



## COMMITTEE REPORT

**Item Number:**

**Application Number:** S/18/1033/TB

**Ward:** Wroughton And Wichelstowe

**Parish:**

Wroughton

**Proposal:** Erection of 18no. dwellings with associated access, parking and landscaping.

**Site Location:** Land at Langton Park, Wroughton, Swindon

**Case Officer:** Tom Buxton (Tel: 01793 466240 E-mail: tbuxton@swindon.gov.uk)

**Agent:**

Mr Alex Yearsley  
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Development Ltd.  
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London  
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**Applicant**

SEPA Ltd  
C/o Agent

### Officers Report

Background:

1. This application was deferred at the December meeting as the Committee requested the developer reconsider the dwelling mix on the site to reduce the number of smaller sized units. The committee's request has been passed to the developer and an update will be provided at Planning Committee.

2. This application was originally called to Planning Committee by Cllr Cathy Martyn and Wroughton Parish Council.

Summary of Recommendation:

3. 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 amended, 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:

4. This application seeks full planning permission for the erection of 18 dwellings.

5. The residential units would be in the form of 7 pairs of semi-detached houses and a small block of 4 flats. These would consist of a total of 4 two-bed houses, 10 three-bed houses and 4 one-bed flats. Of these 1 of the two-beds and all of the flats would be affordable.

6. The units would be arranged around a central area of open space/play space with there being vehicular access to the east and west sides of the site. Car parking would be

provided at a ratio of 2 spaces per house and 1 space per flat plus 7 visitor spaces.

The Site and Surroundings:

7. The site is an irregular shaped plot of land located to the west of Langton Park and to the east of Thorney Park, both small former MOD housing estates. The plot is 0.69 hectares in size and is predominantly brownfield consisting of hard standing areas as well grassed areas, trees and rough vegetation.

8. There are residential properties to the east and north west of the site. To the south and west are open fields. The site is located within the North Wessex Downs AONB and the Down Plains Landscape Character Area.

Representations:

9. Neighbours:

Twelve representations of objection received. Each representation contains one or more of the following concerns:

- Access
- Traffic and highway safety (road infrastructure is at capacity)
- Drainage (water/sewerage)
- Outside Wroughton Neighbourhood Plan
- Previous application at site was refused
- Ownership of land

Four representations of support received welcoming the provision of much needed housing and that the site is brownfield.

One impartial observation received querying the accuracy of the Transport Statement information in relation to the proximity of the site to services.

10. Parish Council:

Not compliant with policy RH3 of the WNP.

Not compliant with policy RH4 of the WNP as it doesn't provide convenient and safe route for pedestrians, people with disability or cyclists, or provide convenient linkages with public transport.

The site was formerly used as an electricity sub-station and might be contaminated.

The Transport Study is inadequate – concerns regarding traffic on Priors Hill.

The Planning Statement (Para. 46) claims there is a bus stop within a two minute walk of the site with a frequent bus service. This is no longer correct. Residents at Langton Park report the current storm and foul water drainage is barely adequate and the application does not address this issue.

The nearest convenience is 1200 metres away.

We do not believe that the applicant has demonstrated that this site is sustainable.

11. Landscape:

As a result of the site being adjacent to other housing development, is brownfield and has the benefit of good boundary planting, there would be limited adverse effect in Landscape terms plus there is opportunity for betterment through a well-conceived scheme. Concerns raised regarding layout of site though.

12. Arboriculture:

No objections to the proposal, providing all the recommendations within the Tree Report are implemented during site preparation, construction and conclusion works.

13. Forward Planning:

The proposal by virtue of its local context, setting and scale is not considered to constitute major development in the AONB for purposes of assessment against paragraph 172 of the NPPF, and the harm to the AONB is limited. Given the Council can not at present demonstrate a 5-year housing supply it is considered the adverse impacts do not significantly and demonstrably outweigh the benefits of the proposed development in respect of the delivery of additional housing, including affordable housing, and the re-use of previously developed land. No objection.

14. Highways:

Initial concerns raised regarding the visibility splay at the existing access with Priors Hill and the site being considered to be remote from services and without an appropriate level of access to walking, cycling and public transport.

NB As a consequence of the concerns regarding the access, the applicant provided a further Highway Technical Note. Following an assessment of this the Highway Officer noted that the prevailing speeds are significantly within the speed limit, with an associated reduced safe stopping distance and accepted that the risk to highway safety is relatively low and acknowledged that on balance, the harm associated with new development traffic may not outweigh the benefit arising from the development.

15. Archaeology:

No issues to raise.

16. Contaminated Land Officer:

Request for appropriately worded contaminated land assessment conditions.

Planning Considerations:

17. The relevant planning considerations with regard to the assessment of the application are the principle of the development, the impact upon the character of the area including its setting within an AONB and a designated Landscape Character Area, the impact upon heritage assets, highway issues and residential amenity and in these respects whether the proposals are in accordance with the provisions of the relevant policies of the Swindon Borough Local Plan 2026, the National Planning Policy Framework 2018, Planning Practice Guidance 2014. Other issues raised within the representations received will also be covered.

Planning Policy:

Adopted Local Plan 2026

18. The Swindon Borough Local Plan (SBLP) 2026 was adopted on 26th March 2015. The following adopted Swindon Local Plan 2026 policies are considered to apply.

- DE1 (High Quality Design)

- SD1 (Sustainable Development Principles); seeks the delivery of sustainable development and communities;

- 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 oversee the delivery of sustainable growth;
- 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;
- IN1 (Infrastructure Provision); deals with infrastructure provision of developments;
- EN3 (Open Space); seeks all development to provide or contribute towards public;
- EN5 (Landscape Character and Historical Landscape); seeks development proposals to take account of their natural surroundings.
- EN10 (Heritage Environment & Heritage Assets); deals with the protection of the historic environment.

19. Also of relevance is Swindon Borough Council's adopted: Swindon Residential Design Guide (SRDG) (2016), Supplementary Planning Guidance Note: Technical Guidance on Parking Standards (2007) and adopted Swindon Borough Council's Landscape Character Supplementary Planning Guidance (2004).

National Planning Policy Framework 2018 (NPPF)

20. The revised National Planning Policy Framework was published in July 2018. It sets out the Government's planning policies for England and how these are expected to be applied.

21. Of particular relevance are sections: 5: 'Delivering a sufficient supply of homes', 8 'Promoting healthy and safe communities' 9 'Promoting sustainable transport', 11 'Making effective use of land', 12 'Achieving well-designed places', 15 'Conserving and Enhancing the Natural Environment' and 16 'Conserving and enhancing the historic environment'.

Principle of Development:

22. The Development Strategy is defined in adopted SBLP Policy SD2. Urban concentration supports key government objectives for sustainable development in the most accessible locations, whilst protecting the best of the countryside.

23. Policy SD2 delineates between the parts of the Borough in which the principle of development would be generally acceptable (within settlements) and those where it generally would not (in the countryside). The policy limits development in the countryside, defined as those areas that are not within a settlement boundary.

24. The application site is located outside of any settlement boundary. The site is therefore located in open countryside and thus the development is in conflict with Policy SD2 of the SBLP (in that none of the exception criteria are met). However it must also be considered that the site sits adjacent to existing residential development immediately to the east and north west

25. At the planning inquiry for Land at Hill Cottage, Blunsdon in July (and September) this year the Council outlined its housing land supply position at 2.7 years (with a 20% buffer). The Council therefore cannot currently demonstrate a five-year supply of deliverable housing land. Paragraph 11 (part d) of the NPPF is therefore of relevance and states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Footnote 7 of paragraph 11 confirms that for applications involving the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, then policies which are most important for determining the application are out-of-date.

26. Paragraph of 14 of the NPPF does not apply in this instance as a consequence the Council currently being unable to demonstrate a three-year housing land supply.

27. The lack of a demonstrable 5-year housing supply is not in itself a reason for approval, and in this case the proposal would make a very modest contribution to the overall supply of housing in the Borough. Rather, those local policies which concern the provision of housing cannot alone be the basis of a refusal, and the proposal has to be assessed against the policies within the NPPF taken as a whole. In this instance the element of Local Plan Policy SD2 referring to settlement boundaries cannot be considered as reason for refusal alone. Whilst the Wroughton Neighbourhood Plan has been 'made' as it forms part of the development plan the housing related policies of it cannot currently being considered up-to-date either.

28. Section 11 of the NPPF deals with the effective use of land and requires that decisions promote an effective use of land in meeting the need for homes (and other uses). It also requires decisions to "give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land". It is considered that the majority of the site is previously developed land, complying with the NPPF definition of such in that it includes land which was occupied by permanent structures, and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. It is considered that this effective use of previously developed land that will bring about the identified need of housing provision, is thus supportive of the principle of the development and thus weighs in favour of the application.

29. The village of Wroughton includes a number of shops and services but is located approximately 1.4 miles away. Alexandra Park, is located approximately 0.5 miles away and

contains a convenience shop as well as some (limited) employment and leisure facilities. There is also a bus service which serves Thorney/Langton Park and provides access to other services and facilities including employment within Wroughton, Swindon and beyond. As a result of the site not being in Wroughton or in close proximity to the above though it is questionable that the proposal would meet the requirement set out in the NPPF, para 78 (Rural Housing): 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'. The development however is small scale and there is a likelihood that new residents would support the convenience store.

30. Before a decision can be made on the overall acceptability of the principle of development an assessment of the impacts of the scheme has to be carried out.

Impact on AONB/Landscape:

31. In landscape terms the site is outside of the rural settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and the Down Plains Landscape Character Area. The adopted SBLP policy EN5 (Landscape Character and Historic Landscape) states that development will only be permitted when the intrinsic character and local distinctiveness of landscape within the Borough are protected, conserved and enhanced. Similarly the NPPF requires the protection of valued landscapes.

32. In assessing the landscape impact the fact that the site is predominantly previously developed is an important consideration here. As is the fact that the site is sits directly adjacent to developed land in the form of residential to the east and north west (Langton Park and Thorney Park respectively). As such, whilst the land may be considered to be in the 'open countryside' in the context of the adopted SBLP in reality it sits on land that previously accommodated development and would appear as a continuation of existing residential development. Furthermore the site is well screened from the south by trees and vegetation to the southern side of the access road. Also additional tree planting is proposed as part of this application to the existing bund immediately to the south east of the proposed location of the housing. Views of the new built form (which will replace buildings that were once in place in this location) will thus be very limited from the south and any partial views will be largely viewed in the context and backdrop of the existing Langton and Thorney Park developments. The proposal would appear as a replication of the form of development found directly adjacent to the proposal site. Considering this plus the fact that it will be possible to retain planting to the southern and northern boundaries, it is considered that the development will not impact significantly on the AONB or the Down Plains Landscape Character Area. Bearing in mind the current unattractive appearance of a large part of the site, consisting of concrete hardstanding which is used for fly tipping there is the potential for the development to result in an improvement to the character of the immediate area. Whilst it is acknowledged that paragraph 172 of the NPPF states that planning permission should be refused in AONBs for 'major development' other than in exceptional circumstances the relevant footnote allows the decision maker to determine whether a proposal is 'major development' or not (i.e. it is not simply the standard definition of 10 or more houses or sites of 0.5 hectares or more). In this determination the footnote requires that nature, scale and setting be considered as well as whether it could have a significant impact on the purposes for which the area has been designated. For the reasons given above and the conclusion that the development will not have a significant impact upon the AONB it is argued that in these circumstances the development is not 'major development' for the purposes of paragraph 172 of the NPPF, meaning the relevant exception criteria do

not need to be met.

33. A small proportion of the site (a slither to the eastern side and the whole of the bund) is allocated within the adopted SBLP as open space. Policy EN3 of the adopted SBLP is thus of relevance and seeks to protect such areas as does paragraph 97 of the NPPF. However the bund is only to be planted with trees not built upon and only a small proportion of the slither of allocated open space to the eastern part of the site is to be built on. The rest will be left open with the trees to the north east corner retained. Furthermore in compliance with Policy EN3 of the adopted SBLP and paragraph 97 b) of the NPPF, the proposed scheme includes within it a central area of open space, which will incorporate play provision and good quality landscaping, which is of equivalent size and is better than the area lost in terms of both quality and accessibility. It is also observed that the surrounding area is very well served by open space. The site and the surrounding area will benefit from enhanced open space provision as a result of the development and thus there is no conflict with Policy EN3 or the NPPF.

34. Whilst the development will result in some tree removal, the ones that will be lost are not large or deemed to be individually worthy of retention. Tree planting is proposed as part of the application and this will be conditioned to ensure the loss is mitigated in an appropriate manner. The trees that are to be retained, including significant ones to the north/north east boundary will be protected during construction.

35. As a result of the above it is not considered that the landscape impacts of this proposal will be unacceptable and that the proposal is compliant with Policy EN5 of the SBLP and the NPPF in that the character of the landscape (LCA and AONB) will be protected.

#### Impact Upon Heritage Assets:

36. The proposal site is located adjacent to a Grade II listed phone box (a 'K8 kiosk'), a designated heritage asset. The NPPF and Policy EN10 of the adopted SBLP both specifically refer to the need to protect the setting of heritage assets. Therefore whilst there are no designated heritage assets on the site or adjoining it there is still a requirement for the proposal to conserve the setting of it. Policy EN10 of the adopted SBLP states that "Proposals for development affecting heritage assets shall conserve and, where appropriate, enhance their significance and setting". The NPPF at paragraph 193 requires great weight to be given to a designated heritage asset's conservation when considering development and at paragraph 196 it is required that where 'less than substantial harm' is found to be caused to the significance of a designated heritage asset this should be weighed against the public benefits.

37. The nearest of the proposed dwellings would be located at a distance of just over 25 metres from the listed kiosk and over 35 metres from the bund on which it is proposed to plant trees. The development will undoubtedly alter the setting of the heritage asset in terms of additional built form being introduced and further planting. However the proposed houses will be no closer to the kiosk than existing housing and will not change the character which is already that of a small residential development, albeit in a rural location. Considering this it is argued that the impact that will be created upon the setting of the listed building will be minimal and certainly 'less than substantial' in the context of paragraph 193 of the NPPF. It is also considered that the development would not conflict with Policy EN10 of the adopted SBLP in that it would preserve the significance and setting of the listed building.

38. Returning to the balancing exercise required by Paragraph 196 of the NPPF, it is necessary to determine what, public benefits the proposal will bring about in order that they can be weighed against the 'less than substantial harm' to the setting of the listed phone box. In this case the public benefits have been identified to be the creation of much needed housing including affordable housing, It is deemed that this public benefit will outweigh the minimal ( and at the low end of less than substantial) harm caused to the setting of the listed building.

#### Highway Access and Safety:

39. 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. The NPPF at paragraph 108 requires development to provide safe and suitable access and at paragraph 109 details that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

40. The development would be accessed from the west through Thorney Park from Priors Hill or from the east from Chiseldon direction via existing junctions. The Highway Officer originally raised concerns about the use of the junction onto Priors Hill in that visibility splays for a road with a speed limit of 60mph have not been provided. The visibility splay drawing that has been submitted equates to a 30mph road. It is noted though that this is an existing junction that currently serves Thorney and Langton Parks (approximately 175 houses) with no changes proposed to it. There is nothing to suggest that the junction is in any way dangerous and it is evident that accident data identifies no recorded accidents at it. It is also evident that the development as well as the rest of Thorney and Langton Parks can also be accessed from the east and thus is not the sole access. The additional Highway Technical Note submitted also indicates through studies that prevailing vehicle speeds are significantly within the speed limit.

41. The traffic generation calculations set out in the Transport Statement identify an additional 8 vehicle movements from the proposed development in the morning peak hour. It is reasonable to assume that some vehicles would travel east towards Chiseldon, if going to east or north Swindon, or east or west on the M4 – J15). If half of the vehicle movements generated by the proposal used the Priors Hill junction that would equate to only an additional 4 movements in the morning peak. In addition it is deemed that vehicle speeds of 60mph wouldn't be anticipated in the vicinity due to the steepness of Priors Hill and its rural nature. The likelihood is that vehicle speeds would be much lower (as confirmed in the later Highway Technical Note) and hence requiring less of a visibility splay at this existing junction. It must also be considered that the brownfield nature of the site means that when it was in use it would have generated vehicle movements of its own. As a consequence of the above and the very small amount of additional vehicle movements that the proposal may generate at this junction it is considered on balance (when also considering the need for housing) that the inability to demonstrate visibility splays for a 60mph road is not a sufficient enough reason to warrant refusing the application.

42. The scheme proposes adequate car parking at a ratio of 2 spaces per house and 1 space per (1-bed) flat plus visitor parking at a ratio of at least 1 space per 5 units. The proposal meets the requirements of the Technical Guidance on Parking Standards in this



regard. It is also considered that the internal layout of the development is acceptable in highway safety terms in compliance with Policy TR2 of the adopted SBLP.

43. Policies SD1, DE1 and TR2 of the adopted SBLP emphasise that development should be accessible by walking, cycling and/or public transport and designed to reduce the need to travel. The adopted SRDG also encourages the reduction in need to travel and that developments are well located. The NPPF at paragraphs 102, 103 and 108 also encourages sustainable transport solutions.

44. As acknowledged above the site is located 1.4 miles from Wroughton, which offers a variety of shops, schools, church, library and employment opportunities and approximately 0.5 miles from Alexandra Park which includes a small convenience shop and some limited leisure and employment opportunities. It is acknowledged that with the exception of the convenience store (and leisure/employment at the Alexandra Park Hotel) walking and cycling is unlikely to appear as a very attractive option for residents to reach other services and employment. That said this doesn't mean that no new residents will choose to cycle or walk. Having the ability to walk to a convenience store and leisure facilities is a positive in this respect as it represents a genuine possibility/choice for residents. Paragraph 103 of the NPPF acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (and this should be taken into account in decision-making).

45. The bus service that serves Thorney Park (with the bus stop being a short walk from the development site) provides a reasonable service to and from Wroughton and Swindon. This would reasonably allow residents to commute to work in Wroughton or Swindon as well as using public transport to access other services on offer in these locations. Whilst shift workers may struggle to take such an advantage (depending on patterns) those with a 'conventional' working day could utilise the service.

46. In conclusion to the above it is difficult to argue that the site is genuinely well located to minimise travel and would maximise the use of sustainable transport modes. In this sense the proposal conflicts with Policy TR2 of the adopted SBLP and paragraphs 102 and 108 of the NPPF. As a consequence this weighs against the development. However this is only considered to constitute limited weight on the basis that residents would have some choice in terms of being able to walk to a convenience shop (plus leisure facilities) if desired and being able to use the reasonable bus service.

47. Following initial concerns expressed by the Drainage Officer (LLFA) further information was sought from the applicant. This was subsequently provided and the relevant officer has now confirmed acceptance subject to a condition meaning that there is satisfaction that the development will not lead to any harm in terms of flooding.

#### Residential Amenity:

48. Policy DE1 of the Swindon Local Plan 2026 requires consideration of amenity in terms of light, privacy, outlook, noise, disturbance, smell, pollution and space when considering development proposals.

49. The nearest residential property to the development site is No. 36 Langton Park immediately to the east, at a distance of over 12 metres between the nearest proposed house and the boundary with this property and a further 11 metres to the house (No. 36) itself. Considering these separation distances, the angle that these properties would be

sited from one another and the location of trees in between it is evident that no unacceptable impact would be created to the amenity of this property or any of the other nearby dwellings. Whilst there will undoubtedly be some increase in noise (in comparison to the current empty site) there is no reason to suggest that this would be unacceptable. The development would also 'tidy up' the unattractive part of the site used for fly tipping which could be considered to be a benefit to residents in terms of an amenity improvement.

50. It is evident that the future residents of the development would also benefit from suitable amenity levels in terms of privacy levels, outlook and access to light. Each would also benefit from an adequately sized private garden space. With regard to residential amenity the development is compliant with Policy DE1 of the adopted SBLP.

#### Design and Layout:

51. Swindon Local Plan policy DE1 states that high standards of design will be required for all types of development. The adopted Residential Design Guide also requires high design standards as well as offered guidance on layout, context and character amongst other factors. The NPPF also promotes well-designed places.

52. Through the previous pre-application that the applicant submitted the Urban Design Officer pointed to the existing layout characteristic of the area being houses being arranged around open space. The applicant has taken this on-board and the development layout is now such that public open space is provided as the core to the development. This is deemed to be a positive approach in that not only is this reflective of the character of the area but also will assist in the development of a community.

53. The proposed design of the buildings is relatively simple and it is intended that the external materials include brick to the lower half and stained timber cladding to the upper half. It is deemed that this is a suitable approach in that whilst more modern in appearance they will still not be dissimilar in design to existing dwellings in the vicinity. They will also be of a similar scale to the existing houses in Langton Park. In summary the design and layout of the development is acceptable and is compliant with Policy DE1 of the adopted SBLP and the SRDG.

#### Biodiversity:

54. The NPPF requires biodiversity to be taken into consideration during the determination of applications. Policy EN4: Biodiversity and Geodiversity of the adopted SBLP is also relevant.

55. The planning application is supported by an Ecological Appraisal and a Reptile Study. Both reports found no evidence of protected species (including reptiles) living on the site. The appraisal concludes that whilst there is the potential for the site to provide foraging and commuting habitat for bats and suitable nesting areas for birds subject to suggested recommendations (in terms of lighting and timing of vegetation removal) no harm will arise. Further recommendations and enhancements are suggested within the appraisal to achieve biodiversity gain. The Council's Ecologist requested further information and clarity during the processing of the application. The applicant subsequently provided this, including an updated ecological appraisal and it is now felt that, subject to conditions the development will cause no unacceptable biodiversity related harm and is thus compliant with Policy EN4 of the adopted SBLP and the NPPF.

## Other Issues:

### Affordable Housing:

56. 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. As such affordable housing is required to be provided on site at a ratio of 30%.

### Infrastructure Requirements:

57. 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

58. 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.

59. The development is located within the Council's adopted CIL Charging Schedule 6th April 2015 Residential Zone 2. The standard CIL rate as set out in the adopted CIL Charging Schedule is currently £61.69 per square metre of net increase of floor space.

60. Policy EN3 of the adopted SBLP details a requirement to provide contributions towards off-site open space. At the time of writing these figures and areas are still be determined / agreed.

61. No highway related contributions have been deemed applicable.

62. The contributions/commitment towards affordable housing and open space will need to be secured by means of a Section 106 legal agreement.

### Consultee Comments:

63. With regard to the comments raised within the representations section that have not already been covered above the following is noted:

- The Council's Contaminated Land Officer has requested conditions to deal with the potential for land contamination at the site and these will be included on any consent.
- The issues of land ownership was corrected by means of a revised site edged red during the processing of the application.
- A previous application for housing was refused at the site in 2010 (under reference S/09/1832). In the last 8 years though national and local planning policy has changed. In particular the original NPPF was not published until 2012. It is also evident that the Alexandra Park development has now been built out plus other relevant appeal decisions must be taken into consideration (for example the recent Hill Cottage, Blunsdon appeal

decision).

**Conclusion:**

64. In conclusion to the above the application of policies within the NPPF that protect areas or assets of particular importance (in this case relating to the AONB and a listed building) do not provide a clear reason for refusing the development. As a consequence it is then purely a matter of a balancing exercise in relation to the second limb of part d) of paragraph 11 of the NPPF as to whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits (when assessed against the policies in the NPPF taken as a whole). In this regard an assessment of the impact of the development has been undertaken above which has concluded that: the development is contrary to Policy SD2 of the SBLP, visibility splays for a 60mph road cannot be demonstrated and the site cannot be truly said to be located so that the need to travel is minimised/the use of sustainable transport is maximised. For the reasons given above though these are only given limited weight. Furthermore it has been concluded that the proposal will not result in any adverse impacts in terms: residential amenity, design/layout or biodiversity and importantly would make effective use of previously developed land. Whilst the development will result in a change to the character of the landscape and the setting of the adjacent listed building it is also concluded that these will not be unacceptable impacts.

65. The benefits of the development in terms of the social dimension of sustainable development have been identified to be the provision of much needed housing, including affordable housing (something that the Inspector of the recent Hill Cottage, Blunsdon appeal judged to be a significant benefit) and the tidying up of a currently largely unattractive site. In terms of the economic dimension the development would contribute towards economic growth during the construction phase, albeit that this would not be significant. Also, again not significant but the additional population created would also be likely to assist the local economy in terms of utilising local services. With regard to the environmental dimension the scheme would provide public open space, would contribute to off-site open space and importantly would make effective use of previously developed land and 'tidy up' a currently (partly) unattractive site.

66. Whilst elements have been identified that weigh against the proposal (conflict with SD2, junction visibility splay and sustainable transport), in the current circumstances and in the circumstances of this specific site, these do not significantly and demonstrably outweigh the benefits of the proposal identified above, with particular reference to the provision of housing and the use of brownfield land. As such it is considered that the proposal would amount to sustainable development in terms of the NPPF and is acceptable.

**Recommendation:**

67. 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 amended, 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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town & Country Planning Act 1990.

2. This approval shall be in respect of drawing numbers: 495/05, 495/06 and 495/07 received by the Local Planning Authority on 29th June 2018 and drawing numbers: 495/01F, 495/02 M and 495/03 L received on 19th July 2018.

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

3. Prior to the construction of the dwellings hereby permitted above slab level details of all external facing materials shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with these approved details.

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

4. Prior to the occupation of the development hereby permitted, the vehicular accesses shall be laid out and constructed in accordance with the submitted drawing no. 495/02 M.

Reason: To reduce potential highway impact by ensuring the access is suitably laid out.

5. The proposed vehicular access shall not be brought into use until visibility splay lines have been provided in accordance with the submitted details, as shown on drawing numbered 495/02 M with the area in advance of the splay lines cleared of all obstructions to visibility between 0.6m and 2.1m above the adjoining carriageway and thereafter be similarly maintained.

Reason: To ensure that adequate visibility is provided for the duration of the use and maintained in the interests of highway safety

6. The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan [drawing no. 495/02 M), and those facilities shall be maintained available for those purposes thereafter.

Reason: To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site.

7. Construction work associated with the development hereby permitted shall only take place between 08:00 - 18:00 Monday - Friday and 08:00 - 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of amenity.

8. No works shall take place above ground level in relation to the erection of the dwellings hereby permitted until a plan indicating the positions, design, materials and type of boundary treatment has been submitted to and approved in writing by the Local Planning Authority. This boundary treatment shall be implemented before the buildings are occupied and shall be retained in the approved form for so long as the development hereby permitted remains on the site.

Reason: In the interests of the amenities of the area.

9. The buildings shall be constructed in accord with slab levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land that have first been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed in accordance with the approved slab levels.

Reason; To ensure the details and appearance of the development is acceptable

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, no additional windows shall be formed at or above first floor level in the side elevation of plot 3.

Reason: In the interests of residential amenity

11. Prior to the construction of the dwellings hereby permitted above slab level details of the hard landscaping of the site including the surface treatment of any roadways or other parts of the site which will not be covered by buildings, shall have first been submitted to and approved in writing by the local planning authority in writing

The development hereby permitted shall be carried out in accordance with these approved details.

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

12. Prior to the commencement of works on site in connection with the development hereby permitted, the trees shown for retention in the Planning Integration Report and Method Statement shall have first been protected by the erection of temporary protective fences as shown in the Planning Integration Report and Method Statement. The fencing shall remain until such time as, approval for removal, has been confirmed in writing by the Local Planning Authority.

Reason: To ensure that adequate protection is afforded to the trees on the site.

13. 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 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 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.

14. Prior to the construction of the dwellings hereby permitted above slab level a scheme of soft landscaping to include a planting schedule and time table of works, shall have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as per the approved timetable.

Any tree or shrub planted in accordance with the scheme which is removed, dies or becomes diseased within a period of five years from first being planted, shall be replaced by one of a similar size and the same species.

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

15. Development shall not begin until a surface water drainage scheme for the site, in accordance with the approved drainage strategy 'Flood Risk Assessment & Surface Water Drainage Strategy - Land at Langton Park, Wroughton, Issue 1, September 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:

- o 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;
- o 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;
- o Detailed drainage plan showing the location of the proposed SuDS and drainage network with exceedance flow routes clearly identified;
- o Details to demonstrate the SuDS Scheme has been designed in accordance with best practice guidance including the latest SuDS Manual C753;
- o General arrangement, which should be coordinated with the landscape proposals and the masterplan;
- o Manhole Schedules;
- o 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;

Reason: In the interests of preventing flooding.

- o 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 the acceptability of drainage measures.

16. Any works to trees T69-T75 as denoted within the Planning Integration Report and Method Statement should only be undertaken following the removal of the ivy and re-inspection by a suitably qualified ecologist.

Reason: To ensure the trees are not used for bat nesting.

17. No external lighting shall be installed unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the recommendations set out in the Ecological Appraisals to safeguard bats.

18. Prior to the occupation of the development hereby permitted bat and bird boxes shall be installed as per the ecological enhancements section (and associated plan) of the updated Ecological Appraisal.

Reason: In the interests of ecological enhancements.

19. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall consider any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) A 'desk study' report documenting the site history, environmental setting and character, related to an initial conceptual model of potential pollutant linkages

(ii) A site investigation, establishing the ground conditions of the site, a survey of the extent, scale and nature of contamination;

(iii) A 'developed conceptual model' of the potential pollutant linkages with an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems.

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

20. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

21. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details".

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

22. In the event that contamination is found at any time when carrying out the approved development that was not 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 in accordance with the requirements of condition 19, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 20. 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 in accordance with condition 21.

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

## Informatives

1. CIL Liable Development: 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. In addition to this consent, please contact [gazetteers@swindon.gov.uk](mailto:gazetteers@swindon.gov.uk) or ring 01793 466378 for information and advice regarding the registration of new or revised property addresses. The naming of streets and addressing of properties within the Borough, is controlled by Swindon Borough Council under the Town Improvement Clauses Act 1847. The Act is used to make sure that any new street names, building names and numbers are allocated logically and that a unique and unambiguous address is provided for every property within the borough.

3. In the interests of safety, the applicant is recommended to incorporate fire prevention measures within the development, such as sprinkler systems. Further advice can be obtained from Wiltshire Fire Brigade by visiting [www.wfb.org.uk](http://www.wfb.org.uk)

4. The applicant/developer shall be mindful of the recommendations/enhancements set out in the Ecological Appraisal when attempting to discharge condition 14.

End of Report