DELEGATED REPORT

APPLICATION REFERENCE	PL/2023/06770
APPLICATION TYPE	Prior Approval Part 19 Class TA: Development by the Crown on a closed defence site
SITE ADDRESS	MoD Lyneham, Calne Road, Lyneham, SN15 4XX

PROPOSAL

Prior Approval is sought under Class TA to Part 19 of the Town and Country Planning (General Permitted Development) Order 2015, as amended by the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 (hereafter referenced as the GPDO).

The submission sets out the proposed development as being the erection of a flat roof temporary office building (described as a "Portakabin" – and indeed the drawings are proprietary, from that company) providing space for 96 personnel/workers. The submission confirms the projected lifespan of the building to be two years, during which time a permanent building is intended to be constructed.

The building appears to be two *portacabin* type units positioned alongside each other, with a floating linking bridge between the two. Height to the flat roof is specified on the plans as being some 3.5m and a footprint of each individual unit being some 39.8m x 9.8m. Total floorspace is specified as being some 751m2. Although not stated within the submission, it is assumed that the construction of the building is to be of a composite/coated steel walling and roof.

Aside from the specified description of development, there is nothing to advise as to the purpose of the office space. However, there is nothing to suggest that the building is to be used for any purpose other than that ancillary to the use of MoD Lyneham as an operational military establishment.

APPLICATION SITE

The application site relates to an extensive military complex known as MoD Lyneham. The complex is well-established and defined from the settlement of Lyneham, but which it nevertheless dominates in land take. Although residential properties do boarder the perimeter wire of MoD Lyneham, the location of the proposed development can be described as being deep inside the complex, in amongst the largest cluster of existing buildings and therefore separated from those boarding residential properties by hundreds of metres.

Large numbers of buildings can be found within the perimeter of the MoD Lyneham complex; those being of a wide range of scale, design and layout.

No specific planning policy designation covers the application site.

ISSUES

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) confirms that the erection and extension on or on behalf of the Crown of single living accommodation and non-residential buildings on a "closed defence site" is permitted development, with no express planning permission required to be sought.

However, the erection of a new non-residential building is not permitted under Class TA to The Order where:

- The development is located within 15m of the perimeter fence
- The development is located within 25m of the perimeter fence and would be visible from a highway the height of the building would exceed 10m
- The development is located further than 25m from the perimeter fence and the height of the building would exceed 12m
- The development is located on land which is a SSSI, Listed Building or SAM
- Where the total floorspace of any buildings added to the closed defence site under Class TA exceeds 35% of the total floorspace of non-residential buildings at the closed defence site before 11th January 2022.

Further, paragraph TA.2(3), (4) and (5) require that where the proposed building would be visible from the public highway, would exceed 10m in height or that of other existing buildings at the site, Prior Approval must also be sought of the LPA by the developer as to the siting, scale and external appearance of the building.

The submission helpfully sets out the performance of the proposed development against the relevant criteria to Class TA, including the comparison required by paragraph TA.1(1)(3) between the amount of floorspace being proposed relative to the non-residential buildings erected at the site under Class TA. In this case the applicant concludes the remaining allowance to be in the order of 38,181m2 and in excess of the 35% threshold set out by the GPDO. That specified figure differs from that stated in the concurrently submitted (and now determined) application for other non-residential floorspace at MoD Lyneham under reference PL/2023/07019. Taking both submissions at face value and in view of the very large scale of the MoD Lyneham complex and existing built form, since both figures being specified would not exceed the 35% allowance, there is considered to be no reason to resolve that apparent differential between the submissions at this time.

Ultimately, there is no reason to believe that the applicant's submission is not accurate in that regard and that the proposed development is Permitted by Class TA to the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Although not clear from the covering letter, it is inferred that it is in view of the requirements of paragraph TA.2(3), (4) and (5) that the applicant has sought Prior Approval for the proposed new building at MoD Lyneham – in that the new building would exceed 10m in height, exceed 4000m floorspace and/or would be visible from a public highway.

CONSULTATION

Lyneham and Bradenstoke Parish Council – No comment.

REPRESENTATIONS

No representations received.

RELEVANT HISTORY

Many planning permissions have been sought and granted since the MoD Lyneham complex was converted to a military training centre (under N/13/01522/FUL). However, due to the relatively recent enactment of the 2021 amendment to the GPDO, only three applications seeking Prior Approval under Class TA to Part 19 of The Order have been sought at the site, under references PL/2022/01779, PL/2022/04372 and the aforementioned PL/2023/07019.

ASSESSMENT

Siting, scale and external appearance

Located behind the wire of the MoD Lyneham complex, the new building would relate closely to existing buildings, which are of a variety of scale, construction and design (including buildings of substantial scale and mass) as well as hard surfaced car parking area and the substantial former runway and taxing areas. The location of the proposed new building is among the main built-up complex of the site and is surrounded on all sides by those existing buildings and, when combined with the intervening distances, there is little prospect that any overt, uncontextualized (by other existing buildings) views of the new building will be possible from outside the perimeter fencing.

The scale of the proposed building is reasonable, but remains at a single storey and is not of a scale that is disproportionate within the context of the complex, which already hosts hanger type buildings connected to the previous aviation activities at the site (though since repurposed) as well as more recently erected residential accommodation and training buildings of significant scale. Those existing buildings are positioned in close proximity to the proposed site, providing direct context.

The building is of a temporary, *portacabin* type and its construction and external appearance reflect that. There are many buildings at MoD Lyneham which are of a “temporary” or modular build type. Those buildings are of varying external appearance, scale and age, but which include the typical *portacabin* appearance of single storey flat roof with coated steel walls and roof. Those temporary, modular buildings are scattered among other buildings of more traditional construction and in that context, the proposal external appearance of the proposed building is not considered to be out of character.

Other matters

The application site is located within flood zone 1. For this reason, there is no reason to reach a different conclusion to that of the applicant that there was no prior need to consult with the Environment Agency, the specific requirements of which being set out within paragraph TA.3 to The Order.

Reference is made within the submission to the erection of a replacement permanent building during the two years projected lifespan of the building. The erection of a replacement building will be subject to the same legislative requirements as any other building proposed to be built at the site and, as is necessary, a separate prior approval under the GPDO or express planning permission will be required.

Although of a temporary nature, there is no capacity within Class TA to the GPDO to compel its removal at the end of its nominal lifespan. Indeed, in view of the building not being out of character with its surroundings, provided the building is appropriately maintained, neither would there be a compelling argument to compel its removal after a period of two years.

CONCLUSION

In light of the above, it is considered that the siting, scale and external appearance of the building is acceptable when assessed against policy CP57 to the Wiltshire Core Strategy and that prior approval under Class TA to the GPDO is not required.

RECOMMENDATION: THAT PRIOR APPROVAL IS NOT REQUIRED