

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	29 October 2014
<b>Application Number</b>	14/04179/OUT
<b>Site Address</b>	Land at Bradford Road Corsham Wiltshire
<b>Proposal</b>	Development of up to 170 Dwellings, Medical Centre/Community Hall, Public Open Space, Access and Associated Works
<b>Applicant</b>	Redcliffe Homes
<b>Town/Parish Council</b>	CORSHAM
<b>Ward</b>	CORSHAM WITHOUT AND BOX HILL (Cllr Dick Tonge)
<b>Grid Ref</b>	385366 170211
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

### **Reason for the application being considered by Committee**

The application has been called in by Cllr Tonge, in order to consider the scale of the development and the many issues raised by local residents.

### **1. Purpose of Report**

To DELEGATE authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to planning conditions.

### **2. Report Summary**

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

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

### **3. Site Description**

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

The site is currently accessed by vehicles from Park Lane, via an informal entrance at the eastern end of the site. The majority of the site is a gently sloping arable field, sloping toward

the north east, enclosed along the northwest boundary to Bradford Road and in part along the southwest boundary to Park Lane by mature, managed hedgerows and tree lined boundaries. A copse of mature trees is located on the boundary with Park Lane.

#### **4. Planning History**

No relevant planning history

#### **5. The Proposal**

The application seeks outline planning for a development of up to 170 dwellings, site for a medical centre and community hall, public open space and associated works. Details of access are submitted with the application with all other matters reserved for later approval.

The submitted indicative layout plan demonstrates the separation of the proposed residential units from the existing highways by way of a landscape buffer. The indicative plan also illustrates two accesses into the site as well as the possible pedestrian access point to allow greater connectivity between Corsham and Rudloe.

The indicative plans shows a medium-density layout of housing consisting of a 2 and 2.5 storey dwellings, each with associated parking areas and outside amenity space, lending a generally suburban character. Toward the outer edge of the site there is a large area of public open space.

#### **6. Planning Policy**

The adopted policies relevant to the application remain those saved under the North Wiltshire District Plan (NWLP) 2011. As the site lies outside of the development framework boundary, the relevant policies are as follows:

##### North Wiltshire Local Plan 2011

- C1: Sustainability
- C2: Community Infrastructure
- C3: Development Control Core Policy
- NE15: The Landscape Character of the Countryside
- NE17: Contaminated Land
- T3: Parking
- T4: Cycling, Walking & Public Transport
- H3: Residential Development in the Open Countryside
- H5: Affordable Housing in Urban Areas
- CF1: Local Community and education facilities
- CF2: Leisure Facilities and Open Space 65
- CF3: Provision of Open Space

The Wiltshire Core Strategy is at an advanced stage of preparation and although not adopted represents the most up to date planning policy for the area and should be treated as a material consideration. The latest advice from the core strategy Inspector is that his report on the soundness of the plan will be received by the end of October 2014. The relevant policies are as follows

##### Wiltshire Pre Submission Core Strategy (WCS)

- Core Policy 1: Settlement strategy
- Core Policy 2: Delivery strategy
- Core Policy 11: Spatial Strategy: Corsham Community Area
- Core Policy 51: Landscape
- Core Policy 43: Providing affordable homes

Core Policy 45: Meeting Wiltshire's housing needs  
Core Policy 51: Landscape  
Core Policy 57: Ensuring high quality design and place shaping  
Core Policy 62: Development impacts on the transport network  
Core Policy 67: Flood Risk  
Appendix D  
Appendix E  
Appendix G

## Wiltshire Housing Site Allocations DPD

Although at an early stage of preparation recent appeal decisions have accepted that the planned preparation of this document which will review existing settlement boundaries and identify additional housing sites to ensure continuity of housing supply over the plan period is a material consideration in decision making.

### National Planning Policy Framework

Section 6- Delivering a wide choice of high quality homes

Section 7- Requiring good design

## **7. Consultations**

### Corsham Town Council

The application be refused on the grounds that Corsham Town Council's policy is to retain a green buffer between Corsham itself and the outlying settlements; concerns over the findings of the mining assessment; inappropriate site when other more suitable sites were coming forward; Corsham is already nearing the indicative housing figure allocated to the town in the Core Strategy which covers the period to 2026 and therefore queried the implied need for this proposal; the development was felt to be poorly planned; there was a lack of demonstrated need for the proposed community facilities and they were felt to be inappropriately sited within the scheme.

If Wiltshire Council was minded to approve the application that conditions be imposed that would provide cemetery and allotment land on site.

### Box Parish Council

Concerns relating to the development's impact on the B3910 and on general infrastructure. Box Parish Council would like a contribution towards infrastructure in Box, particularly the impact on the Box Cemetery.

### Public Art

In general terms, we would expect for a development of this size to engage an experienced professional public art advisor to join the design team to devise a public art scheme. We would want to work with the design team, assist with the short listing of a public art advisor and approve the final public art scheme. An indicative figure for a public art contribution of a site of this size would be £300 per dwelling.

### Ecology

Additional survey information required. An additional survey has been submitted and the formal response from officers will be presented to members as a late item.

### Affordable Housing

This application triggers an affordable housing requirement.

### Open Space

In accordance with the current Local Plan the proposed development would generate a requirement for public open space, play space, sport and recreation provision and cemetery provision in Box and Corsham is required.

#### Waste Services

A contribution of £20,570 will be required to cover the waste and recycling provision costs

#### Wessex Water

No objection subject to conditions and the following points:

1. There are a number of water mains which border the site, which must be accurately located on site and statutory easements observed. It may be possible to divert some of these pipes which will be subject to application, engineering agreement and at the developer's cost.
2. There must also be no tree planting within 6 metres of these mains. Network modelling will be required to determine a point of connection to the existing public water supply network and any recommended off site reinforcement to provide requisite supply for the site.

#### Drainage

We confirm that a discharge rate of 8.17l/s/ha to the unnamed ordinary watercourse adjacent to Park Lane, which currently receives the sites existing runoff, is acceptable; with the condition that the receiving pipe's route is traced and a capacity assessment is undertaken.

If the developer proposes to discharge into a nearby ditch/watercourse, then an application for land drainage consent (LDC) would also be required to formally grant consent.

#### Rights of Way

The legal record of rights of way, the definitive map, shows footpath CORM56 is a straight line through the site. The developer has shown a kink in the footpath – this is not correct and there is a risk that the legal line of the footpath may be obstructed by either a building or planting. We would therefore object to the proposal until this issue is resolved. Once resolved there would be no objection subject to planning conditions.

#### Highways

No objection to the principle of development. However, there are concerns relating to the proposed width of suitability of the footpaths adjacent to the site.

#### Landscape

It is my view that the revised proposal now incorporates an improved and minimum level of new structured landscaping necessary to successfully assimilate new development into the wider landscape. However, it will be critically important that the design principles of new development as illustrated within the submitted outline application are not watered down within any subsequent detailed Reserved Matters applications.

#### Spatial Planning

Object- There are policy objections to the proposal as currently submitted as it fails to comply with existing or emerging policy and does not demonstrate that there are significant material considerations, through either the NPPF or emerging policy, that weigh in favour of the development in order that the fundamental policy objection can be overcome.

The essence of the policy objection is:

- the site represents Greenfield development in a location outside the settlement boundary for Corsham when there is no immediate need for additional housing at the town
- the site will erode the strategic gap between Corsham and Rudloe damaging the role and function of these two separate settlements
- the site does not comply with the community area strategy for Corsham which seeks to prioritise development on previously used land before releasing Greenfield sites
- the site is not being brought forward through a masterplan exercise with the local community

Since the receipt of spatial planning comments two significant appeal decisions have been received at Park Road, Malmesbury and Abberd Lane, Calne. These have a bearing on the 5 year housing land supply position in the county and the weight to be given to adopted policy H4 of the North Wiltshire Local Plan. This is discussed further under planning considerations.

## **8. Publicity**

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

20 letters of objections were received from local residents, some residents have submitted more than one letter. Comments were also received from the MOD & Corsham Civic Society.

Summary of key points raised:

- Enough planning permissions already granted
- Outside settlement framework boundary
- Impact on highway safety due to increased traffic
- Traffic problems
- Remove green wedge between Corsham and Rudloe
- Proposed pedestrian crossing is dangerous
- Impact of development of pedestrian safety
- Corsham does not have sufficient local facilities such as doctors & Schools.
- Adverse impact on local services
- New houses not required in Corsham
- Local people should select the sites
- Will harm the landscape and historic character of the area
- Contrary to local plan and core strategy
- Brownfield land should be built on
- The development will be affected by mines under the site
- Community centre not required

### Corsham Civic Society

Whilst understanding that new housing is essential, this hard-packed development on a green-field site is again in contrast to Core Strategy statement that the housing needs of this area could be met by building on brown-field sites/ex MOD. It is also contrary to the 'Town Council Corporate Plan 2010' which was to 'ensure that a green open space between Corsham and surrounding villages is retained'. Traffic congestion and access to A4 is inevitable with this development.

## MOD

The MOD operates from land and premises in Peel Circus. Road visibility is already limited for vehicles and pedestrians entering and exiting from Peel Circus and there are concerns that the increase in traffic flows from the proposed scheme would exacerbate the current situation. If the development proceeds improvements to this are necessary.

## **9. Planning Considerations**

### Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act states that “*determination must be made in accordance with the plan unless material considerations indicate otherwise*”.

This is the starting point from a policy point of view. The North Wiltshire Local Plan forms the local component of the adopted development plan

The development plan for the area includes Policy H4 of the North Wiltshire Local Plan 2011, adopted in June 2006 and subsequently saved by direction of the Secretary of State. This policy prevents development outside defined Framework Boundaries save for countryside purposes. For the purposes of Policy H4, the settlement boundary of Corsham is the Framework Boundary. The application site lies outside this boundary and the development is therefore contrary to Policy H4.

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the subsequent Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight. The Wiltshire Core Strategy (WCS) and the Wiltshire Housing Site Allocations (WHSAs) DPD are also material considerations which can be given weight according to their stage of preparation. The WCS being well advanced can be afforded significant weight.

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

The recently issued ‘Abberd Lane Appeal Decision’ concluded that Policy H4 is a policy that relates to the supply of housing. The Council’s position at the appeal was that it could demonstrate a five year supply of deliverable housing sites. However, the council conceded that if they could not, then Policy H4 should be considered as out of date. The conclusion of the Abberd Lane inquiry was that the Council should be assessing its housing supply against an Objectively Assessed Need of 44,000<sup>1</sup> homes until such time that the WCS is adopted and a locally derived housing requirement is approved (currently proposed as 42,000 homes)<sup>2</sup> As a consequence the Council was found to not have a 5 year supply of housing. In these circumstances housing applications should be considered in the context of the

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<sup>1</sup> WCS Inspector in his 10<sup>th</sup> Procedural letter of 3 December 2013 indicated that in his view the Objectively Assessed Need for housing in Wiltshire was around 44,000 homes.

<sup>2</sup> This decision was made in accordance with the Court of Appeal’s judgment in the case of Hunston Properties (applied in the case of Gallagher Estates Ltd v. Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin)),

presumption in favour of sustainable development and consideration of the adverse impacts of the development compared to the benefits ie the planning balance. The remainder of this report seeks to set out the planning balance in relation to this application.

### **Site Specific considerations:**

#### Ecology

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

The application will require a Habitats Regulations Assessment (HRA) in accordance with Regulation 61 of the Habitats Regulations. The ecology report recognises that further bat survey work is required to carry out this HRA, although the extent of such work is unspecified.

The report also recorded two 5m deep 'drainage holes' in a small woodland copse in the south of the site, although no details are provided; given the concentration of mining activity in this area it is feasible that such structures may in fact be related to underground workings which might support roosting bats.

Some dormouse survey work has been carried out, and although no evidence of this species has been recorded the ecology report acknowledges that this level of survey is insufficient to confirm the absence of this species, with a recommendation for further survey work in 2014.

Additional survey work has been requested and recently submitted to the Council. This information is currently being assessed by the Council's ecologist and the conclusions will be presented as a late item.

#### Affordable Housing

Policy H5 states the Council will seek to negotiate an element of affordable housing to meet local needs on all housing developments of either 15 or more dwellings or 0.5 hectare or more in size, within the framework boundaries of Calne, Chippenham, Corsham, Cricklade, Malmesbury, Purton and Wootton Bassett. The Council will negotiate 30% of the dwellings to be affordable subject to local needs and site characteristics. The application site will be required to make a 30% contribution to affordable housing.

#### Mining

Concerns have been raised by local residents in relation to the mining report and the proximity of built development to these mines. The revised mining report that was submitted in April 2014 clearly identifies the locations of mines within the locality. The plan on page 12 illustrates that the mine shafts are outside of the red line for the planning application. The mines are therefore not underneath the area proposed for housing and no objection is raised to the development in this respect.

#### Landscaping & Urban Design

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

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

The indicative layout has been amended as a result of concerns raised during preapplication and has positively addressed many of the issues highlighted. The revised illustrative layout suggests that the level of development proposed could be satisfactorily accommodated in terms of landscape, character and visual impact, residential amenity, place making and space to accommodate adequate maintenance for retained and proposed trees and hedgerows.

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

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

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

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

Having considered the above it is acknowledged that the loss of countryside would cause some environmental harm, this is a matter that weighs against the proposed development, however, this harm is not considered to be significant enough to warrant a reason for refusal.

### Highways

The Transport Assessment has considered the effects of the development traffic on local significant junctions for the future growth year of 2019. Objectors have raised concerns that other nearby developments have not had their traffic included in the assessments.

Copenacre site potential traffic has been included. The Hannick homes development of 88 dwellings on Bradford Road has not been included but this is understandable as it was not a committed development at the time of preparing the Transport Assessment (TA). Inclusion of the Hannick traffic would not significantly change the conclusions on the individual junctions.



The potential 200 units at RAF site 2 is not a committed development. The Wadswick Green development is not for free market dwellings and more importantly its traffic generation is not significantly increased compared with the previous lawful use of the site.

The Council's Highway Officer has considered the submitted TA and made the following conclusions:

#### **A4 / B3109**

The junction will have significant capacity issues in 2019, but the development will be a very limited contributor to these issues. Mitigation is suggested requiring the loss of 1 medium tree and 1 small tree from the traffic island to the east. The mitigation would substantially improve the junction operation.

#### **A4 Bath Road / Park Lane mini roundabout**

The analysis shows no significant detriment in the pm peak hour. In the am peak hour there is a forecast queue of 21 vehicles on the A4 west arm in 2019. This can be adequately mitigated to a queue of 9 vehicles by minor alterations to the junction layout.

#### **A4 / B3353 mini roundabout**

The development is shown to lead to an increase in queue lengths in 2019, but minor alterations to the junction layout will mitigate these queues to an acceptable level. B3109 / Bradford Road / Westwells Road double mini roundabout. The analysis shows the junction will operate satisfactorily in 2019 both with and without the development. B3109 Bradford Road / A365 Devizes Road (Five Ways) Traffic signal junction the development will have no significant impact upon the junction.

These additional plans and details have been agreed by the applicant and discussions are ongoing between the highway officer and the applicant. These amended plans will overcome the concerns raised by the highway officer and the plans presented at committee as late items. Subject to the receipt of these plans and a condition requiring these alterations prior to the first occupation of any dwelling on site the development is considered to be acceptable.

The Highway Officer has raised concerns relating footpath provision outside of the site and the impacts this could have on pedestrian linkages and sustainable development. Amended plans have been submitted to the Council relating to these points and the conclusions will be presented to the committee as late items.

#### Community Facility/Doctor Surgery

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

#### **In Principle Considerations:**

##### Five Year Land Supply

As stated above the recent appeal decision at Abberd Lane, Calne, confirmed that the Council does not have a 5 year supply of housing when tested against an Objectively Assessed Need of 44,000 homes. In these circumstances paragraph 14 of the NPPF provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the

NPPF policies taken as a whole. Essentially is the proposal in a sustainable location and do the planning benefits of the scheme outweighing any adverse impacts.

#### Sustainability of the site

3.5 ha of this 9.7ha site was previously identified as a preferred option for development in the Wiltshire 2026 document published in 2009. The assessment of the site in the 2009 Strategic Sites Background paper, that supported the 2026 document, noted that the site was relatively unconstrained but identified as strategic issues maintaining the strategic gap between Rudloe and Corsham and the importance of hedgerows and trees for foraging bats. The preferred option formed only a small part of the application site on the eastern side.

The extension of the site means that some of the conclusions of the study, including its relation to the existing built up area as quoted in the Planning Statement, need to be carefully assessed. Of particular note is the Strategic Sites paper highlighting the issue of maintaining the strategic gap between the settlements of Rudloe and Corsham. Since entering into pre application discussions and the public consultation exercise the site area has been reduced thus ensuring the reduced gap is retained.

The Council has acknowledged that housing will need to be delivered in and around Corsham - some 330 homes remain to be identified of the indicative requirement of 1220 (April 2014 base. Additional housing has since been permitted that will reduce this residual need further). Previously used land is identified in the SHLAA that could meet this residual need and the Wiltshire Housing Site Allocations DPD will identify the most appropriate location. This WHSA will be guided by the Corsham Community Area strategy and overall strategy in the WCS which encourages re-use of previously used land (CP2 encourages 35% PDL) and an holistic approach to the development in the wider Corsham area given the presence of redundant MOD land (Policy CP11 and paragraph 5.59, CP37 on re-use of MOD land). The availability now of sites in the Corsham area should, however, be a consideration.

The Strategic Sites paper included a number of other options for development that included significant previously developed MoD land holdings. However, these were not assessed further as there was no certainty at the time that they would be surplus to military requirements. Since 2009 there is an indication that some of these sites will become available. One of these sites is to the north of the site at Copenacre which will deliver 100 dwellings with further applications expected on other sites. The intention for these sites to come forward and the government's preference for development on brownfield sites is noted. However, section 6 of the NPPF requires councils to identify a supply of specific, developable sites and these should be in a suitable location for housing development and there should be a reasonable prospect that sites are available and could be viably developed at the point envisaged. The MOD sites identified in the Strategic Sites Paper do not fulfil this requirement; therefore limited weight can be attached to them in considering the suitability of this site.

The Strategic Sites paper also acknowledged that the site is well located to both Rudloe and Corsham and the service that these offer, such as public transport, shops and schools and Doctors. The development is therefore considered to be in a sustainable location and would meet the objectives of the local and national planning policies

#### Other Benefits

Recent Court of Appeal judgements of relevance to the consideration of housing proposals in the absence of an adopted up to date development plan and which advance interpretation of the NPPF. One decision of particular relevance (Dartford Borough Council V Secretary of State and Skillcrown Homes Limited) has identified that in the context of paragraph 14 of the NPPF the assessment of housing proposals must be undertaken holistically and that the

decision maker must undertake an assessment of whether or not the positive attributes of the development outweigh the negative.

This case law is relevant in this case as the development plan is out of date and the Council is currently unable to demonstrate an available and deliverable 5 year supply of land for housing against the AON. This position is likely to change once the Core Strategy has been adopted.

As a project, the proposal would generate investment and economic activity, contributing to the national economic recovery of the immediate area. During the construction phase it would create jobs and a demand for local services. After completion, the new residents would bring additional spending power to the local area and benefit from the local public transport that pass between the larger settlements of Bath and Chippenham. Paragraphs 18 and 19 of the NPPF gives significant weight to the need to support economic growth, and Section 143 of the Localism Act 2011 requires that regard is paid to local financial considerations. These matters are similar to those arising in most developments at a market town given the range of services offered but do count in favour of the proposed development.

The provision of up to 170 new dwellings, 30% of which are affordable, would be a significant benefit to the local area. This specific need for affordable housing is identified within the North Wilts Local Plan and Core Strategy, which seeks the inclusion of affordable housing in all residential developments. The proposal seeks to enter into a legal obligation which ensures that 30% of the units would be provided as affordable rented or intermediate housing, as defined in the relevant national policies. Given the shortage of such housing in the area, and the high level of house prices relative to local incomes, this would be a substantial benefit as would the boost to local housing numbers.

#### S106 contributions

At the present time, given the outline nature of the scheme, the following Heads of Terms have been agreed in respect of the proposal:

- 30% affordable housing
- On-site provision of 11,220m<sup>2</sup> of adoptable open space, of which 1020m<sup>2</sup> allocated as specific play provision, to be subject to a commuted fee to cover maintenance if this is to be adopted by the Town Council. Alternatively the public open space to be adopted and maintained by a management company funded by the occupiers of the site, this will also be subject to a commuted fee to cover maintenance.
- Off-site financial contribution of £44,898 to satisfy the Sport and Recreation requirement of Planning Policy C2.
- £8,330 towards a new Cemetery provision in Box & Corsham
- Off-site financial contribution towards primary school places and secondary school places (confirmation of this amount has not yet been received but the sum will be reported as a late item at the committee meeting)
- Vouchers for each household should be at a level of £250 per household with a reduction to £150 per household where one or more residents are eligible for

concessionary travels. The vouchers to cover a mix of public transport use and possible cycle purchase.

- £51,000 commuted to the Council's arts service to manage the art and design process and programme.
- £20,570 commuted sum for the provision Refuse and Recycling bins on site

The above contributions have been agreed in principle, and comply with the relevant CIL regulations. Due to the restriction of the regulations, it has been decided not to pursue contributions in respect of public art and fire infrastructure. However it is anticipated that the objectives of the former can still be pursued through high-quality design at the reserved matters stage.

## **10. Conclusion**

As recognised in the discussion above, the Council, at the moment, cannot demonstrate a 5 year supply in the north and west HMA against a objectively assessed need of 44,000 homes and because of this policy H4 of the North Wiltshire Local Plan is considered to be out of date the application should be considered in the context of the presumption in favour of sustainable development. In this consideration the Wiltshire Core Strategy does not have the status of the development plan but is a material consideration.

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

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

The in principle objections to the proposal are considerable given the potential impact of the development on plan making. However, given the weight as a material consideration to be given to boosting the supply of housing when there is not a 5 year supply of housing, the fact that the housing policies in the adopted North Wiltshire Local Plan are out of date and the Wiltshire Core Strategy is still to be adopted and the limited site specific objections to the proposal (highway, ecological, landscape and design issues can be dealt with through conditions) it is considered on this occasion that the adverse impacts do not outweigh the

benefits of scheme. It is therefore considered sustainable development in the context of the NPPF paragraph 49.

## **RECOMMENDATION**

To DELEGATE authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to following planning conditions:

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

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

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

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

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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

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

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

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

5 Prior to the first occupation of any dwelling on site the access to the site and details as shown on drawing number Figure 4.2 and drawing number Figure 4.1 shall have been provided.

REASON: In the interest of highway safety

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

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

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

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

7 Prior to the first occupation of any dwelling on site the works and improvements listed below shall, in accordance with details which shall first have been submitted to and approved by the local planning authority, be completed in accordance with these approved plans:

- Widening and resurfacing of the footway between the site access and the Toghill Crescent.
- Tree removal at the A4 / B3109 junction.
- Highway improvements at the A4 / B3353 mini roundabout.
- Highway improvements at the A4 Bath Road / Park Lane mini roundabout.
- Street lighting improvements over the Park Lane frontage of the site.
- Street lighting of Bradford Road over the site frontage and as far as Toghill Crescent.
- Minor footway alterations at Toghill Crescent.
- A half width layby and bus shelter on the Bradford Road frontage of the site, towards the north-eastern part of the site.

REASON: In the interest of highway safety, to mitigate the impact of the development on the highway network and to ensure that the development is sustainable.

8 No development approved by this permission shall be commenced until a detailed surface water management scheme, together with supporting calculations, has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

REASON: To prevent any increased risk of surface water flooding.

9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a

remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To protect controlled waters from pollution.

- 10 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment

- 11 An Urban Design and Landscape Framework Plan for the development of the site hereby permitted shall be submitted to the local planning authority no later than the first submission for approval of any of the reserved matters and shall be approved in writing by the local planning authority. The Urban Design and Landscape Framework Plan shall include details of:

- a) The location, orientation and heights of buildings;
- b) The format of the public realm, including all routes and spaces and the location of children's play areas;
- c) The location of open spaces available to the public, including their function and means of maintenance access;
- d) Tree and hedgerow protection plan;
- e) Landscaping details including planting plans, species and density of planting;
- f) Hard and soft landscaping details;
- g) Materials to be used in the construction of the dwellings;

Development shall be carried out in accordance with the approved Urban Design and Landscape Framework Plan.

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

- 12 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access. To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 13 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

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

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

- 15 The layout of the proposed development hereby permitted shall be broadly in accordance with plan number 3657-sk01 Site Layout.

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

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

3657-202 Location Plan (BBA)  
12731500-001 Site Survey (Brunel Surveys Ltd)  
3657-sk01 Site Layout (illustrative) (BBA)  
FMW1191- Figure 4.1 Proposed Access onto Bradford Road (FMW)  
FMW1191- Figure 4.2 Proposed Access onto Park Lane (FMW)  
Design and Access Statement (BBA) dated April 2014  
Planning Statement (GL Hearn) (ref 1303\_J029947D2 PS v4)  
Transport Assessment (FMW) (ref FMW 1191) including revised appendices submitted on 22/04/2014  
FRA and Drainage Strategy (FMW) (ref FMW1196 issue20140416)  
Landscape and Visual Impact Assessment (NPA) (ref 10679 April 2014)  
Ecology Appraisal (Engain) (ref eg13546)  
Statement regarding Badgers (Engain) (ref eg13556)  
Mining Report (SLR) (ref 422.01918.0008 Rev 1 April 2014)  
Waste Minimisation Assessment (SLR) (ref 407.01918.00009 rev 2)  
Consultation Statement (GL Hearn) (ref 1404\_J029947D3)

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

**INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

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



