

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	17 February 2016
Application Number	15/10519/OUT
Site Address	Land at Bradford Road, Corsham, Wiltshire
Proposal	Development of up to 170 Dwellings, Medical Centre/Community Hall, Public Open Space, Access & Associated Works (Resubmission of 14/04179/OUT)
Applicant	Redcliffe Homes
Town/Parish Council	Corsham
Electoral Division	Corsham Without And Box Hill – Cllr R. Tonge
Grid Ref	385297 169999
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The application has been called in by Cllr Richard Tonge to consider the effect and scale of the development.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the authority be granted to the Area Development Manager to grant planning permission, subject to the prior completion of a Section 106 legal agreement and the imposition of appropriate conditions.

2. Report Summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact on the character and appearance of the area
- Highway safety
- Design and Layout
- S106 Contributions

The conclusions of the Planning Inspector on the recent appeal (determined in august 2015) are also relevant material considerations.

Corsham Town Council object to the application, which has also generated 8 letters of objection.

3. Site Description

The application site is approximately 9.7ha of greenfield land located at the western edge of Corsham. The site is bounded by Bradford Road to the north and Park Lane to the south and is approximately 1.8km to the west of Corsham High Street and the historic town centre.

The site is currently accessed by vehicles from Park Lane, via an informal entrance at the eastern end of the site. The majority of the site is a gently sloping arable field, sloping toward the north east, enclosed along the northwest boundary to Bradford Road and in part along the southwest boundary to Park Lane by mature, managed hedgerows and tree lined boundaries. A copse of mature trees is located on the boundary with Park Lane.

4. Planning History

14/04179/OUT Development of up to 170 Dwellings, Medical Centre/Community Hall, Public Open Space, Access and Associated Works- planning permission refused and dismissed on appeal. The previous application was refused solely on ecological grounds due to a lack of sufficient information to assess the impact on the Bath and Bradford on Avon Bats Special Area of conservation. At appeal the inspector agreed with the Council's position on this matter

5. The Proposal

Development of up to 170 Dwellings, Medical Centre/Community Hall, Public Open Space, Access & Associated Works

6. Planning Policy

Wiltshire Core Strategy Jan 2015:

Core Policy 1- Settlement Strategy
Core Policy 2- Delivery Strategy
Core Policy 3- Infrastructure Requirements
Core Policy 11- Spatial Strategy: Corsham Community Area
Core Policy 51- Landscape
Core Policy 43- Providing affordable homes
Core Policy 45- Meeting Wiltshire's housing needs
Core Policy 50- Biodiversity and Geodiversity
Core Policy 51- Landscape
Core Policy 57- Ensuring high quality design and place shaping
Core Policy 58- Ensuring the Conservation of the Historic Environment
Core Policy 62- Development impacts on the transport network
Core Policy 67- Flood Risk
Appendix D
Appendix E
Appendix G

Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution
T5- Safeguarding
H4- Residential development in the open countryside
CF2- Leisure facilities and open space
CF3- Provisions of open space

National Planning Policy Framework 2012:

Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)
Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)
Chapter 6- Delivering a wide choice of high quality homes (Paragraphs 47, 49, 50 & 55)
Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)
Chapter 8- Promoting healthy communities (Paragraph 75)
Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)

Chapter 12- Conserving and enhancing the historic environment (Paragraphs 126, 128, 129, 132, 133 and 139)

7. Summary of consultation responses

Network Rail- Whilst there is no objection in principle to this proposal Network Rail wish to make comments and set out requirements for the safe operation of the railway and the protection of Network Rail's land.

Drainage- Final comments will be presented as a late item.

Wiltshire Fire and Rescue Service- The proposed development has been assessed and the detail on the attached schedules relates to the following areas:

- Recommendations identified under B5 of Approved Document B relating to The Building Regulations 2010
- Recommendations to improve safety and reduce property loss in the event of fire

Highways- No objection subject to conditions and a s106 agreement.

MOD- No safeguarding objections to this proposal.

Wessex Water- No objection, subject to planning conditions. There is limited capacity within the downstream sewerage system to accommodate the predicted foul flow from the proposed development. Network modelling of the foul sewerage system is required to ascertain the nature and extent of capacity improvements. As a foul drainage strategy is yet to be agreed we request a planning condition relating to this matter.

Corsham Town Council- Recommend that the application be refused on the grounds that Corsham Town Council's policy is to retain a green buffer between Corsham itself and the outlying settlements; concerns over the findings of the mining assessment; inappropriate site when other more suitable sites were coming forward; Corsham has exceeded the indicative housing figure allocated to the town in the Core Strategy, which covers the period to 2026, by at least 15%, this proposed development is not needed; the development was felt to be poorly designed and planned; it is inappropriate to consider medical and community facilities until the need has been established through the Neighbourhood Planning process.

If Wiltshire Council was minded to approve the application that conditions be imposed, there are a number of changes and conditions that would need to be addressed such as traffic and transport issues, cycle and pedestrian connectivity, financial contribution towards a new cemetery and the provision of allotment land.

Public Open Space- 11,220m² of open space, including 1,020m² of play space, is proposed, which is the planning requirement (based on an estimated dwelling mix).

As it is out line it is not possible at this stage to request more information on the form this POS will take and its approximate location, this will be agreed on the submission of the reserved matters application.

Landscape Team- No objection subject to

Rights of Way- No objection

Ecology- No objection subject to planning conditions. Details and conclusions are contained within the report below.

Spatial Planning- No objection. Formal comments are contained within the report below.

Housing- No objection subject to the provision of 30% onsite affordable housing. The Wiltshire Core Strategy details a requirement in the Corsham Community Area for a 30% affordable housing contribution to be delivered in line with Core Policies 43, 45 and 46 where there is demonstrable need for affordable housing.

Core Policy 43 sets out when affordable housing will be required and indicates the proportion which will be sought from open market housing development ie: an affordable housing provision of 30% will be provided on sites of 5 or more dwellings where there is demonstrable need in the Corsham Community Area.

Education- No objection subject to a contribution of £739,398 for secondary education & £814,992 for primary Education

Early Years- No objection subject to a contribution of £164,160.00 towards Early years provision (3 – 4 Years)

Waste and Recycling- I recommend a condition that does not allow commencement of development until details concerning how waste collections will function on the development are submitted to and agreed by the council, to meet the requirements of policies CP3 and WCS6. In effect this would require submitted plans to follow the guidance in the draft SPD.

The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. The estimated s106 contribution set out in the table below is required for the provision of this essential infrastructure to make the application acceptable in terms of the policies listed below. This figure is subject to change dependent on the confirmed mix of flats and houses, in accordance with section 10 of the attached draft SPD.

Property type category	Contribution per house/per category	Quantity	Total
Individual house	£91	170	£15,470
Bin store for block of 6-10 flats	£581		£ 0
Bin store for block of 11-14 flats	£1,038		£ 0
Bin store for block of 15-18 flats	£1,474		£ 0
		Total	£15,470

This contribution is directly related to the development and is specifically related to the scale of the development, as it is based upon the number of residential units on site.

Public Art- Art and design in the public realm will help to mitigate the impact of development by contributing to good design, place-shaping, infrastructure and engage communities with the development and is listed within the Planning Obligations SPD.

Based on an indicative figure of £300 per dwelling, a contribution of £51,000 would seem to be an appropriate figure for this site. We would expect for a development of this size to engage a experienced professional public art advisor to join the design team to devise a public art scheme.

8. Publicity

The application was advertised by neighbour letter, site notice and press advert.

8 letters of objections were received from local residents, some residents have submitted more than one letter. Comments were also received from the Pickwick Association.

Summary of key points raised:

- Merely a resubmission of an earlier planning application of the same character and description and for the same site. This has already been dismissed at appeal
- Submitted documentation only contains minor amendments to the previously refused scheme
- Has not overcome the concerns of the Inspector in relation to protected species (bats). The supporting information comes to the totally unfounded conclusion that “The proposed development will not have an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC
- the affordable housing requirement for Corsham and the surrounding community area is already more than satisfied by the three approved developments. There is no requirement for any further development.
- Corsham does not have sufficient local facilities such as doctors & Schools.
- Community centre not required
- Remove green wedge between Corsham and Rudloe
- Contrary to core strategy. Site not identified in any plan
- Will harm the landscape and historic character of the area

9. Planning Considerations

Principle of development

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Plan saved in the WCS, forms the relevant development plan for the Corsham area. The Wiltshire Housing Sites Allocation Plan and the Corsham Neighbourhood Plan are emerging plans but can only be afforded very limited weight at this stage of their preparation.

Important material considerations in this case include the requirement in the National Planning Policy Framework (NPPF) to assess whether the Council has a five year housing supply for the north and west housing market area that includes Corsham, and the recent appeal decision on this site.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

The Wiltshire Housing Site Allocations Plan and the Corsham Neighbourhood Plan although part of the emerging Development Plan are both at an early stage of preparation and can only be afforded limited weight.

Wiltshire Core Strategy

Policy CP1 identifies Corsham as a market town with the potential for significant development for jobs and homes. Policy CP2 states that development outside of the limits of existing settlements will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The

exceptional circumstances are set out in paragraph 4.25 of the Core Strategy. In this case, the site lies outside of the limits of development for Corsham and has yet to be identified for development though either the Sites Allocation Plan or a Neighbourhood Plan, and the proposal does not meet any of the exceptional circumstances in paragraph 4.25. Similarly, as it lies beyond the limits of development, it does not comply with saved policy H4 of the North Wiltshire Local Plan as it does not meet the exceptions, such as agricultural needs, set out in that policy. The proposal is therefore in conflict with the development plan.

NPPF

Amongst other things, the NPPF aims, within the context of a presumption in favour of sustainable development, to boost significantly the supply of housing. It requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements plus contingency dependent on past rates of delivery. Under the terms of the NPPF If the local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered as up to date.

The NPPF makes it clear that where this cannot be demonstrated, relevant policies for the supply of housing (which in this case would include CP2) cannot be considered up to date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The overall housing requirement for Wiltshire of 42,000 homes is disaggregated into three Housing Market Areas (HMAs) in Wiltshire. The WCS confirms that provision should be made for a minimum of 24,740 homes within the North and West HMA (including Corsham). Against this requirement the Council's April 2015 Housing Land Supply Statement indicates that there is 5.6 years supply of deliverable housing in the North and West HMA.

However, The Examination of the Chippenham Site Allocations Plan has been suspended to allow the Council to undertake further work in response to the Inspector's concerns regarding the site selection procedure, sustainability appraisal and deliverability of the proposed allocations in the Plan (Policy CH1 South West Chippenham, CH2 Rawlings Green and Policy CH3 East Chippenham).

These proposed allocations are included in the Council's published housing land supply statement and contribute towards the Council's 5 year land supply for the North and West Housing Market Area (HMA). Following the suspension of the Examination, another planning inspector in December 2015 considered a proposal for a development of up to 28 houses on a site at Arms Farm, Sutton Bengier, also within the north and west housing market area. He concluded that with the suspension of the Examination of the Chippenham Sites Plan, the delivery of the sites included within it identified as contributing towards the 5 year housing land supply could not be guaranteed, and that consequently a five year land supply could not be demonstrated.

The Inspector responsible for this appeal decision acknowledged that Core Policy 2 relates to the supply of housing. As Core Policy 2 seeks to constrain development within defined limits, he concluded that Core Policy 2 is a relevant policy for the supply of housing. As such, he did not consider that it can be regarded as up-to-date, which, in his view, reduced the weight to be afforded to the constraints that it imposes and, thus, to a scheme's conflict with them. As a result Core Policy 2, as a relevant policy for the supply of housing, could not be considered up to date. In this case, he still went on to dismiss the appeal because the impact on the heritage assets he identified constituted significant and demonstrable harm that outweighed the benefit of the supply of the additional housing.

The relevance of this appeal decision means that conflict with core policy 2 and saved policy H4 cannot be relied on as a reason for not supporting development until the Council has restored a 5 year supply of housing. It is notable that this context (lack of identified five year

housing supply) was the same context in which the Inspector determined the previous appeal on this site in August 2015. Again, he found that the lack of sufficient information at that time to assess the impact of the proposal on the Bath and Bradford on Avon Bats Special Area of Conservation amounted to significant and demonstrable harm sufficient to outweigh the benefits to housing land supply. However, it is notable that whilst he considered objections raised by local residents to the development, he determined that none of these concerns justified dismissing the appeal. This finding is a relevant consideration in the determination of this application.

In these circumstances this application for housing must be considered in the context of the policies within the adopted development plan that do not relate to the supply of housing and the NPPF presumption in favour of sustainable development. The remainder of this report seeks to set out the planning balance in relation to this application within this context.

Scale of Development

In the Wiltshire Core Strategy (policy CP1), Corsham is identified as a market town, the second tier in the settlement hierarchy below only the three principal settlements. Core Policy 1 describes these settlements as having the potential for 'significant development' as it is recognised that they have the ability to support sustainable patterns of living through their current levels of facilities, and that these can be sustained and enhanced through further growth.

Whilst objections to the application have been made by some residents concerned about the lack of existing facilities, the place of Corsham in the settlement hierarchy was established in the year-old Core Strategy.

Core Policy 11 makes provision for 'approximately' 1392 dwellings to be provided across the Corsham Community Area over the plan period of which 226 homes remain to be identified (April 2015 Housing Land Supply Statement). However, in May 2015 a further 150 homes received planning permission on appeal at Bath Road reducing the residual indicative requirement to 76 homes.

The number of dwellings proposed, when taken with those already approved, will exceed the minimum required in Core Policy 11 for Corsham, but the figure set was a minimum and in the absence of a five year supply in the housing market area, cannot be relied upon as a reason for refusal for a development of this scale that brings with it supporting community infrastructure in the form of a medical centre/community hall, in addition to the benefits secured through the section 106 agreement and Community infrastructure levy (CIL). Furthermore, the Inspector at the previous appeal did not consider that a development of this scale was unacceptable in this location.

As explained above, the weight to be attached to Core Policy 2 is limited but as concluded by the Inspector at 'Arms Farm' Core Policy 1 carries full weight and there is no reason to depart from the conclusion reached by him.

Consultees have set out what is required to make the development acceptable in planning terms through Community Infrastructure Levy (CIL) receipts and the S106 agreement. From the evidence submitted and the consultation responses received there is no suggestion that additional housing within the locality had caused, or would lead to, a lack of community cohesion. The scale of development which includes supporting community infrastructure in the form of a medical centre/community hall is, therefore, consistent with CP1 in relation to the role of Corsham.

Ecology

The site is located approximately 0.6km from Box Mines SSSI / SAC and comprised of large arable fields bounded by hedgerows and dry stone walls. Hartham Park Quarry is situated on the north eastern boundary and a desk study suggests further entrances may be present to the south east. Initial bat surveys carried out in late August – early-October 2014 revealed a wide assemblage of bats using the boundary hedgerows including horseshoe species which the SAC is designated for. Relatively high levels of *Myotis* sp. bat activity was also recorded.

As noted above, the previous appeal at the site was dismissed by the Inspector solely on ecological grounds. The Inspector concluded that reflecting the conclusions of the Wadenzee case, Regulation 61 requires that an appropriate assessment would not only need to take into account the effect of the proposed scheme on the appeal site, but also the possible effect together with (ie in combination with) any other proposed or committed development in the vicinity would have to be considered.

At the Hearing the Inspector considered all recent approvals and was of the view that all of these should be considered in any 'in combination' assessment. The original proposal on its own might not be regarded as representing a likely significant effect (LSE) on the SAC, but the Inspector, in dismissing the appeal, had regard to the possibility of a LSE arising when the appeal was seen together with other committed and proposed development. The inspector adopted the precautionary principle, which must be applied in the application of the Habitats Regulations thus dismissing the appeal.

Since the conclusion of the appeal, in consultation with the Council's ecologist, survey information for a full year is now available for the site and there is now sufficient information to conclude that there would be no significant effect when considered in combination with other permitted schemes in the vicinity.

The Council's ecologist required some changes to the indicative layout and these plans have been submitted to the Council. Having considered the additional survey work and revised plans an appropriate assessment has been completed for the application site and concluded that planning permission should not be withheld on ecology grounds and can be granted permission subject to planning conditions.

Impact on Landscape

The farmland currently serves to physically separate the settlements of Corsham and Rudloe and was historically protected from development by former Policy NE3 Rural Buffer of the North Wilts Local Plan. While this policy is no longer saved, the issue of settlement coalescence remains a planning consideration for development proposed on the remaining land separating Corsham and Rudloe.

At pre-application stage a number of existing landscape features were identified and their retention sought, such as perimeter hedgerows, dry stone walling and some wooded areas. These are proposed for retention within the current proposals which will be important to follow through if development is accepted in principle. These existing landscape features will need to be appropriately incorporated within the final development proposal to ensure that their value is retained in terms of supporting public visual amenity and wider landscape character but also to ensure their long term health and viability is sustained for future generations.

The indicative layout has been amended as a result of concerns raised during the determination of the previous appeal and have positively addressed many of the issues highlighted. The revised illustrative layout suggests that the level of development proposed could be satisfactorily accommodated in terms of landscape, character and visual impact,

residential amenity, place making and space to accommodate adequate maintenance for retained and proposed trees, hedgerows and other landscape features.

At pre-application stage it was suggested that existing retained landscape features and new structural landscaping elements, including the retained dry stone wall, should remain in the public domain in order to ensure their cohesive future management and control and to reduce the risk of their piecemeal removal or neglect over the longer term by private householders. This can be agreed as part of the final layout.

Appropriate access to maintain hedgerows will also be necessary to incorporate at an early design stage as the layout of streets, orientation of dwellings, provision of active frontage etc. will all have a bearing on this, and ultimately the appropriate number of new dwellings that could be comfortably accommodated at this proposed site. It is considered that there has been a significant improvement within the revised layout and proposed open spaces will be largely overlooked by active development frontage which improves levels of surveillance and positively contributes to place making.

The Landscape Character Assessment for this Character Area, highlights the need to improve the existing urban fringe transitions with countryside around Corsham and Rudloe in order to better contain existing and proposed new development edges and additional harmful urban influences on the countryside. It also states that the preference for new development within this character area is on lower lying land, where the landscape and visual effects resulting from urban development can be mitigated by improving existing field boundaries and planting new areas of woodland.

It is considered that further structured landscaping in the form of new woodland buffers and tree planting would be necessary in order to better integrate proposed development into the wider landscape context and to protect the wider panoramas viewed from elevated countryside vantage points. However, this can be controlled at the reserved matters stage.

It is acknowledged that the loss of a greenfield site would result in some harm to the character and appearance of the area. There would be minor adverse visual effects, particularly for nearby residents and people using public footpaths. To this extent the proposed development would not accord with Core Policy 51 which seeks to protect and conserve landscape character. On the other hand the negative impacts would be mitigated as far as possible, as required by the policy, through the inclusion of structural landscape features. The extent of visual impacts would not be widespread and there would be only limited harm to the landscape setting of the local area, this harm is not considered to be significant enough to warrant a reason for refusal.

Sustainability of the site

The Council has acknowledged that housing will need to be delivered in and around Corsham- some 76 homes remain to be identified of the indicative requirement of 1220 at Corsham (Core Policy 11). Previously used land is identified in the SHLAA that could meet this residual need and the Wiltshire Housing Site Allocations DPD will identify the most appropriate location. This WHSA will be guided by the Corsham Community Area strategy and overall strategy in the WCS which encourages re-use of previously used land and an holistic approach to the development in the wider Corsham area given the presence of redundant MOD land (Policy CP11 & CP37). The immediate availability of sites in the Corsham area and deliverability of these sites is a material consideration.

The intention for these sites to come forward and the government's preference for development on brownfield sites is noted. However, section 6 of the NPPF requires Councils to identify a supply of specific, developable sites and these should be in a suitable location

for housing development and there should be a reasonable prospect that sites are available and could be viably developed at the point envisaged. Some MOD sites identified in the Strategic Sites Paper and Site Allocations Plan have come forward but not all, thus they fail to fulfil this requirement; therefore limited weight can be attached to them in considering the suitability of this site.

The Strategic site is well located to both Rudloe and Corsham and the services that these offer, such as public transport, shops and schools and Doctors. The development is therefore considered to be in a sustainable location and would meet the objectives of local and national planning policies. It is also important to note that the Council and Planning Inspector, in considering the previous application, did not raise concerns in relation to the sustainability credentials of this site.

Setting of Listed Buildings

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

The House of Lords in the South Lakeland case decided that the “statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.”

The proposed development is located over 300m from the nearest listed building (Hudswell House and 6-10 Hudswell Lane). Having viewed the site from these listed buildings and attempted to view the listed structures from within the site it is considered that the proposal is unlikely to be visible and will therefore have a neutral impact on the setting of the listed buildings. The proposal is considered to accord with CP58 of the Core Strategy and the NPPF.

Highways

The technical note has assessed the operation of the A4/B3109 junction under the current layout taking into account appropriate committed developments. The junction has been assessed for a 2015 year and a growth year of 2020.

For the year 2020 there are capacity issues for the B3109 arm. The arm will be well over capacity both with and without the development traffic. The development is shown to add 4 vehicles to the am peak hour queue on the B3109 arm for the worst case extending the forecast queue from 18 to 22 vehicles. While unsatisfactory this could not be considered to be “severe” in the light of the guidance in the NPPF.

Further the developer has put forward a small improvement scheme of adjusting the junction island positions to give a wider ‘give way’ line on the B3109 arm which would mitigate the identified development created detriment at the junction. The Gladman roundabout scheme may come forward before occupation of this development in which case the minor scheme would not need to go ahead. Any S106 would need to be worded to cover this possibility. High way heads of terms are set out below.

Affordable Housing

Core Policy 43 states the Council will seek to negotiate an element of affordable housing to meet local needs on all housing developments of 5 or more dwellings. The applicant has agreed to provide 30% onsite affordable housing. This provision will be in accordance with the Council’s Housing Department’s requirements.

Community Facility/Doctor Surgery

The statement of community involvement indicates that there is a lack of suitable facilities such as doctor surgery, dentists, community facility & museum. It is acknowledged that the recently opened 'Corsham Campus' is likely to fill the gap relating to community facilities but there would still appear, from the neighbour consultation response, to be a need for the doctors surgery/dentist. The applicants will make the land available for such development through the s106 agreement and they are currently seeking an occupier. The provision of this is regarded as a benefit of the scheme.

Mining

Concerns have been raised by local residents in relation to the mining report and the proximity of built development to these mines. The mining reports submitted with the original application and this current application clearly identify the location of mines within the locality. The plan on page 12 illustrates that the mine shafts are outside of the planning application red outline. The mines are therefore not underneath the area proposed for housing and no objection is raised to the development in this respect.

S106 contributions

The site generates a requirement for the provision of 30% on-site affordable housing, to be provided in an integrated manner across the application site as agreed at the reserved matters stage. The type and tenancy mix shall be negotiated with the Council's Housing Officers to ensure a 'best fit' for local housing needs.

Under Core Policy 3, the proposal also generates a requirement for the provision of on-site public open space proportionate to the final housing mix, indicated on the submitted layout plan and to include equipped play.

The development will generate a significant influx in population to this part of Corsham, placing additional demand on local primary, secondary education provision and early years.

The heads of terms for the s106 are as follows

- On site affordable housing 30%
- Onsite open space totalling 11,220m², including 1,020m² of play space
- Primary Education £814,992
- Secondary education £739,398
- Early Years £164,160
- Waste £91 per residential unit
- Delivery of onsite community facility.
- Improvement scheme at A4 / B3109 unless the roundabout secured by application C/13/05188 is implemented first.
- Right turning lane at the access from Bradford Road including resurfacing and visibility splays.
- Right turning lane at the access from Park Lane including resurfacing and visibility splays.
- Street lighting improvements over the Park Lane frontage of the site.
- Street lighting of Bradford Road over the site frontage and as far as Toghill Crescent.
- Widening and resurfacing of the footway between the Bradford Road site access and the Toghill Crescent area (see TA drawing Figure 4.1).
- Minor highway improvement at the A4 / B3353 mini roundabout.

- Minor highway improvement at the A4 Bath Road / Park Lane mini roundabout.
- Implementation of the travel plan.

10. Conclusion

The proposal is not in accordance with the development plan, in that it lies outside of the limits of development and has not been brought forward through the plan led process outlined in policy CP2 of the Core Strategy. However, this has to be set against other material considerations, the most pertinent of which in this case is the Inspector's decision in December 2015 on the Arms Farm appeal which concluded that in the light of the uncertainty surrounding the delivery of sites at Chippenham, for the reasons set out above, policy CP2 could not be relied upon by itself as a defensible housing policy where the Council was unable to currently demonstrate a five year land supply in the housing market area.

As this report demonstrates, unlike Arms Farm, there are no longer any outstanding site specific objections to the development of this site in terms of the scale of development (CP1), affordable housing (CP45), ecology (CP50), landscape (CP51), heritage assets (CP58), flood risk (CP61) and highways (CP62) that would significantly and demonstrably outweigh the benefits that this particular development in this location on the edge of a sustainable settlement.

The conflict with CP2 in terms of its location and the consequential reduction in the gap between Corsham and Rudloe is the main negative impact of the proposal. However, as discussed above, given the current levels of uncertainty surrounding the 5 year housing land supply position in the North and West Wiltshire HMA following the conclusions of the appeal Inspector at Arms Farm Sutton Benger and the suspension of the Chippenham Site Allocations Plan examination great weight cannot be placed on this policy. Therefore, in accordance with the NPPF, the application should be considered in the context of the presumption in favour of sustainable development. This means:

'where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'

As recognised in the Arms Farm Appeal Decision as referenced above, the Council, at the moment, cannot demonstrate a 5 year supply in the north and west HMA because of this policy CP2 of the Wiltshire Core Strategy is considered to be out of date. The application should be considered in the context of the presumption in favour of sustainable development. Furthermore, the one objection raised by the Planning Inspector in the previous appeal on this site in August 2015 has been satisfactorily dealt with. In these circumstances, the guidance in the NPPF is that the local planning authority should grant planning permission.

This means that to determine the application consideration must be given to many factors. Firstly, whether the development is sustainable given the current policy context (NPPF and Development Plan) and, secondly, whether the presumption in favour of development is outweighed by adverse impacts which are significant and demonstrable. This involves a

balancing exercise which requires a careful assessment of issues relevant to policy considerations and fact.

The report has highlighted that the adverse impacts of the development include the construction of dwellings within the open countryside. The benefits of the proposal include the fact that the proposal will boost housing supply at a scale of development that is not inappropriate in a market town where a current lack of a five year supply of housing is acknowledged, there would be an additional supply of affordable housing and there would be economic benefits through construction and occupation of the houses, the application will protect the long term future of the remaining green gap between Rudloe and Corsham and it is understood that pedestrian linkages to the primary school will be improved. The scheme includes medical/community facilities although the need for these services is questioned by the Town Council and local residents.

It is considered on this occasion that the adverse impacts do not outweigh the benefits of scheme. It is therefore considered sustainable development in the context of the NPPF paragraph 49 and should be permitted.

RECOMMENDATION

That authority is delegated to the Area Development Manager to GRANT planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Public Open Spaces; Education; Highways Improvement and is therefore contrary to Policies CP3 & CP43 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

- 1 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.

- 2 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.

- 3 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.

- 4 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 buildings 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.

- 5 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning

authority. The remediation strategy shall be implemented as approved.

REASON: To protect controlled waters from pollution.

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

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

REASON: 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.

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

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FIGURE 4.1

FIGURE 4.2

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

- 8 No more than 170 dwellings shall be developed on the application site edged red on the submitted Site Plan.

REASON: For the avoidance and in the interest of proper planning

- 9 The development hereby approved shall not commence until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker.

A drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing.

The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: There is limited capacity within the downstream sewerage system to accommodate the predicted foul flow from the proposed development. Network modelling of the foul sewerage system is required to ascertain the nature and extent of capacity improvements. The condition will ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream properties.

- 10 Details submitted as part of any reserved matters application for the site shall be in accordance with the mitigation measures set out in the submitted document 'Land at Bradford Road, Corsham: Summary of Results and Proposed Mitigation' (Engain, 2015) and the Council's appropriate assessment for this application (dated 27/12/15).

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

- 11 Prior to the commencement of development, an Ecological Management and Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Management and Monitoring Plan shall be in general

accordance with the measures set out in the submitted 'Land at Bradford Road, Corsham: Summary of Results and Proposed Mitigation' document, and provide full details for the establishment and long-term management of semi-natural features within the site, including:

- " Translocation of sections of the existing hedgerow along Bradford Road
- " Establishment of all new areas of planting / landscaping
- " Establishment of wildflower grassland
- " Establishment of wetland habitats within the SUDs
- " Long-term management of all hedgerows, woodland, grassland and wetland habitat features
- " A schedule for monitoring of the condition of newly established habitat features, and post-development bat activity at the site

The site shall be maintained in accordance with the long-term management measures set out in the Ecological Management and Monitoring Plan unless otherwise agreed in writing by the Local Planning Authority. Results of ecological monitoring shall be submitted to the Local Planning Authority in accordance with the monitoring schedule.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

- 12 Any reserved matters application shall be accompanied by a lighting scheme for that part of the site, including a lux plot clearly demonstrating that dark corridors (<1 lux) will be retained in accordance with the submitted 'Land at Bradford Road, Corsham: Summary of Results and Proposed Mitigation' document, and the Council's appropriate assessment of this application (dated 27/12/15).

REASON: To ensure that the proposed lighting doesn't have a detrimental impact on protected species..

- 13 No part of the development hereby approved shall be commenced until details of refuse and recycling facilities (including location and range of facilities and their means of operation) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interest of the visual amenity of the area and in the interests of public safety.

- 14 No development shall commence on site until a scheme for the discharge of stormwater water from the site, including any required on site or off site capacity improvements required to receive flows together with a connection point agreed with the sewerage undertaker and timetable, has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme, including any required off site works/improvements within the agreed timetable.

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 that the development can be adequately drained.

- 15 No development shall commence until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- 16 Prior to the first occupation of any dwelling the pedestrian visibility splays and the footway alterations on drawing Transport Assessment Figure 4.4 SK03 shall be provided and thereafter permanently retained.

REASON: In the interest of highway and pedestrian safety.

- 17 Prior to the first occupation of any dwelling the pedestrian refuge, visibility splays and bus layby on drawing Transport Assessment Figure 4.5 SK05 shall be provided and thereafter permanently retained

REASON: In the interest of highway and pedestrian safety.

- 18 Prior to the first occupation of any dwelling the pedestrian refuge and visibility splays on drawing Transport Assessment Figure 4.6 SK06 shall be provided and thereafter permanently retained.

REASON: In the interest of highway and pedestrian safety.

- 19 Prior to the first occupation of any dwelling the visibility splays at the Park Lane access of 2.4 x 120 metres in each direction at a height not exceeding 600mm above carriageway level shall be provided and thereafter permanently retained.

REASON: In the interest of highway and pedestrian safety.

- 20 Prior to the first occupation of any dwelling the visibility splays at the Bradford Road access of 2.4 x 160 metres in each direction at a height not exceeding 600mm above carriageway level shall be provided and thereafter permanently retained.

REASON: In the interest of highway and pedestrian safety.

- 21 Prior to the first occupation of any dwelling the pedestrian refuge and visibility splays on drawing Transport Assessment Figure 4.7 SK07 shall be provided and thereafter permanently retained.

REASON: In the interest of highway and pedestrian safety.

- 22 INFORMATIVE TO APPLICANT:

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer on [INSERT]

- 23 INFORMATIVE TO APPLICANT:

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.

24 INFORMATIVE TO APPLICANT:

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

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

25 INFORMATIVE TO APPLICANT:

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

26 INFORMATIVE TO APPLICANT:

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

27 INFORMATIVE TO APPLICANT:

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].