

PLANNING COMMITTEE

TUESDAY, 13 AUGUST 2019

PRESENT: - Councillors Timothy Swinyard (Chair), John Ballman, Alan Bishop, Nick Burns-Howell, Malcolm Davies, Paul Dixon, Steph Exell, Robert Jandy, Jenny Jefferies, Nick Martin, Jane Milner-Barry, Stan Pajak, James Robbins, Vera Tomlinson and Peter Watts.

21. Declarations of Interest

The Chair reminded Councillors to declare any known interests in any of the matters to be considered by the Committee.

Councillor John Ballman made a non-prejudicial declaration of interest in respect of agenda item 17 (Section 106 – Deed of Variation Request and Supplemental Deed Request) as he lived in the vicinity of the property.

Councillor Robert Jandy made a personal and non-prejudicial declaration of interest in respect of agenda Item 17 (Section 106 – Deed of Variation Request and Supplemental Deed Request) in his capacity as Chair of Stratton St. Margaret Parish Council.

Councillor Vera Tomlinson made a personal and non-prejudicial declaration of interest in respect of agenda item 18 (Section 106 – Deed of Variation Request) in her capacity as a Ward Councillor and Chair of the Parish Council.

22. Minutes

Resolved – That the minutes of the meeting held on 9th July 2019, be confirmed and signed.

23. Public Question Time

There were no public questions

24. S/19/0495/RA - Demolition of existing buildings and erection of 149no. residential units and associated works, Former George Gay Gardens Kelham Close, Park South, Swindon

In respect of application numbered S/19/095/RA (Demolition of existing buildings and erection of 149no. residential units and associated works, Former George Gay Gardens Kelham Close, Park South, Swindon) the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Head of Planning, Regulatory Services and Heritage;
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;
- (d) A video produced by the applicant in support of their application;
- (e) The comments at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Councillor Cathy Martin	Cabinet Member for Housing and Public Safety
Robert Walder	On behalf of the Applicant
Patrick Herring	Parish Council
Councillor Basil Soloman	Ward Councillor

Councillors John Ballman, Malcolm Davies, Paul Dixon, Steph Exell, Nick Martin, Jane Milner-Barry, Stan Pajak, Jim Robbins, Vera Tomlinson and Peter Watts spoke in respect of this application.

Submissions in support of the application can be broadly summarised as:

- That 149 residential units would replace 86 units being demolished (including 50 at George Gay Gardens already demolished under prior approval) giving a net increase of 63 units.
- The development would provide a mix of one and two bedroom flats and one, two, three and four bedroom houses.
- The development would also provide a mix of units for rent, for shared ownership and market rental high quality housing to meet local need.
- The principal of residential use of the brown field site was well established with its previous usage being residential and was situated within the existing urban area with a presumption for approving residential development.
- The site was sustainable and well situated for public transport and parking provision was well above requirement for a development of its size with provision for electric vehicle charging and adequate cycle provision.
- No objection had been received from Highway Officers to the application.
- The application would deliver an appropriate number of units for the site, making efficient use of the land with around 60 units per hectare.
- The design of the development was acceptable given the orientation, shape and nature of the site.
- Whilst the size of some rooms had been raised as a concern they were broadly in line with the recent development of the former Royal British Legion site in Penhill and some other urban developments within the Borough; it was noted that the National Space Standards had not been adopted by the Planning Authority and the rooms meet the requirement for funding from Home England.
- Refusal of planning permission on the basis of an un-adopted policy when the development was supported by a Government Agency would not be a sound decision.
- There were no objections from the Council's Environmental Health team with sound and air quality issues having been addressed as part of the scheme design.
- There would be a loss of trees, however the applicant had attempted to retain as many as possible given the maximisation of design for units and car parking; the scheme once constructed would have a longer lifespan than the trees being lost; and there would be mitigation in the form of on and off-site planting of trees.
- A detailed landscaping plan, required under condition 3 of the application, would address planting locations and species of new trees to be planted.

- The applicant had undertaken an ecological appraisal that had not highlighted any protected species on the site following the demolition of George Gay Gardens and an Environmental Management Plan was required under condition 12 and would ensure a biodiversity gain on site.
- Mitigation for on-site open space would be secured in writing and the final approval would be subject to an agreed financial contribution.
- The new housing units would replace units that were either approaching the end of their life or had gone beyond it and would be constructed in a more sustainable manner than existing units.
- During consultation in 2017 the local community was generally supportive of the scheme.
- The development would provide both affordable housing and a gateway into the town.
- Bedrooms and living spaces had been designed to allow maximum space with a smaller hallway to compensate and met the requirement of Homes England and the living spaces in flats were above National Space Standards and were comparable to homes being registered on the open market in Milton Keynes.
- The living room space and kitchen space were both light and well ventilated and living space was generally cross ventilated to make them both light, airy and comfortable to live in with double glazing and acoustic windows on the road side and the blocks of flats had misting systems.
- The scheme had good storm water drainage and a wildlife corridor.
- The scheme would offer a catalyst for regeneration in the area maximising the development of the site with high quality housing improving the quality of homes in the area in a modern sustainable scheme.
- The scheme supported Swindon's Pledge to ensure there was housing option in the Borough including affordable housing and the option to rent or buy.
- The design team had worked closely with a number of consultees so the development was designed and revised to meet their expectations in a number of key design factors.
- The gain of 63 units from a brownfield site should be welcomed.
- The application complied with the current Local Plan and National Space Standards had not been adopted within the Local Plan and would be considered as any other application would be.

Submissions opposing the application can be broadly summarised as:

- The smaller size of some of the rooms proposed by the application.
- There would be a significant loss of trees, from eighty established trees to four, and the loss of key specimens on site which would not be fully compensated for by offsite planting.
- The application did not provide sufficient on-site open space with no children's play equipment being provided on-site.
- The funding of play equipment in other adjoining areas did not adequately address the lack of play facilities within the development.
- There was currently a shortage of parking in Park South which adjoined the proposed development so it was vital that the development was self-sufficient in parking provision and offered an appropriate amount of disabled parking provision.

- The development was spoilt by not adhering to a number of standards that the Planning Authority and Planning Committee had adopted when the Council should be an exemplar developer.
- The size of rooms and dwelling, especially three bed houses fell short of national standards or barely met those standards.
- The National Planning Policy Framework standards and Guidance should have been a starting point of the development not an aspiration and it appeared that a pre-2013 template had been used in error.
- Given the layout of plots it should be a relatively simple task to increase the size of the three bedroom units.
- The plan only provide 10% of the parking permitting Electric Vehicle Charging which given plans to phase out petrol and diesel vehicles in the coming twenty years was short-sighted with some homes being over 100 metres from an electric vehicle charging space and did not comply with the proposals in the current Parking Standards Consultation documentation.
- All parking spaces should have smart electric vehicle charging points, allowing energy to be transferred to the national grid.
- The design did not maximise the opportunity offered for a sustainable development to help the Borough reduce its carbon footprint.
- The Council was not taking the opportunity as a developer, using its own land, to build zero carbon housing nor should it be putting in gas boilers when the Government was to ban new gas boilers from 2025.
- Swindon should follow Exeter City Council in building its own properties to the passivhaus housing standard and following the lead of other Local Authorities such as Nottingham and Enfield in sustainable housing including ground source heat pumps.
- An Environmental Impact Assessment had not been undertaken and Policy DE2 (Local Plan Sustainable Construction) had been left off the list of relevant policies.
- The Council should aspire to meeting the Parker Morris Standards for Housing even though they had been abolished in 1980 and any standards below the National Space Standards was unacceptable, if legal.
- That if a development permitting houses under National Space Standards were permitted it would act as a potential precedent in the future.
- Sections 150 and 151 of the revised NPPF appeared not to have been addressed in the application submitted in order to reduce the effect of the development on climate change.

Resolved - That the Head of Planning, Regulatory Services and Heritage be authorised to grant planning permission subject to the conditions set out in the report together with any amendments, omitted or additional conditions as may be necessary and written confirmation from the Applicant to secure the affordable housing provision and the open space contributions.

25. S/17/1114/SASM - Demolition of buildings, and erection of 8no. dwellings and employment building (Use Class B1), conversion and alteration of stables and barn to employment (Use Class B1) including Access and Parking - Manor Farm, 47 Queens Road, Hannington

The Chair reported that this item had been withdrawn in order to allow further consultation.

26. S/18/1429/RM - Erection of 23no. residential units and associated works, Land Off Morse Street, Swindon, Wiltshire

In respect of application numbered S/18/1429/RM (Erection of 23no. residential units and associated works, Land Off Morse Street, Swindon, Wiltshire) the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Head of Planning, Regulatory Services and Heritage;
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;
- (d) The comments at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Harry Barclay	Applicant
Patrick Herring	Parish Council

Councillors Paul Dixon, Nick Martin, Stan Pajak, Jim Robbins, Vera Tomlinson and Peter Watts spoke in respect of this application.

Submissions in support of the application can be broadly summarised as:

- The site is a brownfield site that would provide 23 additional residential units within the urban area which the National Planning Policy Framework gave weight to developing and provided much needed housing within the Borough.
- The application includes 12 parking spaces and cycle storage external space and landscaping and the highways team had no objection to the number of proposed parking spaces as no parking was required for the site due to its location.
- The proposed development was in a sustainable location in a residential location and close to public transport links and local facilities.
- The three residential blocks followed the lines of adjacent streets and housing and relate well to adjacent dwellings.
- There was likely to be a reduction in trips to the site when developed as it was currently used for vehicle repairs.
- The development complied with national and local planning policies.
- The owner was an experienced developer in local urban areas and worked with the Council to develop a scheme suitable for the site.
- The scheme was of high quality with disabled access to most of the proposed units and parking on-site in excess of that required for the area and with secure bicycle storage.
- There would also be one multi-car charging unit for electric vehicles.
- All units met the design space standards and landscaping had been agreed with officers.
- The applicant had indicated his willingness to improve the alleyway to an adoptable standard and to look at measures to prevent fly-tipping in the alley.
- Boreholes had been dug at the site and land investigations undertaken by the applicant and passed to the local company who would be undertaking the ground works and where experienced in working in Swindon.

Submissions opposing the application can be broadly summarised as:

- That the proposed development would change the area was controversial amongst local residents with a dramatic change from the traditional local terraced housing on four sides and especially altering the skyline for residents of Dixon Street.
- The development was three large blocks of flats with imposing frontages and was not appropriate for the site dominating the local street scene.
- There was only 12 propose parking spaces for 23 residential units which would add further pressure to local parking issues and the residents moving into the development would not qualify for residents parking permits.
- There were no affordable homes identified as part of the development due to viability issues.
- There were underground springs on the site and this would cause issues when building the development with potential for land movement.
- The pathway behind the site was not adopted and not suitable for access and, should planning permission be granted, this should include conditions to bring it up to an adoptable standard.
- A construction management programme would be submitted to the Council prior to development work.
- Disruption to local residents would be minimised by using a timber frame construction which would be constructed off-site by reducing vehicle trips to the site and reducing construction time on-site.
- Works had been fully costed and funded and the units would be going into the Help to Buy Scheme to assist people to get onto the property ladder.
- There would be an unacceptable loss of amenity to local properties, especially from the construction of block one overlooking and shadowing nearby properties.
- The land was well known for having for having drainage issues and for having a spring and sub-terrain drainage.
- Many local home were built without traditional foundations and it was feared construction could lead to damage to these properties, and if granted, strict conditions would be required to avoid this.
- The retaining wall on the back alleyway would require work prior to construction to make it safe.
- The nature of the ground might require piling which could damage nearby buildings as shown by the Regent Circus development and should be investigated prior to construction works.

Resolved – That planning permission be granted in respect of application numbered S/18/1429 subject to the conditions set out in the report of the Head of Planning, Regulatory Services and Heritage.

27. S/18/2038/PEKO - Erection of 2no. dwellings, minor alteration to 5 Barnfield Close and associated works, 5 Barnfield Close, Rodbourne, Swindon

In respect of application numbered S/18/2038/PEKO - Erection of 2no. dwellings, minor alteration to 5 Barnfield Close and associated works (5 Barnfield Close, Rodbourne, Swindon) the Committee considered: -

- (a) An application for permission to develop;

- (b) Recommendations of the Head of Planning, Regulatory Services and Heritage;
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;
- (d) The comments at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Carl Tagoe	Agent
Mrs Murphy	Local Resident
Mrs Malkin	Local Resident
James Yeowell	Parish Council

Councillors John Ballman, Alan Bishop, Steph Exell, Jenny Jefferies, Jim Robbins, Vera Tomlinson and Peter Watts spoke in respect of this application.

Submissions in support of the application can be broadly summarised as:

- The proposed development was for two three bedroom semi-detached properties of similar design to nearby properties and was in character with the area.
- The proposed development was on previously developed land within the Swindon settlement area.
- There had been no objections from the Council's Highways team in respect of car parking associated with the development.
- There was no amenity issues in respect of light, overshadowing or distance with a detailed light assessment and study being undertaken by the applicant.
- The application met the requirements of local and national planning policies and guidance.
- The development would help address the Council's five year land supply deficit.
- The properties would be suitable for a family with young children.
- The site was sustainable with schools, shops and transport in close vicinity.
- The development was suitable for a local builder and would therefore support the local economy.
- Any Right of Way issues was a civil issue, any planning permission would not remove or affect private property rights.

Submissions opposing the application can be broadly summarised as:

- There was strong local opposition to the proposed development.
- The land had been occupied by wildlife life for many years.
- The area had already suffered from a lot of development.
- Residents in Mannington Park and Barnfield Close would be overlooked and would be overshadowed and loss amenity and privacy following the development.
- The loss access resulting the development would affect local residents even though this access had been used for over thirty years.
- The proposal was overdevelopment of the site in an area that had suffered a lot of development recently.
- The proposal would detrimentally affect parking in the area which was already problematic not just in Barnfield Close but also in the wider vicinity.

- The land in question had saved local properties from flooding issues as water drained into it.
- The development would protrude out from existing properties.
- The plans and drawings used in the application were incorrect and therefore the application was not therefore in correct context.
- Recent development in the area including a hotel had already caused privacy and noise issues for local residents.
- The two properties were three bed properties but only provided two parking spaces for each property, which would be narrow with only one turning point.
- The path to the side of the development would be reduced to 1 metre would could lead to access issues especially for people with disability issues.
- At the request of Ward Councillors and local residents a safety audit of Barnfield Close was to be undertaken on 14th August resulting from concerns of the impact of recent commercial developments on safety in Barnfield Close. Any decision regarding the application should therefore be delayed pending the outcome of the safety audit.
- The turning head in Barnfield Close is currently being used for parking. This was narrow and used as a pedestrian crossing by families and Ward Councillors were attempting to get double yellow line in this area.
- The report had not highlighted the issues experienced in the vicinity and the conditions were therefore not robust enough to protect residents in any construction phase with the added problem of how construction vehicles would access the site.
- Safety issues for families needed to access Barnfield Close had not been taken into account.

Resolved – That planning permission be granted in respect of application numbered S/18/2038 subject to the conditions set out in the report of the Head of Planning, Regulatory Services and Heritage.

28. S/19/0743 - Change of use of main dwelling to create 9 bed House in Multiple Occupancy (HMO), 74 Bath Road, Old Town, Swindon

In respect of application numbered S/19/0743 - Change of use of main dwelling to create 9 bed House in Multiple Occupancy (HMO), (74 Bath Road, Old Town, Swindon) the Committee considered: -

- An application for permission to develop;
- Recommendations of the Head of Planning, Regulatory Services and Heritage;
- The views of interested persons set out in the report circulated with the Committee Agenda;
- The comments at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Ben Williams	Agent

Councillors Paul Dixon, Stan Pajak, Vera Tomlinson and Peter Watts spoke in respect of this application.

The Chair noted this application had been considered and discussed at the previous meeting of the Committee.

Submissions in support of the application can be broadly summarised as:

- Changes arising from discussions at the previous meeting were outlined on page 116 of the agenda papers.
- Building Control had recommended additional fire safety measures be put in place to enhance the safety for the occupant of the ground and basement flat and that these had been included in the plans before the Committee.
- Fire safety and ventilation issues had been addressed within the new proposals.
- Amenities in the revised application met HMO standards and would be subject to appropriate building control requirements.
- The occupants were expected to be young professional and would be subject to checks prior to occupancy.
- The development was sustainable with shops and transport links in the close vicinity.

Resolved – That planning permission be granted in respect of application numbered S/19/0743 subject to the conditions set out in the report of the Head of Planning, Regulatory Services and Heritage.

29. S/19/0411/CHHO - Erection of 1no. dwelling, Land Rear Of 5 High Street, Wroughton, Swindon

In respect of application numbered S/19/0411/CHHO - Erection of 1no. dwelling, (Land Rear Of 5 High Street, Wroughton, Swindon) the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Head of Planning, Regulatory Services and Heritage;
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;
- (d) The comments at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Mr Pethick	Applicant

Councillors Stan Pajak and Peter Watts spoke in respect of this application.

Submissions in support of the application can be broadly summarised as:

- The proposed site is currently overgrown with dense vegetation and shrubbery.
- The application was acceptable in principle and was situated within a sustainable location and would be in character with surrounding properties and with the same type of footprint.
- No impact on the amenity to the area had been identified.
- Relevant notice had been served on the landowner regarding access to the site but did not form a relevant planning consideration.
- No highways objections had been raised.

- The applicant believed the objections of the Parish Council had been met but that due to being inquorate the Parish Planning Committee had been unable to consider the applicants response.

Submissions opposing the application can be broadly summarised as:

- There were Parish Council concerns regarding accessibility to the site which was partly adopted and partly private, overdevelopment and separation distances to nearby properties.

Resolved – That planning permission be granted in respect of application numbered S/19/0411 subject to the conditions set out in the report of the Head of Planning, Regulatory Services and Heritage.

30. S/19/0821/CHHO - Erection of 1no. dwelling, detached garage and associated works, Land At Netherwater, City Corner, Hinton Parva, Swindon

In respect of application numbered S/19/0821/CHHO - Erection of 1no. dwelling, detached garage and associated works (Land At Netherwater, City Corner, Hinton Parva, Swindon) the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Head of Planning, Regulatory Services and Heritage;
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;
- (d) The comments at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Mrs Peggy Bennett	Applicant
Nigel Crisp	Parish Councillor

Councillors Nick Martin and Vera Tomlinson spoke in respect of this application.

Submissions in support of the application can be broadly summarised as:

- Access to the site would be off Short Drive which provided access to three other dwellings.
- Planning permission had recently been granted for a dwelling opposite the proposed site.
- As the Council cannot demonstrate a five year housing land supply paragraph 11 of the National Planning Policy Framework required the Planning Authority to consider a tilted balance in favour of sustainable development.
- The key issue was whether there was an adverse impact to local amenity that would significantly and demonstrably outweigh the benefits of the development and there was no evidence that this was the case.
- The design was simple, traditional and used suitable materials would not be out of character with its surroundings and the linier design of the nearby houses.
- The dwelling would be set back from Short Drive and be largely screened.

- The dwelling would also provide accommodation for additional people to support local services and a short-term economic benefit during its construction.
- The applicant who currently owned Netherwater had lived in the village for over thirty years and would be the self-builder of the proposed new dwelling.
- The reason for the new dwelling was to provide a smaller home that was more manageable and cheaper to keep than the applicant's current home.
- The proposed dwelling was in character with its surroundings and protected the local environment retaining as many trees and hedgerow as possible.
- The site offered a desirable location in which to self-build whilst protecting the character of the surrounding area and to allow the applicant to continue enjoying village life.

Submissions opposing the application can be broadly summarised as:

- The application was outside of the settlement boundary of Hinton Parva, it was not of exceptional quality and was therefore contrary to Policy SD2 of the Local Plan.
- The access would require loss of vegetation including important but unprotected trees.
- Swindon had invested time and money in developing and updating the Local Plan Framework and the application was acknowledged as being contrary to this plan and therefore unsustainable.
- The on-going lack of a five year land supply should not be a reason for granting every application that is submitted to the Local Planning Authority.
- If the argument of the lack of a five year land supply is successfully used for back garden development it could set an unhealthy precedent across the Borough.
- The officer's report failed to recognise the full extent of the harm the proposals would have on the local environment, including the removal of the only on-street visitor's parking space in the area and it is currently used by the family of Elm Cottage to allow them to turn into their driveway. Should this be lost part of the garden for Elm Cottage might have to be developed for car parking thereby losing even more hedgerow.
- There is no mains sewage in the area and the disposal of treated effluence into a nearby stream (which dries up in the summer) would harmfully impact local dogs and wildlife who use the stream for drinking water and would therefore be contrary to Policy SD1 of the Local Plan.
- The dwelling appear to be significantly higher than the property opposite and would therefore be overbearing.
- The plan was contrary to SD1, SD2 and DE1 of the Local Plan.

Resolved – That planning permission be granted in respect of application numbered S/19/0821 subject to the conditions set out in the report of the Head of Planning, Regulatory Services and Heritage.

31. South Marston Airfield (Honda) Planning Policy Position Statement

The Head of Planning, Regulatory Services and Heritage submitted a report setting out the Council's clear position statement on the application of planning policies to the potential future uses of the Honda manufacturing site at South Marston Airfield.

Resolved – (1) That the report be noted.

(2) That the position statement on the potential future uses of the South Marston Airfield (Swindon Honda Manufacturing Plant) site be endorsed.

32. Travel Plans Supplementary Planning Document

The Service Manager - Transport Planning, Development and Street Works Management, submitted a report submitted a report setting out measures required to mitigate the transport impact of operations, through a travel plan, of new developments.

Resolved – (1) That the draft Travel Plans SPD 2019 ,attached at Appendix 1, be approved for the purpose of public consultation and the Service Manager – Transport Planning, Development & Street Works Management be authorised to undertake a public consultation exercise to secure feedback from the public and a range of stakeholders.

(2) That the Service Manager – Transport Planning, Development and Street Works Management be authorised to make minor typographical and factual corrections to the document if required in advance of publication, in consultation with the Chair of the Planning Committee.

33. Development Brief: The Limes, 21 Green Road Stratton St Margaret, Swindon

The Head of Planning, Regulatory Services and Heritage submitted a report seeking the Committee's approval for a refreshed Development Brief for The Limes, 21 Green Road, Stratton St Margaret for Development Management purposes.

Resolved – (1) That the refreshed Development Brief set out within the report of the Head of Planning, Regulatory Services and Heritage be approved for adoption for Development Control purposes.

(2) That the Head of Planning, Regulatory Services, Heritage and Libraries, be authorised to make minor typographical and presentational changes to the content of the document if required.

34. Introduction of an Article 4 Direction to control Office to Residential Conversions in Swindon Town Centre

The Head of Planning, Regulatory Services and Heritage submitted a report seeking the Committee's approval for the introduction of an Article 4 Direction under the General Permitted Development Order removing "permitted development" rights with respect to office to residential conversions in the area around Swindon Rail Station, as set out within the report.

Resolved – (1) the Head of Planning, Regulatory Services and Heritage in consultation with the Council's Chief Legal Officer be authorised to make arrangements to introduce an Article 4 Direction to remove permitted development rights with respect to office to residential conversions within the area shown in the map at Appendix 1 of the report, as extended to the west to include the area bounded by London Street, Sheppard Street and the railway line (The Carriage

works); and

(2) That the Head of Planning, Regulatory Services and Heritage be authorised to make minor drafting changes to the content of the Direction and supporting documents if required prior to confirmation.

35. Section 106 - Deed of Variation Request and Supplemental Deed Request

The Head of Planning, Regulatory Services and Heritage submitted a report setting out a Deed of Variation Request and Supplemental Deed Request in respect of application numbered S/11/0084 and S/RES/14/1289 (Original Development Proposal: Erection of up to 152 no. dwellings, including public open space, play facilities, sports pitch, associated works and retention of community and gymnastics facility and associated parking. (Outline) - Means of Access not reserved) as amended by S/AMEND/16/1774 (Reserved Matters Approval Proposal: Erection of 150no. dwellings, including public open space, play facilities, sports pitch, associated works and retention of community and gymnastics facility and associated parking - Reserved Matters from previous permission S/11/0084).

Resolved – That approval be given to the Chief Legal Officer and Head of Planning, Regulatory Services and Heritage to enter into negotiations to secure a Section 106 planning obligation Deed of Variation and Supplemental Deed under delegated authority as follows:

- (i) To amend the current legal agreement to allow the areas of open space that Stratton St. Margaret Parish Council (the Parish Council) have agreed directly with the developer to take on ownership and future maintenance of to be directly transferred to it; and
- (ii) To amend the current legal agreement to allow the payment of the proportionate amount of the POS Maintenance Contribution to the Parish Council by the Council once it is received following the transfer of the relevant open space being completed directly to Parish for use by the Parish on maintenance of that area.

(Councillor John Ballman made a non-prejudicial declaration of interest in respect of this item as he lived in the vicinity of the property and left the room during its discussion and the voting thereon.)

(Councillor Robert Jandy made a personal and non-prejudicial declaration of interest in respect of this item in his capacity as Chair of Stratton St. Margaret Parish Council.)

36. Section 106 - Deed of Variation Request

The Head of Planning, Regulatory Services and Heritage submitted a report setting out a Deed of Variation Request in respect of application numbered T/98/0472 (Proposed town expansion to include housing, employment, commercial uses, shopping, open space, roads, sewers and ancillary facilities).

Resolved - That the Chief Legal Officer and Head of Planning, Regulatory Services and Heritage be authorised to enter into a Section 106 planning obligation Deed of Variation to amend the current legal agreement dated 16th June 2000 to allow the area of undeveloped land at Redhouse Village Centre (Village Centre 3 in the Deed as set out in Appendix 3) to also allow for its use as open space.

(Councillor Vera Tomlinson made a personal and non-prejudicial declaration of interest in respect of this item in her capacity as a Ward Councillor and Chair of the St. Andrew's Parish Council.)