

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: