



COMMITTEE REPORT

Item Number:

Application Number: S/OUT/18/1140

Ward: Chiseldon & Lawn

Parish:

Central Swindon South

Proposal: Outline planning application for the erection of up to 300 dwellings and public open space with associated works, including noise attenuation bunds, structural landscaping and drainage infrastructure.

Site Location: Phase 3, Badbury Park, Land at Commonhead, Swindon

Case Officer: Mrs Nicola Smith

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Applicant

Persimmon Homes and Redrow
Homes

C/O Agent

Officers Report

Background:

1. This application is put before Planning Committee as both Central Swindon South and Liddington Parish Councils have objected to the proposals. Their concerns are outlined below.

Planning History

2. The Badbury Park estate was approved in 2012 under permission number S/10/0842 by the Secretary of State. This followed the Public Inquiry into Swindon Borough Council's refusal of the application for the "Erection of up to 890 no. residential dwellings, employment (classes B1, B2), local centre (classes A1-A5), community uses (class D1), primary school, extension to hospital site including provision of land for emergency services, public open space, landscaping, 2 no. vehicular accesses to A4259 (details of eastern access only), site roads and associated infrastructure".

3. Prior to the approved outline application (S/10/0842 refer), the site had an extensive planning history including an unsuccessful proposal for 1,800 dwellings, plus business uses and a university campus (S/07/1688 refers).

4. This application is within the red line of the approved Commonhead outline planning

permission, but it proposes a further 300 housing units accompanied by open space, upon the land previously designated and approved for a business park use.

Summary of Recommendation:

5. That the Head of Planning, Regulatory Services and Heritage be authorised to **GRANT** outline planning permission subject to:

- (a) Completion of a legal agreement to secure the planning obligations that are material to the decision (as set out in paragraph 81 of this report); and
- (b) The planning conditions set out in this report, with delegated authority to make reasonable amendments, additions or omissions to those conditions before issuing formal consent as may be necessary.

The Proposal:

6. This is an outline planning application for up to 300 residential units on land previously identified for a business park. The application is in outline with all matters reserved except for means of access to the site. An indicative masterplan is submitted for approval which shows the proposed road layout and location of open spaces.

The Site and Surroundings:

7. The site is located at the southern end of the Commonhead development site, entirely contained within the site edged red of the previous outline planning permission (S/10/0842 refers). The land is accessed by the new main spine road, Homington Avenue. The site is located either side of Day House Lane, and extends to the boundary with the M4 to the south and A419 to the east.

Representations:

Parish Councils:

8. Central Swindon South Parish Council:

- (1) Concerns about the allotment site. The quality of the land was not thought to be good and there was no evidence of any soil testing to ensure that the area designated would be suitable for allotments.
- (2) Noise Bund. Confirmation was required that the noise bund would reduce the noise levels to 55 decibels. The Parish Council would also suggest that solar panels are fitted to the noise bunds.
- (3) Lack of Amenity for Houses. The garden size for some of the family homes was questioned as being too small.
- (4) Access to Play Area. More consideration needs to be given to how children would cross Day House Lane to access the play area.
- (5) Street Lighting. The provision of better street lighting needs to be considered for Homington Ave and Day House Lane.
- (6) Access to the Site from the A4259. With the further traffic generated by the additional homes, the Parish Council would like to see a further traffic impact assessment carried out for the junction of Homington Ave and the A4259.
- (7) The Parish Council supports the objections of the Wilts & Berks Canal Trust.

9. Liddington Parish Council:

(1) We object to the change of use from Commercial to Housing as at a recent meeting re a proposed Science Park, it was suggested that there is a need for more employment land in the area

(2) The Parish Council agrees and fully supports the comments made by Highways England regarding the improvements needed to be made to Junction 15 of the M4 and the A419 prior to the number of dwellings exceeding 800.

(3) If, despite our objections the outline planning application is passed, it must be on the basis of access being via Badbury Park and traffic management measures in place as contained in the application, not watered down as suggested by other objectors. The use of Day House Lane as a rat run has increased significantly in recent times with excessive speeds and no consideration or respect for the status of the road or the recreational users such as cyclists, walkers and horse riders. There must be no question of Day House Lane being used as an access route into the Badbury Park development because of the potential effects on roads in nearby villages.

(4) We fully support the objections raised by the Wilts and Berks Canal Trust

(5) As the proposal is for high density housing, therefore giving the area an unduly urban appearance, we object due to the proximity of the development to the AONB.

(6) We also question the air quality of those houses being proposed close to the junction of the M4/A419

10. Forward Planning: The proposal is in conflict with the development plan read as a whole in respect of the loss of employment land and the quantum of housing. In respect of the loss of employment land, my opinion is that the loss of the employment land by itself would not cause significant harm to the sustainability of Badbury Park.

In respect of the additional quantum of housing the consideration needs to be made as to whether the additional dwellings would be in conflict with the sustainable principles for the community of Badbury Park as set out in detail in Policy NC2.

On the basis that there are no such conflicts, or that they are capable of being mitigated, my opinion is that the harm would not outweigh the benefits and on that basis no policy objection is raised.

The policy context relevant to this application is set out in greater detail in paragraphs 24-43.

11. Local Highway Authority: The Local Highway Authority raises no objection to the application. The overall reduction in traffic movements comprises an increase in departures in the morning and arrivals in the evening when compared with the Business Park but a larger reduction in movement in the reverse direction, leading to a net reduction in traffic movements.

12. Highways England: Raise no objections to the proposal subject to a condition restricting occupations prior to a contract for the works to M4 Junction 15 being let.

13. Housing Officer: Satisfied with the 30% Affordable element of this application as it accords with the required mix. This will be secured by the 106 agreement.

14. Local Lead Flood Authority: No objections subject to condition.

15. Landscape Officer: On the basis of the information submitted and the landscape strategy set out in the supporting information no objection is raised. As viable playing pitches cannot be located within the development a contribution to provision off site is to be sought. The tree protection and loss plan and Arboriculture Impact Assessment are noted although we reserve our position until detailed proposals are submitted at reserved matters stage. The aspirations within the landscape and ecology strategy section of the Design and Access Statement are supported though we reserve our position until detailed proposals are submitted.

16. County Archaeologist: This part of development site is archaeologically sensitive. There is a prehistoric settlement enclosure in the southern part of the site. The consented outlined permission for this whole development site has an archaeological condition attached to enable the full excavation of this area of archaeological sensitivity. I advise that a similar condition is attached to any consent grant for this new application.

17. Environmental Health Officers: No objection in principle from Noise or Contaminated Land Officers, subject to relevant conditions.

18. Thames Water: In terms of clean water: the change from commercial properties (employment use) to domestic will result in a significant change in the demand and peak profiles previously modelled and consented for the development. In order to fully ensure that we are able to meet the forecast growth we will therefore require this site to be modelled again with the updated usage types. A condition is recommended. No objection in terms of foul water.

19. Consultant Ecologist: Requires updated surveys to be carried out.

20. AONB Officer: The AONB does not wish to object to the development, although raise some concerns over heights of buildings, and planting to be retained.

21. Canal Groups: The Wilts & Berks Canal Trust and the Wiltshire Swindon & Oxfordshire Canal Partnership object to the application as they do not believe there is sufficient space allowed for the construction of the canal as required by policy EN11 of the Swindon Borough Local Plan.

22. Comments from the public:

All occupied addresses within the Badbury Park development as at 23 July 2018 (approximately 800) were notified, as well as surrounding addresses on Day House Lane. Two site notices were posted, within the Badbury Park estate and one on Day House Lane.

Comments have been received from 12 addresses within the existing areas of the Badbury Park development, raising the following issues:

- Concern about the additional traffic generated
- Concern about Homington Avenue being used for construction traffic
- Lack of community facilities in the existing development
- Lack of open space and play areas in the existing development
- Access should be from Day House Lane
- The Traffic Assessments cannot be trusted as speeding is an issue in the existing development

- No further trees should be removed and wildlife should be accommodated

A further 3 comments have been received from addresses outside of the Badbury Park development raising the following issues:

- Day House Lane must be retained as a rural route and the junction should be grade-separated
- Day House Lane should be the natural boundary for development
- The proposal may set a precedent to develop along Day House Lane further
- A traffic light junction is not appropriate for Day House Lane
- There is always the possibility of vehicles making the restricted turns and accessing Day House Lane,
- A speed limit should be considered along Day House Lane to make the route less attractive
- The intensity of the development will have a severe impact on the surrounding roads.

Planning Considerations:

23. In accordance with the National Policy Framework (NPPF) 2018 and the Swindon Borough Local Plan 2016, the main issues in this case are as follows:

- a) The principle of development as assessed against the sustainable development strategy in the Swindon Local Plan 2026
- b) The traffic and transport issues associated with development
- c) The landscape impact, including impact on TPO trees
- d) Other matters, including the provision of affordable housing, archaeology and design/layout.
- e) Other issues raised within the representations received will also be covered.

Planning Policy:

24. The National Planning Policy Framework (NPPF) (March 2018) the overriding aim of the NPPF is the presumption in favour of sustainable development. This presumption requires that where development is in line with the Local Plan, it should be permitted without delay unless material considerations indicate otherwise.

Of particular relevance to this proposal are sections:

- Achieving sustainable development
- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring Good Design
- Promoting healthy communities

25. The Swindon Borough Local Plan 2026 (SBLP) was adopted on 26th March 2015 and the following policies are considered to apply and the degree of their weight in determining this application is discussed in the reasoning below.

- SD2 (The Sustainable Development Strategy); aims to meet Swindon's development needs whilst protecting the Borough's most important assets.

- SD1 (sustainable development principle) enabling the delivery of sustainable development and support sustainable communities
- DE1 (*High Quality Design*) seeks high standards of design for all types of development
- DE2 (Sustainable Development)
- EC2 (Employment Land and Premises)
- HA1 (Mix, Types and Density); seeks a variety of densities, house types and sizes within larger developments whilst ensuring that they respect the character of the area;
- HA2 (Affordable Housing); seeks all developments of 15 homes or more, or on sites larger than 0.5 hectares to provide 30% affordable homes;
- TR1 (Sustainable Transport Networks) and TR2 (Transport and Development); seek to reduce the need to travel, and support and encourage the sustainable, safe and efficient movement of people and goods;
- TR2 (Transport and Development); seeks to ensure development is located/designed to encourage the use of sustainable transport modes and provide access that is appropriate;
- EN4 (Biodiversity and Geodiversity); seeks to ensure development does not have a negative impact upon such.
- Policy EN1 (Green Infrastructure Network)
- 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.
- EN6 (Flood Risk) seeks development to ensure the risk and impact of flooding are minimised.
- NC2 (Commonhead) allocates the site for a mixed use development
- IN1 (Infrastructure Provision)

Also of relevance is Swindon Borough Council's Residential Design Guide SPD (2016)

Principle of development:

26. SBLP policy SD1 sets out a number of overarching sustainable development principles that all development should accord with.

27. The Development Strategy is clearly defined in SBLP policy SD2. Urban concentration supports key government objectives for sustainable development in the most accessible locations therefore the policy focuses development opportunities within the Swindon urban area and at allocated strategic sites at Swindon, including land at Commonhead (Badbury Park).

28. Policy SD3 reflects the NPPF's presumption in favour of sustainable development and the need for a positive approach to considering development proposals. This means the local planning authority will work jointly with applicants to find solutions therefore proposals will be approved wherever possible, and to secure development that improves the economic, social and environmental condition, and promotes health and well-being, for those people living and working in Swindon Borough.

29. The Council cannot at present demonstrate a 5 year housing land supply in accordance with paragraph 73 of the Framework. The applicant's Planning Statement states that the delivery of the units within the next 3 years can be relied upon.

30. Whilst the lack of a 5-year supply is in its self not a reason for approval, it is considered that the contribution the additional housing could make to the supply to be a significant material consideration in favour of the proposal. Therefore an assessment is required as to whether the harm outweighs the benefits of the additional dwellings. There are two key aspects to consider in this respect, namely the increased number of dwelling units at Badbury Park and loss of allocated (B-use) employment land.

Increased Quantum of Dwellings

31. The adopted Swindon Borough Local Plan 2026 Policy SD2 allocates land at Commonhead as shown on the Policies Map for 890 dwellings as part of the overall delivery of 22,000 dwellings in the Plan period. More detail is included in Policy NC2 in respect of the form of development and supporting infrastructure requirements.

32. The outline permission for the Commonhead Development was granted ahead of the final publication and adoption of the Local Plan, therefore the quantum of development at Commonhead as expressed in Policies SD2 and NC2 is in line with the outline permission S/10/0842.

33. This application would increase the total number of dwellings at Badbury Park by about 33%. It is common to express the quantum of housing for a strategic allocation in a Local Plan in terms of 'about' to allow for a degree of variance as more detailed masterplans are produced in the course of submitting an outline application. However, Policy SD2 (and Policy NC2) state a specific quantum at Badbury Park rather than a range or "about" as this was on the basis that the outline permission had already been granted. In respect of the recent applications (S/17/1948, S/17/1956 and S/17/1961), it was considered that the (cumulative) additional housing they generated was within the tolerance range that would be expected on a strategic allocation of this size. Clearly this proposal is not within this tolerance range.

34. The question therefore is, does the additional residential quantum at this location significantly harm the development strategy for the Borough? The first consideration is the overall quantum of housing development within the Borough. An additional 300 dwellings would represent a *de facto* increase of 1.36% above the housing target of 22,000 for the plan period.

35. The design principles for Land at Commonhead are set out in Policy NC2, and in this respect they define the development strategy in the context of the quantum of development set out in policies SD2 and NC2. Therefore, if the increased dwellings in this location compromise the compliance with Policy NC2 (read as a whole), then there is harm to the development strategy. The planning balance in respect of the presumption in favour of sustainable development depends on the impact and mitigation of the proposal on existing and planned infrastructure, particularly highways and education.

Loss of Employment Land

36. Policies SD2 and NC2 specify the provision of 15ha of employment land as part of the allocation for land at Commonhead, within use Class B1 and/or B2. The approved masterplan shows the business park to be approximately 12ha. There have been as yet no reserved matters applications submitted for employment uses for this part of the allocation.

37. Policy EC2(c) states that at the strategic allocations including Commonhead, employment allocations will be implemented in accordance with the relevant policy, in this case NC2.

In considering the loss of the employment land allocation there are two aspects. First is the harm to the sustainable delivery of Badbury Park as a whole. There is an element of enabling people to live and work in the same locality thereby reducing the need to travel. To an extent the scope for this has been diminished by the fact that Badbury Park is nearing completion and therefore residents in employment will already be employed elsewhere. On this point, it is considered that the loss of the employment land allocation by itself would not significantly harm the sustainable credentials of Badbury Park.

38. Of more potential significance is the loss of the employment land in the context of the development strategy for the Borough as a whole. Policy SD2 allocates a total of 77.5 hectares of additional employment land (B-use) to meet forecast need for the Plan period, of which the 12 hectares at Badbury Park represents about 15%. In strict numerical analysis the loss of the employment land would be significant.

39. Paragraph 120 of the revised NPPF is of significant relevance to this proposal.

Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) They should, as part of plan updated, reallocate the land for a more deliverable use that can help address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
- b) In the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.*

A *Marketing Review* has been submitted prepared for the applicants by Whitmarsh Lockhart commercial property advisors, dated 1st May 2018. This has been included as Appendix 1 to the Planning Statement.

40. In the Marketing Review, a record of marketing of the site and interest received to date for the site has been provided. In summary, 21 enquiries have been logged in respect of the site. These enquiries have included retail, garden centre, children's nursey, hotel, religious purposes, motorway services, drive-thru restaurant, private hospital, open storage, waste recycling and manufacturing. There appears to have been no specific enquiries promoting the site for office use.

41. The review provides an analysis of the site in the general marketplace to help explain the response received. In particular it highlights the access arrangements being through the residential area is 'severely limiting' on the majority of commercial occupiers as this is unsuitable for heavy goods vehicles or large-scale warehousing or manufacturing. This has always been recognised and hence the Local Plan (table 3) highlights the potential use as a 'high prestige business park'. However, the outline permission specifies B1 and or B2 uses.

42. The review states that viability remains an issue when developing new office buildings in Swindon as both the existing rents and capital values produce negative values on an

appraisal and thus effectively weaken demand from office occupiers.

43. Given the evidence presented, the conclusion that the site is unlikely to be taken up for commercial use in a reasonable timescale, is accepted by Officers.

Highway Access and Impact:

44. Local Plan 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.

45. The submitted Transport Assessment (TA) sets out a prediction of new vehicle trip making arising from the proposed new houses. Using vehicle trip rates previously agreed, it is forecast that the 300 dwellings would generate 148 vehicle movements (arrivals and departures combined) in the busiest morning hour and 160 movements in the busiest evening hour.

46. In parallel, a prediction is made of the increase in vehicle trips arising from already consented residential development as a consequence of the loss of the planned employment land (the original assessment of development impact made a 'containment' allowance on the basis that some residential trip making would be linked to the employment land). The proposed residential development (more accurately, the loss of the consented Business Park) would lead to the already approved dwellings generating a further 49 vehicle movements (arrivals and departures combined) in the busiest morning hour and 53 movements in the busiest evening hour.

47. In total therefore, the replacement of the Business Park with 300 dwellings would lead to a further 197 residential car movements in the morning hour and 213 residential car movements in the evening peak hour.

48. Against that, the vehicle trips associated with the Business Park would be lost from the network. The consented Business Park development (50,000sqm of B1 and B2 land uses) was forecast to generate 600 vehicle movements in the morning peak hour and 464 vehicle movements in the evening peak hour.

49. The TA concludes that the application proposals would – when compared to the consented Business Park scheme – reduce Badbury Park vehicle traffic by 402 vehicle movements in the morning peak hour and 250 movements in the evening peak hour.

50. The overall reduction in traffic movements comprises an increase in departures in the morning and arrivals in the evening when compared with the Business Park but a larger reduction in movement in the reverse direction, leading to the net reduction described above. These findings are accepted by the Local Highway Authority.

51. The TA also includes an assessment of the impact of the proposals on the wider network; modelling of the Coate Roundabout indicates that the signalled roundabout will operate better under the scenario of residential development than with the consented Business Park scheme. Likewise, modelling of the two existing signalled accesses to Badbury Park indicates that the proposals will make no material change to the operation of the western access junction when compared to the Business Park scenario but the eastern

junction will operate significantly better with residential development than with the consented Business Park. Both junctions are shown to have capacity in reserve in 2026.

52. The Great Western Hospital access junction is shown to operate slightly better under the residential development scenario than the Business Park, as does the Commonhead Roundabout. Again, the Local Highway Authority accept these findings and consider the impact on the wider network to be and consider the impact on the wider network to be positive when compared with the permitted employment development.

53. In terms of the impact on the strategic highway network, Highways England have identified that overall the proposals will result in a sizable reduction in two-way development trips over the weekday peak hours. Highways England is therefore content that with a Strategic Road Network improvement scheme already committed to, and its implementation scheduled to start next year that these measures continue to be adequate in concluding that the proposals will not have a severe impact on the SRN. However, Highways England consider it necessary to limit occupations of Phase 3 until the contract for the works to the junction is let, which will give them the certainty of delivery with a controlled temporary impact.

Day House Lane:

54. The development site of Badbury Park lies generally to the east of Day House Lane, however this application includes a parcel of land to the west of the lane and the roads within the development would therefore have to cross the lane to access the parcel to the west. This arrangement, albeit to serve business uses, was included on the approved plans for the original permission.

55. The use of Day House Lane attracted significant discussion at the Public Inquiry which resulted in the original permission being granted. The Inspector concluded that *“on the basis of the evidence heard at the inquiry, the appeal scheme is unlikely to lead to a significant increase in rat running traffic.”* However, he also found that *“It is not in dispute that a number of vehicles use these lanes as a diversionary route at present.”*

56. The inspector recognised that at the point at which the spine road crosses Day House Lane the possibility arises of traffic being able to turn into and out of the estate onto Day House Lane. Both the developers and the Council were sensitive to this and the Inspector indicated that a number of different solutions exist to discourage this including *“the design of the junction making such turns difficult, some form of restricted width, sections of one-way working ...”*

57. The conditions imposed by the Inspector were clear that there should be no traffic accessing the lane from the spine road of the development and vice versa thereby exacerbating the ‘rat running’ issues experienced by surrounding properties. This proposed scheme seeks to implement this by creating a junction designed to, as far as possible, prevent left and right turns between Day House Lane and the road through the development. The proposed arrangement is shown in drawing no. R355/03 Rev A and proposes to signalise the crossing of the two roads, with Day House Lane narrowed to a single lane through the junction to make it difficult for entry to it to be achieved from Homington Avenue.

58. The Highways Officer is satisfied that this arrangement goes as far as possible to

safeguard Day House Lane from traffic originating within Badbury Park without the full closure of the Lane. It is possible that motorcycles will be able relatively easily to make banned turns at the junction but 'tracking' analysis shows that illegal moves by cars will be very difficult to make.

59. An independent Stage 1 Road Safety Audit has been carried out to verify that there are no safety issues associated with this form of design, which needs to accommodate pedestrian and cycle movement as well as movement by vehicles, the Audit raises no material issues.

60. The comments from the public surrounding the Badbury park development site indicate that there is still a great deal of concern about safeguarding Day House Lane as a rural route, policy NC2 of the Local Plan specifically requires that development safeguards the function of the lane as a green route, and it is considered that the proposals for this junction satisfy this requirement by preventing the use of the lane directly from the development.

61. Walking, cycling and horse riding are key uses of this lane and a separate crossing of the spine road is included in the detailed design of the junction, taking those users off the main carriageway at the point where it narrows and not requiring them to wait at the traffic lights, this contributes to the safeguarding of the lane as a leisure route.

62. Some of the users of Day House Lane have requested a grade-separated junction and suggest that traffic lights are not appropriate, however, it is Officer's opinion that the proposed junction would serve the required purpose and the perceived intrusion of the traffic lights into the rural setting is outweighed by the benefit that this junction will bring in serving to slow traffic along the lane and make it less of an attractive route for those seeking to avoid the motorway junction.

63. A Condition requiring this junction arrangement to be implemented before construction commences is recommended to Members as a mechanism for protecting Day House Lane from construction traffic. In parallel, a 'Construction Management Plan' Condition will allow us to formalise the movement of construction traffic.

64. A Traffic Regulation Order will be required to legally restrict turning movements between the two crossing streets, the cost of which will be borne by the applicants. Furthermore, a financial contribution will be sought through the 106 agreement to manage the risk of pedestrian/ vehicle conflict in the lane which will be exacerbated by more people using the lane to access Coate Water Country Park from the development, further details are outlined in the Infrastructure section below.

65. Many of the comments from residents within the Badbury Park estate suggest that Day House Lane is a preferred route for construction traffic and longer term access, however, this is contrary to the aims of Policy NC2, and to the intention of the Inspector to protect Day House Lane from additional traffic. The spine road of the development was always intended to serve the whole site including these parcels of land, for construction and long term access and it would not be appropriate to use Day House Lane for additional traffic.

Building a Sustainable Community

66. The 'Quantum of Dwellings' section above refers to the sustainability of the development as a whole, and this is raised several times in the comments from the residents of Badbury

Park. Policy NC2 of the Local Plan allocates the land at Commonhead for a mixed use development, in addition to the housing elements (and excluding the business park) the policy includes:

- A local centre
- A primary school
- Green infrastructure which connects the urban area and wider countryside
- Sport, leisure and community facilities
- 5.5ha of land safeguarded for the expansion of the Great Western Hospital
- Sustainable transport links that integrate with Swindon

67. The local centre was approved earlier this year by way of application S/17/1956 and included three retail units, a nursery and a community room. A revision to that application has now been received by the Council for the increased floorspace of the community room to 227 square metres, containing two linked, but separate community areas, with separate entrances, a kitchen toilets and storage. This is in recognition that the additional housing units will give rise to further need for community provision and will meet the needs arising from the existing development as well as the proposed additional houses. The provision of a local centre and associated community facilities will create a heart to the development and allow for more community interaction and cohesion.

68. In terms of education, a 1 form entry primary school was required by the original permission and land was set aside for the school, as a result of the additional units, a 2 form entry school will now be required. The Education and Skills Funding Agency are charged with delivering the school and funding has been secured for a 2FE facility. A planning application is anticipated in Spring 2019, with a start on site later that year. There is currently no concern that a school will not be provided to cater for the need of the original housing area, as well as those additional houses proposed by this application, however, it is proposed to put a 'fall back' position into the 106 agreement whereby the developers would pay contributions towards the second form of entry, should, for any reason, the government funding is withdrawn.

69. The original permission for the site included a number of areas of functional and useable open space, all of which have been approved in detail. The approved public open space, however, has not yet been delivered by the developers. This application proposes a number of open space types, including a central play area, multi-use games area, informal sports pitch and potential site for allotments, as well as a trim trail and footpaths around the edge of the site. This open space will be in addition to the already approved areas within the original estate and will provide additional open space for the benefit of the existing residents as well as the residents of the proposed new houses. The open space proposed meets the requirements of policies NC2 and EN3. To ensure that the open space is delivered in a timely manner the 106 agreement will include a clause requiring the space to be laid out prior to the occupation of a certain number of houses.

70. Policy NC2 requires the development to include sustainable transport links including for walking and cycling as well as public transport. Without improvement to accessibility, the site is not an appropriate location for new housing development. The approved land use of employment development has a fundamentally different accessibility requirement to that of the proposed residential development. Opportunities do however exist to improve accessibility and subject to appropriate design and investment in public transport and walking/cycling infrastructure the site could be made sustainable from a movement

perspective.

71. The development will increase pedestrian and cycle activity along Day House Lane and the TA identifies the Coate Water Country Park as one of the few facilities readily accessible on foot. Whilst the development will not itself generate vehicle flow on the Lane, it will generate movement on foot and by bicycle. The already occupied phases of development at Badbury Park have identified issues of conflict between drivers and those who walk, cycle and ride on the Lane and those issues will be aggravated as a consequence of the application proposals. To mitigate this, and to encourage walking and cycling to this local facility and along Day House Lane, the applicants have agreed to make appropriate contributions towards measures to manage the conflict between motor vehicles and those who walk, cycle and ride along the Lane.

72. In regard to public transport accessibility, the TA refers to the aspiration to operate bus services into Badbury Park and makes a commitment to provide associated infrastructure. Given the absolute requirement that a bus service is initiated to make both the existing and proposed development sustainable, it will be a requirement of the permission that a binding commitment is made to deliver a bus service broadly in the form envisaged (but not enacted) when permission was granted for the development. This will contribute to the sustainability of the development as a whole.

73. In terms of building a sustainable community, this proposal presents a number of opportunities to make the whole development more sustainable and it is therefore considered that the potential benefits this proposal will bring outweigh the harm caused by the loss of the employment land.

Canal:

74. Policies EN11 and NC2 of the Swindon Borough Local Plan require the route of the Wilts & Berks Canal to be safeguarded and protected from development. The 106 agreement that accompanied the original permission for the Commonhead site (S/10/0842) required a corridor of 16 metres to be safeguarded for the future delivery of the canal. This 16 metre corridor was considered to be acceptable, therefore this requirement has been carried through to this application. The Masterplan shows the route of the canal kept clear of any development, in accordance with the previously approved plans, which showed the business park.

75. Both canal groups listed above have objected to the proposals citing insufficient space provided to construct the canal, however, it is considered by Officers that, as the proposals mirror the approval for the site in terms of the safeguarded corridor, this is a suitable space for the canal and that the 16 metre corridor safeguarded by the first application should be safeguarded again to meet the requirements of EN11 and NC2.

76. The canal groups suggest that the developers should construct the canal as part of the development, however, there is no requirement for them to do that. The proposals do include using the canal corridor as a drainage feature in the interim, which contributes to the drainage strategy and is a functional use of the space.

Affordable Housing:

77. In accordance with Policy HA2 of the SBLP, as the site is greater than 0.5 hectares, 30% affordable homes should be provided. This will be secured by the 106 agreement.

Infrastructure Requirements:

78. 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

79. 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.

80. The development is located within the Council's adopted CIL Charging Schedule 6th April 2015 Residential Zone 1. The standard CIL rate as set out in the adopted CIL Charging Schedule is currently £0 per square metre of net increase of floor space.

81. The original 106 agreement for the Badbury Park site contained a large number of financial contributions towards items such as education, traffic and transport improvements and off site leisure (including Coate Water). As the Council now has a CIL charging schedule and Regulation 123 list it is not possible to simply request a pro rata contribution on all the items included in the original agreement. The Heads of Terms for which Officers have secured agreement with the developers are as follows:

- Securing affordable housing at 30% of the total;
- A sum of £50,000.00 to be spent on a scheme or schemes to manage the pedestrian and/or vehicle conflict in Day House Lane.
- A sum of £196,582.13 to cover the provision and maintenance of sports pitches identified for improvements to sports pitches at the Polo Ground, off Marlborough Road;
- To pay the Council's reasonable costs up to a sum of up to £20,000.00 to be used for the implementation of a TRO at the Day House Lane/ Homington Avenue Junction
- A sum of £1,717,836.00 towards the provision of a 2 form entry primary school on the Badbury Park site, payable only if the provision by the ESFA does not go ahead.
- To safeguard the canal route as per the original 106 agreement
- To provide the open space as per a phasing plan to be submitted
- To provide the community facility subject to application S/18/1680
- To require the bus service to be operational

Design & Layout:

82. The submitted Illustrative masterplan shows the expected road layout and locations for housing and open spaces within the development. The Design & Access Statement, at section 6, then goes into much more detail about design, essentially providing a Design

Code for this phase of development. This section of the D&A Statement is included as an approved document and compliance with this section is required by condition 4.

Other matters raised by Parishes:

83. Aside from concerns addressed in the paragraphs above Central Swindon South Parish raised some concerns regarding the allotment land, garden sizes and access to play area.

84. With regard to the allotment land, it is not clear on what basis this concern is raised as no evidence of the land quality has been presented. A condition is recommended to cover the whole site requiring the reporting of unexpected contamination, however, if there is a concern over poor soil, additional soil can be imported or used from elsewhere on the site to create better growing conditions or raised beds.

85. Garden sizes and lack of amenity is a matter of detail that will be addressed at the Reserved Matters Stage. Section 6 of the revised Design and Access statement, referred to in condition 4 below includes reference to the Swindon Residential Design Guide, which sets standards for back-to-back distances of dwellings as well as amenity standards. There is nothing in the Design & Access Statement that indicates that garden sizes will be sub standard.

86. It is not clear to which play area the Parish Council refers, however, as Day House Lane is mentioned it might be presumed that they are referring to the play area at Coate Water. As set out in paragraph 81 above, a sum of money will be contributed to a scheme to mitigate the pedestrian/ vehicle impact in Day House Lane. One of the aims of this is to improve the safety of the crossing from Badbury Park to Coate Water.

Concluding Comments:

This proposal, whilst contrary to the development plan in terms of the loss of the allocated employment land, has recognised benefits that outweigh the harm resulting from the loss of the employment land, these benefits can be summarised as follows:

- A contribution towards the Council's five year housing supply, aiding the Council's ability to resist housing in inappropriate locations;
- Provision of facilities such as open space and an enlarged community room;
- Contributions to mitigating the identified pedestrian/vehicle conflict in Day House Lane;
- Traffic calming in Day House Lane as a result of the proposed junction;
- Introducing a trigger for the bus service to be provided, benefiting the whole estate.

As there is no reasonable prospect of the employment land coming forward within the plan period and the development would contribute to the sustainability of the development as a whole the proposal is considered acceptable in Planning Policy terms.

The traffic impact has been assessed and found to be different, but slightly less than the approved business park use, therefore no further mitigation is required on the wider network.

The proposal is considered acceptable and is therefore recommended for permission subject to the conditions listed below and a 106 agreement.

Recommendation

That the Head of Planning, Regulatory Services and Heritage be authorised to **GRANT** outline planning permission subject to:

- (a) Completion of a legal agreement to secure the planning obligations that are material to the decision (as set out in paragraph 81 of this report); and
- (b) The planning conditions set out in this report, with delegated authority to make reasonable amendments, additions or omissions to those conditions before issuing formal consent as may be necessary.

Conditions

Timing and Duration

1. 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 approval 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 with Section 92 of the Town and Country Planning Act 1990.

Reserved Matters

2. Approval of the details of the layout, scale, appearance, access and landscaping of the development herein known as the “reserved matters” for each Development Phase or Sub Phase shall be obtained from the Local Planning Authority prior to the commencement of any development within that particular Phase or Sub Phase. The first application for the approval of reserved matters shall be submitted to the Local Planning Authority before the expiration of 2 years from the date of this permission. All subsequent reserved matters applications shall be submitted no later than 5 years from the date of this permission. No Development shall take place within the area of the reserved matters application until all the details thereof have 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 as the application is in outline

Approved Plans

3. The submission of all reserved matters and the implementation of development shall be in broad accordance with the following plans and documents:

Site Location Plan BL-01 Rev E

Indicative Masterplan MP-001 Rev J

Land Use Parameter Plan 9600 Rev F

Access & Movement Parameter Plan 9601 Rev F

Building Heights Parameter Plan 9602 rev F

Green Infrastructure Parameter Plan 9603 Rev E

Day House Lane/ Homington Avenue Proposed Junction and Traffic Calming R355/03 Rev A

Strategic Landscape Masterplan P.0865_70 Rev B

Tree Retention & Loss plan 678/02
Design & Access Statement Rev #

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

Design Code

4. Each reserved matters application for residential development shall be accompanied by a statement that demonstrates how the application adheres to and upholds the principles of the Residential Design Code included in the Design & Access Statement listed in Condition 3 above. The development shall be carried out in accordance with the approved Residential Design Codes.

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

Retention of Landscaping

5. All landscaping shall be carried out in accordance with the reserved matters approved scheme and an annual audit, for a period of 5 years, shall be carried out and submitted to the Local Planning Authority for information, commencing at the beginning of the first planting season after the landscaping has been implemented.

Any planting which, within a period of 5 years from the date planted, that dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with new plants of a similar size and species.

Reason: To safeguard all features of landscape interest in the interests of maintaining biodiversity and aesthetic value.

Tree Protection

6. No existing trees or hedgerows on the site shall be lopped, topped, felled, uprooted, destroyed (including severance of roots), or wilfully damaged without the prior written consent of the Local Planning Authority. No burning of materials shall take place where it could cause damage to any hedgerow, tree or tree group on the site or land adjoining. Any trees and hedgerows which die, become diseased or uprooted without the prior written consent of the Local Planning Authority shall be replaced before the end of the next available planting season with a species details of which shall have been submitted to and approved in writing by the Local Planning Authority. Any replacement tree or hedgerow shall thereafter be retained for a period of five years from being planted. Furthermore, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order, no fence or other means of enclosure shall be erected within or closer to any existing tree or hedgerow other than as shown on the approved plans within the reserved matters pursuant to this outline permission.

Reason: To safeguard all features of landscape interest in the interests of maintaining biodiversity and aesthetic value.

Construction Routes / Management Plan

7. No development shall take place, including any works of demolition, 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, number and frequency of vehicles and vehicle movements;
- ii. specify point of construction access and construction access route to the site including measures to prevent the use of Day House Lane by construction vehicles, including operatives and contractors;
- iii. set out arrangements for the parking of vehicles of site operatives, contractors and visitors;
- iv. set out arrangements for the storage of plant and materials and any temporary site buildings, enclosures and staff facilities;
- v. specify arrangements for wheel washing facilities for all construction vehicles leaving the site;

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

Construction and Delivery Hours to Sites during Construction

8. The hours of construction work including the waiting of vehicles to undertake deliveries and collections during construction shall not take place outside the following hours: 0730 to 1830 Monday to Friday; 0830 to 1300 Saturdays; and not at all on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of residential amenity

Strategic Road Network

9. There shall be no occupation of any residential units within the development hereby permitted until the works for the improvement of Junction 15 of the M4 and the A419 have been carried out, those works shall provide:

- a) A419 northbound exit from the M4 Junction 15 roundabout to be 3 lanes reducing to 2 lanes by the bridge over Day House Lane; and, Report /U3935/A/11/2155834
- b) A419 Commonhead southbound merge to M4 Junction 15; a TD22 Type E Lane Gain; to provide 3 lanes between Commonhead and Junction 15; and,
- c) the removal of the bus/lay-bys on the northbound and southbound carriageways between M4 Junction 15 roundabout and the Commonhead junction; and,
- d) M4 Junction 15 roundabout – widening of the circulatory on the southern side to 4 lanes between the off and on slips; and,
- e) M4 Junction 15 roundabout – provision of a dedicated left slip from the A419 southbound to the eastbound on slip.
- f) A419 southbound diverge to Commonhead roundabout; a TD22 Type B Ghost Island (Option 1) diverge;
- g) remarking of the southern circulatory system of Commonhead Roundabout;

Reason: To prevent the overloading of the Strategic Road Network, which would have an adverse impact on the free flow of traffic.

Day House Lane Junction

10. Prior to the occupation of any housing units to the south of Day House Lane, permanent works to the Homington Avenue/Day House Lane junction will have been completed in accordance with the submitted plan [drawing no. R355/03 Rev A].

Reason: To reduce potential highway impact on Day House Lane by ensuring that remedial works are complete in advance of vehicle traffic being generated by the new development.

Estate roads

11. The development shall be served by roads laid out and constructed in accordance with the approved reserved matters details and no dwelling 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 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 in accordance with Policy TR2 of Swindon Borough Local Plan 2026.

Parking Spaces

12. No building approved in connection with this development shall be occupied until the garage(s), parking space(s), bicycle storage and parking and vehicular visitor spaces have been fully provided in accordance with the Borough Council's current parking standards. The use of the approved spaces shall thereafter be retained for the parking of vehicles and bicycles in connection with the approved development and shall not be used for any other purposes.

Reason: To enable vehicles to be reasonably accommodated within the development site in the interest of amenity and highway safety.

Archaeology (Further Investigation)

13. The development of the site shall be carried out in accordance with the mitigation detailed in the Archaeological Written Scheme of Investigation dated March 2013 and submitted to discharge Condition 18 of the original permission S/10/0842.

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

Drainage

14. Development shall not begin until a surface water drainage scheme for the site, in accordance with the approved drainage strategy 'Surface Water Drainage Statement – Badbury Park, Phase 3 – Rev A – June 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 in line with the original strategy (WSP drawing number: 0173-D-02 Rev D);
- Any flows within the proposed canal route must be at greenfield runoff rate as to not prejudice the construction of the canal;
- 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;
- 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 ensure development does not increase the risk of flooding elsewhere

Minimising Noise

15. The internal noise levels to be achieved in bedrooms and living rooms in residential properties post construction is respectively 30 dB LAeqT (where T is 23:00 - 07:00) and 35 dB LAeqT (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. Noise levels in private gardens and public open spaces should not exceed 55 dB LAeq1 hour when measured at any period. The development shall be assessed against these standards and a confirmatory noise survey shall be provided post construction to demonstrate they have been met.

Reason: In the interests of residential amenity.

Storage of Oils, Fuels or Chemicals

16. There shall be no storage of oils, fuels or chemicals on the site other than in storage facilities constructed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Vehicle loading or unloading bays and storage areas involving chemicals, polluting matter and sewage trade and effluent including cooling water, wheel washing effluent and steam cleaning effluent, shall not be connected to or discharged into the surface water drainage systems.

Reason: To prevent pollution and safeguard the amenities of the area.

Imported soil

17. Any material required to raise ground levels, shall be restricted to clean inert, uncontaminated soil and spoil

Reason: To prevent pollution and safeguard the amenities of the area.

Reporting of Unexpected Contamination

18. In the event that contamination is found at any time when carrying out the approved development that has not been previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination. An assessment must be undertaken that determines the nature, extent and risks posed by the contamination, in accordance with procedures set out in Environment Agency publication CLR11. Where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to the Local Planning Authority for approval in writing. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure any contamination of the site is identified and appropriately remediated.

Wheelchair Accessible Housing

19. Not less than 2% of the total residential development pursuant to this permission shall be wheelchair accessible housing, providing ramped access with flush thresholds into all doorways, doorway widths, space for internal circulation and for through-the-floor lift vertical circulation, and for use of a bathroom, toilet and kitchen at entry level designed to 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 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 providing accessible homes to meet the identified needs of older people and people with disabilities.

Biodiversity Management Plan

20. The development of the site shall be carried out in accordance with the mitigation detailed in the Biodiversity Management Plan dated April 2013 and submitted to discharge Condition 10 of the original permission S/10/0842.

Reason: To protect ecology, flora and fauna and associated habitats and the environment in general.

Bat surveys

21. No demolition or partial demolition of existing buildings or the felling and lopping of trees shall take place until a survey has been undertaken to confirm whether or not bats or bat roosts are present. If bats or their roosts are present, any proposed works shall take place in accordance with mitigation measures for that Development Phase that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect bats and their supporting habitat.

Badger Surveys

22. Prior to the commencement of works within each Development Phase, surveys of the area for the presence of badgers and occupied setts shall have been completed. The result of each survey, together with details of mitigation measures – as appropriate - shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be implemented prior to the commencement of any works within the Development Phase, in accordance with an agreed scheme of mitigation.

Reason: To protect badgers and their supporting habitat.

Thames Water

23. 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

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.