

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	27 May 2020
Application Number	20/02387/OUT
Site Address	Land at Pound Farm, South View, Lyneham, Wiltshire
Proposal	Outline planning application (all matters reserved except means of access only in relation to a new point of access into the site) for residential development of up to 50 dwellings and provision of land for D2 use; including the creation of new vehicular access, public open space, landscape planting, pumping station, surface water attenuation and associated infrastructure
Applicant	Gleeson Strategic Land
Town/Parish Council	LYNEHAM AND BRADENSTOKE
Electoral Division	Lyneham - Councillor Allison Bucknell
Grid Ref	402116 179390
Type of application	Outline Planning
Case Officer	Nicole Gillett

Reason for the application being considered by Committee

Councillor Bucknell has requested the proposal be put before committee to examine;

- Evidence of need
- Community Engagement
- Sustainability
- Public Amenity/Design
- Access to the site / Road Safety

The application is before the Strategic Planning Committee as the number of dwellings proposed could make a meaningful contribution to help address the current shortfall in the Council's 5 year housing land supply.

1.0 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

application be approved subject to conditions and completion of a S106 within 6 months of the date of the resolution; or in the event that the applicant declines to enter into the agreement to refuse for the reason identified below.

2.0 REPORT SUMMARY

ISSUES

The main issues for consideration are:-

- Principle of the Development
- Deliverability
- Heritage Assets
- Character and Appearance
- Impact on Neighbour Amenities
- Flooding and Drainage
- Transport and Access
- Ecology
- Rights of Way
- Archaeology
- S106 contributions
- Other Matters

115 Representations were received. A total of 5 from; Lyneham and Bradenstoke Neighbourhood Development Plan Steering Group, CPRE, James Grey MP, Councillor Bucknell and Wiltshire Swifts. 100 letters of objection and 10 support letters have been received. Lyneham and Bradenstoke Parish Council raised objection to the proposed development.

3.0 PROPOSAL

The application is for outline planning permission for a residential development of up to 50 dwellings (of which 40% would be affordable) and provision of land for D2 use (assembly and leisure); including the creation of new vehicular access, public open space, landscape planting, pumping station, surface water attenuation and associated infrastructure.

The application is identical to 19/08298/OUT.

EIA

The proposal is for 50 dwellings covering 3.9 hectares. The proposal is not;

(i) development that includes more than 1 hectare of urban development which is not dwellinghouse development; or

(ii) development that includes more than 150 dwellings; or

(iii) development that exceeds 5 hectares. greater than 5 hectares or consist of 1 hectare on non dwelling housing development.

The proposal would not therefore fall within any of the criteria set out within Schedule 2, subsection 10(b) of The Town and Country Planning Environmental Impact Assessment Regulations 2017. As such, an Environmental Impact Assessment is judged not to be required in this case.

4. SITE CONTEXT

The application site is located to the north east of Lyneham and to the south of the A3102 (South View). The site is outside but adjacent to the defined settlement framework boundary of Lyneham and therefore is in the open countryside. The site comprises two medium sized fields which are bounded by mature hedgerows with existing housing along the western edge. The site is criss-crossed by a network of footpaths, a small stream and overhead electricity cables. There are no ecological or landscape designations on the site. To the north and east of the site is the Old Rectory, a Grade II Listed Building on the A3102. Cowleaze Copse woodland lies just beyond the eastern edge of the site and Bailey's Hill Woodland, a County Wildlife Site, is within 500m.

5. PLANNING HISTORY

15/11047/SCR	Screening Opinion Request Relating to Proposed Residential Development of 111 Dwellings	No EIA required
15/12487/OUT	Outline Planning Application for up to 111 Dwellings, Vehicular Access, Public Open Space, Natural Children's Play Area, Landscape Planting, Pumping Station, Surface Water Attenuation & Associated Infrastructure (All Matters Reserved Except Means of Access	Refused

	Only in Relation to a New Point of Access into the Site)	
16/05959/OUT	Outline planning application for residential development of up to 60 dwellings; including the creation of new vehicular access, public open space, natural children's play area, landscape planting, pumping station, surface water attenuation and associated infrastructure (all matters reserved except means of access only in relation to a new point of access into the site) (Resubmission of 15/12487/OUT)	Refused
APP/Y3940/W/16/3162581	Outline planning application for residential development of up to 60 dwellings; including the creation of new vehicular access, public open space, natural children's play area, landscape planting, pumping station, surface water attenuation and associated infrastructure (all matters reserved except means of access only in relation to a new point of access into the site) (Resubmission of 15/12487/OUT)	Appeal Dismissed
19/08298/OUT	Outline planning application (all matters reserved except means of access only in relation to a new point of access into the site) for residential development of up to 50 dwellings and provision of land for D2 use; including the creation of new vehicular access, public open space, landscape planting, pumping station, surface water attenuation and associated infrastructure	Refused – applicants have lodged an appeal

6 PLANNING POLICIES

Wiltshire Core Strategy

- Core Policy 1: Settlement strategy
- Core Policy 2: Delivery strategy
- Core Policy 3: Infrastructure requirements
- Core Policy 19: Spatial Strategy: Cricklade and Royal Wootton Bassett Community Area
- 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 60: Sustainable transport
- Core Policy 61: Transport and new development
- Core Policy 62: Development impacts on the transport network
- Core Policy 63: Transport strategies
- Core Policy 67: Flood Risk

The Wiltshire Housing Site Allocations Plan (WHSAP) was adopted 25 February 2020.

Wiltshire Council Waste Core Strategy 2009

WCS6 – Waste Reduction and Auditing

Saved policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

H4: Residential Development in the open countryside

NE14 Trees and the control of new development

NE18 Noise and Pollution

CF3 Provisions of Open Space

National Planning Policy Framework 2019

Paragraphs; 2, 8, 11, 12, 14, 38, 47, 73, 74, 76, 108, 109, 110, 127, 163, 165, 170, 175, 190, 192, 196 and 197.

Sections 66(1) and 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Supplementary Planning Guidance and Other Relevant Documentation

- Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – Minimum residential parking standards.
- Local Transport Plan 2011-2026 Cycling Strategy (March 2015) – Appendix 4
- Open Space provision in New Housing Developments – A Guide
- Wiltshire Council Waste Collection Guidance for New Development
- Wiltshire Housing Land Supply Statement April 2018 (published August 2019)
- Wiltshire CIL Charging Schedule May 2015
- Wiltshire Planning Obligations SPD May 2015

Emerging Policy

The Local Plan Review: Consultation on the Pre-Submission version is due in 2020. Due to the early stage in the process the Plan carries negligible weight.

As noted by the Spatial Planning Officer, the Lyneham Neighbourhood Plan: A consultation plan (Regulation 14) is due to be published shortly, but at such an early stage it would carry insignificant weight as it has not sufficiently progressed.

7. CONSULTATION RESPONSES

Wiltshire Council Spatial Planning Officer: Conclude that the proposal is not in accordance with the development plan. Confirm that the Lyneham NP is not sufficiently progressed. Considers that conflicts with planning policy are not as limited as the applicant asserts and the material considerations require careful consideration. The Council is not able to demonstrate a 5-year land supply and the tilted balance is triggered (planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits). It is for the decision maker to weigh in the balance the conflict with the policies of the development plan together with all other material considerations.

Wiltshire Council Drainage Officer: No objection and requested a surface water drainage condition.

Wiltshire Council Urban Design Officer: General comments on the illustrative layout and design concepts. Recommended conditions, if improved, to; consult with community on Reserved Matters,

for Reserved Matters to be in accordance with the principles of the masterplan or a statement showing how each Reserved Matters complies with the Design and Access statement.

Wiltshire Council School Development Officer (Education):

There is no requirement for Early years contribution.

There is no spare capacity currently available at Lyneham Primary. There are no other primaries within the 2 miles statutory safe walking distance from the development site. The council therefore require a developer contribution towards the provision of the 14 places that this development requires.

Using the current* cost multiplier of £18,758 per place: $14 \times £18,758 = £262,612$ subject to indexation.

There is no spare capacity available at RWB Academy. Forecasts indicate that this pressure will continue for the next few years and so necessitates the provision of additional places at the school. The council therefore require a full developer contribution towards the 10 secondary places that this development generates a need for.

Using the current* capital cost multiplier: $10 \text{ places} \times £22,940 = £229,400$, subject to indexation.

*(It is important to note that the cost multiplier quoted applies for 2018/19 and is due to be updated shortly for the 2019/20 financial year, and the new figure will apply to S106s signed in that financial year as per our S106 Methodology).

Wiltshire Council Tree Officer: No objection.

Wiltshire Council Ecology Officer: As no major changes have taken place either in the physical attributes of the site or changes in available information regarding notable habitats or species in the wider local area, the previous Ecological Officer's response is applicable to this submission. The previous officer advised they were satisfied that observations on the previous application (15/12487/OUT, see memo dated 25/01/16) remain valid consequently it is recommended the same set of conditions are attached to any permission granted (see full response online) and no objection is raised.

Wiltshire Council Conservation Officer: As the proposal shows the same area for development as 19/08298/OUT, comments therefore remain as stated for the previous application.

The Conservation Officer's 19/08298/OUT comments: Although the spread of development has reduced since the last 2016 scheme was submitted, the Conservation Officer still feels that there is harm caused to the views to and from the listed building by bringing a road across the water course and filling field 2 with houses.

The Conservation Officer noted the Inspectors previous conclusion that the harm was less than substantial and at the lower end.

Wiltshire Council Landscape Officer: No objection in light of previous revisions and appeal decision.

Wiltshire Council Highways Officer: No objection, recommended conditions. Their comments are discussed at length in the highways section of this report.

Wiltshire Council Archaeologist: Evaluation carried out in relation to a previous development proposal indicated the presence of archaeological remains in the northern part of this site. The Officer recommended an Archaeological condition required to secure the implementation of an archaeological excavation in the northern part of the proposed development site.

Wiltshire Council Affordable Housing Officer: No objection to the proposed number of affordable units. The Officer stated to meet the need the affordable housing units should be provided with a tenure mix of 60% of the units (12 units) being for Affordable Rented housing, and 40% of the units (8 units) being provided for shared ownership. The Officer outlined the indicative mix but stated this could be discussed further. The Officer provided advice regarding National Space Standards and stated the affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, or to the Council on a nil subsidy basis.

Wiltshire Council Public Art Officer: Requirement for a public art contribution. It is considered that this is covered by CIL/on-site installations.

Wiltshire Council Open Space and Leisure Officers: The Officer used the dwelling mix provided in the design and access statement to calculate the POS requirements for the 50 dwellings proposed.

The Officer confirmed a total of 3,120m² POs including 270m² equipped play is required. No play areas are currently included in the current proposals and there is mention of creating access to the adjacent play area; in this case the Officer requested an off-site contribution to upgrade the adjacent play area of £39,420.00 in lieu of providing the play on site. The POS would need to be secured and managed in perpetuity, Wiltshire Council would not adopt the on-site POS.

The 50 dwellings would also generate a requirement for 1391.5m² sports pitches which equates to an off-site contribution of £13,915.

The Wiltshire Playing Pitch Strategy (adopted Feb 2017) has Ballards Ash (Rugby Ground) at RWB as the nearest beneficiary, it is the nearest Rugby Club to Lyneham and therefore is relevant to the development for the £13,915 off-site contribution.

Wiltshire Council Environmental Health Officer: No major concerns, however any fixed plant associated with the D2 use shall have to be noise assessed, which could be undertaken at reserved matters stage when D2 use building details are known.

Furthermore, a Construction Environmental Management Plan would need to be conditioned if approved.

The Officer reviewed the submitted Air Quality Assessment and found it sufficient to overcome the need for an AQA condition. Further, the Officers advised they would require a scheme of ULEV infrastructure e.g. EV charging secured via condition.

Wiltshire Public Rights of Way: No objection.

Lyneham and Bradenstoke Parish Council:

Object on the following grounds;

- Development outside of settlement boundary
- Unsustainable location
- Lack of infrastructure requirements
- Conflict with plan should be given significant weight despite out of date
- No identified need
- Loss of green field land
- Consultation should be put on hold due to COVID-19

- Applicant is attempting to burnt out the system

8. REPRESENTATIONS

Lyneham and Bradenstoke Neighbourhood Development Plan (NDP)

Steering Group (SG) object on the below grounds:

- No evidence of need for 50 houses in Lyneham
- Does not conform with Core Strategy being more than 10 on green fields outside village boundary
- Applicant tactics of multiple applications
- All decisions should be suspended during COVID-19

Cllr Bucknell: The Councillor raises concerns which fall into the following categories;

- Evidence of need
- Community Engagement
- Sustainability
- Public Amenity/Design
- Access to the site / Road Safety

James Gray MP: "I write on behalf of a number of my constituents... I share my constituents concerns and agree with the points they have made. This application has previously been rejected three times and it does not seem appropriate that it should be considered again during the current climate."

Wiltshire Swifts: Objected and recommended the application should use swift boxes.

Campaign for Rural England: Objected on the below grounds;

- Housing design
- Opportunistic repeat
- Sustainability

Letters: There have been 100 letters of objection with 10 in support. The clear main issues highlighted by objectors were the lack of need for houses, lack of infrastructure, character and appearance and the need to build on greenfield land, and highway safety concerns.

Many objectors stated their previous concerns raised under the 2019 application still stand. Objectors comment decisions should be postponed during the COVID-19 epidemic. However, the proposal has received the same number of objections as previous. Therefore, it is considered people were able to comment and were not disadvantaged.

Housing Demand

Many objections highlighted that Lyneham had no additional housing need. It was considered that this was against planning policy and delivery strategy of the Wiltshire Core Strategy and would mean the loss of green fields and agricultural land.

Many responses highlighted that other brownfield sites existed in the area, homes remained unsold in the area and noted that there was a large number of empty normal and MoD houses in the village.

Several responses noted there was no requirement for affordable homes in the area as these had been met or will be met by other developments.

Highway Safety

Concerns were raised over highway safety and the proposed access to the north of site. Many commentators raised issues around congestion and the impact of the development on the transport network.

Character of the Village

The area is noted as being valued for recreation and the loss of green fields and agricultural land will have negative affect on the character village. It is was noted that Lyneham is village and should kept this way. Comments noted the village would become a town.

Lack of infrastructure

Representations expressed a lack of all infrastructure facilities, individuals mentioned; lack of workplaces, school places, doctors, dentists, shops and facilities for daily life.

Other matters raised

- Future intentions of the developer
- The site will not help the elderly
- Contrary to development plan
- Circumvents the core strategy
- No benefit to Lyneham
- Sole motivation of land owner is profits
- Questions intentions of old parish council
- Questions intentions of supporters
- Houses should be in towns
- Purton road was dismissed therefore this scheme should be
- NHP is on hold due to COVID19
- Poor community engagement
- Flooding
- Suspect community building will become housing
- Out of date policies do not mean it should be approved
- Need new traffic surveys
- Harm to ecosystem
- Incorrect information in submission
- Houses should have solar panels
- Garages should be wide
- Anti-social behaviour
- As its outline no guarantee of what will be built
- Is had not been established Wiltshire has a shortfall in its 5-year housing supply
- Developer uses loop holes
- Homes should be sustainable
- No benefit to military families
- Effect on air quality
- Waste of council money processing multiple applications
- The landowner has made accessing right of way difficult

10 support letters were received raising the below themes;

- Affordable homes of benefit
- The development will provide bungalows
- Need for houses

9. ASSESSMENT

9.1 Principle of the Development

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLPL) 2011 (adopted June 2006).

This proposal is similar to a scheme previously refused by the Council (16/05959/OUT) and dismissed at appeal (copy of decision attached as an appendix to this agenda) but reduced by 10 dwellings and includes D2 use building. While every case has to be assessed on its merits, there are very clear parallels with the previous proposal in terms of the principle of development. The application is identical to 19/08298/OUT, which was refused on the below grounds;

1. *The site lies outside of the limits of development defined for the village in the Wiltshire Core Strategy. It has not been brought forward either through a Site Allocations DPD or a neighbourhood plan and does not fall within any of the proposed exceptions identified in CP2. Consequently, the development would conflict with Policies CP1 & CP2 of the Wiltshire Core Strategy (2015), as well as the principles set out within National Planning Policy Framework that planning should be genuinely plan-led (paragraph 15) and with paragraph 12 that states that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.*

2. *The proposed development would provide an unsustainable level of housing in a rural area and would not be in line with the objectives of the Wiltshire Core Strategy to promote self-containment by delivering development at sustainable settlements. The proposal is therefore contrary to policies CP1, CP2 and CP19 of the Wiltshire Core Strategy (2015), saved Policy H4 of the North Wiltshire Local Plan 2011, as well as the principles set out within National Planning Policy Framework (paragraph 9) which confirms that the planning system should play an active role in guiding development to sustainable locations.*

3. *The proposal does not provide for the delivery of the necessary infrastructure (e.g. affordable housing, education provision, recreation provision, open space, waste and recycling) required to mitigate the direct impacts of the development and fails to comply with Core Policy 3 of the Wiltshire Core Strategy, Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the National Planning Policy Framework.*

Core Policy 1 of the WCS identifies the most sustainable locations for growth within Wiltshire on the basis of a settlement hierarchy, with the focus on the Principal Settlements and Market Towns. Core Policies 1 and 19 set out that Lyneham is a large village in the Cricklade and Royal Wootton Bassett (C&RWB) Community Area. Large Villages are defined as settlements with a limited range of employment, services and facilities that can accommodate new development that is needed to help meet the housing needs of the settlement and to improve employment opportunities, services and facilities. The policy wording states that new residential development will be limited to small housing sites which should generally involve fewer than 10 dwellings i.e. not a major application.

Core Policy 2, the delivery strategy, identifies a minimum housing requirement for Wiltshire of 42,000 dwellings with 24,740 to be provided in the NWHMA in the plan period. The policy notes this will be delivered in a sustainable way including to limit the need for development on greenfield sites and that sites for development in line with the area strategies will be identified in forthcoming DPDs and Neighbourhood Plans. The policy confirms that there is a presumption in favour of sustainable development within the limits of development at each of the settlements in the tiers. Outside the limits of development, it confirms that development will not be permitted other than by other policies in the plan. The limits of development are set by the settlement boundaries established by the recently adopted Housing Sites Allocation Plan. The limits of development continue to exclude the site from the settlement. Whilst the

Lyneham Neighbourhood Plan has not significantly progressed the draft plan does not allocate the site.

The 60-dwelling application (16/05959/OUT) was refused in October 2016. The decision was appealed and dismissed after a 5-day public inquiry in July 2017. In Summary, at paragraph 79 the inspector concluded at that time that the Council could demonstrate a 5-year housing land supply; the Community Area was meeting its requirement and the proposed development was not in accordance with the settlement strategy. In 2019 the 50-dwelling scheme (19/08298/OUT) was refused as at that time it was considered that the Council could demonstrate a 5-year housing land supply, and therefore nothing had materially changed since the earlier dismissed appeal to justify a different outcome.

This scheme of 50 dwellings is still outside the settlement boundary. Core Policy 19 sets the spatial strategy for the Royal Wotton Bassett and Cricklade Community Area (RWBCCA) which amongst other matters identifies 1,445 homes to be built in the area of which some 385 would be provided in the rest of the community area outside Royal Wotton Bassett. The site is not identified in the Sites Plan or Neighbourhood Plan and does not fall within one of the exception policies as listed at paragraph 4.25 of the WCS. Regarding the indicative housing requirement for the remainder of the RWB&C CA, the oversupply was 281 dwellings as of April 2018 (2018 HLSS Appendix 6). Since then, additional permissions have been granted, for instance at Purton (Land at Restrop Road, 38 dwellings¹).

The services and facilities in Lyneham have not significantly changed. Therefore, the village is as sustainable as it was considered to be when the Inspector reached his conclusions in 2017 and during the 2019 refusal. This development would still lead to an increased reliance on the use of the private car to access daily services. Consequently, this is in conflict with the Core Strategy which is seeking to achieve a sustainable pattern of development. Whilst paragraph 103 of the NPPF states that decision makers should take account of the fact that that sustainable transport solutions will vary between urban and rural areas, it still emphasised that significant growth should be focused on locations that can be made more sustainable (e.g. nearby settlements such as Royal Wootton Bassett or Chippenham). The proposal would be considered significant growth and therefore should still be focused in higher order settlements as envisaged by the NPPF and Local Plan Policy.

¹ 16/10513/FUL, approved 22nd May 2019

9.1.1 Material Considerations relevant to the principle of development

The Core Strategy was adopted in January 2015 and is now more than five years old. Both the Courts and Planning Practice Guidance make it clear that the policies of a development plan do not become out of date automatically after passage of 5 years. However, the NPPF makes it clear that housing land supply must now be assessed against Local Housing Need for the whole of Wiltshire, rather than the previous Housing Market Areas, as per para 73 of the NPPF. Councillor Bucknell and several representations express there is no evidence of need for houses in Lyneham. However, it should be noted Local Housing Need is now assessed county wide.

The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify and regularly update a supply of specific deliverable sites sufficient to provide 5 years' worth of housing land supply. The NPPF makes it clear that where this cannot be demonstrated, the policies which are most important for determining the application (which in this case would include CP1, CP2 and CP19 in relation to limits of development) 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. This was the position of the Planning Inspector who considered an appeal at Purton Road.

Following the Purton Road appeal decision, it has become apparent that at present, Wiltshire has 4.62 years of housing land supply. In these circumstances, NPPF Paragraph 11d advises that policies which are most important for determining the application should not be considered up to date. As a result the presumption in favour of sustainable development as set out at Paragraph 11d of the Framework is engaged so that permission should be granted 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.

It can be seen therefore that Core Policies 1, 2 & 19, saved Policy H4 are all policies which are most important for determining the application and under the provisions of the NPPF are to be considered out of date.

As noted above, it is acknowledged that recent planning approvals and commitments in the Cricklade and Royal Wootton Bassett Community Area mean that the indicative housing requirements for the Cricklade and Royal Wootton Bassett Community Area (up to 2026) have

been met. However, it is important to consider that for the purposes of paragraph 73 and the presumption in favour of sustainable development set out in the NPPF, housing supply is assessed at the Wiltshire wide level – where, as set out previously, the Council cannot currently demonstrate an adequate supply of housing. Whilst the fact that the indicative requirements have been met in this community area is a consideration, given the circumstances of this particular application, as outlined below and in the planning balance, it is not considered that this can be determinative in this instance.

Case law has examined the interpretation and operation of national policy with regards the ability to demonstrate a five-year housing land supply, and the presumption in favour of sustainable development. Court judgments have established that:

(i) Policies that are considered to be out-of-date as a result of a shortage in the 5-year housing land supply are still capable of carrying weight in the planning balance. The weight to be attributed to those policies is a matter for the decision-maker (most recently in *Suffolk Coastal District Council v Hopkins Homes Ltd.* [2017] UKSC 37).

(ii) The extent of any shortfall in the 5-year housing land supply is capable of being a material consideration (most recently in *Hallam Land Management v SoS DCLG* [2018] EWCA Civ 1808).

The implications of the Council's 5-year housing land supply position, and the weight to be attributed to the development plan policies, must be taken into account in the determination of the application. The extent of the 5-year housing land supply shortfall, and the potential for the proposal to deliver housing in the current 5-year period of 1 April 2018 – 31 March 2023 to help remedy the current shortage in deliverable supply, need to be taken into account in the balancing exercise.

Appeal and court decisions confirm that ultimately it will be up to the decision maker to judge the particular circumstances of each application and how much weight should be given to conflict with policies for the supply of housing that are 'out-of-date'. Therefore, consideration of the weight which can be provided to the above policies is considered in the balancing exercise at the end of this report.

Deliverability

The NPPF requires sites to be included in the council's five-year supply to be deliverable.

The definition of deliverable is set out in NPPF glossary as follows:

“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years”*

The applicant has provided a deliverability statement that outlines, if permitted, the applicant anticipates work on site commencing on March 2022 with first occupation in December 2022. The applicant states the site is likely to be completed by March 2024, and even with a year's slippage to March 2025 the document states the site will deliver within five years.

The applicant states they believe the site is viable based on their current understanding of the S106 contributions, conditions, and site constraints. The applicant confirms when the site is marketed, the full costs associated with the permission will be known and reflected in the land price ultimately agreed. Further, there are no abnormal infrastructure costs or large land requirements (resulting in constrained land) associated.

The applicant has agreed to shorter commencement conditions, which state reserved matters will be submitted within one year from the date of outline consent and work on site will commence one year from reserved matters approval. Consequently, there is further assurance the site can come forward within the five-year period. This is relevant and of material importance in accordance with the NPPF as it requires local planning authorities to identify and regularly update a supply of specific deliverable sites sufficient to provide 5 years' worth of housing land supply. The document demonstrates the applicant's intention to deliver the site quickly, and this is a material consideration of substantial weight in the context of the current housing land supply position.

9.2 Heritage assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66).

Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 195 and 196 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 of the Core Strategy for Wiltshire requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment.

The Old Rectory is a Grade II listed building located to the north east of the application site. The significance of the Old Rectory is derived from: its aesthetic value, in terms of the appearance and architectural quality of the building; its communal value, in terms of its use as a rectory and its association with the village; in evidential value, identifying the historic associations with the parish church and Lyneham; and its historical value, as an illustrative remnant of Lyneham. The development would not directly impact on the building itself or indeed on its curtilage.

In respect of this heritage asset the inspector in the previous appeal concluded at paragraphs;

100 *“accept that there would be some harm to the setting of the listed building by development in the intervening space between the village and the asset. This does not however directly affect the asset or its curtilage and affects only a small proportion of the wider setting of the building and has a limited effect on the contribution the setting has to the significance of the asset, in terms of its effect on the associative relationship and physical separation between the village and the asset. I conclude that the harm would in the context of the Framework to be less than substantial and that this would be at the lower end of that harm. I give this harm considerable importance and weight.”*

102 *“The proposal would make provision for affordable housing, some 40% of the units, the development would also provide for a total of 60 new homes, there would be landscape*

enhancements to the village edge which would improve the character and appearance of the area, and the proposal proposes additional open space above the requirements of the development plan. These are significant public benefits of the scheme to which I give significant weight and in my view they outweigh the less than substantial harm that would arise from the development.”

Since this appeal was determined, there has been a reduced scale of development. It is acknowledged that by creating a level of harm the proposed development would be contrary to Core Policy 58 of the Wiltshire Core Strategy.

In accordance with paragraph 196 of the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case, the proposal would make provision for affordable housing, some 40% of the units, the development would also provide for a total of 50 new homes, land for a community building and the proposal proposes additional open space above the requirements of the development plan. In these circumstances, and given the Inspector’s findings on the previous scheme, it is considered that these are significant public benefits of the scheme which outweigh the less than substantial harm that would arise from the development.

Whilst the proposal may therefore not be in strict accordance with CP 58, as there is harm, the material considerations identified and the approach advised in paragraphs 195 and 196 of the NPPF, suggest the proposal is acceptable in heritage terms.

9.3 Character and appearance

The appeal decision for 60 dwellings was not dismissed on landscape grounds. In summary, at paragraph 84 the Inspector judged;

84 *“On this basis I conclude that whilst there would be a loss of open land, the end result would be a more coherent better assimilated and much improved village edge with enhanced landscaping. In my view this would be a positive benefit of the scheme and improve the landscape character and appearance of the area.”*

88 *“I am satisfied that the scheme does address the identity of the village, its transition between man-made and natural landscapes, the locally distinctive character of Lyneham and the landscape features of value in the area.”*

89 *“On balance and for the reasons given above I conclude that the proposal would not result in material harm to the character and appearance of the area. The proposal would therefore not conflict with policy CP51 of the WCS which seeks to protect and conserve landscape character and appearance.”*

The application is submitted in outline with only the access into the site being a matter for consideration at this stage. There has been illustrative material provided which gives an indication of one way in which the site could be developed but which is not determinative.

The site has no landscape designation. The Council's Landscape Officer has re-confirmed the advice provided on the previous application. It was previously noted that the site is visually contained in the wider landscape and that the potential visual impacts are limited to adjacent residential properties and the site, with the impact on wider views limited. The proposal would essentially move the village edge. However, the current hard edge can be softened by the proposal.

Considering the points raised by the Inspector and as per the previous 2019 decision, the loss of a greenfield site in agricultural use would result in some harm to the character and appearance of the area. There would be adverse visual effects, particularly for nearby residents. Policy CP51 of the WSC requires developments to protect, conserve and where possible enhance landscape character and not have a harmful impact on landscape character. Any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. The proposal is not considered to conflict with CP51 as the effects of the scheme can be mitigated through appropriate landscaping, as indicated by the previous Inspector. Further, the management of the public open space could be controlled by a Landscape Management Plan with contributions via a S106 agreement.

Councillor Bucknell raises concern with public amenity and design of the proposal and requested a condition, should permission be granted, to ensure no building is greater than two storeys and 6 bungalows are provided. The applicant agrees to these conditions.

9.4 Impact on Neighbour Amenity

The Inspector and the 2019 report raised no concerns regarding neighbour amenity. The application is for outline planning permission and therefore, layouts are only indicative at this stage. However, in principle, it is considered that the site could feasibly accommodate 50 dwellings in a layout that would not give rise to amenity issues between the new dwellings (the illustrative layout would suggest this to be the case). Furthermore, the site can accommodate this level of development without the new houses affecting the amenity of existing housing on the south and west edge of the site.

9.5 Flooding and Drainage

The Inspector did not dismiss the appeal on flooding or drainage grounds. The site is within Flood Zone 1, the lowest flood risk area, although the area is identified as at risk to surface water flooding. The applicant has confirmed that infiltration on the site is not possible and proposes attenuation basins to achieve the uplifts in storm water drainage and site run-offs required by Core Policy 67. Foul water drainage will be connected to a public sewer but is likely to require a pumping station.

The management of Foul Water is undertaken by Wessex Water and they have raised no objection. Wessex Water require the developer to contact them to agree details prior to works, an informative has been added in this respect.

The Council's drainage officer offered no objection and recommended a surface water drainage condition. The final design will in a large part dictate storm drainage plans. Therefore, the final details of the scheme can be conditioned to use SUDs and provide the additional information requested.

9.6 Transport and Access

Access to the site and the development proposed therein is a detailed matter for determination at this stage. The proposal includes a single point of vehicular access to the north of the site from the A3102 and pedestrian and cycle links to the existing developed area of Lyneham to the west including a significant link via Webbs Court.

Cllr Bucknell raises concern with the appraisal of journeys showing 16% of journeys would be local – this means that 84% of journeys would be outside of the village. The appeal decision for 60 dwellings noted the scheme will result in the increased need to travel by private car to services. The Inspector noted in the conclusion;

133 *“in doing so to grant permission would undermine the development plan and the sustainable pattern of development that it seeks to achieve across the County and would lead to additional travel patterns to meet future residents’ everyday needs for access to services and facilities.”*

The Council’s Highway Officer did not object to the proposal in 2016 on transport sustainability and having reviewed the application submissions maintains this view considering that it is possible the sustainable transport services could support 50 dwellings. However, if a significantly greater number of dwellings were proposed there would be considerable concern regarding transport sustainability. Despite the appeal conclusions the Council’s Highway Officer maintains no objection to this 50-dwelling scheme on transport sustainability grounds.

In terms of vehicular access the Highways team are satisfied that the priority junction is a suitable means of providing access to the development. The Inspector raised no adverse comments with regards to highway safety matters. A number of objectors have stated that traffic generation will be an ongoing issue and have highlighted safety issues on this stretch of road. The Highways team are satisfied that the traffic impact on the highway network is acceptable. The Highways team are also satisfied the access can operate satisfactorily to cater for the proposed level of development subject to the required visibility splays being achieved, and the position of the speed limit being adjusted eastwards so that the access is more within the 30 limit. The Highways Officer has recommended several conditions, which have been added to the recommendation.

Specific concerns have been raised by the representations and Councillor Bucknell regarding the traffic count on the A3102, pedestrian safety crossing the junction and formalised walking/cycling routes. The Highways Officer was asked to directly review these matters. The Highways Officer advised;

“The 2015 traffic data within the TA was growthed to 2019 to obtain baseline traffic figures, using a recognised methodology using TEMPro growth factors, these would give an indication of the traffic levels on the road and allow for further growth rates to be applied in order to anticipate traffic levels for future years to test, in this case 2022 and 2024. Therefore it is considered this is a robust assessment especially when the traffic figures have been interrogated by comparison with another 2019 traffic count observed from application 17/03292/OUT. The 2019 growthed figures have been shown to be not dissimilar to those observed and therefore will suffice in the assessment of the proposed development.

The access has been considered thoroughly in order to mitigate against any highway safety issues and through good design practices with regard to safety audits, the visibility splays shown are commensurate with the speeds on the roads and clearance of these splays will provide improved forward visibility on the main road for vehicles travelling in either direction. The relocation of the speed limit change will further improve the amenity in this location as it will reduce speeds on the main road and help to improve highway safety.

The indication of crossing points with dropped kerbs/tactile paving at the access and further off-site pedestrian improvements are noted within the drawings in the TA, these should be discussed further in order to achieve acceptable improvements at full application stage and I would request that the PROW team are consulted regarding LYNE4 and LYNE5, also LYNE57 and LYNE58, and any other affected PROW on or off-site. The site has an emergency access to the south onto Webbs Close which has also been indicated as a pedestrian and cycle link for the development, given that there are numerous opportunities to link through to PROW's and other access points there would be no concern over the footfall anticipated for the existing footways in this area and the levels of traffic experienced within this cul-de-sac would not highlight a concern for pedestrian or cyclist safety."

Paragraph 109 of the NPPF states development should only be prevented or refused on highways grounds if the cumulative impact on highway capacity would be severe or highway safety is adversely affected. The Highways Officer has not raised an objection on highway safety grounds nor did the Inspector whom considered the previous appeal. Given these expert opinions, it is not considered a highway safety refusal would be warranted on this basis.

9.7 Public Rights of Way

The appeal decision for 60 dwellings was not dismissed on PROW grounds. In summary, at paragraph 88 the Inspector commented;

Paragraph 88 "there is a negative effect on Lyne 4 and a lesser but still negative effect on Lyne 5 however these can be mitigated, particularly in respect of Lyne 5 by appropriate landscaping which could be the subject of an appropriate condition."

There are a number of public rights of way (PROW) that pass through the site, in particular Lyne 4 and Lyne 5. The development of the site would affect Lyne 4, which runs west east from Pound Close across field 2 to meet with Lyne 1 and head south towards Lancaster

Square. The illustrative layout has the alignment retained but adjacent to residential plots and along footpaths in the estate. This would change the character of the experience for footpath users who would not get into the countryside as quickly. In terms of Lyne 5, which runs west to south east through the site, this is proposed along a strip of landscaping. The effects on the experience of this PROW are less than Lyne 4.

The PROW Officer did not object to the current proposals. Policy CP51 and CP57 of the WSC requires developments to protect, conserve and where possible enhance landscape character and not have a harmful impact on landscape character. Any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. As previously found in the 2019 report, the proposal is still not considered to conflict with CP51 as the effects on PROW Lyne 4 and 5 can be mitigated through appropriate landscaping.

9.8 Ecology

The Inspector and the 2019 report raised no adverse comments with regards to ecological matters. The Council's Ecologist advised as since no major changes have taken place either in the physical attributes of the site or changes in available information regarding notable habitats or species in the wider local area, the previous Ecological Officer's response is applicable to this submission. In 2016, the previous officer advised they were satisfied that observations on the previous application (15/12487/OUT, see memo dated 25/01/16) remain valid consequently it is recommended the same set of conditions are attached and no objection is raised.

9.9 Archaeology

The Inspector and 2019 report raised no adverse comments with regards to Archaeological matters. Evaluation carried out in relation to a previous development proposal indicated the presence of archaeological remains in the northern part of this site. The Council's Archaeologist recommends an archaeological condition required to secure the implementation of an archaeological excavation in the northern part of the proposed development site. As the appealed scheme was to deal with archaeology by way of a planning condition the same approach can be applied here.

9.10. S106 contributions

Wiltshire Council has a Planning Obligations Supplementary Planning Document. This should be read in conjunction with the WCS (primarily Core Policy 3) and the Wiltshire CIL charging schedule. This SPD identifies the planning obligations that will be sought by the Council for development that generates a need for new infrastructure and should be a material consideration in planning applications.

In addition to this, Wiltshire Council has adopted CIL. This would be calculated at Reserved Matters stage.

The Council is also mindful of the tests for s106 legal agreements that are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

Any requests that do not meet the above tests will not be actively sought by the Council.

9.10.1 Recreation Provision

3,120m² Public Open Space including 270m² equipped play is required. No play areas are currently included in the current proposals and there is mention of creating access to the adjacent play area; in this case the Open Space Officer requested an off-site contribution to upgrade the adjacent play area of £39,420.00 in lieu of providing the play on site. The POS would need to be secured and managed in perpetuity, Wiltshire Council would not adopt the on-site POS.

The 50 dwellings would also generate a requirement for 1391.5m² sports pitches which equates to an off-site contribution of £13,915.

The applicant has agreed to the contribution and this will be secured by way of S106.

Early Years / Education Provision

There is no requirement for Early years.

There is no spare capacity currently available at Lyneham Primary. There are no other primaries within the 2 miles statutory safe walking distance from the development site. The council therefore require a developer contribution towards the provision of the 14 places that this development requires.

Using the current* cost multiplier of £18,758 per place: $14 \times £18,758 = £262,612$ subject to indexation.

There is no spare capacity available at RWB Academy. Forecasts indicate that this pressure will continue for the next few years and so necessitates the provision of additional places at the school. The council therefore require a full developer contribution towards the 10 secondary places that this development generates a need for.

Using the current* capital cost multiplier: $10 \text{ places} \times £22,940 = £229,400$, subject to indexation.

*(It is important to note that the cost multiplier quoted applies for 2018/19 and is due to be updated shortly for the 2019/20 financial year, and the new figure will apply to S106s signed in that financial year as per our S106 Methodology).

The applicant has agreed to the contribution and this will be secured by way of S106.

Affordable Housing

Core Policy 43 of the Wiltshire Core Strategy, as currently amended by the National Planning Policy Framework, sets out a requirement for 40% on-site affordable housing provision: on all sites of 10 or more dwellings; or on sites of between 5 - 9 dwellings if the development site is 0.5ha or greater, within the 40% Affordable Housing Zone, which the site is within. There is therefore a requirement to provide 20 affordable units within a scheme of 50 dwellings. This would meet the policy requirement and would assist in addressing the need for affordable housing in the Royal Wootton Bassett & Cricklade Community Area.

The Affordable Housing Officer advised to meet the need the affordable housing units should be provided with a tenure mix of 60% of the units (12 units) being for Affordable Rented housing, and 40% of the units (8 units) being provided for shared ownership

The application proposes the minimum 40% affordable housing with the mix indicative and subject to negotiation. The mechanism for delivery of affordable housing is set out in Core Policy 43 where it states that it will be subject to an appropriate legal agreement. Such a legal agreement is considered to meet the CIL tests.

The applicant has agreed to the affordable housing levels and this will be secured by way of S106.

Waste and Recycling

The submitted Waste and Recycling audit by Terence O'Rourke 2019 states the collection of recycling will be undertaken by the local authority. The Waste and Recycling Management Team require the cost of the provision of waste and recycling containers for each residential unit to be absorbed by the applicant / developer. The current cost is £91 per dwelling which is indexed linked. The total sum for 50 dwellings would be therefore £4,550. Core Policy 3 listed waste management services such as recycling and collection facilities as priority theme 1 infrastructure and the cost to the Council is a direct impact of the development. It is therefore a reasonable request to make that the developer bears these costs. The Council contends that this request meets the tests set out under 122 and 123 of the CIL regulations.

The applicant has agreed to the contribution and this will be secured by way of S106.

Other matters

Concern has been raised regarding the D2 use building. The developer does not propose to construct the building but to provide the land for free. No end user has been identified, but the permission provides the opportunity for a D2 use to come forward on the site.

10. The Planning Balance and Conclusion

As stated above, in the determination of planning applications the first issue to consider is whether or not the proposal accords with the relevant provisions of the development plan (the WCS). If it does not do so then the issue arises as to whether material considerations, including relevant policies in the NPPF, mean that the development can be regarded as sustainable and that permission should be granted otherwise than in accordance with the plan. Ultimately it will be up to the decision-maker to judge the particular circumstances of each application and how much weight should be given to conflict with policies which are most

important for determining the application that are 'out of date' and attract reduced weight, and the NPPF guidance intended to boost housing land supply where the development can be judged sustainable.

Importantly, paragraphs 11d of the NPPF do not make 'out of date' housing policies irrelevant to the determination of applications and the weight given to such policies is not dictated by the NPPF and, as noted above, will vary according to circumstances on a case by case basis. It is also important to consider the extent to which the land available for housing in Wiltshire falls short of providing for the five-year supply of housing land and the action being taken by the local planning authority to address the shortfall. In this regard and since the refusal of the last application the Council has continued to promote development in the North & West Wiltshire Housing Market Area at sustainable locations. Nevertheless in 2019, when the decision on 19/08298/OUT was made, the Council could demonstrate a 5-year housing land supply in the North & West Wiltshire Housing Market Area, the Community Area was meeting its requirement and the proposed development was not in accordance with the spatial strategy, therefore during the balancing exercise carried out at that time it was deemed 19/08298/OUT should be refused.

The Council is now faced with an identical scheme for 50 dwellings, with the addition of a D2 use. Since the refusal was decided the Council's housing land supply position has changed. As a result the presumption in favour of sustainable development as set out at Paragraph 11d of the Framework is engaged so that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The Council must now look at the proposal for 50 dwellings and D2 use in light of the changes to the housing land supply to see whether or not permission should now be granted. Therefore, of key consideration are the benefits and harms associated to the development and the level of weight which may be attributed to them in the planning balance.

Benefits

Noted by the inspector at previous appeal;

- 20 affordable housing units (significant weight by inspector)
- 60 new dwellings (significant weight by inspector)
- Improved village edge (moderate weight by inspector)

- Additional open space and landscaping (moderate weight by inspector)
- Construction activity (limited positive weight by inspector)
- Increase in Council tax receipts (limited positive weight by inspector)

Additional benefits noted by the applicant;

- Community building
- Net biodiversity gain
- Increased local population economic benefit
- Reduced traffic on A3102
- Deliverability

The Council considers the benefits as follows;

Provision of Affordable Housing

Additional affordable homes in Wiltshire is afforded substantial weight.

Provision of open Market Housing

Given the current 5-year land supply position in Wiltshire it is considered that the provision of 50 dwellings is afforded substantial weight.

Improved village edge

This was found by the inspector as a benefit. Whilst it is a benefit it would in effect be mitigating the scheme as the village edge could be improved by residents on the southern section changing their boundary treatments and it is given moderate weight.

Additional open space

The field is already used by residents using the PROW as open space to walk dogs and enjoy the countryside. There is a requirement to provide public open space on major housing developments and this would be secured via a s106 agreement. It is not therefore a benefit of the scheme but rather mitigation against the impacts of the development i.e. to provide recreation space for the occupants of the development. It is given limited positive weight, as it is effectively mitigation.

Creation of construction jobs

In the context of housing construction 50 dwellings is a small development and therefore, will not generate substantial amounts of construction jobs over a long period of time. There will be a short-term gain. Limited positive weight is given to this point.

Council tax

As per the Inspector, limited positive weight is given to this.

Deliverability

Given the modest shortfall in housing land supply, the deliverability statement highlighting likely occupation in December 2022 and conditions on the permission stating reserved matters to be submitted within one year and commencement one year from reserved matters approval. The ability of the site to contribute to the modest shortfall relatively quickly is given substantial weight.

Community Building

Gleeson is only proposing to make the land available for community use, with the community body paying for the building to be built and paying for its ongoing maintenance. At the time of writing there is no identified end user or specific requirement for a community use building in this location. Limited weight is given to this benefit.

Net biodiversity gain

The outline application does not contain the specific details of how biodiversity is increased on the site and is required by CP50 and the NPPF. Therefore, this is given limited weight.

Increased local population economic benefit

To a large degree this depends on the buying preferences of the future residents. Given Lyneham is a village many residents will rely on other areas for shopping and entertainment. Moderate weight is given to this point.

Reduced traffic speeds on A3102

Whilst reducing speeds to 30 miles per hour is a benefit this could be undertaken by the Local Authority reviewing the highway and adjusting the speed. The need to reduce the speed is due to the junction the proposal creates, consequently speed reduction is mitigation and not afforded anything more than limited weight.

The site is acceptable in terms of flooding, highway safety, ecology and no other site constraints are identified that make this site unsuitable for development. As examined above,

it is considered there are no site-specific harms arising from the proposal other than the loss of a greenfield site in agricultural use that would result in some harm to the character and appearance of the area. However, as noted by the inspector, landscaping will ensure a softer treatment to the village edge. It is noted the scheme causes less than substantial harm to a heritage asset, however it is deemed the benefits of the proposal outweighed the less than substantial harm.

Harm

The main harm identified is conflict with Core Policies 1, 2, & 19 of the WCS – in essence, the spatial policies of the development plan that seek to provide housing in settlements with the facilities to support increased provision. Lyneham is identified as a 'large village' and as such would not normally be expected to receive developments of more than ten houses.

However, it is instructive to examine the appeal decision determined 18 months ago at Alderbury, South Wiltshire (17/04001/OUT – copy attached as an appendix to this agenda). Alderbury too is designated a large village in the settlement hierarchy of the WCS and that proposal was also for up to 50 dwellings outside of the limits of development. As with this appeal, the Council could not demonstrate a five-year land supply for housing. The Inspector noted that Alderbury had a good level of services for a large village and found that there was no evidence that the proposal would harm any local services and facilities, nor at this scale, would it in his view undermine the spatial strategy or amount to unsustainable development. He could find no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal, that included helping to erode the deficit in housing land supply and increasing the supply of affordable housing. Accordingly, he allowed the appeal and granted planning permission. Whilst each application should be considered on its own merits, it is noticeable that Lyneham too has a good level of services, with two small stores (Tesco/Co-op), a primary school, community halls and other facilities and that there is no evidence here that the proposal would harm local services or facilities.

Given the conflict with the policies of the development plan, the key test is whether the adverse impacts of granting permission significantly and demonstrably outweigh the benefits. The latest housing land supply position shows a modest shortfall that will in part be met by this development. Although there is some harm identified to the heritage asset these harms are considered to be clearly and demonstrably outweighed by the benefits of development. Urbanising the green field with the associated landscaping was noted as an improvement on the village edge by the Inspector. There are no other site-specific harms. Conditions placed upon this permission and Section 106 contributions ensure the scheme is fully mitigated to ensure infrastructure is in place to support the development.

On balance, it is considered that the very limited adverse impacts identified do not significantly and demonstrably outweigh the benefits that the development would provide. Accordingly, it is recommended that planning permission be granted, subject to the prior completion of a section 106 legal agreement

RECOMMENDATION:

It is recommended that authority be delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement covering the areas outlined below in the Heads of Terms, 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 proposal does not provide for the delivery of the necessary infrastructure (e.g. affordable housing, education provision, recreation provision, open space, waste and recycling) required to mitigate the direct impacts of the development and fails to comply with Core Policy 3 of the Wiltshire Core Strategy, Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the National Planning Policy Framework.

Heads of Terms for Section 106 legal agreement to secure the following:

- 40% affordable housing - 60% of the units (12 units) being for Affordable Rented housing, and 40% of the units (8 units) being provided for shared ownership.
- Primary school contributions (£262,612)
- Secondary school contributions (£229,400)

Regarding education payments *(Please note however, that the cost multiplier quoted applies for 2018/19 and is due to be updated shortly for the 2019/20 financial year, and the new figure will apply to S106s signed in that financial year as per our S106 Methodology).

- Off-site sports pitch contribution (£13,915) The Wiltshire Playing Pitch Strategy (adopted Feb 2017) has Ballards Ash (Rugby Ground) at RWB as the nearest

beneficiary, it is the nearest Rugby Club to Lyneham and therefore is relevant to the development. The project would be for general pitch and changing upgrading.

- Open space - 3,120m² POs including 270m² equipped play required (or off-site contribution of £39,420.00 in lieu of providing play on site). If POS provided on site The POS would need to be secured and managed in perpetuity, Wiltshire Council would not adopt the on-site POS.

Open space management

- Waste and recycling contribution £4,550.
- £6,000 towards a TRO to move the speed limit.

1 OUTLINE PLANNING PERMISSION COMMENCEMENT

The development hereby permitted shall be begun either before the expiration of one year from the date of this permission, or before the expiration of one year 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 APPROVAL OF CERTAIN RESERVED MATTERS

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 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

3 RESERVED MATTERS TO BE SUBMITTED

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

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

4 APPROVED PLANS

The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise varied by details submitted to and approved in writing by the local planning authority in accordance with the conditions of this planning permission:

Site Location Plan 1275.01

Site Survey Plan 1275.02

Design and Access Statement and principles in the Illustrative Site Layout 1275.03

Heritage Desk Based Assessment CR0097_01

Transport Assessment TW/IN/BB/ITB10092-010A R

Travel Plan TW/IN/BB/ITB10092-011A R

Sustainability and Energy Statement by Daedalus

Landscape and Visual Appraisal by Enderby associates

Arboricultural Impact Assessment and Method Statement
PoundFarm_AIA_AMS_062019

Flood Risk Assessment TRS/GLE/E4389/15900

Ecology Appraisal 5633 EcoAp dv5/JoC/HG

All received 13th March 2020

Air Quality Impact Assessment 01.0048.005/AQ v1 received 26th March 2020

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

5 RESTRICTION ON DEVELOPMENT

Notwithstanding the details set out in the description of development, the development hereby approved shall comprise no more than 50 dwellings and a D2 use building.

REASON: The maximum number of dwellings is required to be stated in order to ensure the development can be provided in an acceptable manner to ensure high quality design is delivered.

6 UNIT HEIGHT

Notwithstanding the details set out in the description of development, the dwellings and D2 use building shall be no greater than two storeys in height.

REASON: Restricting height is required in order to ensure the development can be provided in an acceptable manner to ensure high quality design is delivered.

7 BUNGALOWS

The first reserved matters application shall contain a minimum of six no. two or three-bedroom bungalows.

REASON: To define the scope of the development based on the design and access statement.

8 SITE LEVELS

No development shall take place until full details of the proposed site levels (above ordnance datum), together with the finished floor slab levels of the proposed buildings and structures (including roads and footpaths), in relation to existing ground levels 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.

REASON: To ensure the finished levels are acceptable in the interests of visual amenity.

9 LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (LEMP)

The first reserved matters application shall include, a Landscape and Ecological Management Plan (LEMP) in accordance with the measures outlined in the Ecological Assessment shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:

a) Description and evaluation of features to be managed;

b) Landscape and ecological trends and constraints on site that might influence management;

c) Aims and objectives of management, including long term objectives to ensure management in perpetuity on land outlined in red on the Site Location Plan 1275.01

- d) Appropriate management options for achieving aims and objectives as set out in points a)-c) above ;
- e) Prescriptions for management actions for the site outlined in red on the Site Location Plan 1275.01
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures which shall include measurable targets;
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. A report shall be submitted to the local planning authority annually detailing the works undertaken and performance against the targets set .

The LEMP shall be implemented in full in accordance with the approved details.

REASON: The matter is required to be agreed in writing with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species and priority species.

10 ECOLOGY CEMP

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 and tree 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.

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 every three months from the start of the development until the completion of the final planting.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

11 ARCHAEOLOGY

Prior to the submission of the first reserved matters application a written programme of archaeological investigation including a timeframe for on site work and off site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority. The programme shall be carried out in accordance with the approved timeframe.

REASON: To enable the investigation of the presence of heritage assets at the site, incorporation of any mitigation measures and recording of any matters of archaeological interest.

12 LANDSCAPING IMPLEMENTATION

All soft landscaping comprised in the approved details of landscaping, as required by the reserved matters applications and details required by conditions within this decision notice shall be carried out in the first planting and seeding season within or following the completion of each phase, 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.

13 CONSTRUCTION METHOD STATEMENT

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;
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries; and
- j) drainage arrangements during the construction works;
- k) vehicle routing for construction vehicles.

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

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

14 ACCESS

Prior to first occupation of any dwelling hereby permitted the access shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 90 metres to the east, and 59 metres to the west.

REASON: In the interests of highway safety.

15 A3201 UPGRADE

Prior to first occupation the street lighting of the A3102 shall have been upgraded to BS5489-1;2013 BS EN123202-2 2003 for a distance of 60 metres to either side of the access position, in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of safe and convenient operation of the site access during the hours of darkness.

16 TRAVEL PLAN

No part of the development shall be occupied prior to the implementation of the Framework 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.

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

17 LYNE4

Prior to occupation of the 20th dwelling footpath LYNE4 shall be planed off, resurfaced and street lit between the development and The Green, including new dropped kerbs where it crosses Pound Close, in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of improving pedestrian accessibility to and from the development.

18 DROPPED KERBS

Prior to first occupation new sets of dropped kerbs shall be provided at the end of Farthing Lane and at 2 locations on Pound Close in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of improving pedestrian accessibility to and from the development.

19 LYNE57

Prior to occupation of the 20th dwelling footpath LYNE57 shall have been planed off and resurfaced between the point where it joins LYNE4, to the point where it connects

with the proposed pedestrian link to Pound Close near 71 Pound Close, in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of improving pedestrian accessibility to and from the development.

20 ACCESS LINK

Prior to occupation of the 30th dwelling a 3.5 metre wide bollarded, emergency, pedestrian and cycle access link shall have been provided between the development and Webbs Court in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of improving emergency, pedestrian and cycle accessibility to and from the development.

21 ULTRA LOW ENERGY VEHICLE INFRASTRUCTURE

No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to and approved by the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality , will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

22 CONTAMINATED LAND

No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwater and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the

23 SURFACE WATER DISCHARGE

No development shall commence on site until a scheme for the discharge of surface water from the site /phase, including SuDS (sustainable drainage systems) and all third party approvals (as necessary), has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and the sewerage undertaker . Scheme details shall include any required off-site capacity improvements needed to allow the site/phase to be served, and to include a programme allowing sufficient time for the delivery of any required improvements.

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

24 ECOLOGLY & LIGHTING

Reserved matters applications shall be in accordance with the mitigation measures set out in Ecological Assessment (Aspect Ecology, 2019), each reserved matter application shall be accompanied by a 'Lighting Design Strategy for Biodiversity'. The strategy will cover both construction and operation phase and shall:

1. Identify those features/ routes that are important to light sensitive/ nocturnal species such as bats, badgers and hedgehog and to be retained within dark corridors.
2. Show full details of proposed construction and operational lighting, including lux plots to show there is no lighting impact to the features/ routes identified. Lux plots should be presented on a scaled site drawing and the light levels must be shown at ground level and at 2m above the ground (horseshoe bats fly typically within this range). The light levels should also be shown as "from new", not as normally calculated levels after some months or years of use.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other lighting be installed without prior consent from the local planning authority.

REASON: As required by Core Policy 50 to ensure the long-term functioning of wildlife corridors and Core Policy 52 the retention and green infrastructure.

25 ARBORICULTURAL METHOD STATEMENT

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.

" Subsequently and until the completion of all site works, site visits should be carried out on a monthly 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.

26 INFORMATIVE: You are advised to contact Wessex Water directly regarding sewers adoption.