



## COMMITTEE REPORT

**Item Number:**  
**Application Number:**  
S/OUT/18/0405/RA

**Ward:** Blunsdon And Highworth  
**Parish:** Blunsdon

**Proposal:** Outline application for the erection of up to 70no. dwellings, extension to cemetery, community shop/cafe with associated car parking and toilet facilities, open space, landscaping and associated works - Access not reserved.

**Site Location:** Land at Sams Lane, Blunsdon, Swindon

**Case Officer:** Miss Rachael Adams

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**Agent:**  
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**Applicant**  
Castlewood Commercial Properties  
Ltd.  
C/o Agent

## Officers Report

### Background:

0.1 This application has been called to Planning Committee by Blunsdon Parish Council and Cllr Weisigner

### Summary of Recommendation:

1 That the Head of Planning, Regulatory Services and Heritage be authorised to GRANT planning permission subject to the conditions set out in the report together with any amendments, omitted or additional conditions and the completion of a Section 106 agreement to secure the necessary mitigation. In the event that the applicant fails to agree an extension of time to allow sufficient time for the LPA to deal with these matters then the Head of Planning, Regulatory Services and Heritage be authorised to REFUSE planning permission.

### The Proposal:

2 This application seeks outline planning permission for the erection of up to 70 no. dwellings with all matters reserved, apart from the means of access to the development, on land at Sams Lane.

3 Access would be in the form of a new T-junction directly from/onto Sams Lane together with 2 no. additional proposed pedestrian links.

4 Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval the application submission includes an indicative masterplan that demonstrates how the site could be developed. The scheme proposes to deliver up to 49 open market units and up to 21 affordable units.

5 The indicative masterplan also shows the provision of land for an extension to the cemetery, a community shop/cafe with associated car parking and toilet facilities, on-site open space and an equipped play area.

### **The Site and Surroundings:**

6 The application site comprises 6.8 hectares of greenfield land to the north east of Sams Lane. The site lies outside the rural settlement boundary. The northern site boundary borders properties fronting Burytown Lane and the Cemetery. The site's eastern boundary borders a field and hedgerow.

7 A mature hedgerow forms the south western boundary between the site and Sams Lane and directly to the south lies the remainder of the field, also within the applicant's ownership, but does not form part of this application. There are 4 protected trees on the site, 2 in the north-west corner on the boundary with Church Cottage and Herriets Cottage on Burytown Lane and 2 within the centre of the site.

8 The site borders the Broad Blunsdon Conservation Area on its north eastern edge and there are a number of listed buildings across Burytown Lane, including Church of St Leonard (Grade II\*), Manor House (Grade II\*) and The Old Rectory (Grade II). The listed War Memorial within the cemetery and the scheduled ancient monument, the Hillfort on Castle Hill lie further to the north east of the site.

### **Representations:**

#### **Initial Consultation - March 2018**

9 Neighbours:

Letters of objection were received from 21 local residents (including the following addresses Churchhill Lane, Sams Lane, Sutton Park, High Street, Lonsdale Close and Beech Lea) the main points of concern are summarised below:

- Site is outside village boundary
- Traffic problems
- Noise and exhaust pollution
- Congestion at cold harbour junction
- Village has enough new housing
- Drainage problems
- Loss of wildlife and trees
- Harmful to conservation area
- No need for community centre

No capacity in local school  
Doctor's surgery is full  
Harm to the visual landscape  
Lack of utilities infrastructure  
Poor bus service would not meet demand  
Houses are within area of non-coalescence

10 A petition against the development containing 254 signatures was also received following the initial consultation.

11 Blunsdon Parish Council:

Object to the development on the following grounds:

Lack of core services and infrastructure

Blunsdon swamped by developments no need for any more houses

Harmful to historic form and character of village

Visually intrusive

Excessive development leads to harm to the village

Harmful to historic form and character of village

Traffic concerns

Coldharbour junction congestion

Harmful to landscape

No requirement for community building

12 Conservation officer: Object as the proposal would cause irreversible harm to the surrounding designated and non-designated heritage assets.

13 County Archaeologist: There is some archaeological potential and so a geophysical survey should be undertaken followed by trial trenching.

14 CPRE: Object on the basis that the proposal does not conform to SBC policies and would lead to such cumulative harm as to outweigh any benefits of the proposal.

15 Ecologist: Report is out of date and significant further information is required.

16 Highways: Recommend refusal as the proposal fails to demonstrate safe and suitable access by virtue of lack of visibility splays and swept path analysis.

17 Highways England: No objections.

18 Historic England: Concerned that no analysis of the significance of the Hillfort's setting has been supplied or any analysis of the potential impact of the proposed development upon it. Additional information is required detailing any potential impacts.

19 Housing Enabling Officer: No objection on the basis the site is proposing 30% affordable housing.

20 Landscape Officer: No objections subject to conditions.

21 Lead Local Flood Authority: No objection subject to condition.

22 Thames Water – No objection subject to conditions.

**Revised Consultation - June 2018** (description of development amended to include shop, café and public toilets within the community building and submission of revised access drawing, updated ecological survey, heritage assessment and archaeological note)

23 Neighbours:

Letters of objection received from 25 local residents (including the following addresses Sams Lane, Lonsdale Close, Sutton Park, Berton Close, Ermin Street, The Ridge, High Street, Holdcroft Close, Broadbush, Manor Close, Burytown Lane).

24 Generally the previous objections were reiterated but new concerns were raised in relation to the location of the traffic surveys being carried out, the village would not sustain 2 shops and there is no need for public toilets or café.

25 Letter received from the Blunsdon Village Shop Committee  
Stating their intent to take on the shop/café with the associated car parking and toilet facilities should the development receive permission.

25 Blunsdon Parish Council:

The revised documents do not mitigate any of the previous concerns, all objections still stand and the Parish strongly oppose the provision of public toilets.

26 Ward Councillor:

This application should be refused for the following reasons:

Blunsdon is being over developed.

There is no way that Sams Lane could cope with the extra volume of cars that this development, if approved would bring.

The traffic volumes at the Cold Harbour roundabout are heavy enough already and this development would add to that

The feedback from residents at the open day held by the developers was that it is not wanted. It was felt that if approved then it is likely a further application will be submitted to develop the rest of the land.

With climates changing in this country and water shortages becoming more frequent how do the developers expect to supply these houses with a guaranteed supply of water, with no restrictions.

27 Conservation officer: Object as the proposal would cause irreversible harm to the surrounding designated and non-designated heritage assets.

28 County Archaeologist: The further information requested has not been provided.

29 Ecologist: Information still missing so report needs to be revised further.

30 Highways: The revised site access drawing has overcome previous concerns. No objections subject to conditions and securing the travel plan by legal agreement.

31 Historic England:

- (i) The applicant has submitted a Historic Environment Assessment. It concludes that the proposed development will have no effect on the setting of the nearby scheduled Hillfort as topography and intervening vegetation prevent inter-visibility between the site of the proposed development and the monument. It is accepted that this is the case.
- (ii) The report's analysis that the proposed development will cause a degree of harm to the character and appearance of the conservation area through erosion of its rural setting is also agreed. It notes that this would be partially mitigated by the provision of a large landscape buffer between the proposed development and Burytown Lane, and the retention of existing trees.
- (iii) Nevertheless, the recently-revised NPPF is quite clear at paragraph 194 that any harm to a heritage asset requires clear and convincing justification. In accordance with paragraph 196, the LPA will need to carefully consider whether the proposals offer meaningful public benefits that outweigh the harm to the character and appearance of the conservation area.

**Further Revised Consultation – October 2018** (submission of bat survey and archaeological evaluation report)

32 Neighbours:

Letters of objection received from 9 local residents (including the following addresses Sams Lane, Beech Lea, Burytown Lane) reiterating their previous concerns and issues.

33 Blunsdon Parish Council:

Strongly maintain their original objections.

34 Conservation Officer: Maintain previous objections.

35 County Archaeologist: A considerable amount of significant archaeological remains, have been found mainly in the middle of the proposed development site. The remains appear to be Roman funerary remains, and other features scattered across the site appear to be later with some undated features as well. Given the fragile nature of the funerary remains, the applicant is advised that they are fully excavated prior to any development starting. Therefore an archaeological condition would need to be attached to any grant of permission to enable the excavation of archaeological remains across the site.

36 CPRE: Maintain their objections to the scheme

37 Ecologist: The submitted Bat Survey recorded the more common bat species and no Annex 2 bats, therefore previous concerns have been addressed and there is now sufficient ecological information. A number of conditions are suggested to be added to any permission granted.

**Planning Considerations:**

38 The main considerations in the determination of this application are whether the proposal accords with the National Planning Policy Framework 2018 and the relevant policies of the Swindon Borough Local Plan 2026 (2015).

39 In accordance with this framework the following issues will be considered:

- Principle of residential development under the Local Plan and impact on the character of Broad Blunsdon
- Impact upon the Conservation Area/Heritage Assets
- Highway Safety/Accessibility
- Landscape
- The benefits of the proposal
- Other planning issues including CIL and developer contributions
- The planning balance and conclusions

### **Policy:**

40 The National Planning Policy Framework (2018) sets out the Government's planning policies for England and how these are to be applied. In respect of this application the following sections are relevant:

section 2, 'Achieving Sustainable Development'

section 5 'Delivering a sufficient supply of homes'

section 9 'Promoting Sustainable Transport'

section 12 'Achieving well-designed places'

section 16 'Conserving and enhancing the historic environment'

41 With regards to the application site's sensitive location adjacent to a Conservation Area, various Listed Buildings and a Scheduled Ancient Monument, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant. This requires that special attention is paid to desirability of preserving or enhancing the character or appearance of a Conservation Area (the Act). Similarly, Section 66 of the Act imposes a general duty in considering whether to grant planning permission for development which affects a listed building's setting, to have special regard to the desirability of preserving the building's setting or any features of special architectural or historic interest which it possesses. These duties are reflected in section 16 of the National Planning Policy Framework (NPPF), which sets out the government's policies on the historic environment. Paragraph 192 of the NPPF advises that local planning authorities should take account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF continues to state that in the consideration of applications the impact upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. (Paragraph 193, NPPF).

42 The NPPF advises in paragraph 195 that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or

a number of factors apply. The NPPF goes on to say in Paragraph 196 that 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, including securing its optimum viable use. Paragraph 197 of the NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

43 The following policies of the Adopted Swindon Borough Local Plan 2026 (2015) are considered relevant to this application:

- SD1 '*Sustainable Development Principles*' sets out the development principles which underpin the local plan
- SD2 '*The Sustainable Development Strategy*' aims to meet Swindon's development needs whilst protecting the Borough's most important assets;
- SD3 '*Managing Development*' seeks to take a positive approach to reflect the presumption in favour of sustainable development
- DE1 '*High Quality Design*' seeks high standards of design for all development
- HA1 '*Mix Types and Density*' advises that housing development should be design led and respect the character of the surrounding area
- HA2 '*Affordable Housing*' seeks all developments of 15 homes or more, on sites larger than 0.5 hectares to provide 30% affordable housing
- HA3 '*Wheelchair Accessible Housing*' seeks all development of 50 dwellings or more to provide 2% of them to be suitable for wheelchair user occupation.
- EN3 '*Open Space*' seeks all development to provide or contribute towards public open space
- EN5 '*Landscape Character and Historical Landscape*' seeks development proposals to take account of their natural surroundings.
- EN10 '*Historic Environment and Heritage Assets*' seeks to sustain and where possible enhance Swindon's historic environment
- IN1 '*Infrastructure Provision*' seeks to ensure all new development makes a positive contribution to sustainable growth by mitigating its impacts upon infrastructure
- TR1 '*Sustainable Transport*' seeks to reduce the need to travel and support and encourage the sustainable, safe and efficient movement of people
- TR2 '*Transport and Development*' encourages sustainable travel and seeks to mitigate the impact of development and ensure that suitable parking provision is provided

44 Also of relevance is Swindon Borough Council's Development Control Guidance Note: Technical Guidance on Parking Standards (2007), Swindon Residential Design Guide (2016) and the Broad Blunsdon Conservation Area Appraisal.

45 Blunsdon Parish Council is currently preparing a Neighbourhood Plan for the area including the site of this current application. It is at a relatively early stage, with no documents having yet been published, and therefore has limited weight at the present time.

### **Principle of Development and the Character of Broad Blunsdon:**

46 The proposed development would be contrary to Local Plan Policy SD2 in that it lies outside of the rural settlement boundary and does not fall within any of the categories of development that are supported in rural areas.

47 The sustainable development strategy in Policy SD2 seeks to focus development on the Swindon urban area and urban extensions to Swindon. Below Swindon and the urban extensions in the strategy sit Highworth and Wroughton and then other villages. At least 100 dwellings are planned to be delivered in the period to 2026 at other villages “proportional to their size and function” within settlement boundaries, on sites allocated within neighbourhood plans, and in accordance with rural exception site policy.

48 The application site is not allocated in a neighbourhood plan, nor does it accord with a rural exception site policy. Therefore it is not in accordance with Policy SD2.

49 Additionally, at the time of writing 425 new homes have been built or benefit from planning permission or a resolution to grant planning permission around the village of Blunsdon in the plan period to date. Recent permissions/resolutions to grant include:

- S/14/1304 – Land North Of Ermin Street and High Street, Blunsdon – 69 dwellings
- S/OUT/16/2034 – Land south of High Street, Blunsdon – 52 dwellings
- S/17/0528 – Land at Holdcroft – 54 dwellings
- S/17/0458 – Land to the rear of 89, 91 and 83 Ermin Street, Broad Blunsdon – 15 dwellings
- S/OUT/17/1032 – Land at Hill Cottage – 100 dwellings

50 The cumulative scale of development is significant and not proportional to the size and function of Broad Blunsdon, which in 2011 was a village of 603 dwellings and has limited services and facilities. This is a further reason why the proposed development is contrary to policy SD2.

51 This scale of growth causes harm to Blunsdon’s rural character by suburbanizing the village, in conflict with paragraphs 9 and 127 of the NPPF. It also raises conflict with NPPF policy on actively managing patterns of growth to promote walking, cycling and public transport and limit the need to travel and on providing the social, recreational and cultural facilities that a community needs.

52 This latter adverse impact is mitigated somewhat by the proposal’s contribution to enhancing the facilities available in Broad Blunsdon through provision of accessible open space and a new community building and cemetery extension, and the fact that the new housing would be well related to the primary school and bus stop (albeit that it has a limited service).

### **Conservation/Heritage:**

53 The proposed site is adjacent to the boundary of Broad Blunsdon Conservation Area and forms part of the open landscape surrounding the conservation area which is noted as being part of the conservation area’s significance. It is considered that as a result of this relationship, that the development of the site has the ability to affect the setting of the conservation area, and hence lies within the setting of this conservation area. Given that the position within the pastoral landscape is part of the significance and experience of the following heritage assets, as a result of this relationship, the site also lies within the setting of Castle Hill hillfort and Lynchets (Scheduled Ancient Monument); St. Leonards Church (Grade II\*); Manor House (Grade II\*); the Old Rectory (Grade II), and the Broad Blunsdon War Memorial (Grade II). The site is also considered to be within the setting of Church



Cottage and outbuildings, buildings designated in the conservation area appraisal as a building of special local interest, a 'non-designated' heritage asset for the purposes of assessment within the NPPF.

54 A Historic Environment Desk Based Assessment by Cotswold Archaeology was submitted with the application, dated July 2016. The Conservation Officer did not consider the document to be a robust assessment of significance or harm upon that significance.

55 The report did not include the Broad Blunsdon War Memorial, (listed as a Grade II structure on 8<sup>th</sup> November 2017) due to the date of assessment. Furthermore, the report predominantly focussed on intervisibility and views; which although acknowledged as important considerations to determine harm, an assessment of views alone does not go far enough in assessing harm to a designated or non-designated heritage assets. Harm is based upon the 'experience' of those assets and their setting and which covers both intangible and tangible elements.

56 The subject land forms part of the pastoral landscape which surrounds the built form of the settlement of Broad Blunsdon and contributes significantly to the setting of the Conservation Area, as well as the setting of the designated and undesignated heritage assets. This significance is experienced on the approach roads such as Sam's Lane where on one side there is the built form of the settlement and on the other side there are the fields surrounding the village. There is an unspoilt experience of the pastoral landscape along Sam's Lane with glimpses across the fields to the cemetery in the distance which is surrounded by stone walls. As one is passing along Sam's lane experiencing the agrarian landscape to one side, to the end of the road in the distance is a large area of trees on an elevated position which forms the junction and historic core of the village and is where St. Leonard's Church, The Manor House and The Rectory are located. The loss of this pastoral landscape is quite concerning from a conservation perspective, given that this key area of significance to the listed building's setting and the Conservation Area's setting would be lost as a result of the principle of construction of dwellings in this location. The harm caused is exacerbated by the large urban access off Sams's Lane together with associated residential paraphernalia such as tarmac, lighting, vehicles and parking, and associated infrastructure which comes from a residential development which will change the character and appearance of the area.

57 The cemetery contains a grade II listed war memorial; however part of the war memorial's significance is related to the greater area of the cemetery as a place of contemplation and remembrance. The cemetery is deliberately placed to the edge of the village with long range views over the fields surroundings which create a tranquil and peaceful place overlooking the rural landscape which is also a component of the listed structure's significance and that of the conservation area. The erection of dwellings to two sides of the cemetery does cause harm to the setting of the listed building as the experience of the cemetery amongst the rural landscape harms which harms the experience of the war memorial and it's greater setting which contains the remainder of the cemetery. Although further screening is proposed, this form of mitigation is unconvincing when compared to the irreversible harm which is caused to the war memorial and its setting as a place of

contemplation and remembrance.

58 The Councils Conservation officer notes the amendments to the scheme and the submission of an up-to-date Heritage Statement dated June 2018 but still remains concerned about the impact of this development.

59 The Heritage Statement suggests that there has been no assessment of harm to the heritage assets by the Conservation Officer in accordance with the definitions given in the NPPF which introduce 'substantial,' 'less than substantial' and 'no harm.'

60 In order to provide some clarity, the Conservation Officer has assessed the harm given to the heritage assets, and is of the opinion that the harm could be categorised in the following ways,

- Castle Hill hillfort and lynchets Scheduled Ancient Monument (SAM): No Harm;
- Listed buildings and their settings which represent the historic core of Broad Blunsdon, which consist of the Church of St. Leonards (Grade II\*), Manor House (Grade II\*), and the Rectory (Grade II): Less than Substantial Harm;
- Broad Blunsdon Conservation Area: Less than Substantial Harm;
- Broad Blunsdon War Memorial and its setting: Less than Substantial Harm
- Church Cottage and outbuildings (Building of Special Local Interest): Negative Harm

61 The Conservation officer remains concerned about the lack of consideration given to the setting and historic landscape, which is considered to be part of the setting and experience of the surrounding designated heritage assets. The submitted information fails to consider the openness, pastoral and agrarian landscape, and purely focuses on views identified within a Landscape Visualisation Assessment. Heritage and landscape assessments are different assessments and therefore contain different outcomes. Landscape and Heritage considerations are not required to align and further illustrates previous comments that the assessment of harm and impact is purely related to views and landscape considerations with a failure to undertake a holistic heritage base approach as required by relevant guidance.

62 The Conservation officer remains concerned about the impact and harm caused by locating development in close proximity to the cemetery, which also contains the war memorial. The long ranging views and peaceful surround given its location on the periphery of the village, even if not originally intended, are now part of the significance of the Cemetery, and are required to be assessed and appreciated as part of any assessment. The applicant states that the value of the cemetery has been 'over-emphasised' with no appreciation of the separation distance between the cemetery and open parcel of land between. The Conservation officer remains unconvinced by these comments and any amendments made. It is quite clear that the setting of the cemetery is experienced with long range views to the south of the cemetery which would effectively be cut off by the encroachment of housing as well as further planting around the cemetery with hedges and so forth which would make the cemetery inward looking, detrimentally changing the experience of the cemetery. It is clear that consideration of the war memorial and its setting has been missed and was a key flaw to the heritage considerations in the original assessment.

63 The Conservation officer has given full consideration to the preservation and

enhancement of the character and appearance of the conservation area and the significance of designated and non-designated heritage assets, including their setting and on balance, objects for the reasons as set out above.

64 Historic England expressed concerns to the original submission on the basis that no analysis of the significance of the Hillfort's setting had been supplied or any analysis of the potential impact of the proposed development upon it.

65 Following submission of a Heritage Statement, which concluded that the proposed development will have no effect on the setting of the nearby scheduled Hillfort as topography and intervening vegetation prevent inter-visibility between the site of the proposed development and the monument, Historic England accepted this to be the case.

66 Furthermore, Historic England agreed with the analysis that the proposed development will cause a degree of harm to the character and appearance of the conservation area through erosion of its rural setting. But it is noted that this would be partially mitigated by the provision of a large landscape buffer between the proposed development and Burytown Lane, and the retention of existing trees.

67 Nevertheless, the NPPF is clear that any harm to a heritage asset requires clear and convincing justification and therefore officers need to carefully consider whether the proposals offer meaningful public benefits that outweigh the harm to the character and appearance of the conservation area.

68 The Conservation Officer has identified that the harm to the significance of the conservation area and listed buildings is, in the NPPF's terminology, less than substantial. In such circumstances, as noted above, the NPPF requires such harm to be weighed against the public benefits of the proposal. This weighing exercise gives effect to the presumptions in favour of conserving the settings of the listed buildings and the conservation area under Sections 66 and 72 of the Listed Buildings Act.

69 If Members of the planning committee find that the harm to the setting of the heritage assets isn't outweighed by the public benefits of the proposal, then planning permission should be refused. In such circumstances, the 'presumption in favour of sustainable development' in paragraph 14 of the NPPF doesn't apply.

### **Highways:**

70 Policies TR1 and TR2 of the adopted Swindon Borough Local Plan 2026 seek to ensure access for developments that is appropriate to the scale, type and location of the proposal without detriment to highway safety, traffic movement and the local environment.

71 The applicant has assessed the local highway conditions and incorporated that evidence into the submitted Transport Statement (TS) in support of the development. The TS informs the local highway modifications, access design, traffic generation arising from the scheme and the impact upon local highway conditions.

72 Following the submission of a revised proposed site access plan, the Highway Officer is satisfied that the proposed access off Sams Lane is appropriate with regard to the development proposed and that the development will not unacceptably impact upon local

highway conditions. Car parking and cycle storage facilities will be provided in accordance with the Councils adopted standards, which will be dealt with at the reserved matters stage.

74 The Local Highway Authority therefore raises no objections subject to the imposition of conditions and the obligation to provide a Travel Plan, which shall be secured through a legal agreement.

### **Landscape:**

75 This site is within the open countryside in a sensitive location given its proximity to the Blunsdon Conservation Area and the Cemetery. There are a number of protected trees within the site, which are proposed to be retained.

76 The site is generally flat and well screened from the wider landscape due to surrounding vegetation and the fact that it is away from the important 'ridge'. There are some longer distance views to / from the east and there is a public right of way (BL9) running along the eastern boundary.

77 The Landscape Architect considers that the site has capacity to accommodate some development providing it gives appropriate respect, in terms of distance, to the cemetery and the protected trees and stays as far back from the east side as possible. It is acknowledged that some perimeter vegetation will be lost to create the actual access off Sams Lane and the associated visibility splays. It is accepted that this will change the character of Sams Lane to a degree, but it is considered that an appropriately detailed scheme of planting and management could help to mitigate this.

78 A Landscape and Visual Appraisal was submitted with the application, the conclusions of which are broadly agreed with in that whilst it would change the character of the site and parts of the adjoining lane, there would be some albeit limited visual impact.

79 The Landscape Architect has no landscape based objections to the scheme subject to the imposition of appropriately worded conditions to any permission covering preparation, installation and management of a high quality planting scheme. A comprehensive landscape management package is also required to cover the existing and protected trees and perimeter hedging.

### **Benefits of the Proposal:**

80 The proposed development would provide market and affordable housing to meet the Borough's housing requirement. As is discussed below, it is not currently possible to demonstrate a supply of 5 years of deliverable housing land when assessed against the requirement in the Local Plan and is at present only able to show 2.7 years' supply. This is a significant shortfall and increases the weight to be given to the benefit of delivering new market and affordable housing. The recent Hill Cottage appeal decision shows that benefit is given significant weight by government-appointed planning inspectors.

81 The housing would be well located within the village given its proximity to the primary school and bus stop, although the bus service is limited.

82 Of the 100 dwellings 30% would be affordable housing, which is policy compliant and again given the shortfall in supply of affordable housing, this is considered a significant

benefit.

83 The proposed development would provide three additional benefits beyond the provision of housing:

- The creation of an area of public open space including an equipped play area in a central location within the village which could therefore be expected to be of use to the wider community.
- Provision of land for an extension to the St Leonard's Church cemetery.
- The provision of a new community facility with associated parking. It is understood that the applicant is willing to construct the building and this is not just an offer of land.

84 Construction work would be created albeit this would be a short-term, limited benefit. Similarly, there would be new residents of the village which would spend money in the local businesses that there are, but again this is a limited benefit in the absence of evidence that any of those businesses require that extra custom.

### **Other planning Issues:**

#### **Archaeological Impact:**

85 A considerable amount of significant archaeological remains, have been found mainly in the middle of the proposed development site. The remains appear to be Roman funerary remains, and other features scattered across the site appear to be later with some undated features as well. Given the fragile nature of the funerary remains, the applicant is advised that they are fully excavated prior to any development starting. Therefore an archaeological condition would need to be attached to any grant of permission to enable the excavation of archaeological remains across the site.

#### **Affordable Housing:**

86 In accordance with Policy HA2 of the SBLP affordable housing will be sought on all suitable sites proposed for development that comprise 15 or more dwellings or sites of 0.5 hectares or more. Affordable housing is required to be provided on site at a ratio of 30% as such the applicant is proposing 21 units.

#### **Accessibility:**

87 In accordance with Policy HA3 of the SBLP at least 2% of the houses will be required to be suitable for wheelchair occupancy.

#### **Infrastructure Requirements:**

88 In addition to affordable housing which has been addressed above this section considers the potential wider infrastructure implications. The overarching infrastructure policy framework is set out through Policy IN1 of the adopted Local Plan. The Community Infrastructure Levy Charging Schedule was adopted on 26th March 2015

89 The Community Infrastructure Levy Regulations 2010 (as amended) 'CIL Regs' came into force on 6th April 2010. The CIL Regs Regulation 122 embedded three of the five tests of Circular 05/2005 as statute. Regulation 122 states that where an item of infrastructure

may be requested as a planning obligation, in order to support a decision the three following test must be satisfied:

- Necessary to make the development acceptable in planning terms
- Directly related to the Development, and
- Fairly and reasonably related in scale and kind to the development.

Compliance with Regulation 122 is therefore material to any contributions that will inform a decision to grant planning permission.

90 The Council is a Community Infrastructure Levy (CIL) Charging Authority. At the point of writing this report the adopted CIL Charging Schedule is that dated 6th April 2015. The proposed development for residential is located within CIL Residential Charging Zone 2 of this schedule. The development constitutes CIL Liab development chargeable at the relevant rate within the relevant Charging Schedule in place at the time of calculation, that rate which is subject to indexation annually. The CIL chargeable amount is calculated at the point in time that planning permission first permits development for CIL purposes. For an outline application this would be at the point of approval or reserved matters, should outline permission be granted. To inform the applicant/landowners of the relevance of CIL to the proposal a CIL liable informative will be added to the decision notice.

91 Policy EN3 of the adopted local plan requires consideration of Open Space requirements. This is amplified by the Open Space Audit & Assessment (2014 update) that considers the quantity, quality and accessibility of the different types of open space by Ward. The open space calculator translates the requirements of EN3 and associated Appendix 3 of the adopted Local Plan 2026 into the relevant area requirements. Where the scale of development does not trigger or justify the need for on-site provision due to location, there may be grounds to secure off-site provision proportionate to the scale of the development for investment locally.

92 In this case the application proposes on site open space and a LEAP and in addition an off-site playing pitch contribution of £36,200.33 is generated by the development to be used at Blunsdon Recreation Ground.

93 No highway related contributions have been deemed applicable.

94 The affordable housing and contribution towards off-site playing pitches will need to be secured by means of a Section 106 legal agreement together with a residential travel plan, provision of the community building and the cemetery extension.

### **The Planning Balance and Concluding Comments:**

95 The proposed development would not accord with the development plan read as a whole. It is therefore necessary to look at whether other material considerations would indicate in favour of the grant of permission.

96 The NPPF is an important material consideration. There are two stages to considering this application under the NPPF.

97 First, as identified above, it is necessary to consider under paragraph 134 whether or not the harm to the setting of the listed buildings and the Conservation Area would be outweighed by the

public benefits of the proposal. In other words, whether the presumption in favour of conserving the setting of those buildings is outweighed.

98 In respect of the first stage, officers' assessment is that the harm to the setting of the designated heritage assets is outweighed by the public benefits of the proposal, as outlined in the section above.

99 On the basis that Members agree with the officer assessment, we then move to the second stage of consideration under the NPPF, which is to apply the 'presumption in favour of sustainable development' and recommend that planning permission is granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This second stage applies because, as highlighted above, the Borough is unable to demonstrate a five year housing land supply when assessed against its housing requirements.

100 It is necessary to consider whether the adverse impacts as a whole, including the conflict with Local Plan Policy SD2, harm to the character of Broad Blunsdon, and harm to the setting of the Heritage Assets, would sufficiently and demonstrably outweigh the benefits which include delivering market and affordable housing, creating a new public open space, a new community facility and land for a cemetery extension.

101 Applying that tilted balance, and taking into account the significant housing land supply shortfall, officers are of the view that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. Therefore, it is recommended that planning permission should be granted, subject to the completion of a section 106 agreement and conditions.

102 In determining this application Members should have regard to the prospects of defending a decision to refuse planning permission at appeal. Officers' view is that following the recent appeal decision at Hill Cottage in Blunsdon those prospects would be limited, although each appeal is assessed on its own merits.

### **Recommendation:**

103 That the Head of Planning, Regulatory Services and Heritage be authorised to GRANT planning permission subject to the conditions set out in the report together with any amendments, omitted or additional conditions and the completion of a Section 106 agreement to secure the necessary mitigation. In the event that the applicant fails to agree an extension of time to allow sufficient time for the LPA to deal with these matters then the Head of Planning, Regulatory Services and Heritage be authorised to REFUSE planning permission.

## **Conditions**

### **Reserved Matters**

1. Prior to the commencement of works on site in connection with the development hereby permitted, details of the layout, scale, appearance and landscaping (hereinafter called "the

Reserved Matters") shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with Section 92 of the Town and Country Planning Act 1990.

#### Timing of Reserved Matters

2. Application for the approval of the Reserved Matters referred to in condition 1, shall be submitted in writing to the Local Planning Authority before the expiration of 3 years from the date of this permission and shall be carried out in accordance with the approval.

Reason: To enable the Council to review the suitability of the development in accordance with Section 92(2) of the Town and Country Planning Act 1990.

#### Time Limit

3. The development hereby permitted shall be commenced either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Council to review the suitability of the development in accordance with Section 92(2) of the Town and Country Planning Act 1990.

#### Approved Plans

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

- i. site location plan UP00131-09-A received on 19<sup>th</sup> March 2018
- ii. proposed site access drawing C770/04 rev B received on 18<sup>th</sup> June 2018

Reason: To define the scope of the development hereby permitted, in accordance with section 72 of the Town and Country Planning Act 1990.

#### Broad accordance with illustrative masterplan

5 All reserved matters shall be in broad accordance with illustrative site layout UP00131-04-E received on 19<sup>th</sup> March 2018.

Reason: In the interest of the proper planning of the area and to provide a high standard of design.

#### Quantum of Development

6 The development hereby permitted shall provide no more than 70 no. dwellings falling within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

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

#### Archaeology

7 No development shall commence within the area indicated until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and the approved programme of archaeological work has been carried out in accordance with the approved details.

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



Junction Completion

8 No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 15m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

Reason: To reduce potential highway impact by ensuring that there is a satisfactory access at the commencement of construction works and for the duration of the development.

Construction Method Statement

9 No development shall take place, including any site preparation works, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. specify point of construction access and access route to the site;
- iii. provide for the parking of vehicles of site operatives and visitors;
- iv. provide for the loading and unloading of plant and materials;
- v. provide for the storage of plant and materials used in constructing the development;
- vi. provide for wet wheel washing facilities;
- vii. specify the intended hours of construction operations;
- viii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway during the site preparation and construction phase(s) of development.

Drainage

10 Development shall not begin until a surface water drainage scheme for the site, in accordance with the approved drainage strategy 'Flood Risk Assessment\_Castlewood Commercial Properties Ltd\_Sams Lane, Blunsdon, Issue 2, February 2018', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include, but not be limited to:

Evidence that the proposed flows from the site will discharge at or below greenfield runoff rates, or as close as practical for any areas that have been previously developed or if infiltration techniques are to be used infiltration testing results to BRE365 standard should be submitted;

Details of how the drainage scheme has incorporated SuDS techniques to manage water quantity and maintain water quality in accordance with best practice guidance including the latest SuDS Manual C753;

Detailed drainage plan showing the location of the proposed SuDS and drainage network with exceedance flow routes clearly identified;

Details to demonstrate the SuDS Scheme has been designed in accordance with best practice guidance including the latest SuDS Manual C753;

General arrangement, which should be coordinated with the landscape proposals and the masterplan;

Groundwater monitoring for a minimum of 6 months and must cover the winter months

(December, January, February)

Manhole Schedules;

Detailed drainage calculations for all rainfall events up to and including the 1 in 100 year plus climate change to demonstrate that all SuDS features and the drainage network can cater for the critical storm event for its lifetime;

Details of how the scheme shall be maintained and managed after completion;

Any drainage systems offered for adoption will be designed to Sewers for Adoption 7th edition and/or SBC standards as part of the detailed design and relevant technical approval processes.

Reason: To prevent unacceptable risks to people and property from flooding by ensuring the satisfactory storage and disposal of surface water from the site.

### Electric Car Charging points

11 Prior to the development being brought into use, details of electric car charging points shall be submitted to and approved in writing by the Local Planning Authority and no occupation of the development shall occur until the approved details have been completed and thereafter maintained.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up.

### Access Roads

12 The development shall be served by an access road(s) laid out and constructed in accordance with the approved reserved matters details and no [dwelling/building] on the development shall be occupied until the road (including vehicular turning head(s), street lighting, drainage and footways where proposed) providing access from the nearest public road to that [dwelling/building] has been completed to at least binder course and footways to surface course level in accordance with the details so approved.

Reason: To ensure a satisfactory means of access for occupants of the development.

### Landscaping

13 The material submitted with the landscaping reserved matters shall include:

- i) Details of the species, location, diameter, approximate height, and general state of health and stability, of every tree, bush or hedgerow on the site which is to be retained and of each tree, bush or hedgerow which is on land adjacent to the site and to which paragraphs ii), iii), iv) and v) below shall apply;
- ii) No tree, bush or hedgerow which is to be retained and which has been identified in paragraph i) above, shall be topped, lopped, felled, destroyed or wilfully damaged, including any severance of its roots without the prior written consent of the Local Planning Authority;
- iii) No materials, plant, soil or spoil shall be stored underneath, and no burning of materials shall take place, within the furthest extent of the canopy of any tree, bush or hedgerow, which is to be retained and which has been identified in paragraph i) above without the prior written consent of the Local Planning Authority;
- iv) Details of the specification and position of fencing and of any other measures to be taken for the protection of any tree, bush or hedgerow, which is to be retained and which has been identified in paragraph i) above. Such fencing or any other measures shall be retained until the approved development has been completed or the Local Planning Authority has approved, in writing, that such fencing or any other measures may be removed;
- v) All works to protect any tree, bush or hedgerow, which is to be retained and which has been identified in paragraph i) above shall be carried out in accordance with BS 5837(2012);
- vi) A planting plan and timetable of works for the soft landscaping of the site; all works shall

be carried out in accordance with the approved plan and timetable; and any trees or plants, which within a period of five years from first being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation; and

vii) details of fencing and boundary treatments.

Reason: To ensure that the appearance of the development is satisfactory.

#### Wheelchair user housing

14 No less than 2% of the total residential development shall provide for wheelchair user occupiers in accordance with a plan or schedule, which shall have been submitted to and approved in writing by the Local Planning Authority. These approved design features and provisions shall be retained for so long as the buildings hereby permitted remain in use as dwelling houses.

Reason: In the interests of people with disabilities.

#### Ecology – lighting strategy

15 Prior to the occupation of the dwellings hereby permitted, a site-wide lighting strategy developed with ecological input to keep all areas of retained and planted natural vegetation dark, measured as no increase in night time light levels from present, shall have first been submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details.

Reason: To protect foraging habitats for bats,

#### Ecology – bat boxes

16 Prior to the occupation of the dwellings hereby permitted, a scheme detailing the location of bat boxes on retained trees and built-in bat boxes on the new houses within the site shall have first been submitted to and approved in writing by the Local Planning Authority.

The bat boxes shall be incorporated and installed in accordance with the approved details.

Reason: To achieve net biodiversity gain.

#### Ecology – bird bricks

17 Prior to the occupation of the dwellings hereby permitted, a scheme detailing the location of bird boxes on retained trees and built-in bird bricks on the new houses within the site shall have first been submitted to and approved in writing by the Local Planning Authority.

The bat boxes shall be incorporated and installed in accordance with the approved details.

Reason: To achieve net biodiversity gain.

#### Ecology – management plan

18 Prior to the occupation of the dwellings hereby permitted, a site wide Landscape and Ecology Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should include proposals for annual inspection, cleaning and replacement as necessary of all bird and bat boxes attached to retained trees.

Reason: To achieve net biodiversity gain.

#### Thames Water – waste water network

19 No properties shall be occupied until confirmation has been provided that either: all waste water network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been

agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents

#### Thames Water - water

20 No properties shall be occupied until confirmation has been provided that either: all water network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

#### Thames Water – water main

21 No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

#### Thames Water – piling

22 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

## Informatives

1 This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit [www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil) or telephone the SBC CIL Team on 01793 466289 or 466397 or email [cil@swindon.gov.uk](mailto:cil@swindon.gov.uk). To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Information on possible exemptions that may be capable of being applied for can be found at:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy) and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

2 The proposed development will require works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the Local Highway Authority before commencing works on the development. [TransportDevelopment@Swindon.gov.uk](mailto:TransportDevelopment@Swindon.gov.uk)

3 The applicant is advised that to fully comply with condition ## above, the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. [TransportDevelopment@Swindon.gov.uk](mailto:TransportDevelopment@Swindon.gov.uk)

4 The Local Highway Authority will require the developer/landowner to provide a surety under the Advance Payment Code (APC) provisions within the Highways Act 1980 (Sections 219 to 225), to ensure the proper implementation of new private highway which may be offered for adoption to the LHA at a later date, either by way of a Section 38 Agreement, or at the request of the frontagers. Further information in this respect may be obtained by contacting Swindon Borough Council's Transport Development Management team. [TransportDevelopment@Swindon.gov.uk](mailto:TransportDevelopment@Swindon.gov.uk)

5 The weather will have an impact on construction sites which in turn will require roads to be swept in addition to using wheel wash facilities. Swindon Borough Council are on winter service alert for gritting roads around the Borough from mid-October to mid-April each year, the treated roads are shown on the attached plan. The de-icing material used for road treatment by this council is Thorox, this material is rock salt treated with an agricultural by-product similar to molasses and has the advantage of being active on the carriageway for up to three days providing there is no substantial precipitation or sweeping. It is imperative that any salt removed from the treated network by sweepers clearing mud and debris is replaced straight away at a spread rate of 15g/m<sup>2</sup>. Where a sweeper is used on the roads around your site, you have a responsibility to retreat roads after washing or sweeping to ensure safety of road users is maintained during the winter period. In order to assist with this retreatment, Swindon Borough's Highway Operations Team can provide a filled grit bin at a cost available on request for use by developers, it should be noted that once delivered the bin and its contents will be in the property of the developer. In the first instance, please contact, Duty Winter Service Engineer, 01793 466354 to discuss and confirm site specific requirements.

[https://www.swindon.gov.uk/info/20040/road\\_safety\\_maintenance\\_and\\_repairs/737/find\\_o](https://www.swindon.gov.uk/info/20040/road_safety_maintenance_and_repairs/737/find_o)

ut\_about\_road\_gritting

6 In addition to this consent, under the Town Improvement Clauses Act 1847 the applicant is required to contact SBC's Street Naming & Numbering Officer as soon as possible with regard to registering new or changes to the official address of any properties within this development.

[http://www.swindon.gov.uk/info/20031/roads\\_parking\\_and\\_transport/321/apply\\_for\\_street\\_name\\_or\\_number](http://www.swindon.gov.uk/info/20031/roads_parking_and_transport/321/apply_for_street_name_or_number)

End of Report