (*Pages 75 - 110*)

A report by the case Officer is attached.

10 **Date of Next Meeting**

To note that the next scheduled meeting of this Committee is due to be held on Wednesday 8 March 2017, starting at 10.30am in the Council Chamber at County Hall, Trowbridge.

11 **Urgent Items**

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

PART II

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

None

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STRATEGIC PLANNING COMMITTEE

DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 14 DECEMBER 2016 AT COUNCIL CHAMBER, COUNTY HALL, TROWBRIDGE, BA14 8JN.

Present:

Cllr Andrew Davis (Chairman), Cllr Tony Trotman (Vice Chairman), Cllr Glenis Ansell, Cllr Trevor Carbin, Cllr Terry Chivers, Cllr Stewart Dobson, Cllr Charles Howard, Cllr David Jenkins, Cllr Christopher Newbury, Cllr Fred Westmoreland and Cllr Paul Oatway QPM (Substitute)

Also Present:

Cllr Chris Caswill and Cllr Toby Sturgis

73 **Apologies**

An apology for absence was received from Cllr Bridget Wayman who was substituted by Cllr Paul Oatway QPM.

74 **Minutes of the Previous Meetings**

Resolved:

- (1) **To approve and sign the minutes of the meeting held on 14 September 2016 as a correct record, subject to the following amendment:**

Minute No. 65 – 15/12351/OUT – Land at Rawlings Farm, Cocklebury Lane, Chippenham, SN15 3LR

The second person to speak against the proposal be amended to read:

“Dr Nick Murry, a local resident and Monkton Park Residents’ Group representative.”

- (2) **To approve and sign the minutes of the meeting held on 28 September 2016 as a correct record**

75 **Declarations of Interest**

There were no declarations of interest made at the meeting.

76 **Chairman's Announcements**

There were no Chairman's announcements.

77 **Public Participation**

Questions were asked by Mr Kim Stuckey and Cllr Chris Caswill to which written answers were provided as appended to these minutes.

78 **15/12351/OUT - Land at Rawlings Farm, Cocklebury Lane, Chippenham, Wiltshire, SN15 3LR**

The following people spoke against the proposal

Mr Kim Stuckey, a local resident
Mr Paul MacLaurin, WAVIN Operations Director for Europe
Mr Craig Howell Williams QC on behalf of Mr Fionn Pilbrow, a local resident
Cllr David Mannering, representing Langley Burrell Parish Council
Cllr Ian Janes, representing Bremhill Parish Council

The following person spoke in favour of the application

Mr Peter Frampton, the agent

The Head of Development Management reported that at its meeting held on 14 September 2016, this Committee resolved to delegate authority to him to grant planning permission, subject to conditions and completion of a Section 106 legal agreement. The legal agreement was progressing, but had not yet been completed and the permission had therefore not yet been granted. In these circumstances, the Council had a duty to consider any changes to the planning considerations that might arise between a decision being made and a granting of permission where these may be material to the decision.

Regarding this application, since the decision as referred to above was agreed by this Committee, the Council had been consulting on proposed further modifications to the draft Chippenham Site Allocations Plan (CSAP) following receipt of the Inspector's letter dated 12 October 2016, which he issued upon the conclusion of the Plan's examination between 27 September and 4 October 2016. The consultation period on the proposed modifications concluded on 12 December 2016 but representations received had not yet been analysed.

Furthermore, in November 2016 the Council had published its 2016 Housing Land Supply Statement as required by the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (PPG). In accordance with the NPPF, the Council was required to apply the appropriate buffer to its 5 year housing supply (either 5% or 20%). The Council considered that it required a 5% buffer, this equating to needing to show a 5.25 year supply of land to meet 5 year's worth of requirement. At the time this Committee considered the application in September there was a 4.76 year's supply. Though the Council's position had improved it still could not currently demonstrate a 5 year housing land supply.

The application was therefore being referred back to this Committee so as to update Members in the light of these changing circumstances.

Additionally, it was reported that the Secretary of State had issued an Article 31 Holding Notice the previous day in response to a representation received from a member of the public earlier on Tuesday 12 December 2016 the same day. This Holding Notice stated that the Council could not grant planning permission. A planning decision could not be made and issued until the Secretary of State had decided whether or not to call in the application for a decision by himself. However, this did not prevent the Committee from considering the application and forming a view on its merits, giving further consideration to the matters referred to above including delegating a grant of approval to the Head of Development Management, in accordance with the recommendation and making a decision, subject to the Secretary of State's decision on a call in of the application.

Members then had the opportunity to ask technical questions after which they heard statements from members of the public as detailed above, expressing their views regarding the proposal.

Members then heard the views of Cllr Chris Caswill, the local Member, in which he set out his objections to the proposal. In particular, he referred to:-

- The issue of housing supply and considered that an additional 50 houses above that proposed in the CSAP allocation would be an overdevelopment.
- The impact of the proposed development on Cocklebury Lane and Station Road had not been sufficiently considered.
- A separate application for a new bridge over the railway line at Rawlings Green had not been received and might not be approved.

He considered that this application was being brought back to the Committee prematurely and that the matter should be deferred pending receipt of the Planning Inspector's report on the Examination in Public on the CSAP and further information regarding the points he had raised.

During the subsequent discussion, some Members considered that this application was being referred back to the Committee for further consideration prematurely and that in particular the report of the Planning Inspector on the Examination in Public of the CSAP and also the analysis by him of the representations received following consultation on the proposed modifications to the CSAP should be available before the Committee was asked to make any further decision on the application.

Resolved:

To defer further consideration of the application pending the receipt of outstanding information regarding in particular:-

- **A decision from the Secretary of State as to whether or not he wished to call in the application for a decision to be made by himself.**
- **An analysis of the representations received following the public consultation on the proposed modifications to the CSAP.**
- **The Planning Inspector's report on the Examination in Public following the Public Inquiry on the CSAP, including his comments on the representations received following the public consultation on the proposed modifications to the CSAP published in October 2016.**

(Cllr Fred Westmoreland requested that his vote against the Motion be recorded.)

79 **Date of Next Meeting**

Resolved:

To note that the next scheduled meeting of the Committee was due to be held on Wednesday 18 January 2017, starting at 10.30am in the Council Chamber at County Hall, Trowbridge.

80 **Urgent Items**

There were no items of urgent business.

(Duration of meeting: 10.30 am - 12.05 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic & Members' Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

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**Wiltshire Council
Strategic Planning Committee
8th February 2017**

There are no Planning Appeals Received between 01/10/2016 and 27/01/2017 relating to Decisions made at Strategic Committee

Planning Appeals Decided between 01/10/2016 and 27/01/2017 relating to Decisions made at Strategic Committee

Application No	Site Location	Parish	Proposal	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded ?
13/04647/WCM	Land at Leigh Delamere Nr Chippenham Wilts	GRITTLETON	Construction of new landscaped noise attenuation bund	Written Reps	Refused	Dismissed	27/10/2016	No
14/11919/OUT	Land Off A365 Shurnhold Melksham Wiltshire	MELKSHAM (TOWN)	Outline application with all matters reserved except for access, for demolition of existing structures and construction of up to 263 dwellings with access, open space, landscaping and associated works.	Inquiry	Refused	Dismissed	10/10/2016	No

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	08 February 2017
Application Number	16/10934/FUL
Site Address	Land Adjacent Old Telephone Exchange, Seagry Hill, Sutton Benger, Wiltshire, SN15 4SA
Proposal	Change of use of land to one gypsy and traveller pitch, the erection of a day room, siting of a static home together with space for the parking of two cars, a mobile home, space for a garden and the siting of a cess pit.
Applicant	Ms Angela Ward
Town/Parish Council	SUTTON BENDER
Electoral Division	Kington – Cllr Greenman
Grid Ref	394745 179483
Type of application	Full Planning (Retrospective)
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Greenman to consider the impact of the development on highway safety, the environment, and whether this is an appropriate location for development.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that planning permission should be **GRANTED** subject to conditions.

2. Report Summary

The key issues in considering the applications are as follows:

- Principle of the development.
- Impact on character and appearance of the area.
- Highway Safety
- Loss of residential amenity

Sutton Benger Parish Council object to the proposed development. 6 letters of objection have been received.

3. Site Description

The application site comprises of an area of land approximately 573 m² in area. The site is within a semi rural location some 800m outside of the settlement framework boundary defined for Sutton Benger in the Wiltshire Core Strategy (saved from the former local plan). The site is in close proximity to a group of residential properties towards the end of through road to the northern end of Seagry Hill.

There are no specific on site constraints which would preclude development taking place within the site.

4. Planning History

N/99/00563/FUL Erection of two dwellings- **Planning Permission Refused**

5. The Proposal

The application seeks planning permission for the change of use of the land to one gypsy and traveller pitch, the erection of a day room, siting of a static home together with space for parking of two cars, a mobile home, garden and cess pit. The application also proposes to provide an access, landscaping and a retaining wall.

Some of the works within the description of development have already taken place on site, the application is therefore in part respective.

6. Local Planning Policy

Wiltshire Core Strategy Jan 2015:

Core Policy 1-	Settlement Strategy
Core Policy 2-	Delivery Strategy
Core Policy 47-	Meeting the Needs of Gypsies and Travellers
Core Policy 50-	Biodiversity and Geodiversity
Core Policy 51-	Landscape
Core Policy 57-	Ensuring high quality design and place shaping
Core Policy 61-	Transport and Development
Core Policy 62-	Development impacts on the transport network
Core Policy 64-	Demand Management
Appendix D	
Appendix E	
Appendix G	

Saved Policies of the North Wiltshire Local Plan:

NE18-	Noise and Pollution
T5-	Safeguarding

Emerging Development Plan Document:

The Gypsy and Traveller DPD (*A new Gypsy and Traveller Accommodation Assessment (GTAA) was published in December 2014 which informs the emerging plan*)

National Planning Policy Framework 2012 (NPPF):

Paragraphs-	7, 14 & 17
Chapter 1-	Building a strong, competitive economy (Paragraphs 18 & 19)
Chapter 7-	Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)
Chapter 11-	Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)

Planning Policy for Traveller Sites (PPTS) – DCLG 2015

7. Summary of consultation responses

Sutton Benger Parish Council: Object for the following reasons:

- The development sits outside the Framework Boundary and is in conflict with Policy H4 of North Wiltshire Local Plan 2011.
- A previous planning application for this site, 99/00563/FUL, was refused on 17 June 1999.

- Views of the local community – residents of Seagry Hill strongly oppose this development as they feel it will cause a loss of amenities, contrary to Core Policy 47vi.

Wiltshire Council Highways: No objection

8. Publicity

The application was advertised by neighbour letter and site notice. 6 letters of objection were received, raising the following issues:

- Increase in traffic
- Damage to Highway
- Previous application for houses in 1999 were refused
- Out of character with the street
- No retaining wall, land structurally unsound
- Increase in surface water runoff and damage to existing properties
- Loss of biodiversity
- Loss of privacy
- No valid need for this site
- Majority of the work has already taken place- this is a retrospective application
- Problems with sewerage on site
- Cesspit is in close proximity to a brook.
- Development will have an adverse impact on the local community
- Insufficient onsite parking.

9. Planning Considerations

9.1 Previous Planning Application

Some local residents have made reference to a previously refused planning application. This application was submitted to the Council in 1999. It was for two residential dwellings and was refused planning permission. The application was considered under a different National and local policy framework as policies and national guidance for dealing with planning applications for gypsy and traveller sites are not the same as those for permanent market housing. This decision is a material planning consideration but the circumstances surrounding these applications are not comparable, and only limited weight should therefore be afforded to the previous decision.

9.2 Retrospective Application

Some local residents have raised concerns as the submission is partly retrospective. They are of the view that permission should be refused for this reason. The concerns expressed by local residents are noted, however, it is not an offence to carry out development without first obtaining planning permission for it and this is confirmed within the Town and Country Planning Act. Section 73A of the Act specifically provides that a grant of planning permission may relate to development carried out before the date of the application. Retrospective applications are dealt with in the same way as any other planning application.

However, on 31 August 2015 the Chief Planning Officer produced a statement relating to intentional unauthorised development. This statement set out changes to national planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications. Though it is fact that the development has taken place without the benefit of planning permission this is not, on its own, sufficient to refuse planning permission.

9.3 Principle of Development

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.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the area. The emerging Neighbourhood Plan is at an early stage and formal submission is some way off. Due to its limited progress to date, this document cannot be afforded any significant weight.

The Council has published its intention to prepare a Gypsy and Traveller DPD and a new Gypsy and Traveller Accommodation Assessment (GTAA) has been prepared in accordance with the commitment in the Wiltshire Core Strategy under paragraph 6.56. However, the production of the Gypsy and Traveller DPD has been delayed and due to its current stage of preparation, this document can only be afforded very limited weight.

The National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) & Planning Policy for Traveller Sites (PPTS) are material considerations which can be accorded substantial weight.

9.4 Status of the Applicant

The applicant's Agent has confirmed that the applicant and their family satisfy the definition of a gypsy or traveller as set out in Annex 1 the PPTS. The applicant has been on the road for a number of years and has recently been staying (doubling up on family pitches) in the area. Now with a young family this temporary arrangement is not ideal and now finds herself in need of her own pitch. Mike & Jimmy Ward are the uncles of the applicant and both are currently residents of established sites within the locality.

The Council has no other evidence to contradict the statement as presented and members of the public, in their representations support the agent's statement that the applicant satisfies the definition of a gypsy or traveller. On balance it is considered that the information is in this instance acceptable to allow the LPA to conclude that the application is associated with a gypsy or traveller.

Moreover, planning permission runs with the land and not the applicant. A condition is proposed to ensure that the Council retains control so that any future occupiers satisfy the definition of a traveller as set out in national policy. The proposal therefore accords with the PPTS in this respect.

9.5 Assessment of Need

Some of the neighbour representations state that there is no need for this type of accommodation in Wiltshire. It is therefore necessary to make an assessment of the need.

The WCS explains that "*provision should be made to help meet the accommodation needs of all of Wiltshire's communities, including the Gypsy and Traveller community and travelling showpeople, who normally reside in or travel through the county*". In March 2012 the government published the National Planning Policy Framework and 'Planning Policy for Travellers Sites' which was published in August 2015. These documents include the general principle of aligning planning policy on traveller sites more closely with that for other forms of housing. Core Policy 47 reflects this approach as it identifies a requirement for new pitches for the period until 2021.

Core Policy 47 identifies the need for 66 additional permanent residential pitches (26 required in this Housing Market Area) from 2011-2016. A projection of anticipated need between 2016-2021 has also identified approximately 42 permanent residential pitches (22 in this Housing Market Area).

The updated Gypsy and Traveller Accommodation Assessment (GTAA) which has been produced to update the evidence base for the Wiltshire Core Strategy (WCS) identifies a need of 68 pitches in this Housing Market Area up to 2029, this figure being disaggregated over three 5 year periods.

Whilst the GTAA and CS have identified different requirements for pitches in the North and West HMA it is considered that the GTAA has not as yet undergone the tests through the DPD process when compared to the existing WCS underpinning evidence to CP47. Given the formal adoption of the WCS and CP47 it is considered that at this policy point in time it would be unreasonable to attach more weight to the emerging evidence of the GTAA to outweigh the current WCS policy stance.

The Planning Policy for Traveller Sites (PPFS) Policy H requires LPAs to assess applications for travellers against set national criteria. Criteria b) of paragraph 24 of this policy requires Local Planning authorities to assess the availability (or lack) of alternative accommodation for applicants. As set out above the Council's evidence and DPD has been delayed and is not up to date. At this point in time the Council cannot confidently state that the requirement has been met and there is no unmet demand. Furthermore the requirement for pitches within this HMA is a minimum and not an upper limit. This matter weighs in favour of the proposal.

9.6 Overall Need

In terms of overall need the Council's monitoring data suggests that as of January 2017, this need has already been met through grant of permissions. This is due to an 'oversupply' from the previous five years. In total 71 pitches were granted permission between December 2011 and January 2017 – the total requirement for the first 10 years in the WCS, 2011-21 is 48 pitches (22+26).

However the Core Strategy Inspector advised that the WCS numbers should be treated as a minimum in the absence of a DPD. In addition, PPTS paragraph 11 is clear that criteria based policies should guide proposals where there is no overall need but proposals nevertheless come forward.

PPTS also provides in paragraph 10 that authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets. As set out above - the Council's Gypsy and Traveller Development Plan Document is currently under preparation. This document will allocate sites to meet the accommodation needs of travellers in Wiltshire and the Local Development Scheme envisages a first consultation for late 2017. The DPD has been delayed due to difficulties in finding suitable and available land. This is summarised in reports to the Council's Cabinet Capital Asset Committee in 2015 and Environment Select Committee in 2016. Therefore at this stage no development plan exists which allocates sites for travellers in Wiltshire.

Though the need as set out in the Core Strategy has been met this is a minimum figure and due to the delays in preparation of the Council's Gypsy and Traveller Development Plan Document the Council cannot confidently state that the requirement has been met and there is no unmet demand. This matter weighs in favour of the proposal and the granting of a further pitch would not be in conflict with local or national policies relating to the provision of Gypsy and Traveller Sites.

9.7 Wiltshire Core Strategy Policy 47

This states that Proposals for new Gypsy and Traveller pitches or Travelling Showpeople plots/yards will only be granted where there is no conflict with other planning policies and where no barrier to development exists. New development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal. Where proposals satisfy the general criteria i-ix applications will be considered favourably:

- I. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable
- II. The site is served by a safe and convenient vehicular and pedestrian access.
- III. The site can be properly serviced and is supplied with essential services
- IV. The site is large enough to provide adequate vehicle parking
- V. It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities.
- VI. The site will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties
- VII. The site offers adequate levels of privacy
- VIII. The development is of an appropriate scale with regards to the character of its surroundings
- IX. The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology

The proposal is considered to be in accordance with CP 47. For the avoidance of doubt and to demonstrate that the proposal is in accordance with CP47, the matters referred to above are discussed in more detail below.

Drainage & Stability (I)

The applicant has acknowledged the requirement for a retaining wall to the northern boundary and this is shown on the submitted plans. The precise details of this retaining wall can be controlled by condition which is included in the suggested conditions at the end of this report.

Similarly, the exact details relating to foul water and surface water drainage systems have not been provided. Detail as to the existing on site provision and recent works of maintenance undertaken was submitted with the application, officers are satisfied that the development can be satisfactorily drained without additional works. No objections are raised as officers are satisfied that this can be controlled by way of condition.

Access and Highways (II & IV)

The access from Seagry Road onto Seagry Hill is of a suitable standard to accept the additional movements that this application would generate. Consequently no highway objection is raised subject to conditions. The site provides sufficient space and facility for onsite vehicle parking and manoeuvring for residential purposes.

Essential Services (III)

The site is serviced by mains water and electricity could be gained from the supply that lies in close proximity to the site. A phone line could be provided but a mobile phone could be used for both telephone and internet connection. A package sewage treatment unit would be provided for foul sewage. The site can therefore be properly serviced/supplied with essential services. The development is in accordance with criteria III.

Sustainability (V)

The site lies approximately 800 metres from Sutton Benger which is defined as a large village in the Wiltshire Core Strategy. Sutton Benger offers a range of services including doctors surgery, Post Office, public house and school.

The principle of siting Gypsy and Traveller developments outside the defined limits of development is accepted and well established, and in accordance with the PPTS. Policy C, paragraph 12 of the PPTS makes it clear that traveller sites in the countryside may be permissible subject to their scale and ensuring that they do not dominate the nearest settled community.

It is recognised that the PPTS goes on to advise that “*local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan*”.

As set out above the site is in relatively close proximity to the village, furthermore, Core Policy 47 does not require new Gypsy and Traveller development to be located within the limits of development but to be located in or near to existing settlements within reasonable distance of a range of local services and community facilities. It is considered that the proposal is in accordance with this policy.

For the reasons given above it is considered that the site would provide an appropriate site for a gypsy and traveller site with regard to its sustainability credentials.

Impact on the character and appearance of the locality (VI & VIII)

The site layout ensures the retention of a large tree towards the front of the site and this is considered to provide some site screening and mitigation of the visual impact of development. The proposal includes soft landscaping in terms of grassed areas as part of the site layout and a native hedge to the front elevation, the precise specification will be controlled by condition.

The site is enclosed by the M4 on one boundary, a former telephone exchange, existing housing and a landscape buffer to another. Though the site is located beyond the Sutton Benger framework boundary the site is read within a semi urban context. In effect the proposals read visually as an extension of the existing street and would not include significant built development. The proposals are considered to be laid out in an acceptable manner and the plans ensure that the site licensing minimum layout requirements are met.

As such, it is not considered that the pitch, including the standard residential caravan and touring caravan, represent significant over development of the site in visual impact terms. Given the material consideration supporting the proposals in principle it is not considered that the visual impact and impact on the character and appearance of the locality would warrant a refusal. The proposal is considered to accord with CP47.

Impact on Residential Amenities (VII)

Given the site layout and location of the development and position of the caravan within the site it is considered that the proposal would not result in any significant harm to existing residential amenities in the locality through noise disturbance, overlooking and loss of privacy, loss of day light or overbearing impact. Similarly it is not considered that the increased use of the access would be so significant as to result in harm to residential amenities through disturbance.

It is considered that the proposed layout provides for a sufficient level of residential amenity for future occupants of the site especially in the context of the family relationships between

existing and future occupiers. Such occupancy to family members will be restricted by condition to ensure that this situation remains acceptable in residential amenity terms.

Given the proposed layout and the acceptable level of residential amenity for future and existing occupants and neighbours it is not considered that the proposed level of development is too intensive for the site circumstances and does represent an acceptable level of development. The proposal is considered to accord with CP47 of the Core Strategy.

River Quality, Biodiversity or Archaeology (IX)

The site is not located within an archaeologically sensitive area and no concerns are raised in relation to the development in relation to this matter. There is a watercourse within close proximity to the site but officers are satisfied that surface water runoff and sewerage details can be controlled by condition.

Due to the nature of the application it is not entirely clear how much vegetation clearance took place to accommodate the caravan and to facilitate the laying of hard standing. Aerial imagery indicates that the site was previously used for some form of open storage and that the level of site clearance was not too significant. Furthermore, the mature trees within and adjacent to the site have been retained.

The Bristol Avon River County Wildlife Site lies to the east of the application site at a distance of approximately 396m at its closest point. Though some compensatory mitigation measures will be required to offset the loss of vegetation it is considered that this can be controlled by condition. The applicant, within the supporting statements and submitted plans indicates that additional planting is proposed. Subject to a suitably worded planning condition relating to landscaping no objection is raised.

10. Conclusion

The proposal seeks permission for a single gypsy and traveller pitch. The applicant meets the definition of a traveller as set out in the PPTS. The adopted WCS outlines that there is a requirement for pitches within the North and West HMA, albeit that the DPD has not been completed which is required to add detail to the interpretation and implementation of Core Policy 47 and identify specific sites to deliver the pitch requirements set out within the policy. As this has yet to be adopted, the proposal has been assessed against the criteria within Core Policy 47 and National Policy.

The principle of the development within the countryside is considered acceptable and the site is considered to be within reasonable distance of a range of local services and community facilities with no adverse ecological or environmental impacts have been identified.

The increased use of the existing access together with the generation of additional traffic movements, resulting from the proposed development, would not be prejudicial to road safety. The proposal is therefore considered to be in accordance with both local and national Planning policies.

RECOMMENDATION

planning permission should be **GRANTED** subject to the following conditions:

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

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

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

TP1- Received 09/11/2016

TP2- Received 09/11/2016

TP 3 REV B- Received 12/01/2017

TP4 REV A- Received 12/01/2017

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

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

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

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

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

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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

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

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

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

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

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

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

REASON: In the interests of residential amenity.

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

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

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

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

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

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

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

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

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

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

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private

property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

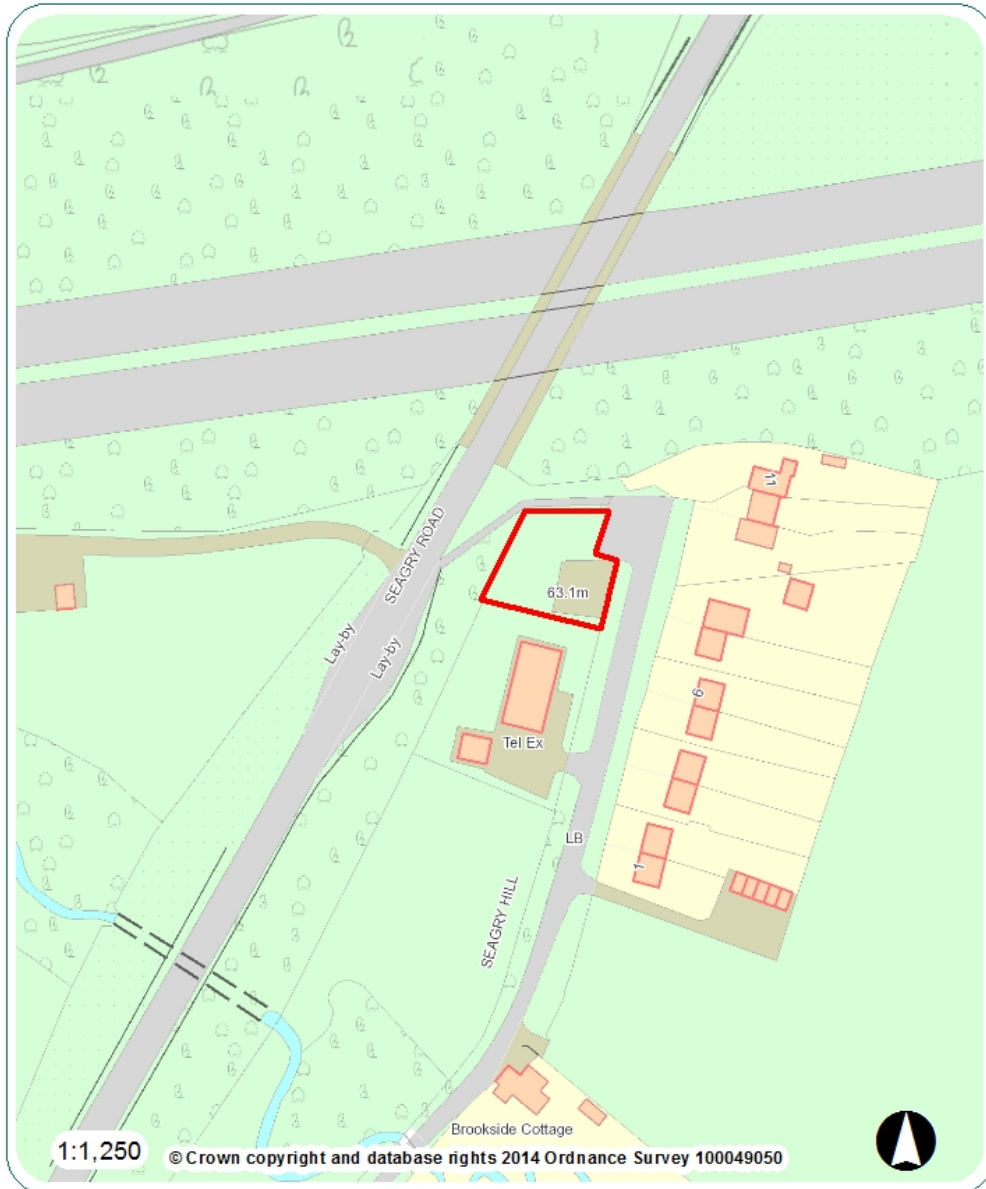
If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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



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REPORT TO THE STRATEGIC PLANNING COMMITTEE

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

Reason for the application being considered by Committee

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

The reasons for the call in were in respect of:

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

1. Purpose of Report

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

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

The application fails to meet the identified and necessary supporting services and infrastructure requirements generated by the development, including Affordable Housing, Education, Highways and Open Space Management and is therefore in conflict with Wiltshire Core Strategy (Adopted January 2015) Core Policies CP3, CP43, CP60 & CP61; and National Planning Policy Framework (NPPF) paras 2, 7, 17 & 196.

2. Report Summary

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

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

3. Site Description

The application site is located on the northern edge of Royal Wootton Bassett at Coped Hall, lying to the west of the A3102 and north of the B4042, extending northwards to the M4 motorway. The whole site area is 21.2 hectares. The land is presently in agricultural use and generally has gentle contours and a level topography. There is varied landscaping around the site's perimeter, with hedges demarcating the existing field pattern and some mature trees.

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

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

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

4. Planning History

13/07291/SCR	Screening Opinion as to Whether an Environmental Impact Assessment is Required in Respect of Proposed Mixed-Use Development
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The application site itself has not been the subject of any previous planning applications but there have been a number of applications on adjacent sites and properties. Land to the west of the application site has in recent years been granted planning consent for the development of a range of sporting facilities and has been developed to create a 'sports hub'. Provision is made within this scheme to facilitate the expansion of the sports hub.

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

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

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

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

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

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

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

5. The Proposal

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

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

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

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

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

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

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

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

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

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

6. Planning Policy

National Policy

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

Planning Practice Guidance

Development Plan

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

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

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 3: Infrastructure requirements
- Core Policy 19: Spatial Strategy for the Royal Wootton Bassett and Cricklade Community Area.
- Core Policy 38: Retail and Leisure
- Core Policy 41: Sustainable construction and low carbon energy
- Core Policy 43: Providing affordable homes
- Core Policy 45: Meeting Wiltshire's housing needs
- Core Policy 46: Meeting the needs of Wiltshire's vulnerable and older people
- Core Policy 50: Biodiversity
- Core Policy 51: Landscape
- Core Policy 52: Green Infrastructure
- Core Policy 55: Air Quality
- Core Policy 57: Ensuring high quality design and place shaping
- Core Policy 58 Ensuring the conservation of the historic environment.
- Core Policy 60: Sustainable transport
- Core Policy 61: Transport and new development
- Core Policy 62: Development impacts on the transport network
- Core Policy 67: Flood Risk
- Core Policy 68: Water Resources

Emerging Development Plan

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

- Lydiard Millicent Neighbourhood Plan

Other considerations

- Housing Land Supply Statement 2016 (published November 2016)

7. Consultations

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

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

Local Ward Member

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

The reasons for the call in were in respect of:

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

Arts Development Officer

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

Ecologist

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

Ballards Ash Protected Road Verge

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

Habitats

The ecological assessment does not evaluate the presence of rare arable weeds at the site.

Mature trees are relatively sparse across the site; however a few specimens of oak, ash and willow are present in the east of site.

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

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

Bats

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

Birds

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

Reptiles

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

Great Crested Newt

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

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

Drainage

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

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

- From the eastern side of site overland flows head east to Spittleborough Farm before turning north through the motorway and on to Swindon. There are issues with flooding of farm land on south side of motorway due to restricted flow rate under the motorway.
- From the north, central and western side of site overland flows head west and then south through Jubilee lake, which has previously highlighted as having issues, then

onward westward to Thunder Brook (some flooding issues) and then to railway crossing where major flooding issue exists due to limited capacity of the pipe under the railway. There is more flooding downstream where Thunder Brook passes under motorway and all way to its connection to the River Avon.

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

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

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

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

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

Wessex Water

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

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

Environment Agency

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

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

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

Environmental Services

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

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

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

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

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

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

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

Pools £119,638

Sports halls £136,924

Total £256,562

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

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

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

Highways Agency

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

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

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

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

Sustainable Transport

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

Comments received in respect of this scheme were as follows:

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

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

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

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

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

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

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

- The Malmesbury Road highway works outlined on plan TA3 including a right turning lane, pedestrian refuge, 3 metre cycleway, 2 metre footway between Malmesbury Road and Marsh Farm hotel, 2 metre footway between the south side Malmesbury Road bus layby and Old Malmesbury Road, and 2 bus shelters.

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

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

Housing

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

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

Affordable Rent (60%) = 77 units

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

Shared Ownership (40%) = 51 units

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

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

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

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

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

Preferred sizes are highlighted

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

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

Public Protection

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

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

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

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

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

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

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

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

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

Air Quality - Council guidance should be adhered to.

Odour - No materials shall be burnt on site.

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

In summary no objection subject to appropriate conditions.

MOD

The MOD has no safeguarding objection to this proposal.

Rights of Way Officer

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

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

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

Sport England

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

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

Tree Officer

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

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

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

Education

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

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

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

Number of properties qualifying for assessment: 291

Places needed: primary = 90 secondary = 64

Designated area primary/ies:

- Longleaze

Designated area secondary/ies:

- Royal Wootton Bassett academy

Longleaze Primary:

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

- As a result, we require a developer contribution from this application towards providing 90 places at £16,979 each = £1,528,110, (subject to indexation).

Secondary assessment details:

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

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

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

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

S106 pooling:

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

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

Urban Design

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

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

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

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

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

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

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

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

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

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

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

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

Archaeology

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

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

Conservation

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

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

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

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

Spatial Plans

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

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

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

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

Lydiard Tregoz Parish Council

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

Royal Wootton Bassett Town Council

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

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

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

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

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

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

The development would encourage coalescence with Hook and Lydiard.

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

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

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

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

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

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

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

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

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

8. Publicity

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

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

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

Additional housing not required

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

9. Planning Considerations

Introduction

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

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

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

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

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

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

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

Principle of development

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

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

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

Sections 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting a Listed Building to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The statutory duty here is reflected in Section 12 of the NPPF and Core Policy CP58 of the WCS.

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

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

Wiltshire Core Strategy (WCS)

The Wiltshire Core Strategy was formally adopted by the Council on 20th January 2015. In accordance with the NPPF it sets out what is sustainable development in the context of Wiltshire. It retains a number of saved policies from the former Districts' Local Plans (e.g.

North Wiltshire Local Plan 2011). It forms part of the statutory development plan for Wiltshire.

Royal Wootton Bassett is identified as a Market Town in Core Policy 1, which sets out the settlement strategy for Wiltshire. At Market Towns there is “*potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities*”.

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

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

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

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

Despite the NPPF’s emphasis on housing delivery it also promotes explicitly the plan led approach to growth. The adopted Wiltshire Core Strategy has a clear strategy for the sustainable delivery of housing development (see paragraph 2.6); it releases new land for development through allocations and enables additional development sites to come forward outside the settlement boundary in appropriate circumstances (paragraph 4.25, WCS). It is a plan that has recently been examined and found to be sound and in accord with the NPPF.

The housing element of the proposal does not relate to any of the specified policy provisions in the WCS or saved policies which allow development to come forward outside settlement boundaries and is not an allocated site for development.

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

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

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

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

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

In counter balance to this it must be noted that there are benefits arising from development including that the development proposed will significantly boost the supply of land for housing in the HMA meeting people's needs for accommodation in accordance with the requirements of the NPPF. This will include the provision of a significant supply of affordable housing of which there is well established need in this HMA. In addition the development will

result in other benefits in terms of the boost to the economy of construction; job creation within the retail and care home scheme elements proposed under the related application reported elsewhere on this agenda under reference 16/06995/FUL; and the additional population and their related spending on goods and services. These are also material considerations to be weighed in the balance.

Highways, Parking and Access

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

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

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

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

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

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

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

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

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

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

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

Impact on the adjacent listed buildings.

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

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

Officers went onto identify that the fate of the remaining historic farm buildings, some shown solid, others just outline, was not confirmed and would need to be if the impact of the proposal on these buildings is to be considered fully. Every effort should be made to retain and reuse as many as possible in some capacity, and to plan the community hub so as to strengthen the historic character of the area. The proposal as submitted appeared to indicate that the buildings will be lost which was considered a lost opportunity to give the development a character and distinctive focus.

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

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

Archaeology

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

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

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

Under the guidance of the NPPF Heritage assets include:

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

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

Ecology

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

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

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

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

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

Core Policy 50 requires that development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.

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

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

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

Urban Design

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

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

The Master plan was considered not indicate any hierarchy or distinction in the scale, massing, form and appearance of buildings or landscaping lining the primary routes. Addressing key vistas renders development distinctive and creates a layout that is clearly

legible. Distinguishing the primary routes leading to the access from Malmesbury Road and Hook Road should be a design principle. Further it was identified that the junction of these routes sits roughly at the centre of the residential area which would be the obvious focus on a key public space and the placing of the Community hub.

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

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

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

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

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

In this context it is important to note that the Government's advice in respect of design quality must be read in the context of other guidance in the NPPF and in particular the requirement to significantly boost the supply of land for housing. Whilst this does not infer a need to support poor quality design it must be considered when determining outline applications with matters of layout and scale reserved and contemplating a refusal on the basis of poor quality design. In this instance it is not considered that the submission as revised constitute such low quality design that they should be refused on this basis when taking into account the Council's inability to adequately demonstrate sufficient housing land supply that is in accordance with the requirements of the NPPF.

Drainage

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

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

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

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

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

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

Trees and Hedgerow

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

The amended access plans submitted in respect of the Hook Road access are considered to lack detail. Officers were concerned with regard to the lack of information supplied in relation

to the works to the hedgerow, terms such as “trimmed down” and “hedge to be cut back” are considered insufficient.

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

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

Other matters

Ancillary development and supporting facilities

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

Section 106

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

Affordable Housing

Education – Primary and Secondary contributions

Highways improvement works and Travel plan

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

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

Leisure Services

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

Public Art

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

10. Conclusion – The Planning Balance

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

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

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

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

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

for housing including affordable housing provision. In this context the development will deliver a significant boost to the economy through construction and the spending and financial contributions of the additional population.

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

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

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

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

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

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

This proposal has been considered against both local and central government guidance and policies. The proposed development is seen to conflict with the relevant policies contained within the Core Strategy namely policies, CP1, CP2, CP51, CP 58. With respect to CP58 it is assessed that the harm is outweighed by the benefits of development. It is consequently

necessary under paras 2, 7, 11, 14, 196, 197, 210, 216 of the NPPF to consider whether material circumstances indicate that a decision contrary to the development plan should be determined. In this instance it is considered that this is the case.

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

RECOMMENDATION

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

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

The application fails to meet the identified and necessary supporting services and infrastructure requirements generated by the development, including Affordable Housing, Education, Highways and Open Space Management and is therefore in conflict with Wiltshire Core Strategy (Adopted January 2015) Core Policies CP3, CP43, CP60 & CP61; and National Planning Policy Framework (NPPF) paras 2, 7, 17 & 196.

CONDITIONS

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

REASON: To comply with the provisions of Section 92 of the Town and Country

Planning Act 1990 as amended by the Planning and Compulsory Purchase Act

2004.

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

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

(c) The external appearance of the development;

(d) The landscaping of the site.

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

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

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

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

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

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

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

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

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

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

- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- tree(s), of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

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

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

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

Planning Authority, and;

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

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

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

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

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

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

No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory provision of [different forms of] open space throughout the development in the interests of the amenity of future residents.

Before the 50 dwelling hereby permitted is occupied:

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

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

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

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

Reason: In the interests of highway safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No development shall commence within the development area until:

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

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

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

REASON: In the interests of residential amenity

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

REASON: In the interests of residential amenity

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

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

No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;
- j) The location and use of generators and temporary site accommodation
- k) Pile driving (If it is to be within 200m of residential properties)

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

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

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

REASON: In the interests of visual amenity.

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

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

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

111422 AP10 Location Plan

111422 AP11 Illustrative Masterplan

111422 AP13 Existing Site Plan

Planning Statement, August 2014

Design & Access Statement, July 2014

Transport Assessment, July 2014

Landscape Strategy Outline, July 2014

Air Quality Assessment, August 2014

Archaeological Geophysical Survey report, July 2014

Noise Assessment, 23rd July 2014

Statement of Community Involvement, May 2014

Ecology Assessment Outline, August 2014

Flood Risk Assessment, 13th May 2014

Flood Risk Assessment Addendum V1, February 2015

Archaeological Report by TVAS, April 2015

Ecology Update, Sept 2015

Letter from Kemp & Kemp to Wiltshire Council dated 25.5.16

Outline Residential Planning Application Design Note, May 2016

Transport Assessment Addendum, July 2016

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

INFORMATIVES:

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

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

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

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

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

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

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

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

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

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

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

NOTES TO APPLICANT

Sustainable Construction

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

Pollution Prevention During Construction

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

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

Waste Management

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

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

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

Background Documents Used in the Preparation of this Report:

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



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REPORT TO THE STRATEGIC PLANNING COMMITTEE

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

Reason for the application being considered by Committee

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

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

1. Purpose of Report

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

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

The application fails to meet the identified and necessary supporting services and infrastructure requirements generated by the development, including Affordable Housing,

Highways Works, Waste/Recycling Facility contributions and is therefore in conflict with Wiltshire Core Strategy (Adopted January 2015) Core Policies CP3, CP43 & CP61 and National Planning Policy Framework (NPPF) paras 2, 7, 17 & 196.

2. Report Summary

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

3. Site Description

The application site forms the southern section of the wider area proposed for development under 14/08060/OUT and lies directly adjacent to and immediately north of the Malmesbury Road/B4041 stretching westward from the Coped Hall Roundabout and adjacent to the Hook Road/A3102 to the north adjacent existing properties fronting that road. The application site area is 2.80 hectares. The land is presently in agricultural use and generally has gentle contours and a level topography. There is varied landscaping around the site's perimeter, with hedges demarcating the existing field pattern and some mature trees. The application site boundary partially extends around the adjacent roads in two locations to the south and east providing the two site access points.

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

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

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

4. Planning History

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

15/05092/FUL	Cable Route (Option D) to Support Planning Permission: 14/06989/FUL at MOD Lyneham, Lyneham, Chippenham, SN15 4PZ. Withdrawn
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The application site itself has not been the subject of any previous planning applications but there have been a number of applications on adjacent sites and properties.

5. The Proposal

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

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

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

The application is supported by:-

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

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

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

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

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

6. Planning Policy

National Policy

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

Planning Practice Guidance

Development Plan

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

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

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 3: Infrastructure requirements
- Core Policy 19: Spatial Strategy for the Royal Wootton Bassett and Cricklade Community Area.
- Core Policy 38: Retail and Leisure
- Core Policy 41: Sustainable construction and low carbon energy
- Core Policy 43: Providing affordable homes
- Core Policy 45: Meeting Wiltshire's housing needs
- Core Policy 46: Meeting the needs of Wiltshire's vulnerable and older people
- Core Policy 50: Biodiversity
- Core Policy 51: Landscape
- Core Policy 52: Green Infrastructure
- Core Policy 55: Air Quality
- Core Policy 57: Ensuring high quality design and place shaping
- Core Policy 58 Ensuring the conservation of the historic environment.
- Core Policy 60: Sustainable transport
- Core Policy 61: Transport and new development
- Core Policy 62: Development impacts on the transport network
- Core Policy 67: Flood Risk
- Core Policy 68: Water Resources

Emerging Development Plan

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

Other considerations

- Housing Land Supply Statement 2016 (published November 2016)

7. Consultations

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

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

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

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

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

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

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

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

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

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

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

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

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

Highways Agency – No objection

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

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

GVA Grimley Retail Consultants Commissioned by the Council – The advice received is considered in full in the main body of this report under the Principle of Development Section but in summary the consultants conclude that the requirements of the NPPF and WCS CP38 are addressed. In particular that the sequential test has been addressed and there are no sequentially preferable sites available. In this context GVA consider that the applicant has demonstrated sufficient flexibility of approach to the operation in considering alternatives. Furthermore, that the proposed development would not result in significant harm to the vitality and viability of the Town Centre of Royal Wootton Bassett. As such no objection on these grounds is identified.

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

Urban Design – No comments

Adult & Social Care – No Comments

Economic Development - No comments

Conservation Officer – Not consulted as the site does not fall within 50m of the nearest listed building and would not affect the setting of the heritage asset given distance and existing planting landscaping and structures in the locality between the property and the application site.

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

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

- The proposed development falls outside the settlement boundary as defined by the saved policies of the North Wiltshire Local Plan and the emerging RWB Neighbourhood Plan. The delivery strategy as defined by CP2 of the Wiltshire Core Strategy states that there would be a presumption in favour of sustainable development if the site was within the settlement limits, therefore this application contravenes CP2.
- The site is outside of the primary and secondary retail frontage areas as defined by the saved policies of the North Wiltshire Local Plan, and therefore the Core Strategy.
- There is no evidence to support the need for further provision of senior living units within the RWB area, only for Wiltshire as a whole. Recent planning applications within the town, such as that for Lower Woodshaw, have shown that senior living units and care homes are not required and have not been marketable.

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

8. Publicity

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

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

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

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

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

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

9. Planning Considerations

Introduction

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

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

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

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

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

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

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

Principle of development

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

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

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in determining planning applications affecting a Listed Building to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The statutory duty here is reflected in Section 12 of the NPPF and Core Policy CP58 of the WCS. Heritage Asset issues are addressed further below.

The Wiltshire Core Strategy was formally adopted by the Council on 20th January 2015. In accordance with the NPPF it sets out what is sustainable development in the context of Wiltshire. It retains a number of saved policies from the former Districts' Local Plans (e.g.

North Wiltshire Local Plan 2011). It forms part of the statutory development plan for Wiltshire.

Royal Wootton Bassett is identified as a Market Town in Core Policy 1, which sets out the settlement strategy for Wiltshire. At Market Towns there is *“potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities”*.

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

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

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

C3 Retirement Apartments Element

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

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

Despite the NPPF’s emphasis on housing delivery it also promotes explicitly the plan led approach to growth. The adopted Wiltshire Core Strategy has a clear strategy for the sustainable delivery of housing development (see paragraph 2.6); it releases new land for development through allocations and enables additional development sites to come forward

outside the settlement boundary in appropriate circumstances (paragraph 4.25, WCS). It is a plan that has recently been examined and found to be sound and in accord with the NPPF. The housing element of the proposal does not relate to any of the specified policy provisions which allow development to come forward outside settlement boundaries and is not an allocated site for development.

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

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

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

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

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

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

Care Home Element

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

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

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

Retail Element

With respect to the foodstore element of the scheme proposals National policy in the NPPF and the NPPG alongside Local Policies in the WCS CP 38 seek to direct new large scale retail development (over 200m sq) to existing defined town centres. CP19 makes no provision for a retail store within the town or Community Area. Proposals outside of defined town centres are required to demonstrate a sequential approach to site selection seeking locations within or adjacent defined centres in preference to out of town sites. Where an out of town site is proposed, as is the case here, assessment of the impact of the proposal on the vitality and viability of the relevant existing town centre is required. In considering site

selection applicants and developers including the retail operators must adopt a flexible approach to operational requirements under national policy. This provision has been defined by the courts through case law e.g.

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

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

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

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

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

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

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

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

The location and policy status of the application site, along with the size of the proposed supermarket, also requires that a detail assessment of the impact is undertaken. Having undertaken a review of the applicants' assessment, and also undertaken our own 'sensitivity test' involving the use of a slightly higher turnover for the proposed store (and which also

takes into account the closure of the MyLocal store in the town centre), we are of the opinion that the store could have an uptake of between 10%-13% on Royal Wootton Bassett town centre's convenience goods sector and an overall impact of between 6%-8% on the total Class A1 retail sector in the centre.

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

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

On the basis of this advice it is not considered that there is an in principle conflict with national or local policy such that the development proposed (foodstore) ought to be refused. It is also a material consideration that the development will result in broader economic benefits in terms of job creation and through construction as well as increased business rate revenue.

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

Highways & Access

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

Firstly it is noteworthy in this respect and following detailed submissions by the Applicant team and their highways consultants that the Highways Agency raised no objection to the proposals. This compares to their previous position in relation to the related application at this site where significant concerns were raised.

Furthermore the Council's Highways Engineers raise no objection to the scheme proposals subject to a S106 agreement to secure proposed works to the highway network including:-

- *Construction of the access works on Malmesbury Road outlined on plan TA6 including a right turning lane, pedestrian refuge, two bus shelters including perch seats and flag brackets, 3 metre cycleway from the eastbound bus layby to Coped Hall Roundabout, 2 metre footway from the westbound bus layby to Old Malmesbury Road, and a 2 metre footway from the end of the above cycleway to a point 25 metres north of the care home access to Hook Road.*
- *Alterations to street lighting as required to ensure that the lighting between Coped Hall roundabout and the western end of the development frontage is in accordance with BS5489-1;2013 BS EN 123201-2 2003.*

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

Alongside a series of conditions which are included in the list proposed at the end of this report. These principally address detailed requirements for visibility splays and the timing of the layout and use of parking provision.

Officers identify that the Transport Assessment submitted with the application is robust and in particular takes into account projected growth on the highway network based on committed and planned development alongside existing position. In this context officers identify that traffic generation resulting from the scheme development is lower than that under the previous scheme proposals (14/08061/FUL). Officers identify that proposed access arrangements will work satisfactorily on the basis of the assessed position, existing and projected. Furthermore that the proposed Travel Plans for the care home and foodstore are acceptable and appropriate. Officers go on to identify that the development will provide improved pedestrian and cycle facilities on Malmesbury Road and round to the care home access including a refuge on Malmesbury Road and better facilities on the south side of Malmesbury Road around to the Old Malmesbury Road junction. The essential short length of footway north of the care home access has not been detailed on the plans, but this is addressed by recommended S106 requirements which the developer has agreed.

Highways Officers identify that the proposed development while being on the edge of the town is within the preferred maximum walking distance of 2000m of almost all residential development and key facilities in Royal Wootton Bassett. Furthermore, that all town facilities are within a reasonable cycling distance including some nearby villages. The development includes adequate cycle parking facilities; and that cycling to and from the site will be a reasonable option for residents, staff and customers. In relation to public transport the bus service is identified as a frequent 20 minutely service during the week as regards the X55 service to the town and Swindon and Chippenham. The X55 stops are within 400m of the edge of the site. Two bus shelters will be provided on Malmesbury Road within the recommended 400m distance from the development which access the 31 service, hourly to Swindon via the RWB High Street.

On this basis it is considered that the site is reasonably sustainable in transport terms subject to the mitigation measures proposed and conditional requirements. Further that the impacts on the highway network cannot be considered to be severely harmful and as such development should not be refused. It is clear in paragraph 32 of the NPPF that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Following the implementation of the agreed mitigation proposals required by S106 and condition that is not demonstrated to be the case in this instance and therefore refusal on these grounds could not soundly and defensibly be recommended.

Drainage

As is noted this specific application was initially considered by consultants working on behalf of the Council and objection raised due to an assessed lack of information available. It is considered that a precautionary approach was taken in this instance. The Council's own drainage officers have since received additional submissions and entered into direct consultation with the applicant drainage team in respect of both applications 14/08060/OUT & 16/06995/FUL. As is identified in the report for 14/08060/OUT officers are now satisfied that the proposed drainage scheme is acceptable and appropriate and will provide sufficient capacity for the projected surface water flows from the development subject to the piped drainage culvert that is proposed to accommodate the water discharge being cleared and cleansed. A Grampian condition has been proposed in this respect to which the applicant team has agreed. In addition officers have proposed that the S106 agreement to be tied to

permission under 14/08060/OUT should include Management Company provisions for SUDs maintenance which it is considered would address this matter in the future.

Wessex Water in their consultation response to the application identifies that there is a lack of information in respect of the Foul Drainage strategy for the scheme; in part this reflects the Hybrid nature of the application. However no objection is raised and the statutory undertaker is satisfied that the matter can be adequately addressed through the condition as is included in the list at the end of this report. No concerns are raised as to water supply capacity.

As such it is considered that the proposals satisfactorily meet the requirements set out in the NPF and WCS policy 68 and is in accord with the development plan in this respect.

Landscape

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

It is considered that this matter can be adequately addressed by the use of condition requiring submission of landscaping details and including clear requirements for submission of separate details to address matters of phasing and delivery of development including reference to the wider site area and specifically the outline elements of the current application proposals. However in this context it should be borne in mind that the proposed conditions will require submission of reserved matters details within specified timeframes; also that the care home element of the scheme proposals has a confirmed provider / operator in place as referenced above. Further that the retirement apartments are market C3 properties and therefore have a significant value attached as is the case for the wider development area to the north and in this context it is considered development is very likely to come forward particularly given the costs associated with the matters addressed by S106 agreement including related highways works and Education contributions the latter of which has a trigger of prior to commencement of development for provision of the funds.

As such it is not considered that the concerns raised are such that consent ought to be refused on this basis and that the S106 and proposed conditions offer sufficient protection and mitigation to address matters satisfactorily and such that there is no conflict with the development Plan WCS Core Policies CP51 and CP57 alongside NPPF para 17.

Ecology

The council's Ecologist has reviewed the scheme details including supporting Ecological Appraisal and raises no objection subject to the use of conditions which are proposed in the list included at the end of this report. The site is not subject to specific Ecological designations of European, national or regional significance although initial assessment and survey has identified protected species of importance. The proposed conditions are considered to provide sufficient protection proportionate to the level of identified interest and sensitivity and are therefore considered to accord and comply with the requirements of the development plan WCS Core Policy CP50 and NPPF paras 17 and 109.

Heritage Asset Impact

Submissions made and received during the consultation exercise raise objections and concerns as to the harm to the adjacent Heritage asset – the listed building of Marsh Farm and its related curtilage listed Structures. The Council's digital mapping identifies that the application site is not within 50 m of the designated heritage asset. In addition to the distance involved the site is separated by other development and structures and mature trees and planting. On this basis it is not considered that the proposals which are the subject of this application will have a significant harmful impact to the setting of the Listed Building. The impact of development in relation to the related application 14/040860/OUT is a material matter and is the subject of full assessment in the report elsewhere in this agenda for that application. If that development is granted permission and built out it would further minimise the relationship between this development site and the heritage asset. Given the lack of potential harm and impact to heritage assets no consultation was undertaken with Conservation Officers in this respect. As such it is considered that Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act and para 134 of the NPPF are not engaged as no potential impact and therefore harm is identified.

Archaeology

Following the submission of a site assessment report the Council's Archaeologist has raised no objection subject to the use of an appropriate principally to address recording and handling of features and finds of archaeological interest arising during development works. The condition is proposed below and agreed with the developer. In this context the harm to the below ground heritage assets caused by development is considered to be balanced and outweighed by suitable mitigation and positive benefit through the recording of finds and the interpretive and informative benefits to understanding of the historic development of the communities in this locality that will arise. As such the development is in accord with the provisions and requirements of the NPPF and CP58 WCS.

S106, Affordable Housing and Other Matters

The applicant has agreed to enter into a section 106 agreement to address the matters raised in this report. This includes the identified requirement for Affordable Housing provision stemming from the C3 Retirement Apartments at a rate of 40%. Officers have confirmed that off site financial contributions could be an appropriate method of provision to meet requirements but on the basis of the outline nature of this element of the application are not in a position to identify now the exact level of requirement. It is considered that the S106 agreement can include suitable provisions, terms and covenants to require and facilitate assessment of that financial contribution at the point of Reserved Matters submissions and so can be addressed and requirements under policy CP43 are satisfied.

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

With respect to Design matters the detailed plans for the Retail Facility/Foodstore are considered to be of reasonable quality and appropriate to the prominent location. It is not considered that the character and appearance of the building would be significantly harmful

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

10. Conclusion

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

The application for retail foodstore, 33 retirement apartments and a care home is located outside the settlement boundary for Royal Wootton Bassett and would represent a significant extension of the built up area into the rural landscape on the northern edge of the Town. Significant housing growth has already been completed or is committed at the Town including large greenfield sites - additional housing growth over the planned development in core policy 19 is likely to lead to further out commuting contrary to Core Policy 1. The indicative requirement for the town in this community area has been met and on this basis alone there is no immediate need for additional housing in Royal Wootton Bassett. However, the Council’s most recent assessment of housing land supply as of Nov 2016 demonstrates that an available and deliverable five year supply of housing plus necessary buffer is not secured and provided.

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

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

Whilst this proposal is contrary to the Delivery Strategy of core policy 2, in particular by virtue of its location and core policies 1 and 19 of the adopted Wiltshire Core Strategy which set out how the sustainable development of Royal Wootton Bassett can be achieved the inability to demonstrate a deliverable supply of land for housing to meet requirements in this Housing Market Area is a material consideration that weighs against this conflict. In addition to this the proposals are supported by a RIA submission which demonstrates the need for additional retail provision in the locality with identified leakage of spend on convenience goods to centres such as Swindon. Furthermore the RIA identifies that there are no sequentially preferable sites and that given the current spend leakage the proposals will not result in significant harm to the vitality and viability of the Town Centre. In these circumstances CP38 does allow for development to proceed in these locations and policies CP1 CP2 and CP19 are considered in this context and alongside the advice and approach contained in the NPPF paras 24, 25 & 26.

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

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

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

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

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

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

This proposal has been considered against both local and central government guidance and policies. The proposed development is seen to conflict with the relevant policies contained within the Core Strategy namely policies, CP1, CP2, CP51. It is consequently necessary under paras 2, 7, 11, 14, 196, 197, 210, 216 of the NPPF to consider whether material circumstances indicate that a decision contrary to the development plan should be determined. In this instance it is considered that this is the case.

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

RECOMMENDATION

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

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

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

CONDITIONS

Outline Elements of the Scheme Proposals – (Care Home and Retirement Apartments)

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

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

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

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

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

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

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

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

The care home hereby permitted shall not be brought into use until those parts of the Care Home Travel Plan capable of being implemented prior to first use have been implemented. Those parts identified for implementation after first use shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented as long as any part of the development is occupied. The Travel Plan Co-ordinator shall be appointed and carry out the identified duties to implement the Care Home Travel Plan for a period from first use until at least 2 years following first use.

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

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

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

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

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

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

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

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

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

Each unit of the age restricted dwellings/retirement apartments hereby permitted shall be occupied only by:

- persons of age 65 years +; or
- persons living as part of a single household with such a person or persons; or
- persons who were living as part of a single household with such a person or persons who have since died.

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

Full Elements of the Scheme Proposals (Retail foodstore)

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

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

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

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

The Foodstore hereby permitted shall not be brought into use until those parts of the Foodstore Travel Plan capable of being implemented prior to first use have been implemented. Those parts identified for implementation after first use shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented as long as any part of the development is occupied. The Travel Plan Co-ordinator shall be appointed and carry out the identified duties to implement the Foodstore Travel Plan for a period from first use until at least 2 years following first use.

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

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

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

Deliveries shall not be permitted before 07:30 and after 23:00hrs. Waste collections should also take place within these hours and preferably before 22:00.

REASON: In the interests of residential amenity

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

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

The site shall be used for A1 retail and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

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

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

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

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

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

REASON: In the interests of public health and safety.

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

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no mezzanine or other form of internal floor to create a first floor level shall be constructed in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

Conditions Applicable Site Wide / All Elements of the Scheme Proposals

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

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

Prior to first use the access to Malmesbury Road shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 4.5 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 126 metres to the west and 129 metres to the east.

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

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

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

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

REASON: In the interests of highway safety.

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

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

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

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

commencement and completion of the drainage clearance and cleaning works. The works shall be subject to assessment and approval by the Council.

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

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

REASON: In the interests of residential amenity

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

REASON: In the interests of residential amenity

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

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

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

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

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features

- e) The times during construction when specialists ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
- j) Protection of Ballards Ash Protected Road Verge
- k) Mitigation measures set out in the Ecological Appraisal report (Aspect Ecology, 2016), particularly measures MM1, MM2, MM3, MM6

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

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

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

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

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

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

- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species
- b) Description and evaluation of features to be managed; including location shown on a site map
- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward

- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures.

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

No development shall commence within the development area until:

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

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

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

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

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

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

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;

- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- tree(s), of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

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

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

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

Planning Authority, and;

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

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998:

2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

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

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

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

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

No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

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

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

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

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

AP01 Site Location Plan

AP14B Proposed Site Plan

AP16 Proposed Foodstore Ground Floor Plan

AP19 Proposed Foodstore Elevations

AP20 Proposed Foodstore Roof Plan
AP16 Proposed Apartments Ground & First Floor Plans
AP25 Proposed Care Home Ground & First Floor Plans
ASP2 REV F Landscape Masterplan
ASP3 REV H Landscape Strategy
Planning Statement
Design & Access Statement
Ecological Assessment
Noise Survey
Flood Risk Assessment
Archaeological Geophysical Survey
Transport Assessment
Landscape Supporting Statement

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

INFORMATIVES:

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

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

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

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

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

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

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

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

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

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

NOTES TO APPLICANT

Sustainable Construction

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

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

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

Waste Management

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

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

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

Appendices:

Background Documents Used in the Preparation of this Report:

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16/06995/FUL
Land North of Malmesbury Road
Royal Wootton Bassett
Wiltshire SN4 8AY



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