

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	26th April 2017
Application Number	14/08060/OUT
Site Address	Land at Marsh Farm, Coped Hall, Royal Wootton Bassett SN4 8ER
Proposal	Mixed Development of up to 320 Dwellings, Community Hub Comprising of 500sqm of A1/A2/A3/A4/A5/D1 & D2 Uses, Public Open Space, Landscaping, Extension to Approved Sports Hub & Access
Applicant	Leda Properties
Town/Parish Council	Lydiard Tregoze
Division	Wootton Bassett East – Councillor Mollie Groom
Grid Ref	407568 183792
Type of application	OUTLINE
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application was previously reported to Committee on the 8th February 2017, the report is attached at appendix A. At the meeting members deferred consideration of the application to undertake a site visit and to allow members and the local member to raise any queries for further assessment and consideration within two weeks of the meeting. No queries or requests were raised with Officers and the site visit took place on 24th April 2017. In addition new information has been submitted by the applicant in respect of drainage matters and there are changed circumstances in respect of Housing Land Supply which now need to be taken into consideration. The application is now reported back to Committee for determination following the previous deferral.

1. Purpose of Report

To consider the application and recommend that planning permission is REFUSED for the following reasons:-

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

2. The proposals by virtue of scale and location will result in the loss of open countryside resulting in harm to the character and appearance of the locality contrary to Wiltshire Core Strategy (Adopted January 2015) Core Policies CP51 and CP57 (I, ii & iii) and National Planning Policy Framework (NPPF) paragraphs 17 & 109.

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

2. Report Summary

See Appendix A

2 Further letters of objection received.

3. Site Description

See appendix A

4. Planning History

See Appendix A

5. The Proposal

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

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

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

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

Since the previous Committee meeting 8th February 2017 the applicant has further revised this application by removing the proposal for 33 senior living units. The description of development is now as follows:-

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

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

- Flood Risk Assessment
- Illustrative Masterplan

6. Planning Policy

National Policy

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

Planning Practice Guidance

Development Plan

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

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

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

- Core Policy 62: Development impacts on the transport network
- Core Policy 67: Flood Risk
- Core Policy 68: Water Resources

Emerging Development Plan

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

Other considerations

- Housing Land Supply Statement 2016 (published March 2017)

7. Consultations

See Appendix A.

In addition the revised and updated FRA has been the subject of consultation with the council's Drainage Team. Their advice is reproduced in full:-

Drainage

No objection subject to the previously required Grampian condition. (*Subject to confirmation of the gradient of the pipe – see below for more detail*).

8. Publicity

See Appendix A.

2 Further letters of objection have been received including 1 from the neighbouring land user - Royal Wootton Bassett Sports Association. The objection raises concerns as to the lack of direct consultation with the RWBSA. It has been explained that consultation notification letters are sent to neighbours with adjoining boundaries and based on the available GIS mapping data identifying existing properties. At the time of submission of this application the RWBSA was still under construction being a recent development hence lack of direct notification. Notification in respect of 16/06995/FUL would not have been undertaken due to the absence of an adjoining site boundary to the red line application site. The representation goes onto to identify objections on the grounds of:-

- increased flood risk and inadequate surface water and foul drainage proposals;
- Inadequate information submission in this respect;
- Conflicting land uses with increased maintenance requirement for the sports ground including the need for secure boundaries and sports netting;

Separate objections are raised to 16/06995/FUL and these are reported separately on the agenda.

Other concerns raised include:-

- Outside defined settlement and contrary to WCS Core Policies
- Coalescence
- Strong local opposition to the proposed development
- Inadequate local services for additional population e.g GP Surgeries
- Poor accessibility for future residents

9. Planning Considerations

Introduction

As noted in Appendix A and above this application relates to a wider site area proposing 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. Within that wider site area is a smaller parcel of land the subject of a separate application 16/06995/FUL which are run in parallel and proposes development of a retail store and extra care home having been the subject of further revisions to the proposed development. That application is reported separately on the agenda.

Principle of development

The first main consideration in respect of this proposal is - does the proposal comply with the development plan. This matter was the subject of full assessment and reporting to the previous committee and that assessment is reproduced at Appendix A.

In summary it was identified previously that the proposed development was not in conformity with the Wiltshire Core Strategy (WCS) which forms the local component of the adopted development plan being in conflict with core policies CP1 CP2 CP19. However it was identified that there were material considerations of significant weight that also had to be weighed in the balance and which indicated that a decision contrary to the development plan ought to be reached. In particular it was identified that:-

..... 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.

On this basis para 49 of the NPPF identifies that the policies of the development Plan relating to the supply and distribution of housing could not be considered up to date and therefore could not be attributed full weight in the determination of an application. Furthermore it was identified that there were significant benefits arising from the development proposal which also had to be weighed in the planning balance.

Since that time the Council has received the Inspectors' Report into the examination of the Chippenham Sites DPD finding the document to be sound. The Council's Cabinet at its meeting of the 14/03/2017 endorsed the Inspector's report and findings recommending the plan for adoption. That recommendation of the Cabinet will be reported to a meeting of the full Council on 16/05/2017 for formal adoption of the plan. As such the provisions of the DPD including its site allocation for residential development can now be given very substantial weight as a material consideration and are a material consideration of very significant importance. The CSAP DPD examination also took into consideration housing trajectories for the deliverability of the site allocations on the plan. These identify delivery of housing from these sites within the next five years and this was found to be sound by the Inspector. As such the council can give these matters significant weight in its assessments of Housing Land Supply (HLS).

As a consequence the Council has updated its HLS statement to make reference to these sites and take into account these changed circumstances and the availability of additional housing sites in this Housing Market Area (HMA). The outcome of this is that the Council can now demonstrate an available and deliverable supply of land for housing for the requisite 5 year period plus 5% tolerance. Indeed with the additional sites now included the Council can demonstrate a supply of 5.73 years in this HMA.

As such the policies of the development plan (WCS) in particular CP1, CP2 & CP19 can now be given very substantial weight as a material consideration in the determination of the application. Case law has identified that where the development plan is up to date para 14 does require that proposals should be determined in accordance with the plan. *Barker Mills Estates Trustees v Test Valley BC* [2016] EWHC 3028 is relevant in identifying that there is no sound basis for arguing that a development that is otherwise sustainable but is in conflict with an up to date development plan should be approved. The statutory requirement to determine in accordance with the development plan unless material considerations indicate otherwise under Section 38(6) of the 2004 act and Section 70(2) of the 1990 Act is not overridden by the guidance of the NPPF in respect of support for sustainable development. Furthermore the case law has clarified that material circumstances may still justify a departure even from an up to date development plan but such circumstances will be exceptional and narrowly defined to the very specific circumstances of the development and the site & locality involved.

In this context it is not considered that there are significant material circumstances and considerations that would indicate that the conflict with the development plan policies CP1 CP2 & CP19 is outweighed. The benefits of development are noted but not considered of sufficient weight to outweigh the harm identified by virtue of conflict with the development plan in this instance; particularly as the housing requirement for this community area as defined in CP19 has been met already and as such there is no pressing need to bring forward further residential development in this locality.

Highways, Parking and Access

See Appendix A

The revised layout details including additional surface water attenuation result in no additional impact over and above that previously assessed in respect of Highways conditions.

Impact on the adjacent listed buildings.

See Appendix A

The revised layout details including additional surface water attenuation result in no change to the assessed level of impacts on heritage assets.

Archaeology

See Appendix A

The revised layout details including additional surface water attenuation result in no change to the assessed level of impacts on heritage assets.

Ecology

See Appendix A

The revised layout details including additional surface water attenuation result in no change to the assessed level of impacts on Ecological interests

Urban Design

See Appendix A.

In addition it is noted that the illustrative masterplan layout is amended by the revised proposals in respect of 16/06995/FUL and additional requirements for on-site surface water attenuation (see below further detail re: Drainage). It is not considered that the alterations result in any significant harmful impacts in terms of design character and the character and appearance of the locality or with respect to residential amenities. The revisions are entirely acceptable and would not present any sound basis for refusal in and of themselves in relation to these material considerations (visual impact, design quality, residential amenity).

Drainage

See Appendix A.

It should be recalled that significant concerns were raised by interested parties in relation to matters of surface water drainage and the accuracy of the supporting information and assessment relating to Flood risk. These matters were raised in detail at the Committee meeting of the 8th February and in part led to the requirement for a Committee site visit. In particular concerns were raised as to the scale of the piped culvert proposed to accommodate the surface water discharge from this and adjoining sites as well as the highway. Officers identified that they had no detailed information and factual evidence to contradict the application submissions and so had assessed on the basis of the submitted details which were found to be reasonable subject to conditions.

Since the previous Committee meeting the applicant has undertaken further detailed investigatory assessment of the piped culvert and found that in parts it is of a smaller scale diameter than previously identified in their submission. As such this reduces the capacity for accommodating surface water flow. In addition the Council's drainage officers raised queries as to the gradient of the piped culvert which again has implications for surface water flow capacity off the site. At the time of writing this query is being investigated and will be the subject of late items reporting. However Drainage officers have confirmed that even should it be found that the piped culvert is not of a gradient as assumed and the off-site flow capacity is therefore not sufficient the matter can be addressed by the provision of additional on site surface water attenuation capacity. This could require the revision of the layout plan details provided to date and this will be confirmed in late items. The applicant team has revisited the FRA on the basis of the additional detailed survey information available to date as to capacity and has identified that there would be a requirement for either increasing the capacity of the piped culvert or increasing the provision for surface water attenuation on site. Given that the piped culvert is not wholly within the applicant's control works to this cannot be secured by condition. The applicant has therefore opted to revise their proposals for on site surface water attenuation increasing capacity in this respect. Revised details have been submitted to the Council for consideration.

The Council's drainage officers have assessed the revised FRA and proposals in full detail. Officers consider that the increased on site capacity is sufficient to address requirements and ensure no off site or on site increased flood risk as a result of the development. This remains subject to the previously proposed and required Grampian condition to clear and clean the piped culvert of any obstruction and to maintain as such in the future. Also, it is subject to the confirmation of the gradient of the piped culvert or additional on site attenuation capacity as set out above. On this basis it is not considered that there is a sound and defensible case for refusing the application on the grounds of increased flood risk and inadequate provision for surface water drainage.

Wessex water maintain their position in respect of foul drainage in that no objection is raised subject to conditions requiring the submission and agreement of full foul drainage strategy details.

Trees and Hedgerow

See Appendix A

The revised layout details including additional surface water attenuation result in no additional impact over and above that previously assessed in respect of trees and hedgerows.

Other matters

See Appendix A

10. Conclusion – The Planning Balance

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

The application for 320 dwellings outside the settlement boundary for Royal Wootton Bassett would represent a significant extension of the built up area into the rural landscape on the northern edge of the Town. Significant housing growth has already been completed or is committed at the Town including large greenfield sites - additional housing growth over the planned development in core policy 19 is likely to lead to further out commuting contrary to Core Policy 1. The indicative requirement for the town in this community area has been met and on this basis alone there is no immediate need for additional housing in Royal Wootton Bassett. In addition previous employment consents i.e. expansion of the Interface business park have not come forward due to a lack of demand and have now been granted permission for residential. The Council’s most recent assessment of housing land supply as of March 2017 demonstrates that an available and deliverable five year supply of housing plus necessary buffer is secured and provided.

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

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. These policies can be given very substantial weight as a material consideration in the determination of the application.

Similarly the proposal would result in the loss of open countryside around the town contrary to the NPPF requirement to take into account the intrinsic character and beauty of the countryside (paragraph 17, NPPF) and WCS CP 51. 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.

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

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

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

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

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

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

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, CP19, CP51, CP 58. With respect to CP58 it is assessed that the harm is outweighed by the benefits of development. It is consequently necessary under paras 2, 7, 11, 14, 196, 197, 210, 216 of the NPPF to consider whether material circumstances indicate that a decision contrary to the development plan should be determined. In this instance it is considered that this is not the case and as such development ought to be refused.

RECOMMENDATION

REFUSE permission for the following reasons:-

1. The proposals by virtue of scale and location in the open countryside outside of any defined settlement boundary on land not allocated for development are contrary to the Wiltshire Core Strategy (Adopted January 2015) Core Policies CP1 CP2 CP18 and National Planning Policy Framework (NPPF) paragraphs 7, 14, 17.

2. The proposals by virtue of scale and location will result in the loss of open countryside resulting in harm to the character and appearance of the locality contrary to Wiltshire Core Strategy (Adopted January 2015) Core Policies CP51 and CP57 (I, ii & iii) and National Planning Policy Framework (NPPF) paragraphs 17 & 109.

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

INFORMATIVES:

The recommendation is made with respect to the following plans and documents:

111422 AP10 Location Plan

111422 AP11 Illustrative Masterplan

111422 AP13 Existing Site Plan

Planning Statement, August 2014

Design & Access Statement, July 2014

Transport Assessment, July 2014

Landscape Strategy Outline, July 2014

Air Quality Assessment, August 2014

Archaeological Geophysical Survey report, July 2014

Noise Assessment, 23rd July 2014

Statement of Community Involvement, May 2014

Ecology Assessment Outline, August 2014

Flood Risk Assessment, 13th May 2014

Flood Risk Assessment Addendum V1, February 2015

Revised Flood Risk Assessment and Addendum March 2017

Archaeological Report by TVAS, April 2015

Ecology Update, Sept 2015

Letter from Kemp & Kemp to Wiltshire Council dated 25.5.16

Outline Residential Planning Application Design Note, May 2016

Transport Assessment Addendum, July 2016

Background Documents Used in the Preparation of this Report:

Wiltshire Core Strategy January 2015

North Wiltshire Local Plan 2011

NPPF

NPPG

APPENDIX A

REPORT TO THE STRATEGIC PLANNING COMMITTEE

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

Reason for the application being considered by Committee

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

The reasons for the call in were in respect of:

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

1. Purpose of Report

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

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

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

2. Report Summary

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

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

3. Site Description

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

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

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

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

4. Planning History

13/07291/SCR	Screening Opinion as to Whether an Environmental Impact Assessment is Required in Respect of Proposed Mixed-Use Development
--------------	-----------------------------------------------------------------------------------------------------------------------------

The application site itself has not been the subject of any previous planning applications but there have been a number of applications on adjacent sites and properties. Land to the west of the application site has in recent years been granted planning consent for the

development of a range of sporting facilities and has been developed to create a 'sports hub'. Provision is made within this scheme to facilitate the expansion of the sports hub.

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

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

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

In accordance with Regulation 5(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 the applicant requested a Screening Opinion as to whether the 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.

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

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

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

5. The Proposal

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

The application as originally submitted indicated an area of 1.58 hectares to the south of the site to be reserved for a proposed community food store and senior living accommodation. This area was located adjacent to the B4042 and the A3102. However, the agent was advised that these uses either had to be included within the description of the development or had to be removed from the submitted plan. The applicant submitted an amended layout

plan which indicated the whole site being for the development outlined above with no reference to the food store and or senior living accommodation.

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

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

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

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

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

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

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

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

6. Planning Policy

National Policy

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

Planning Practice Guidance

Development Plan

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

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

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

Emerging Development Plan

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

Other considerations

- Housing Land Supply Statement 2016 (published November 2016)

7. Consultations

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

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

Local Ward Member

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

The reasons for the call in were in respect of:

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

Arts Development Officer

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

Ecologist

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

Ballards Ash Protected Road Verge

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

Habitats

The ecological assessment does not evaluate the presence of rare arable weeds at the site. Mature trees are relatively sparse across the site; however a few specimens of oak, ash and willow are present in the east of site.

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

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

Bats

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

Birds

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

Reptiles

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

Great Crested Newt

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

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

Drainage

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

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

- From the eastern side of site overland flows head east to Spittleborough Farm before turning north through the motorway and on to Swindon. There are issues with flooding of farm land on south side of motorway due to restricted flow rate under the motorway.

- From the north, central and western side of site overland flows head west and then south through Jubilee lake, which has previously highlighted as having issues, then onward westward to Thunder Brook (some flooding issues) and then to railway crossing where major flooding issue exists due to limited capacity of the pipe under the railway. There is more flooding downstream where Thunder Brook passes under motorway and all way to its connection to the River Avon.

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

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

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

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

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

Wessex Water

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

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

Environment Agency

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

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

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

Environmental Services

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

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

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

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

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

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

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

Pools £119,638

Sports halls £136,924

Total £256,562

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

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

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

Highways Agency

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

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

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

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

Sustainable Transport

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

Comments received in respect of this scheme were as follows:

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

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

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

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

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

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

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

- The Malmesbury Road highway works outlined on plan TA3 including a right turning lane, pedestrian refuge, 3 metre cycleway, 2 metre footway between Malmesbury

Road and Marsh Farm hotel, 2 metre footway between the south side Malmesbury Road bus layby and Old Malmesbury Road, and 2 bus shelters.

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

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

Housing

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

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

Affordable Rent (60%) = 77 units

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

Shared Ownership (40%) = 51 units

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

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

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

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

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

Preferred sizes are highlighted

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

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

Public Protection

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

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

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

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

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

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

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

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

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

Air Quality - Council guidance should be adhered to.

Odour - No materials shall be burnt on site.

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

In summary no objection subject to appropriate conditions.

MOD

The MOD has no safeguarding objection to this proposal.

Rights of Way Officer

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

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

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

Sport England

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

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

Tree Officer

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

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

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

Education

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

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

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

Number of properties qualifying for assessment: 291

Places needed: primary = 90 secondary = 64

Designated area primary/ies:

- Longleaze

Designated area secondary/ies:

- Royal Wootton Bassett academy

Longleaze Primary:

- Capacity = 259 places.
- Oct 16 number on roll = 262 pupils.
- Forecasts/numbers peaking at 262 pupils (including housing already approved and underway/built out).
- So the school is full.
- Looking across the town there are three other schools at primary level: Wootton Bassett Infants, Noremars Juniors and St Bartholomew's.
- There is currently an overall deficit of 28 places in the town. By 2021 this is currently forecast to have increased slightly.
- These figures don't yet include the need for 32 further places required by housing registered/approved across the town but not yet completed at the time of the registration of this application.
- Expansion of existing schools sufficient to accommodate the large scale need for places generated by this particular development, and to provide for future growth isn't
In view of the shortfall of primary places across Royal Wootton Bassett, the Council is currently reviewing the options for provision of a new primary and establishing its site requirements.
- As a result, we require a developer contribution from this application towards providing 90 places at £16,979 each = £1,528,110, (subject to indexation).

Secondary assessment details:

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

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

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

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

S106 pooling:

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

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

Urban Design

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

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

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

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

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

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

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

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

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

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

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

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

Archaeology

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

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

Conservation

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

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

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

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

Spatial Plans

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

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

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

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

Lydiard Tregoze Parish Council

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

Royal Wootton Bassett Town Council

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

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

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

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

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

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

The development would encourage coalescence with Hook and Lydiard.

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

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

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

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

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

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

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

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

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

8. Publicity

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

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

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

Additional housing not required

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

9. Planning Considerations

Introduction

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

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

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

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

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

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

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

Principle of development

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

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

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

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

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

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

Wiltshire Core Strategy (WCS)

The Wiltshire Core Strategy was formally adopted by the Council on 20th January 2015. In accordance with the NPPF it sets out what is sustainable development in the context of Wiltshire. It retains a number of saved policies from the former Districts' Local Plans (e.g. North Wiltshire Local Plan 2011). It forms part of the statutory development plan for Wiltshire.

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

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

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

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

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

Despite the NPPF’s emphasis on housing delivery it also promotes explicitly the plan led approach to growth. The adopted Wiltshire Core Strategy has a clear strategy for the sustainable delivery of housing development (see paragraph 2.6); it releases new land for development through allocations and enables additional development sites to come forward outside the settlement boundary in appropriate circumstances (paragraph 4.25, WCS). It is a plan that has recently been examined and found to be sound and in accord with the NPPF. The housing element of the proposal does not relate to any of the specified policy provisions in the WCS or saved policies which allow development to come forward outside settlement boundaries and is not an allocated site for development.

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

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

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

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

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

In counter balance to this it must be noted that there are benefits arising from development including that the development proposed will significantly boost the supply of land for housing in the HMA meeting people's needs for accommodation in accordance with the requirements of the NPPF. This will include the provision of a significant supply of affordable housing of which there is well established need in this HMA. In addition the development will result in other benefits in terms of the boost to the economy of construction; job creation within the retail and care home scheme elements proposed under the related application reported elsewhere on this agenda under reference 16/06995/FUL; and the additional

population and their related spending on goods and services. These are also material considerations to be weighed in the balance.

Highways, Parking and Access

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

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

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

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

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

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

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

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

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

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

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

Impact on the adjacent listed buildings.

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

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

Officers went onto identify that the fate of the remaining historic farm buildings, some shown solid, others just outline, was not confirmed and would need to be if the impact of the

proposal on these buildings is to be considered fully. Every effort should be made to retain and reuse as many as possible in some capacity, and to plan the community hub so as to strengthen the historic character of the area. The proposal as submitted appeared to indicate that the buildings will be lost which was considered a lost opportunity to give the development a character and distinctive focus.

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

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

Archaeology

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

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

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

Under the guidance of the NPPF Heritage assets include:

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

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

Ecology

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

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

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

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

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

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

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

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

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

Urban Design

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

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

The Master plan was considered not indicate any hierarchy or distinction in the scale, massing, form and appearance of buildings or landscaping lining the primary routes. Addressing key vistas renders development distinctive and creates a layout that is clearly legible. Distinguishing the primary routes leading to the access from Malmesbury Road and Hook Road should be a design principle. Further it was identified that the junction of these

routes sits roughly at the centre of the residential area which would be the obvious focus on a key public space and the placing of the Community hub.

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

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

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

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

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

In this context it is important to note that the Government's advice in respect of design quality must be read in the context of other guidance in the NPPF and in particular the requirement to significantly boost the supply of land for housing. Whilst this does not infer a

need to support poor quality design it must be considered when determining outline applications with matters of layout and scale reserved and contemplating a refusal on the basis of poor quality design. In this instance it is not considered that the submission as revised constitute such low quality design that they should be refuse on this basis when taking into account the Council's inability to adequately demonstrate sufficient housing land supply that is in accordance with the requirements of the NPPF.

Drainage

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

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

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

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

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

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

Trees and Hedgerow

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

The amended access plans submitted in respect of the Hook Road access are considered to lack detail. Officers were concerned with regard to the lack of information supplied in relation to the works to the hedgerow, terms such as "trimmed down" and "hedge to be cut back" are considered insufficient.

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

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

Other matters

Ancillary development and supporting facilities

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

Section 106

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

Affordable Housing

Education – Primary and Secondary contributions

Highways improvement works and Travel plan

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

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

Leisure Services

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

Public Art

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

10. Conclusion – The Planning Balance

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

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

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

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

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

deliver a significant boost to the economy through construction and the spending and financial contributions of the additional population.

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

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

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

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

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

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

This proposal has been considered against both local and central government guidance and policies. The proposed development is seen to conflict with the relevant policies contained within the Core Strategy namely policies, CP1, CP2, CP51, CP 58. With respect to CP58 it is assessed that the harm is outweighed by the benefits of development. It is consequently necessary under paras 2, 7, 11, 14, 196, 197, 210, 216 of the NPPF to consider whether

material circumstances indicate that a decision contrary to the development plan should be determined. In this instance it is considered that this is the case.

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

RECOMMENDATION

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

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

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

CONDITIONS

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

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

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

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

(d) The landscaping of the site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning Authority, and;

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

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

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

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

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

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

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

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

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

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

Before the 50 dwelling hereby permitted is occupied:

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

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

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

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

Reason: In the interests of highway safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No development shall commence within the development area until:

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

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

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

REASON: In the interests of residential amenity

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

REASON: In the interests of residential amenity

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

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

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

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

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

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

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

REASON: In the interests of visual amenity.

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

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

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

111422 AP10 Location Plan

111422 AP11 Illustrative Masterplan

111422 AP13 Existing Site Plan

Planning Statement, August 2014

Design & Access Statement, July 2014

Transport Assessment, July 2014

Landscape Strategy Outline, July 2014

Air Quality Assessment, August 2014

Archaeological Geophysical Survey report, July 2014

Noise Assessment, 23rd July 2014

Statement of Community Involvement, May 2014

Ecology Assessment Outline, August 2014

Flood Risk Assessment, 13th May 2014

Flood Risk Assessment Addendum V1, February 2015

Archaeological Report by TVAS, April 2015

Ecology Update, Sept 2015

Letter from Kemp & Kemp to Wiltshire Council dated 25.5.16

Outline Residential Planning Application Design Note, May 2016

Transport Assessment Addendum, July 2016

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

INFORMATIVES:

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

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

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

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

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

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

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

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

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

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

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

NOTES TO APPLICANT

Sustainable Construction

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

Pollution Prevention During Construction

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

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

Waste Management

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

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

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

Background Documents Used in the Preparation of this Report:

Wiltshire Core Strategy January 2015

North Wiltshire Local Plan 2011

NPPF

NPPG