Swindon Borough Council

Planning Committee

Tuesday, 13 August 2019

Council Chamber, Civic Offices

At 6.00 p.m.

Conservative Councillors	**Labour Councillors**	**Liberal Democrat Councillors**
Timothy Swinyard	*John Ballman*	*Stan Pajak*
Alan Bishop	*Paul Dixon*	
Nick Burns-Howell	*Steph Exell*	
Malcolm Davies	*Jane Milner-Barry*	
Robert Jandy	*James Robbins*	
Jenny Jefferies	*Peter Watts*	
Nick Martin		
Vera Tomlinson		

Committee Officer: Shaun Banks (Telephone 07980 752047)
email:sbanks@swindon.gov.uk

Swindon Borough Council can be contacted at the Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 445500)

AGENDA

1. **Apologies for Absence**

2. **Declarations of Interest**
   Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. **Minutes** (Pages 1 - 6)
   To receive the minutes of the meeting held on 9th July 2019.

4. **Public Question Time**
   See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

5. **Determination of Planning and Related Applications** (Pages 7 - 9)

6. **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 (Ward: Liden, Eldene and Park South) (HPRS&H)** (Pages 10 - 37)

7. **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, Manor Farm, 47 Queens Road, Hannington, Swindon (Use Class B1) (Ward: Blunsdon and Highworth) (HPRS&H)** (Pages 38 - 69)

8. **S/18/1429/RM - Erection of 23no. residential units and associated works, Land Off Morse Street, Swindon, Wiltshire (Ward: Eastcott) (HPRS&H)** (Pages 70 - 95)

9. **S/18/2038/PEKO - Erection of 2no. dwellings, minor alteration to 5 Barnfield Close and associated works, 5 Barnfield Close, Rodbourne, Swindon (Ward: Mannington and Western) (HPRS&H)** (Pages 96 - 111)

10. **S/19/0743 - Change of use of main dwelling to create 9 bed House in Multiple Occupancy (HMO), 74 Bath Road, Old Town, Swindon (Ward: Eastcott) (HPRS&H)** (Pages 112 - 127)

11. **S/19/0411/CHHO - Erection of 1no. dwelling, Land Rear Of 5 High Street, Wroughton, Swindon (Ward: Wroughton and Wichelstowe) (HPRS&H)** (Pages 128 - 143)

12. **S/19/0821/CHHO - Erection of 1no. dwelling, detached garage and associated works, Land At Netherwater, City Corner, Hinton Parva, Swindon (Ward: Ridgeway) (HPRS&H)** (Pages 144 - 160)

13. **South Marston Airfield (Honda) Planning Policy Position Statement (HPRS&H)** (Pages 161 - 164)

14. **Travel Plans Supplementary Planning Document (SPD) (SM - TPD&SWM)** (Pages 165 - 192)

15. **Development Brief: The Limes, 21 Green Road Stratton St Margaret, Swindon (HPRS&H)** (Pages 193 - 216)

16. **Introduction of an Article 4 Direction to control Office to Residential Conversions in Swindon Town Centre (HPRS&H)** (Pages 217 - 228)

17. **Section 106 - Deed of Variation Request and Supplemental Deed Request (HPRS&H)** (Pages 229 - 238)

18. **Section 106 - Deed of Variation Request (HPRS&H)** (Pages 239 - 247)

Date of Despatch: 05 August 2019

Key:

Officers:

HPRS&H	-	Head of Planning, Regulatory Services and Heritage
SM -TP	-	Service Manager – Transport Planning, Development & Street Works Management

Public Question Time - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters

relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Chief Legal Officer, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website. (http://ww5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0) or from the Committee Officer named above.

Access Arrangements *– The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Officer above, as soon as possible prior to the date of the meeting.*

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

WELCOME TO THE PLANNING COMMITTEE OF SWINDON BOROUGH COUNCIL

NEW GUIDELINES - PLEASE READ

IF YOU HAVE COME TO SPEAK ABOUT AN APPLICATION THAT INTERESTS YOU PLEASE READ THE FOLLOWING GUIDELINES. THEY EXPLAIN HOW THE COMMITTEE DEALS WITH EACH ITEM. THESE GUIDELINES ONLY APPLY TO APPLICATIONS LISTED ON THE MAIN SCHEDULE IN THE AGENDA

1. **THE COMMITTEE CHAIR CALLS THE ITEM**

2. **PLANNING OFFICER PRESENTS THE APPLICATION**

3. **WARD COUNCILLORS MAY SPEAK**

4. **APPLICANTS AND/OR AGENT (5 MINUTES MAXIMUM IN TOTAL) WHO HAVE NOTIFIED THEIR INTENTION TO SPEAK ON THE ITEM TO THE COMMITTEE CLERK BY 12 NOON THE DAY BEFORE THE MEETING.**

5. **PUBLIC SPEAKERS (INCLUDING PARISH COUNCIL) - WHO HAVE NOTIFIED THEIR INTENTION TO SPEAK ON THE ITEM TO THE COMMITTEE CLERK BY 12 NOON THE DAY BEFORE THE MEETING.**

   (MAXIMUM 5 MINUTES EACH UP TO 2 SPEAKERS, IF MORE THAN 2 THEN MAXIMUM 10 MINUTES TOTAL SPEAKING TIME FOR ALL SPEAKERS)

6. **PARISH COUNCIL REPRESENTATIVES (5 MINUTES MAXIMUM IN TOTAL) WHO HAVE NOTIFIED THEIR INTENTION TO SPEAK ON THE ITEM TO THE COMMITTEE CLERK BY 12 NOON THE DAY BEFORE THE MEETING.**

7. **COUNCILLORS WHO HAVE DECLARED PERSONAL OR PREJUDICIAL INTERESTS MAY SPEAK**

8. **MEMBER ONLY DISCUSSION, INCLUDING ANY FURTHER QUESTIONS TO OFFICERS OR ANYONE ELSE WHO HAS SPOKEN**

9. **A PLANNING OFFICER WILL CLOSE THE ITEM BY COMMENTING ON ISSUES RAISED BY MEMBERS**

10. **VOTE**

11. **CHAIR BRIEFLY EXPLAINS DECISION IF NECESSARY**

12. **NEXT BUSINESS**

THE 10 MINUTE MAXIMUM PUBLIC SPEAKING PERIOD WILL BE YOUR ONLY OPPORTUNITY TO SPEAK, UNLESS MEMBERS OF THE COMMITTEE WISH TO ASK YOU QUESTIONS UNDER GUIDELINE 7.

SPEAKERS WHO MERELY REPEAT POINTS ALREADY MADE BY OTHERS MAY BE ASKED TO STAND DOWN.

IF THERE IS MORE THAN ONE PERSON WISHING TO ADDRESS THE COMMITTEE EITHER AS AN OBJECTOR OR SUPPORTER, THEY ARE EXPECTED TO NOMINATE A REPRESENTATIVE FROM THE SPEAKERS LISTED TO REPRESENT THEIR COLLECTIVE VIEWS.

THE CHAIR AND THE COMMITTEE HAVE THE DISCRETION TO DEPART FROM THESE GUIDELINES, BUT WILL IN MOST CASES EXPECT ALL PARTIES TO ABIDE BY THEM.

PLANNING COMMITTEE

TUESDAY, 9 JULY 2019

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

Apologies for absence were received from Councillors John Ballman and Jane Milner-Barry.

15. Declarations of Interest

The Chair reminded Councillors to declare any known interests in any of the matters to be considered by the Committee. No such declarations were made.

16. Minutes

Resolved – That the minutes of the meeting held on 11th June 2019, be confirmed and signed.

17. Public Question Time

There were no public questions.

18. S/OUT/19/0294/RA - Outline planning application for up to 43no. dwellings and associated works (Access not reserved), Land Off B4019, Broad Blunsdon, Swindon

In respect of application numbered S/OUT/19/0294/RA (Outline planning application for up to 43no. dwellings and associated works (Access not reserved), Land Off B4019, Broad Blunsdon, 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:-

Name	Address/Organisation
Stuart Boyd	Agent
Jonathan Adams	Parish Council
Councillor Maureen Penny	Ward Councillor
Councillor Steve Weisinger	Ward Councillor

Councillors Alan Bishop, Burns-Howell, Paul Dixon Jenny Jefferies, Stan Pajak and Jim Robbins spoke in respect of this application.

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

- There was a bus stop in close proximity to the proposed development site and a footpath borders part of the site and this leads to the High Street to the north.
- To the east is a recently approved housing development.
- Only part of the proposed site would allow development due to water mains which passed through it.
- The site was considered to have potential for development in the Draft Blunsdon Neighbourhood, although his plan was still at an early stage, which supported the sustainability of the site.
- No heritage assets are harmed by the proposal and an archaeological investigation has not found anything of significance on the site.
- Blunsdon has recently experienced a high level of housing pressure and this development, which accords with the NPPF, would help meet local housing need, the demonstrable need for affordable housing in Swindon and address the lack of a 5 year supply housing land without a conflict with heritage assets.
- There were no highway, landscape or other technical objections to the proposal which would include 30 per cent affordable housing, open space and a financial contribution payable to the Parish Council for recreational use in addition to the Community Infrastructure Levy contribution.
- The site was in a sustainable location, was well served by public transport and was near to local services, facilities, a local primary school and employment opportunities.
- The site was screened on all sides by tall, dense hedgerows and trees which would be retained and protected.
- A community Involvement Statement was submitted with the planning application, the Parish Council was engaged and over 400 leaflets delivered to local residents and a public consultation, attended by more than 60 local residents and members of the Parish Council, was held at the Cold Harbour Public House.
- Only one local resident had objected to the proposed application.
- The application was for more than nine units originally identified as the NPPF required developers to make the most efficient use of a sustainable site.
- Changes to the indicative plan had been made following comments from local residents and Council officers.
- All Council officers and other consultees either supported or did not object to the application proposal.
- In addition to affordable housing the development would provide over 1 hectare of public open space, footpath connections to the adjacent public rights of way and £22,000 towards playing pitches in Broad Blunsdon.
- There were no technical reasons for refusal and tilted balance considerations should be applied.
- That due to the lack of a three year supply of housing land any Neighbourhood Plan could not be used as a relevant material consideration reason for refusal.

Submissions opposing the application can be broadly summarised as:

- Access to the site was off the B4019 Blunsdon to Highworth Road and was close to the Turnpike junction and both the road and junction were already over capacity and trips from the site would add another 150 metres of traffic to the junction.

- A letter of objection from the local village highlighted the adverse impact on traffic and the Parish Council were concerned with access arranges.
- In 2011 Broad Blunsdon was a small village of approximately 603 dwellings; since then 495 additional dwellings have been built or benefit from planning permission.
- These figures do not include the 118 additional houses built on Ermin Street nor the 1650 dwellings proposed for Kingsdown.
- The application is contrary to Planning Policy SD2 and did not accord with NPPF Paragraph 78 which stated rural development should enhance or maintain the vitality of rural communities.
- The proposed development did not provide facilities for the residents or local village apart from an area which could not be developed.
- There was no play area provision provided and Blunsdon Village had no youth provision and no statement of community involvement.
- The proposal was an overdevelopment of a rural area and conflicted with a number of areas in the NPPF and the Swindon Local Plan.
- The site was originally highlighted in the Neighbourhood Plan for nine dwellings rather than the 43 currently sought.
- The number of houses approved and sought were out on context and proportion to Broad Blunsdon which had limited services and facilities and would place undue strain on the local infrastructure.
- The Blunsdon Neighbourhood Plan was further advanced than indicated in the officer's report with the public consultation period required under Regulation 14 having been completed and modifications being considered and should therefore carry more weight during Member deliberations.
- The emerging plan identified three sites which residents would support for small scale development with up to nine houses on each, one of which being the site of the application.
- The nine houses proposed had previously been agreed with the landowner.
- Should the application be approved the Parish Council requested (i) that nine of the propose affordable houses be built in accordance with the principles set out within the emerging Neighbourhood Plan, and (ii) some provision be made for the youth of Blunsdon, for instance, a meeting place or a dirt bike track.

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 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.

19. 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: -

(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:-

Name	Address/Organisation
Patrick Herring	Parish Councillor

Councillors Alan Bishop, Paul Dixon, Nick Martin, Nick Burns-Howell, Stan Pajak, Tim Swinyard, Vera Tomlinson and Peter Watts spoke in respect of this application.

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

- Following discussions with Council Officers the application had been amended from ten to nine bedrooms.
- The garage was being retained to provide storage for up to ten bicycles.
- The application did not, due its location, require the provision of parking and was situated within a sustainable location.
- The size of rooms set out in the application met the relevant regulations and the lack of facilities within the property would be the subject of other regulations and legislation.
- There was no evidence that the amenity of neighbours would be adversely affected by the proposed change of use.

Submissions opposing the application can be broadly summarised as:

- The proposed application did not provide sufficient car parking provision and the tenants would not qualify for residents parking permits.
- The proposed application did not provide adequate facilities for residents of the House in Multiple Occupation.
- The development adversely impacted on neighbouring properties.
- That there were already a saturation of licensed Houses in Multiple Occupation in the vicinity with seven licensed in Bath Road and Lansdown Road.
- The ward already had the highest proportion of Houses in Multiple Occupation in the Borough.
- Houses in Multiple Occupation should be built to the highest possible standard which was not the case with the application submitted.
- Communal space within the building was inadequate for the number of people in the building.
- The kitchen design and dining room were inadequate with only one oven for nine occupants which was in contravention of the Council's standards for Houses in Multiple Occupation.
- The layout of the bathrooms meant that most were unventilated due to the design of the building and its age which could lead to smells, mould and dampness in contravention of the Residential Design Guide paragraph 8.28.
- The basement bedroom was both unsafe due to its small window and access via the kitchen and would receive inadequate natural light contrary to the Health and Housing Rating System set out in the Housing Act 2004.
- There were concerns relating to fire safety measures including to the basement flat.

Resolved - That consideration of application numbered S/19/0743 be deferred in order to allow further consultation between the Head of Planning, Regulatory Services and Heritage and the applicant's agent to review the internal arrangement of the accommodation in the interests of the safety of the future occupants.

20. Mr. Kehinde Awojobi

The Chair reported that the Committee's legal advisor, Mr. Kehinde Awojobi, was attending his last meeting of the Committee prior to leaving the employment of the Council.

Resolved – That the Committee's appreciation for the work of Mr. Kehinde Awojobi and its best wishes for his future endeavours be recorded.

Determination of Planning and related Applications

Planning Committee **Date: 13th August 2019**

Author:	Head of Planning, Regulatory Services and Heritage
Wards:	All Wards
Parishes Affected:	All Parish Area

1. Purpose and Reasons

1.1 To determine the planning and related applications in the Committee reports that follow this report in the Committee Agenda, as may be amended by an additional information sheet circulated before the meeting

2. Recommendations

The Committee is recommended to:

2.1.1 determine the applications set out in the Committee agenda in accordance with the recommendations set out in the reports, including, where relevant, the additional information.

3. Alternative Options

3.1 The Committee could choose not to determine the Planning applications

4. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

4.1 There would be financial implications if, following a refusal to grant planning permission or the grant of conditional permission, costs are awarded against the Council on appeal. However, this would only happen if the Council was adjudged to have acted unreasonably

Legal and Human Rights Implications

4.2 There are no staffing implications. No comments have been received from relevant trade unions, unless specified in the attached schedule.

4.3 Human Rights considerations have been taken into account in compiling the reports. It is considered that the recommendations of the reports are compatible with Convention rights and that in accordance with the principle of proportionality any interference with the Convention rights of individuals is justified by the overall benefit to the community.

5. Appendices

5.1 Appendix 1 - Documents which may be relied on in the preparation of the application reports

Further information on the subject of this report can be obtained from Shaun Banks, Direct Dial Telephone Number, 07980752047, sbanks@swindon.gov.uk.

5.2 Planning and related applications reported to this Committee for the first time.

APPENDIX 1

DOCUMENTS WHICH MAY BE RELIED ON IN THE PREPARATION OF THE APPLICATION REPORTS

1. The approved Development Plan, consisting of

   Swindon Borough Local Plan 2026, (2015), and the Swindon Borough Local Plan 2026 Policies Map (2015)

   Wiltshire and Swindon Minerals Core Strategy, (2009)

   Wiltshire and Swindon Minerals Development Control Policies DPD (2009)

   Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan, (2013)

   Wiltshire and Swindon Waste Core Strategy, (2009)

   Wiltshire and Swindon Waste Development Control Policies DPD, (2009)

   Wiltshire and Swindon Waste Site Allocations Local Plan, (2013)

   Swindon Central Area Action Plan, (2009)

   Wroughton Neighbourhood Plan (2016): for applications in Wroughton Parish

   Highworth Neighbourhood Plan (2017): for applications in Highworth Parish

   South Marston Neighbourhood Plan (2017) for applications in South Marston Parish

2. Adopted Supplementary Planning Guidance Notes, Supplementary Planning Documents and Development Control Guidance Notes

3. The National Planning Policy Framework, (2018); and policy statements, guidance and DCLG circulars that support the National Planning Policy Framework

4. Ministerial Statements and other guidance material to the consideration of applications

5. Relevant appeal decisions and case law

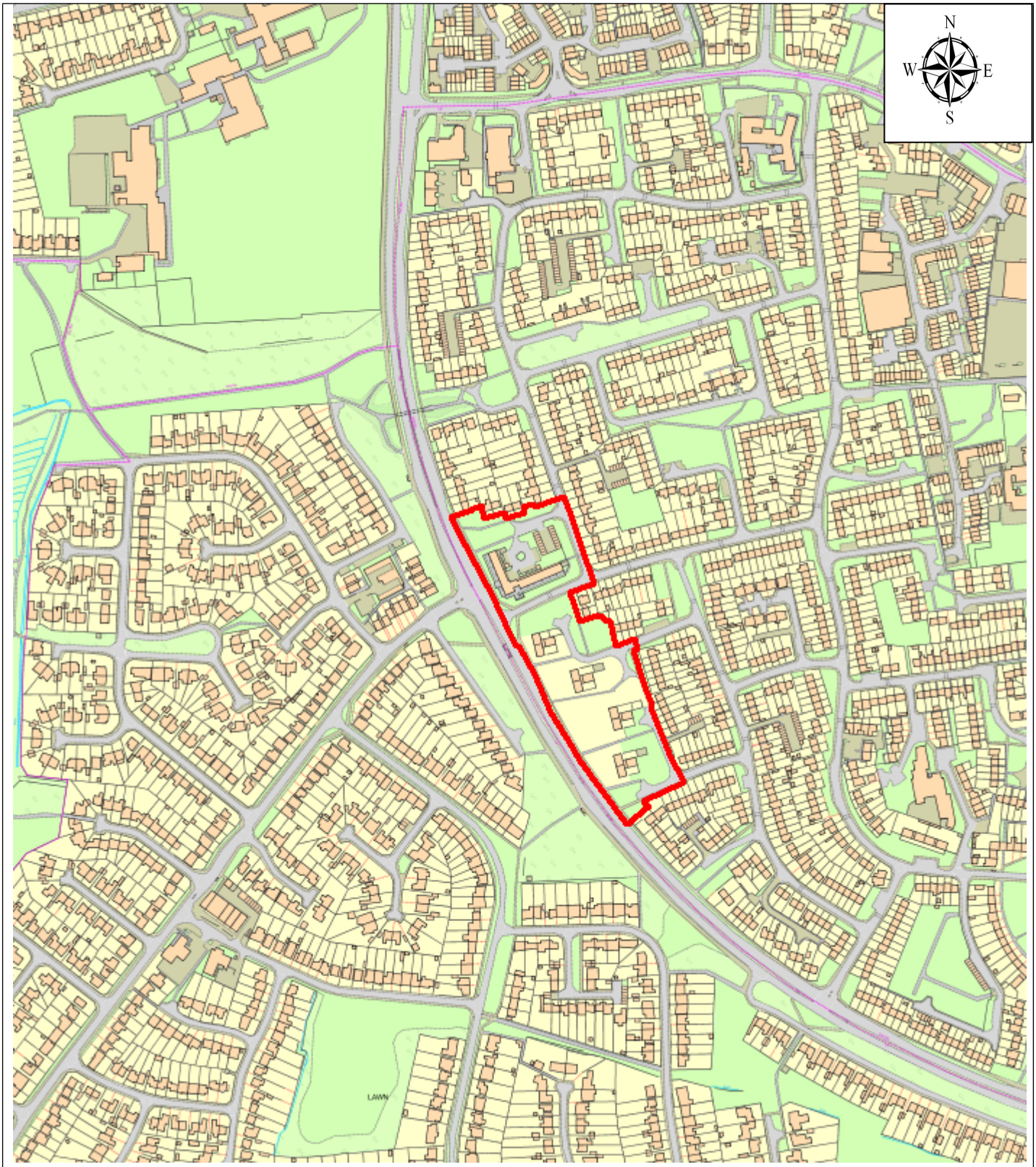
6. Relevant planning history, case files and related correspondence including the views of statutory consultees

7. Any emerging relevant Development Plan Documents

Application Number S/19/0495

Proposal Demolition of existing buildings and erection of 149no. residential units and associated works.

Location: George Gay Gardens Kelham Close Park South Swindon SN3 2JP



This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.

In all cases reference should be made to the submitted plans.

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Application Number	S/19/0495
Proposal	Demolition of existing buildings and erection of 149no. residential units and associated works.
Location:	George Gay Gardens Kelham Close Park South Swindon SN3 2JP

This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.

In all cases reference should be made to the submitted plans.

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SITE BOUNDARY

SOFT LANDSCAPING

- Proposed Trees
- Existing Tree to be Retained (Class A - BS5837)
- Existing Tree to be Retained (Class B - BS5837)
- Proposed Walnut trees
- Tree (of low value) proposed to be felled
- Proposed Summer flowering shrubs and perennials
- Planting in shaded areas
- Hedgerow as a defined boundary treatment, and within the site
- Proposed Swales
- Swale Planting
- **Tree Protection** Braced Heras fencing panels to arboriculturalist consultant's specification and BS 5837:2012
- Root Protection Area

HARD LANDSCAPING

- New Road - Tarmac
- New Pavement - Tarmac
- New Road - Block Paving
- New Private Parking Bays - Contrasting Permeable Paving
- Proposed Footpath - Material TBC
- Existing Footpath and Road
- Grass
- Surface Change Delineation
- Feature paving - Material TBC
- Proposed 3000mm Close-Boarded Fence
- Proposed 2000mm Close-Boarded Fence
- Proposed 1800mm Close-Boarded Fence
- Proposed 1200mm Close-Boarded Fence
- Proposed 1200mm Black Galvanised Hoop-Top Railing

PROPOSED DEVELOPMENT

56no.	1B2P Flat	@ a mix of 47, 51, 52, 53 sqm
44no.	2B3P Flat	@ a mix of 60, 61, 61, 70 sqm
15no.	2B4P House	@ 78sqm
22no.	3B5P House	@ 85sqm
2no.	3B5P House Part M4(3)	compliant with through floor lift @ 110 sqm
10no.	4B7P House	@ 120sqm

149no.	**Total Units**
2.47 hec / 6.1 Acre	**Site Area**
60 dph 24 dpa	**Site Density**

TENURE

- Affordable Rent (109 Units)
- Shared Ownership (20 Units)
- Rent Co (20Units)

PARKING PROVISION

Disabled Parking Bays

2no. — Allocated

Parking Displacement Bays (PD)

6no. — Allocated

Rent Co & Shared Ownership

40no. — Allocated

Electric Vehicle Charging Point (EV)

10no. — Unallocated

Visitor Parking

12no. — Unallocated

Parking Bays

121no. — Unallocated

191no. — **Total Parking Bays Proposed**

CYCLE PROVISION

- **1B2P Flat** 1 Cycle Storage within Communal Facility
- **2B3P Flat** 1 Cycle Storage within Communal Facility
- **2B4P House** 2 Cycle Storage Secured within Garden Shed
- **3B5P House** 2 Cycle Storage Secured within Garden Shed
- **3B5P House Part M4(3)** 2 Cycle Storage Secured within Garden Shed
- **4B7P House** 2Cycle Storage Secured within Garden Shed

198no. — **Total Secure Cycle Storage**

OTHER

- CYCLE — **Communal Cycle Store:** Broxap Wardale Enclosed Cycle Shelter or similar enclosed shelter (12 cycles)
- Min 1800 x 1200 timber shed to provide 2 cycle storage capacity
- BIN STORE — **Communal Refuse & Recycle Storage:** 2No. 1100Ltr Residual waste bin, 1No. 1100Ltr Plastic bottles & Cardboard, 1No. 180Ltr Cans, Foils, & Aerosols, 1No. 180Ltr Green Glass, 1No. 180Ltr Brown Glass, 1No. 180Ltr Clear Glass, 2No. 180Ltr Paper.
- **Electric Vehicle Charge Point** Specification to be determined by the M&E consultant (Mode 3/4)
- **Refuse & Recycling Storage within Dwelling Gardens:** 1No. 180Ltr Household Waste Bin, 1No. 240Ltr Plastics Bin, 2No. 55Ltr Recycling Box, 1No.180Ltr Garden Waste Bin
- **Rotary Washing Line**
- **Bollards:** Specification TBC

N

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REVISIONS

REV: DATE - DRAWN - CHECKED: NOTES
P01: 20.03.19 - OPS/ZL - RW: Drawing Created
P02: 22.03.19 - OPS - RW: Tenure layout revised. Red Line Boundary updated. Tree T56 replaced. Key revised.
P03: 25.03.19 - ZL: Note and symbol to tree T56 amended.
P04: 08.04.19 - OPS - RW: Keys amended. Changes to balancing pond and surrounding trees. Hardstandings around flats revised. Fences and gates added to bin stores. Existing roads shaded to suit key. Garden access to Plot 51 revised. Footpath and fence between Block C & plot 78 revised. Mound to Public Open Space removed. Secure access gates indicated between Plots 112 & 113 and 146 & 147. Existing road shaded. Existing building to south of Plot 149 indicated.
P05: 11.04.19 - OPS - RW: Changes to balancing pond and local trees. Soft Landscaping Key updated. Trees to front of plots 38-43 moved towards road. 3No. trees to side of Plot 44 removed. 1No. tree removed from outside of Block C, next to the cycle store. 2No. trees to front of Plots 82-85 moved towards road. 1No. Tree removed from outside of Block D, next to the cycle store. 2No. trees omitted north of Block E. New shared amenities area North of Plot 52 - landscaping amended to suit. Masonry acoustic arch indicated between Plots 117 & 142. Fence lines revised to accord with acoustic report.
P06: 06.06.19 - OPS - RW: Changes to suit revisions of drawings 0016, 0017, and 0018

DRAWING TITLE

Proposed Site Plan

PROJECT

Queen's Drive, Swindon

CLIENT

WILLMOTT DIXON
SINCE 1852

SCALE 1:500@A1

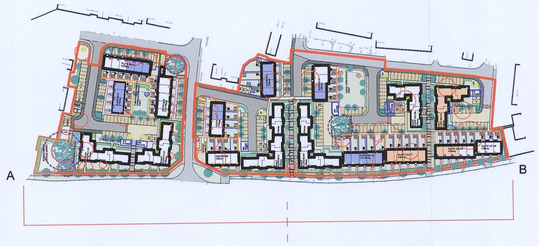
DATE March 2019

Quattro designarchitects

DRAWING NO. **REV**

QD1-QDA-V1-00-DR-A-0010 P06
STAGE 4

Matthews Warehouse, High Orchard Street
Gloucester Quays, GL2 5QY T: (01452) 424234



Break line

Key Site Plan

SWINDON BOROUGH COUNCIL
S/19/0495
29 JUL 2019
PLANNING DEPARTMENT

REVISED

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REVISIONS

REV: DATE - DRAWN - CHECKED: NOTES
P1 - 22.03.19 - MPL: Drawing created
P2 - 25.07.19 - MPL: Render arrangement revised. Fencing and Brick archway added.

PROJECTS
Queen's Drive, Swindon

SCALE 1:1@A1

CLIENT
WILLMOTT DIXON
SINCE 1852

DATE Mar 2019

DRAWING TITLE
Proposed Street Scene

DRAWING NO. **REV**
QD1-QDA-V1-ZZ-DR-A-0720 P02
STAGE 4

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Matthews Warehouse, High Orchard Street
Gloucester Quays, GL2 5QY T: (01452) 424234

Front Elevation

Side Elevation

Rear Elevation

Side Elevation

KEY

- Roof Tiles - Grey TBC
- Red Brick and Red Engineering Brick Below DPC
- Silicon render - off white
- UPVC grey windows
- GRP grey doors
- Black UPVC RWP's, Fascias and soffits
- Hardie Plank in grey to match doors & windows

0 1 2 3 4 5

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REVISIONS

REV: DATE - DRAWN - CHECKED: NOTES
P1: 13.03.19 - OPS: Drawing Created
P2: 14.03.19 - OPS: Wire supports to canopies removed
P3: 25.03.19 - OPS-RW: Canopies above GF windows removed. Ridge heights reviewed. In-fill panels to side elevation removed.
P4: 08.04.19 - OPS-RW:- Key updated
P5: 18.04.19 - EBG-RW:- Roofscape revised to have consistent eaves and ridge levels.

PROJECTS

Queen's Drive, Swindon

SCALE 1:100@A2

CLIENT

Swindon Borough Council

DATE March 2019

DRAWING TITLE

Proposed Elevations: Block A

PLOTS 1 - 16

DRAWING NO. QD1-QDA-V1-ZZ-DR-A-0700

REV P5

Matthews Warehouse, High Orchard Street
Gloucester Quays, GL2 5QY T: (01452) 424234

Side Elevation

Front Elevation

Side Elevation

Rear Elevation

KEY

- Roof Tiles - Grey TBC
- Red Brick and Red Engineering Brick Below DPC
- Silicon render - off white
- UPVC grey windows
- GRP grey doors
- Black UPVC RWP's, Fascias and soffits
- Hardie Plank in grey to match doors & windows

0 1 2 3 4 5

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REVISIONS

REV: DATE - DRAWN - CHECKED: NOTES
P1: 13.03.19-OPS-TB: Drawing Created
P2: 14.03.19-OPS-TB: Wire supports to canopies removed
P3: 25.03.19-OPS-RW: Side & rear screens & windows revised.
P4: 08.04.19-OPS-RW: Key updated
P5: 18.04.19-EBG-RW: Roofscape revised to have consistent eaves and ridge levels

PROJECTS
Queen's Drive, Swindon

SCALE 1:100@A2

CLIENT
Swindon Borough Council

DATE March 2019

DRAWING TITLE
Proposed Elevations: BLOCK B

PLOTS 17 - 32

DRAWING NO. QD1-QDA-V1-ZZ-DR-A-0701

REV P5

Matthews Warehouse, High Orchard Street
Gloucester Quays, GL2 5QY T: (01452) 424234

Front Elevation

Side Elevation

Rear Elevation

Side Elevation

KEY

- Roof Tiles - Grey TBC
- Red Brick and Red Engineering Brick Below DPC
- Silicon render - off white
- UPVC grey windows
- GRP grey doors
- Black UPVC RWP's, Fascias and soffits
- Hardie Plank in grey to match doors & windows

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REVISIONS

REV: DATE - DRAWN - CHECKED: NOTES
P1: 13.03.19 - OPS: Drawing Created
P2: 25.03.19 - OPS-RW: Canopies removed above GF windows. End elevation screens removed.
P3: 08.04.19 - OPS-RW: Key updated
P4: 18.04.19-EBG-RW: Roofscape revised to have consistent eaves and ridge levels. Block D - noted on this drawing as being handed.

PROJECTS

Queen's Drive, Swindon

SCALE 1:100@A1

CLIENT

Swindon Borough Council

DATE March 2019

DRAWING TITLE

Proposed Elevations: BLOCK C & D (handed)
56-77 (C) & 86-107 (D)

DRAWING NO. **REV**

QD1-QDA-V1-ZZ-DR-A-0707 **P4**

Matthews Warehouse, High Orchard Street
Gloucester Quays, GL2 5QY T: (01452) 424234

Side Elevation

Rear Elevation

Side Elevation

Front Elevation

KEY

- Roof Tiles - Grey TBC
- Red Brick and Red Engineering Brick Below DPC
- Silicon render - off white
- UPVC grey windows
- GRP grey doors
- Black UPVC RWP's, Fascias and soffits
- Hardie Plank in grey to match doors and windows

0 1 2 3 4 5

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REVISIONS

REV: DATE - DRAWN - CHECKED: NOTES
-: 03.11.19 - OPS: Drawing Created
P1: 13.03.19 - JDP-OPS: Updated to suit revised plans
P2: 14.03.19 - OPS: Wire supports to canopies removed
P3: 25.03.19 - OPS-RW: Side & Front elevation screens & windows revised. Canopies above GF windows removed.
P4: 08.04.19 - OPS-RW: Key updated
P5: 18.04.19-EBG-RW: Roofscape revised to have consistent eaves and ridge levels. Block F - noted on this drawing as being handed.

PROJECTS

Queen's Drive, Swindon

SCALE 1:100@A2

CLIENT

Swindon Borough Council

DATE March 2019

DRAWING TITLE

Proposed Elevations: BLOCK E & F (handed)

PLOTS 118-129 (E) & 130-141 (F)

DRAWING NO. **REV**

QD1-QDA-V1-ZZ-DR-A-0713 **P5**

Matthews Warehouse, High Orchard Street
Gloucester Quays, GL2 5QY T: (01452) 424234

DRAFT COMMITTEE REPORT

Item Number:
Application Number: S/19/0495/RA
Ward: Liden, Eldene And Park South
Parish: Central Swindon South

Proposal: Demolition of existing buildings and erection of 149no. residential units and associated works.

Site Location: Former George Gay Gardens Kelham Close, Park South

Case Officer: Miss Rachael Adams
Contact Details: Tel: 01793 466012 Email: radams@swindon.gov.uk

Agent:
Robert Walder
Quattro Design Architects
Matthews Warehouse
High Orchard Street
Gloucester Quays
GL2 5QY

Applicant
Mr N Newland
Swindon Borough Council
Wat Tyler House
Beckhampton Street
Swindon
SN1 2JH

Officers Report

Background

This application has been called to Planning Committee by Central Swindon South Parish Council due to concerns about the unit sizes not conforming to the National Standards.

An extension of time is agreed until 30th August 2019.

Summary and Recommendation:

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

The Proposal:

2 This application seeks planning permission for the demolition of the existing buildings and erection of 149no. residential units and associated works on the site of the former George Gay Gardens residential block and adjacent land at Queens Drive. These units were at, or are close to, the end of their life.

3 The proposal will see the demolition of a total of 86no residential units. The former George Gay Gardens, a four storey building which comprised 50 units was demolished in May 2019, (under prior approval reference S/DEM/18/0536). The other buildings to be demolished are on land to the south fronting Queens Drive which is currently occupied by 4no. 3-storey T blocks comprising 36 flats.

4 The proposed scheme will deliver 100 flats and 49 houses comprising the following mix:

56 x 1 bedroom (2 person) flats
44 x 2 bedroom (3 person) flats
15 x 2 bedroom (4 person) houses
22 x 3 bedroom (5 person) houses
2 x 3 bedroom (5 person) houses
10 x 4 bedroom (7 person) houses

5 The proposed tenure of the units will be 109 units for rent, 20 units for shared ownership and 20 units for the Swindon Housing Company to deliver market rental homes.

6 The development includes a mix of 3 and 4 storey flat blocks and terraced housing which range from 2-3 storeys in height. There are 3 areas of public open space on the site and a drainage balancing pond in the northern part of the site. A number of swales are also part of the scheme.

7 There will be no new vehicular access from Queens Drive. Access to the new units will be from Wolsely Avenue and the existing roads. A total of 191 car parking spaces are proposed, which includes; 161 residents parking bays, 2 disabled bays, 10 Electric Vehicle Charging Point Bays, 12 visitor bays and 6 spaces which will accommodate existing parking from Kelham Close that will be displaced by the development.

The Site and Surroundings:

8 The application site is located on the east side of Queens Drive, a major route from the M4 into Swindon town centre and is intersected by Wolsely Avenue.

9 The site covers 2.47 hectares, within the Ward of Liden, Eldene and Park South and lies approximately 1.5 miles from the town centre.

10 The site was previously occupied by the four-storey George Gay Gardens residential block on the most northern part of the site, which was demolished in May 2019 and to the south, the site is still occupied by 4no three-storey ‘T-Blocks’. An existing sub-station on this part of the site is to remain.

11 The existing T blocks are set back from Queens Drive and are spaced evenly across the site separated by grass land and a number of significant trees. There are a number of footpaths and public rights of way that lead through to the site to the residential development to the east.

Representations:

12 Neighbours: The following comments were received from local residents as detailed below:

111 Leighton Avenue – concerned about loss of green space, road widths, car parking spaces, loss of sunlight and overlooking.

29 Broughton Grange – no objection to the demolition of the buildings.

4 Kelham Close – concerned about the type of planting proposed in areas and about the four storey building blocking light and impacting on privacy.

13 Central Swindon South Parish Council: Object for the following reasons:

1. Unit sizes under the planning framework minimum for 3 bedroom houses.
2. Flooding and drainage plan to be revised.
3. Loss of social housing in other areas.
4. Nesting birds survey to be completed no more than 24 hours before tree felling

14 Ward Councillor:
Cllr Soloman glad to see that the bedroom sizes have been increased but still concerned that both the bathroom and cloakroom have no windows. Hopes the trees that were removed around the area are replanted. Concerned that there is to be sufficient parking for the new builds.

15 Environmental Health: No issue regarding the Air Quality Assessment and no objections to the Noise Assessment subject to conditions.

16 Forward Planning: No objection.

17 Highways: No objections subject to conditions.

18 Housing Enabling Officer: No objection.

19 Landscape Officer: Concerns raised about the loss of trees on the site.

20 Lead Local Flood Authority: No objection subject to conditions.

21 Thames Water: No objection subject to conditions.

22 Urban Design: Concerns raised about the overall design.

23 Wiltshire Police: Concerned about the lack of defensible space for the plots which abut the public footpaths throughout the development and concerned about the public open space/communal garden and the ambiguity of ownership and/or use.

24 Letter also received from the Salisbury and Wilton Swifts (SAWS) who have requested the installation of swift nest bricks in the development.

Planning Considerations:

25 The main considerations in the determination of this application are whether the proposal accords with the National Planning Policy Framework 2019 and the relevant policies of the Swindon Borough Local Plan 2026 (2015).

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

- Principle of residential development under the NPPF and Local Plan
- Access and Parking
- Design and Layout
- Landscape and Trees
- Other material planning issues including amenity issues not covered above, CIL and developer contributions
- Planning Balance and Conclusions

Principle of residential development under the NPPF and Local Plan

27 The National Planning Policy Framework (2019) sets out the Government's planning policies for England and how these are to be applied. In respect of this application the following sections are relevant:

section 2, 'Achieving Sustainable Development'
section 5 'Delivering a sufficient supply of homes'
section 9 'Promoting Sustainable Transport
section 12 'Achieving well-designed places'

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

- SD1 'Sustainable Development Principles' sets out the development principles which underpin the local plan
- SD2 'The Sustainable Development Strategy' aims to meet Swindon's development needs whilst protecting the Borough's most important assets;
- SD3 'Managing Development' seeks to take a positive approach to reflect the presumption in favour of sustainable development
- DE1 'High Quality Design' seeks high standards of design for all development
- HA1 'Mix Types and Density' advises that housing development should be design led and respect the character of the surrounding area
- HA2 'Affordable Housing' seeks all developments of 15 homes or more, on sites larger than 0.5 hectares to provide 30% affordable housing
- HA3 'Wheelchair Accessible Housing' seeks all development of 50 dwellings o more to provide 2% of them to be suitable for wheelchair user occupation.
- EN3 'Open Space' seeks development to provide or contribute towards public open space
- EN6 ‘Flood Risk’ seeks to minimise the risk and impact of flooding
- IN1 'Infrastructure Provision' seeks to ensure all new development makes a positive contribution to sustainable growth by mitigating its impacts upon infrastructure
- TR1 'Sustainable Transport' seeks to reduce the need to travel and support and

encourage the sustainable, safe and efficient movement of people
- TR2 'Transport and Development' encourages sustainable travel and seeks to mitigate the impact of development and ensure that suitable parking provision is provided

29 Also of relevance is Swindon Borough Council's Development Control Guidance Note: Technical Guidance on Parking Standards (2007) and the Swindon Residential Design Guide (2016).

30 The development strategy for the Borough is set out in Swindon Local Plan Policy SD2. This policy supports the key government objectives for sustainable development in the most accessible locations. The sustainable development strategy in Policy SD2 seeks to focus development on the Swindon urban area and urban extensions to Swindon. Urban concentration supports key government objectives for sustainable development in the most accessible locations focussing development opportunities within the Swindon urban area. As the site is within Swindon's urban area, it is a location in which the principle of residential development is in accordance with the Local Plan.

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

32 Paragraphs 117 and 118 of the NPPF outline the importance of planning policy in promoting the effective use of land in meeting housing need. This includes attributing substantial weight to the value of using suitable brownfield land within existing settlements for new homes.

33 The proposal will provide a variety of different sized homes across tenures (affordable rent and ownership) in accordance with Local Plan Policy HA1. The net increase in number of units from 86 to 149 dwellings indicates a higher density layout and more efficient use of the site in accordance with government guidance.

34 The proposal complies with Local Plan Policy HA3 which requires developments of 50+ homes to provide 2% as wheelchair user homes. The 2 wheelchair user homes being provided are required to meet or exceed the minimum standards set out in Part M4 (3) Category 3 of the Building Regulations 2010, 2015 edition (incorporating 2016 amendments).

35 The site is considered to be a sustainable location for residential development, located within what is already a predominately residential area, bound by existing residential communities on three sides and is well connected in terms of public transport and local facilities.

36 The principle of residential development on the site is established by the existing residential use and remains in keeping with the nature of the surrounding area. Swindon Borough can currently only identify a housing land supply of 2.7 years against Local Plan targets, and this development will deliver a net 63 additional residential dwellings, which will make a significant contribution to Swindon's housing supply.

37 The site is therefore considered an appropriate and sustainable location for residential development, in accordance with the NPPF and Local Plan Policies.

Access and Parking

Site Location and Accessibility
38 The majority of the roads within and adjacent to the site are residential streets subject to a 20mph speed restriction, where some traffic calming is also present. These roads benefit from footways and lighting, and on street parking is permitted. The site is edged to the west by Queens Drive, a dual arterial route from the M4 and A419T to Swindon town centre. Queens Drive is subject to a 40mph limit, carries a bus route and benefits from footway/cycleway on the east side of the road adjacent to the site.

39 Pedestrians are well served by footways, there are regular and frequent bus services along Queens Drive, with easily accessible bus stops. Pedestrians and (dismounted) cyclists can cross Queens Drive at the Pelican Crossing to the south of Wolsely Avenue and at two informal crossings by Berrington Road by the northbound bus stop. An underpass is available approximately 200m north of Wolsely Avenue. Buses serving the site also serve Swindon town centre and the Hospital. From the town centre, routes across Swindon can be reached. Bus services run from early morning to late night so are suitable as a commuting choice for the majority of the week.

40 Whilst there have been some collisions in the locale, these have been attributed to driver or user error, rather than a defect in the highway layout. The Transport Assessment has detailed the collisions and their causation factors.

Site Access
41 There will be no new vehicular access from the site onto Queens Drive. Accesses to the site will be from Wolsely Avenue, then Leighton Avenue and Kelham Close for the northern part of the site, and via Wolsely Avenue and Thornbridge Avenue, Henley Road and Berrington Road for the southern part of the site. Some of the existing routes across the site will be stopped up and re-provided elsewhere within the scheme to maintain the sustainable permeability of the site.

Development Impact
42 The existing site contained 86 flats, thus the proposal is an increase of 63 units comprising 14 flats and 49 houses.

43 The industry recognised TRICS database has been used to predict the existing and proposed trip rates for the site. The existing trip rates could not be measured directly as the buildings had been closed and the residents moved out. However, the selection parameters chosen within the database are representative of the site characteristics.

44 Existing vehicle trips to the site have been detailed as 16 trips in the AM (08:00-09:00) peak hour and 21 in the PM (17:00-18:00) peak hour. The proposed vehicle trips for the larger quantum of dwellings is predicted as 46 trips in the AM (08:00-09:00) peak hour and 46 trips in the PM (17:00-18:00) peak hour. The net increase in trips is 30 trips in the AM (08:00-09:00) peak hour and 25 trips in the PM (17:00-18:00) peak hour. The level of

increased trips is not considered significant or severe in the context of the NPPF, (2019).

45 The assessment of modal share shows that 40% of all proposed trips generated by the site are by foot in the AM (08:00-09:00) peak hour and 57% in the PM (17:00-18:00) peak hour. Only 35% and 31% of the total trip generation in the AM and PM peak hours respectively will be by vehicles.

Internal Layout
46 The proposed units are served by 5.5m wide carriageways with 2m footways. A Swept Path Analysis of the roads has been undertaken and demonstrates that the refuse collection vehicle can traverse the site safely. This means that a fire appliance and delivery vehicles will also be able to safely traverse the site and serve the new dwellings. Pedestrian and cycle connections are proposed through the site to encourage permeability and sustainable travel modes.

Parking
47 The level of car parking required by the development has been determined by using the 2011 Census Data for the locale. [Appendix E of the Transport Statement provides the details]. This includes an assessment of the size and tenure of existing properties in the ward and takes account of the level of accessibility of the site, as detailed above.

48 The Census Data indicates that 107 parking spaces would be acceptable for this development in this location, whilst this is less than that specified in SBCs adopted Parking Standards, the standards do allow for robust evidence to be submitted to support a level of car parking that is not as specified within Appendix B of SBCs Parking Standards.

49 Notwithstanding the above, the application is actually proposing 191 car parking spaces, which comprises; 161 residents parking bays, 2 disabled bays, 10 Electric Vehicle Charging Point Bays, 12 visitor bays and 6 spaces to accommodate existing parking from Kelham Close that will be displaced by the development.

50 Cycle parking for the flats is proposed in secure and sheltered stores at a level of one cycle parking space per unit. The houses are provided with timber sheds in the gardens with space for 2 cycles.

51 Considering all of the above, the Local Highway Authority raises no highway objection subject to the Travel Plan being secured via Legal Agreement or other appropriate means and a number of conditions.

Design and Layout

52 The Councils Urban Design officer consider the proposed development could do more to achieve high quality design as required by the Swindon Local Plan Policy DE1 for the following reasons:

- The proposal responds poorly to its existing context and lacks a strong sense of character and placemaking in its layout;
- Weak legibility, distinction and quality of public and private space dominated by parking arrangements;

- Lack of distinction and quality in the proposed architecture, and choice of render material

53 The Urban Design Officers concerns have origins in the way that the proposal has had to respond to site constraints. It is clear that this response should not be to the detriment of quality. The site is highly visible and would theoretically provide an opportunity for an iconic, transformational scheme. However, on site constraints including access, ecology, noise and air quality issues necessitate a different approach. It is this approach that has shaped the submitted scheme. The application manages to provide an appropriate number of units whilst providing a compliant level of parking, designing in an acceptable access and maintaining key assets.

54 The need to address these constraints, and deliver a compliant scheme has meant that elements of site design have been challenging. The design is alien to the surrounding area, but provides a significant improvement on the previous residential buildings, which themselves were out of character with their surroundings. Nevertheless, the scheme is large enough to develop its own character, and whilst the design may appear unspectacular, it is not unacceptable.

55 The need for on-site parking and constraints around built footprints has led to public and private areas lacking distinction, which makes for a weaker than ideal public realm. Additional concerns remain around the choice of render material, but that can be secured by condition.

Landscape and Trees

56 The Councils Landscape Architect raises concern around the impact of the proposed development on existing trees on the site.

57 There are 80 trees on the site but only 4 trees of these are proposed to be retained. On the former George Gay Gardens site, an Ash and a Willow remain in the top northern corner of the site and a Black Walnut on the corner of Leighton Avenue and Wolsley Avenue. On the land to the south of Wolseley Avenue, a large Oak is also shown to be retained.

58 It is accepted that a number of smaller and perhaps less important trees have to be removed to facilitate the scheme but there are a number of quality trees which have significant long term value and are very important within the wider landscape. These trees are considered to play a key part of the green corridor leading into the town centre along Queens Drive.

59 Of the 80 individual trees surveyed, only 2 show less than a 10 year life expectancy with the majority being somewhere between 20-40+ years. Furthermore, out of the 80 individuals, there are only 2 categorised as ‘poor’ and 11 as ‘fair’. The remaining 67 trees are ‘good’. It is, therefore, of concern that so many of these trees are to be removed.

60 The Arboricultural Impact Assessment submitted with the scheme categorises 9 of the

trees as category A and 22 as category B. None of these figures paint a picture of a tree population in poor condition or with a short life expectancy, which would be of a quality to justify consideration for Tree Preservation Orders if they were on private land.

61 It is important to agree the most appropriate mitigation package available by providing significant replacement tree planting either on the site itself or in the area. This should include the creation / installation of a new avenue of trees along the Queens Drive frontage with semi-mature trees and pre-established hedging plants so there is a degree of maturity at the outset. The internal areas of the site must also benefit from a scheme of significant replacement tree and hedge / shrub planting.

62 It is noted that the scheme includes a relatively large number of new trees across the site but it is important to ensure that this is planting is based on up to date information regarding the location of existing and proposed services in the ground to ensure that the mitigation planting can be successfully delivered. As such officers suggest a condition is imposed on any permission requiring a detailed scheme to be submitted and agreed.

Other Matters

Infrastructure Requirements

63 The infrastructure requirements and obligations listed below are those that are relevant to the application scheme and are required in order to mitigate the impact of the proposed scheme in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). The Council considers that provision is required for the planning obligations detailed below and these are:

a) Necessary to make the development acceptable in planning terms;
b) Directly related to the development; and
c) Fairly and reasonably related in scale and kind to the development.

64 In the event that the Council sells the application site to a developer, the Council will be expected to require the developer through the contract for the sale of the application site to enter into a section 106 agreement comprising the planning obligations set out below. However, as it is envisaged that the application site will be developed by the Council, the planning obligations set out below will be carried out by the Council without a formal legal agreement.

65 Swindon is a Community Infrastructure Levy (CIL) Charging Authority. The adopted CIL Charging Schedule is that dated 6th April 2015. The proposed development for residential is located within CIL Residential Charging Zone 2 of this schedule.

66 The development is CIL liable but given that 129 of the units are to be affordable the scheme may benefit from a CIL Social Housing Relief Claim. The applicant is advised to contact the Councils S106 Planning Obligations & Community Infrastructure Levy (CIL) Manager in this regard.

67 It should be noted that as George Gay Gardens has been demolished prior to the grant of planning permission it cannot ever count against CIL because those buildings must be on

the relevant land at the point of grant of permission for CIL purposes. Furthermore the 3 year in-use test timescale works backward from the grant of the permission for CIL purposes.

68 In accordance with Policy HA2 of the Local Plan, 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. Of the 149 units proposed, 129 are affordable as detailed in paragraph 4 of this report. Securing this provision is normally achieved through a legal agreement however in this case as the applicant is the Council, this obligation will be secured via correspondence from the Applicant.

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

70 In this case the site is located within the Liden, Eldene and Park South Ward. The OSAA identifies that the provision of general recreation space in the Ward is over the local plan standard, however the Ward is deficient in the provision of children's play areas, playing pitches and allotments. The site also exceeds the recommended walking distances for children's play areas.

71 Based on the proposed number and mix of dwellings, the Open Space Calculator calculates that there should be an on-site provision of 0.94 hectares of open space.

72 The development is proposing 1115sqm/0.11 hectares of open space, which is a significant shortfall.

73 The proposed open space consists of 3 areas across the site, one area of 310sqm in the top northern corner of the site where the Ash and Willow trees are retained, the second area of 215sqm again in the northern part of the site to the rear of plots 33-37 and 44-47 and the third area of 510sqm is proposed to the rear of plots 82-85.

74 Given the deficiency of play spaces in the Ward and the lack of accessibility to existing play spaces, the preferred mitigation would be to achieve on-site play provision to LEAP standard. In view of the nature of the development, this is has not been achieved and there are no children's play area/equipment proposed as part of the scheme.

75 In view of this, it is appropriate and necessary to request the following contributions to be spent on open space/play area/pitches in the vicinity:

Contribution	Amount	
Off-site Formal Play Facilities (e.g. LEAP/NEAP)	£43,005.49	To be spent on improvements to Lordsmiths Green play area and open space at Cranmore Avenue
Off-site Local Open Space	£79,015.01	As above
Off-site Outdoor Sports Facilities	£56,533.38	To be spent on improvements to Buckhurst playing pitches
TOTAL Combined	**£178,553.88**	

76 Again securing the payment of these contributions is normally achieved through a legal agreement however in this case as the applicant is the Council, this obligation will be secured via correspondence from the Applicant.

Response to Representations

77 In response to the comments made by the Police Crime Prevention Officer, the applicant will ensure that the rear gardens that immediately back onto the open space will be fitted with locks so that they are secured against public access. In addition, the recess formed within the internal corners of the 4 blocks of flats identified will be infilled with mature defensible planting so as to ensure that it is not used as a hiding place or congregation area.

78 In response to the issues raised by the Parish Council, the applicant has acknowledged that the 3 bedroom 5 person houses are slightly smaller than the National Standards (85sqm as opposed to 93sqm). However, these 3 bedroom units have been delivered on previous Swindon Borough Council and part Homes England funded sites at Euclid Street and the former Royal British Legion in Penhill. Furthermore correspondence from Homes England confirms that although the units are below the national standards, the units would still be eligible for funding. It should also be noted that minimum Space Standards have not been adopted by the Council.

79 Regarding the request by the Parish Council for the flooding and drainage plan to be revised, officers would draw attention to the fact that the Lead Local Flood Authority (LLFA) have raised no objection to the proposed drainage strategy subject to conditions.

80 In response to the concerns raised by the residents of 4 Kelham Close regarding the proximity and height of the proposed flat block, the minimum separation distances have been maintained between the existing and proposed houses, including between windows lighting habitable rooms, namely living rooms, bedrooms, studies and kitchens.

Planning Balance and Conclusions:

81 The NPPF directs LPAs to apply the presumption in favour of sustainable development and to approve development in accordance with an up-to-date development plan without delay. The site is sustainably located within Swindon's urban area where there is a presumption in favour of development. The site is previously developed 'brownfield' land and was last used for residential purposes. The principle of development is, therefore, established and in this respect the scheme is compliant with the Swindon Borough Local Plan.

82 The provision of a net 63 additional dwellings is a material consideration in the proposals favour in the context of a lack of a demonstrable five year housing supply in the Borough.

83 It is necessary to consider whether the adverse impacts that have been identified, including the loss of the trees, the failure to meet the national space standards [for the 3 bed 5 person houses] and the urban design officers concerns, would sufficiently and demonstrably outweigh the benefits which include delivering 149 new homes, of which 129 would be much needed affordable homes, completions of which are running significantly below adopted Local Plan expectations. These homes should be considered as a significant community benefit.

84 It is considered that the scheme responds to a series of constraints on and around the site. These constraints have inevitably dictated the form of development which has been designed to respect and mitigate them. The urban design concerns have validity and provide suggestions as to how core principles could be incorporated. However, the scheme is a product of the nature of the site and provides for an acceptable scheme that is significantly better than the previous scheme on the site, and provides for a much improved living environment.

85 It is accepted that the 3 bedroom homes are slightly below national space standards. These standards are not adopted, and Homes England has confirmed that the units would qualify for funding on grounds of size. As such, there is no planning reason to substantiate a refusal based on the size of rooms.

86 It is also noted that a large number of non-protected trees will be lost to development. This is regrettable, but inevitable if the scheme is to be delivered. Mitigation can be provided both on and off site, with the intention of ensuring that any overall loss is minimized.

87 Applying the presumption in favour of sustainable development in accordance with the Local Plan, and taking into account the facts that the main concerns can either be justified or acceptably mitigated, the significant housing land supply shortfall, the condition of the demolished and existing units on the site, and the urgent need for new affordable homes, officers are of the view that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. Therefore, it is recommended that planning permission should be granted subject to conditions and obligations set out above.

Recommendation:

88 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.

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 the following drawings and supporting documents:

0001 rev P1, 0005 rev P1, 0204 rev P3 0209 rev P3, 0210 rev P2, 0211 rev P2, 0212 rev P2, 0213 rev P3, 0215 rev P3, 0216 rev P3, 0221 rev P3, 0229 rev P3, 0230 rev P3, 0235 rev P3, 0240 rev P3, 0620 rev P1, 0621 rev P1, 0622 rev P1 and 0721 rev P1 received by the LPA on 25th March 2019

Flood Risk Assessment and Drainage Statement, Transport Assessment and Transport Scoping Study, Arboricultural Impact Assessment, Historic Environment Desk-Based Assessment, Preliminary Ecological Appraisal, Air Quality Assessment, Desk Study and Ground Investigation Report received by the LPA on 25th March 2019

0700 rev P5, 0701 rev P5, 0702 rev P3, 0703 rev P3, 0704 rev P3, 0705 rev P3, 0706 rev P3, 0707 rev P4, 0708 rev P3, 0709 rev P4, 0711 rev P4, 0712 rev P3, 0713 rev P5, 0715 rev P3, 0716 rev P4 and revised Design and Access Statement and revised Environmental Noise Assessment received by the LPA on 23rd April 2019

Revised Travel Plan received by the LPA on 14th May 2019

0006 rev P02, 0010 rev P06, 0011 rev P02, 0016 rev P06, 0017 rev P06, 0018 rev P06 received by the LPA on 7th June 2019

0200 rev P05, 0201 rev P05, 0203 rev P05, 0205 rev P05, 0206 rev P05, 0208 rev P05, 0214 rev P05, 0217 rev P04, 0218 rev P04, 0220 rev P04, 0222 rev P04, 0223 rev P05, 0231 rev P04, 0232 rev P05, 0233 rev P05, 0234 rev P05, 0241 rev P05 and 0720 rev P02 received by the LPA on 29th July 2019

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

3. The development hereby approved shall not commence until a detailed scheme of 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 scheme shall include details of the positions, species and crown spread of all existing trees and hedgerows on the land, detailing those to be retained, together with measures for their protection during development. 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.

4. Prior to the commencement of works on site in connection with the development hereby permitted, details of temporary protective fences to safeguard the trees to be retained on the site shall have first been submitted to and approved in writing by the Local Planning Authority and shall be erected in accordance with the current BSI 5837 and maintained to that standard until the development has been completed or the Local Planning Authority has confirmed, in writing, that the fencing can be removed.
Reason: To ensure that adequate protection is afforded to the trees and/or hedges on the site.

5. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall:
i. specify the type and number of vehicles;
ii. specify the point of construction access and access route to the site;
iii. set out details of the parking of vehicles of site operatives and visitors;
iv. set out arrangements for the loading and unloading of plant and materials;
v. set out arrangements for the storage of plant and materials used in constructing the development;
vi. set out arrangements for wheel washing facilities;
vii. specify the intended hours of construction operations;
Reason: To reduce the potential impact on the public highway during the site preparation and construction phase(s) of development.

6. Development shall not begin (excluding site clearance and demolition) until a surface water drainage scheme for the site, in accordance with the approved drainage strategy Flood Risk Assessment & Drainage Strategy, Queens Drive, Swindon, Issue 1 March 2019, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include, but not be limited to:

Evidence that the proposed flows from the site will discharge at or below greenfield runoff rates, or as close as practical for any areas that have been previously developed;
Details of how the drainage scheme has incorporated SuDS techniques to manage water quantity and maintain water quality in accordance with best practice guidance including the latest SuDS Manual C753;
Detailed drainage plan showing the location of the proposed SuDS and drainage network with exceedance flow routes clearly identified;
Details to demonstrate the SuDS Scheme has been designed in accordance with best practice guidance including the latest SuDS Manual C753;
General arrangement, which should be coordinated with the landscape proposals and the masterplan;
Manhole Schedules;

Detailed drainage calculations for all rainfall events up to and including the 1 in 100 year plus climate change to demonstrate that all SuDS features and the drainage network can cater for the critical storm event for its lifetime;
Details of how the scheme shall be maintained and managed after completion;
Any drainage systems offered for adoption will be designed to Sewers for Adoption 7th edition and, or SBC standards as part of the detailed design and relevant technical approval processes.
Reason: To prevent unacceptable risks to people and property from flooding by ensuring the satisfactory storage and disposal of surface water from the site.

7. Development shall not be occupied until a surface water drainage maintenance scheme for the site, in accordance with the approved maintenance regime contained within Appendix H Flood Risk Assessment & Drainage Statement, Queens Drive, Swindon , has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be maintained in accordance with the approved details.
Reason: To prevent unacceptable risks to people and property from flooding by ensuring the satisfactory storage and disposal of surface water from the site.

8. Prior to the commencement of above ground works (excluding demolition and site investigation) on site in connection with the development hereby permitted, 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.

9. Prior to the commencement of above ground works (excluding demolition and site investigation) on site in connection with the development hereby permitted, 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. 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.

10. Prior to the commencement of above ground works (excluding demolition and site investigation) on site in connection with the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. This boundary treatment shall be implemented before the building(s) 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.

11. No development shall take place, including any works or demolition, until a Construction Environmental Management Plan has been submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise, vibration, dust and light emanating from the site. The approved plan shall be adhered to throughout the construction period.
Reason: In the interests of residential amenity.

12. The development hereby approved shall not commence until an Environment Management Plan, that incorporates ecological measures that achieves a net biodiversity gain, has been submitted to and approved in writing by the Local Planning Authority. The mitigation contained within the approved plan shall be implemented and managed in full accord with the approved details and agreed timescales.
Reason: To mitigate the biodiversity loss arising from the development.

13. No dwelling on the development hereby approved shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.
Reason: To ensure a satisfactory means of access for occupants of the development.

14. The dwellings hereby permitted shall not be occupied until the cycle parking facilities associated with those buildings have been provided in accordance with the submitted plan [drawing no.QD1-QDA-V1-00-DR-A-0010 Rev P06] fitted with sliding gates, and those facilities shall be maintained available for those purposes thereafter.
Reason: To promote and encourage sustainable transport and travel.

15. Prior to the development being brought into use, details of electric car charging points shall be submitted to and approved in writing by the Local Planning Authority and no occupation of the development shall occur until the approved details have been completed and thereafter maintained.
Reason: To ensure that the opportunities for sustainable transport modes have been taken up.

16. The dwellings hereby permitted shall not be occupied until the vehicular parking and turning facilities associated with those buildings have been provided in accordance with the submitted plan [drawing no.QD1-QDA-V1-00-DR-A-0010 Rev P06], 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.

17. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.
Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

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

19. The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the opportunities for sustainable transport modes are taken up.

20. The proposed residential units shall be designed and constructed to meet the indoor, and outdoor, ambient noise levels contained in British Standard 8233:2014 (or later versions) which currently require:
Resting 35 dB LAeq,16hour (0700 - 2300)
Dining 40 dB LAeq,16hour (0700 - 2300)
Sleeping 30 dB LAeq,8hour (2300 - 0700)
45dB LAFmax not exceeded more than ten times per 8hr period (2300 - 0700)
55 dB LAeq, 16hour in external amenity spaces
Reason: In the interests of residential amenity.

21. All mitigation measures, as set out in Noise Impact Assessment Report M4239 16th April 2019, shall be installed and retained in its approved form for the duration of the use.
Reason: In the interests of residential amenity.

22. Prior to occupation of the residential units, a pre-occupation validation noise survey shall be conducted in order to demonstrate that the noise mitigation measures are effectual in reducing external noise to an acceptable level and a certificate of compliance by an approved acoustic assessor should be submitted to the Local Planning Authority to demonstrate that the standards required under BS 8233:2014 have been achieved. The applicant shall liaise with the Local Planning Authority, who will select a number of completed dwellings, not exceeding 10%, in which to undertake the validation survey. The survey shall demonstrate compliance with the following criteria:
Resting 35 dB LAeq,16hour (0700 - 2300)
Dining 40 dB LAeq,16hour (0700 - 2300)
Sleeping 30 dB LAeq,8hour (2300 - 0700)
45dB LAFmax not exceeded more than ten times per 8hr period (2300 - 0700)
55 dB LAeq, 16hour in external amenity spaces
Reason: In the interests of residential amenity.

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 or telephone the SBC CIL Team on 01793 466289 or 466397 or email 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 and https://www.gov.uk/guidance/community-infrastructure-levy. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

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

3. The weather will have an impact on construction sites which in turn will require roads to be swept in addition to using wheel wash facilities. Swindon Borough Council are on winter service alert for gritting roads around the Borough from mid-October to mid-April each year, the treated roads are shown on the attached plan. The de-icing material used for road treatment by this council is Thorox, this material is rock salt treated with an agricultural by-product similar to molasses and has the advantage of being active on the carriageway for up to three days providing there is no substantial precipitation or sweeping. It is imperative that any salt removed from the treated network by sweepers clearing mud and debris is replaced straight away at a spread rate of 15g/m2. Where a sweeper is used on the roads around your site, you have a responsibility to retreat roads after washing or sweeping to ensure safety of road users is maintained during the winter period. In order to assist with this retreatment, Swindon Borough's Highway Operations Team can provide a filled grit bin at a cost available on request for use by developers, it should be noted that once delivered the bin and its contents will be in the property of the developer. In the first instance, please contact, Duty Winter Service Engineer, 01793 466354 to discuss and confirm site specific requirements.
https://www.swindon.gov.uk/info/20040/road_safety_maintenance_and_repairs/737/find_out_about_road_gritting

4. In addition to this consent, under the Town Improvement Clauses Act 1847 the applicant is required to contact SBC's Street Naming & Numbering Officer as soon as possible with regard to registering new or changes to the official address of any properties within this development.
http://www.swindon.gov.uk/info/20031/roads_parking_and_transport/321/apply_for_street_name_or_number

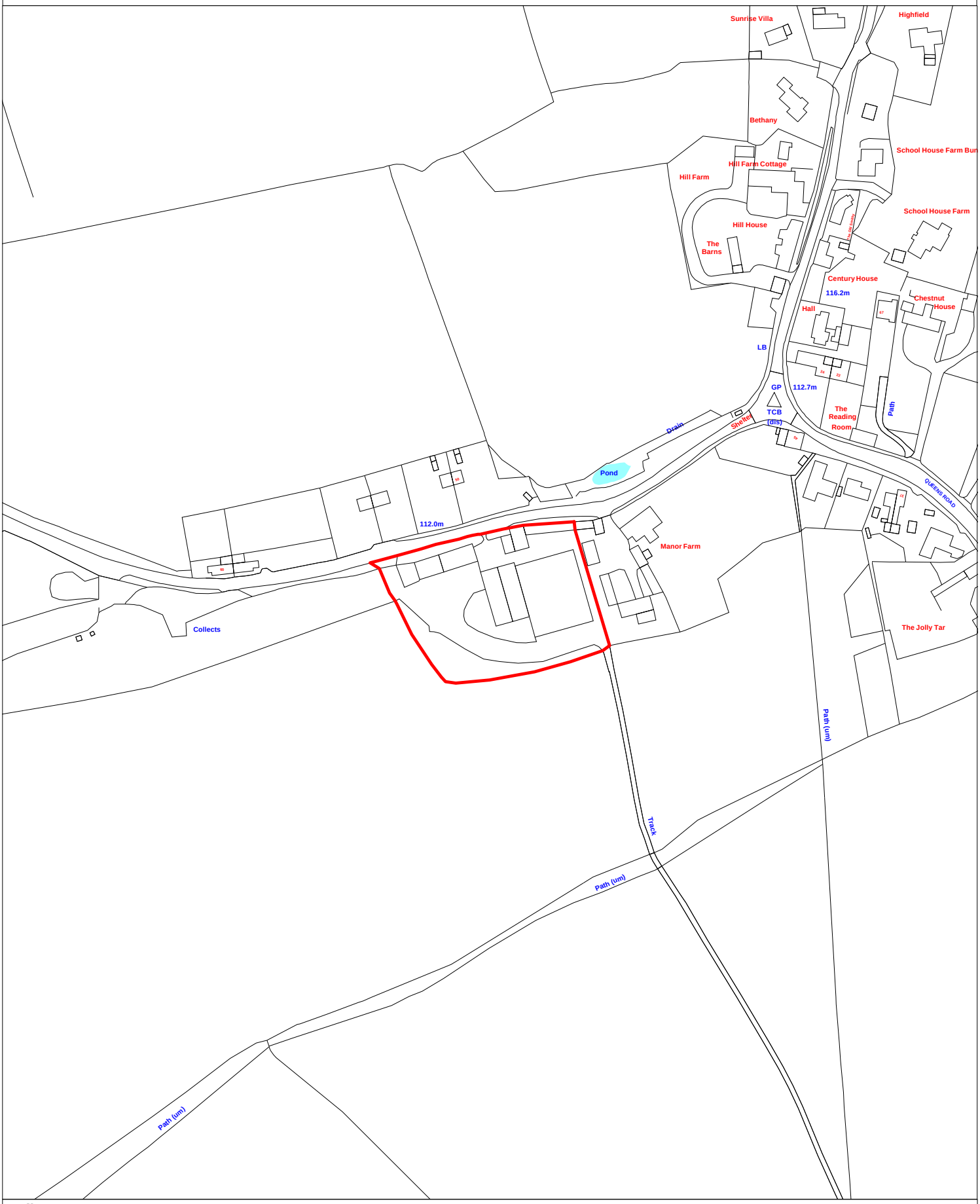
5. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
https://developers.thameswater.co.uk/Developing-a-largesite/
Planning-your-development/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email:
developer.services@thameswater.co.uk

6. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-
diverting-our-pipes

End of Report

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 Swindon SN6 7SY



This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.

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S/17/1114

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 Swindon SN6 7SY

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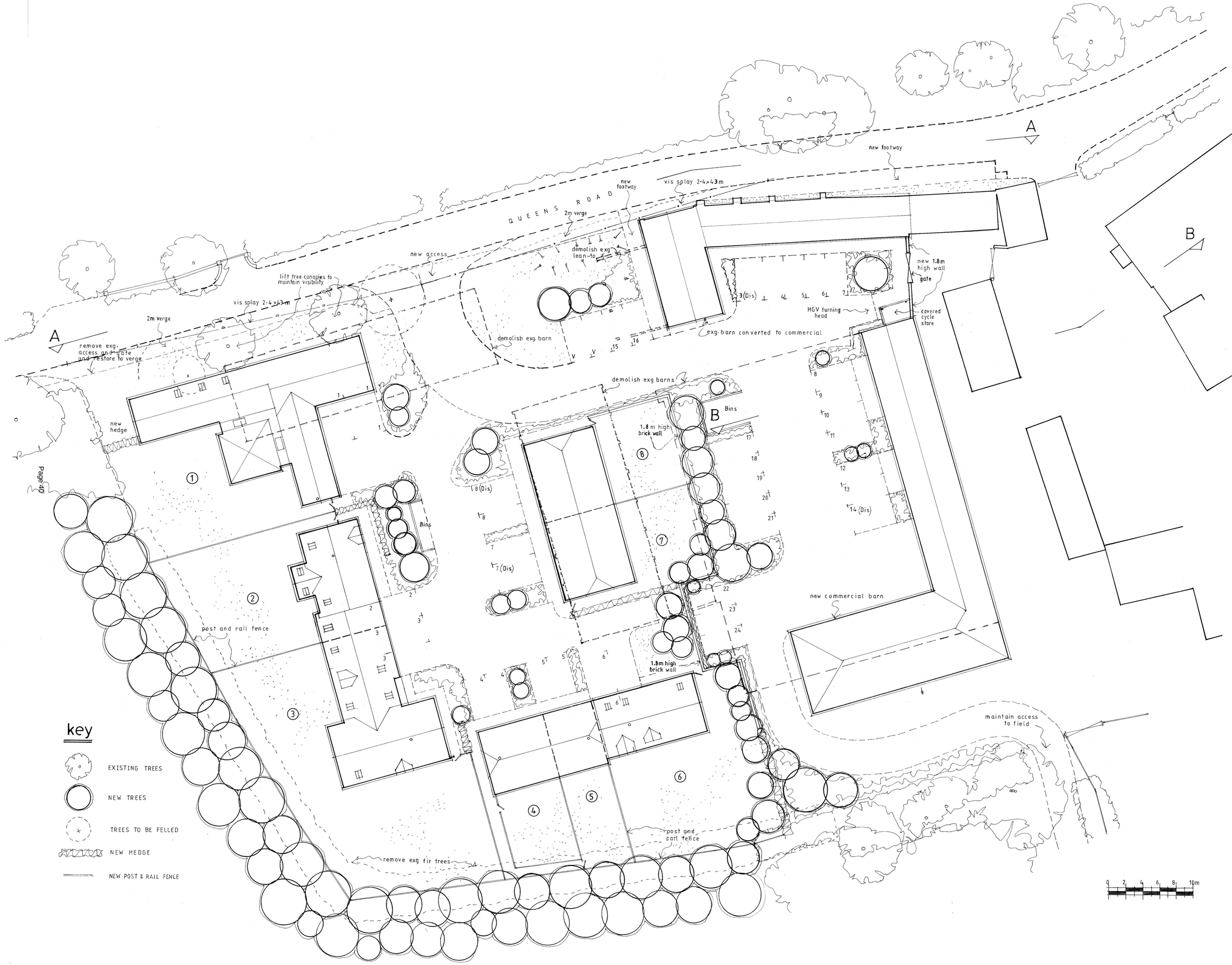

revisions	date
B Various amendments	23.10.17
A Streetscene & section lines added	20.06.17

Contractors, Sub Contractors and Suppliers are to check all relevant dimensions and levels of site and buildings before commencing any shop drawings or building work.

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project

MANOR FARM
HANNINGTON

drawing

site plan

scale	date
1:200 @ A1	MARCH '17

drawing no 130712~27 B

FOWLER ARCHITECTURE AND PLANNING
19 High Street
Pewsey
Wiltshire
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enquiries@faap.co.uk

Table 1 - Schedule of existing accommodation

Existing Building	Use	Sqm (GIA)
Building A	Use Class B1 / B8	269.2
Building B	Agricultural	291.8
Building C	Use Class B1 / B8	288.4
Building D	Agricultural	1132
TOTAL		1981.4

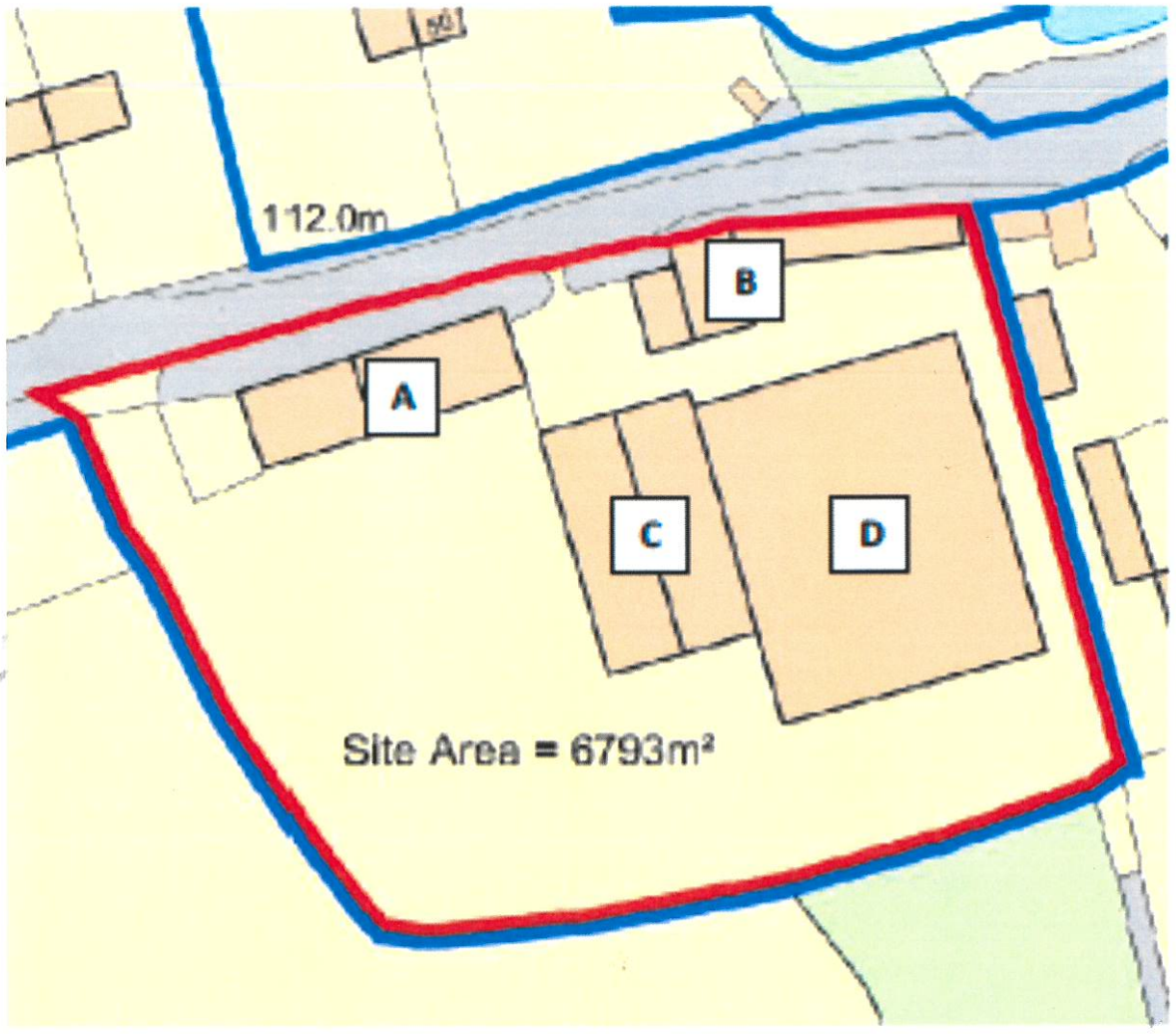
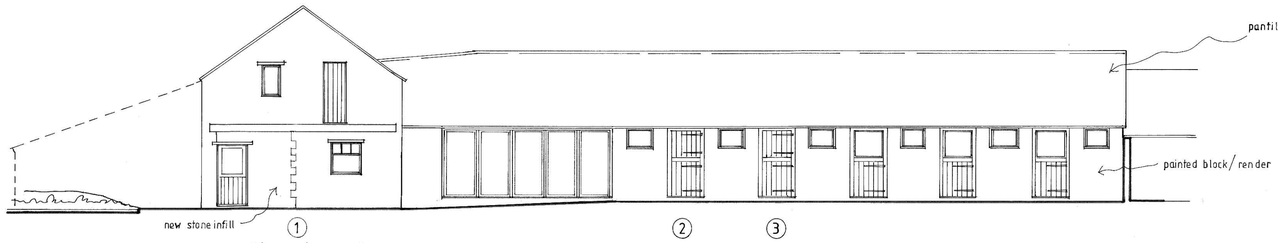
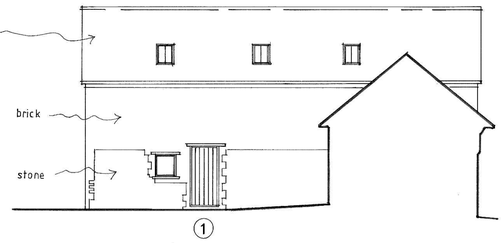


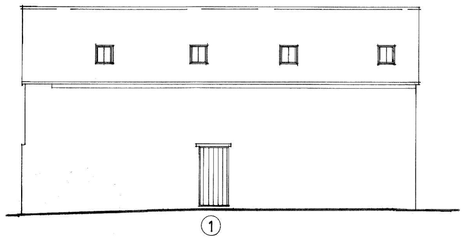
Figure 3 - Identification of existing buildings



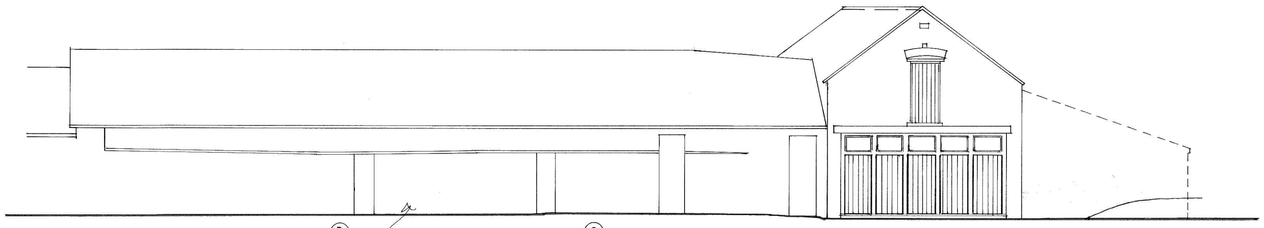
south elevation



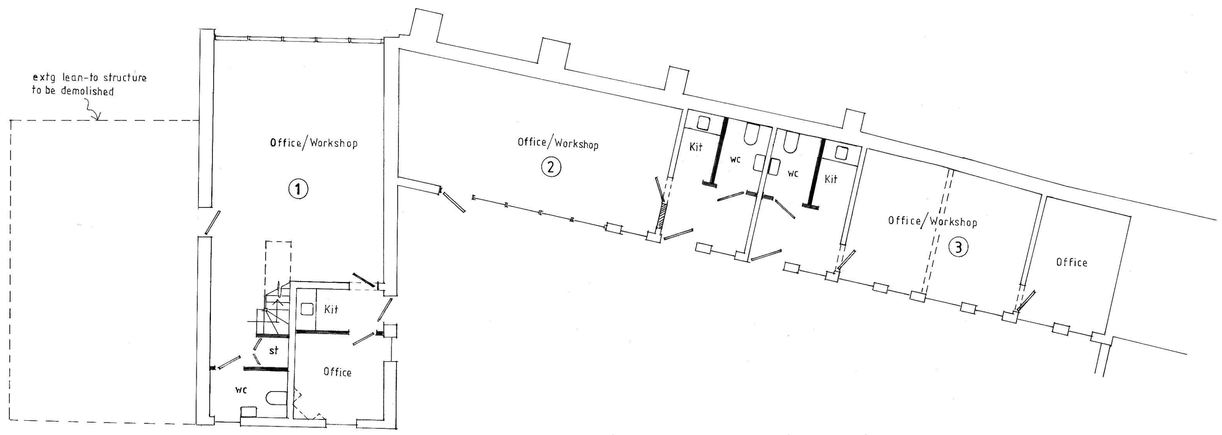
east elevation



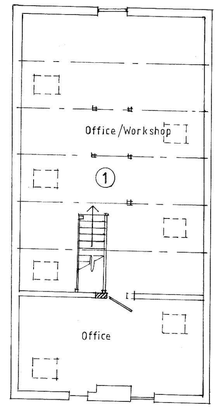
west elevation



north elevation



ground floor plan



first floor plan

0m 2m 4m 6m

revisions date

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project

MANOR FARM
HANNINGTON

drawing

design scheme

COMMERCIAL UNITS

scale 1:100 @ A1 date MAR 2017

drawing no 130712-25 B

FOWLER ARCHITECTURE AND PLANNING
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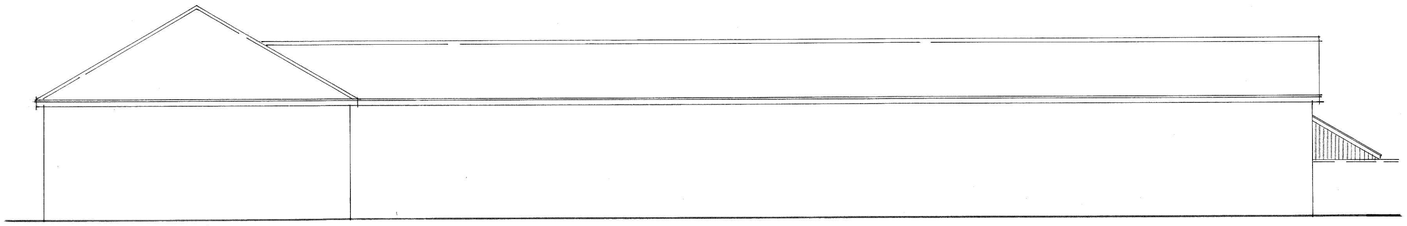
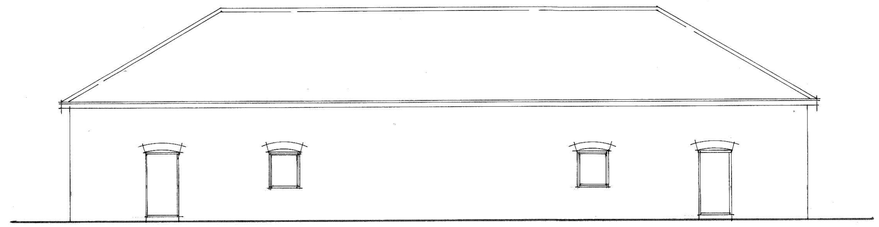
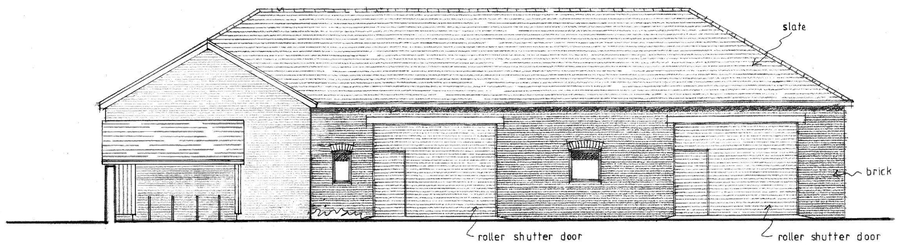


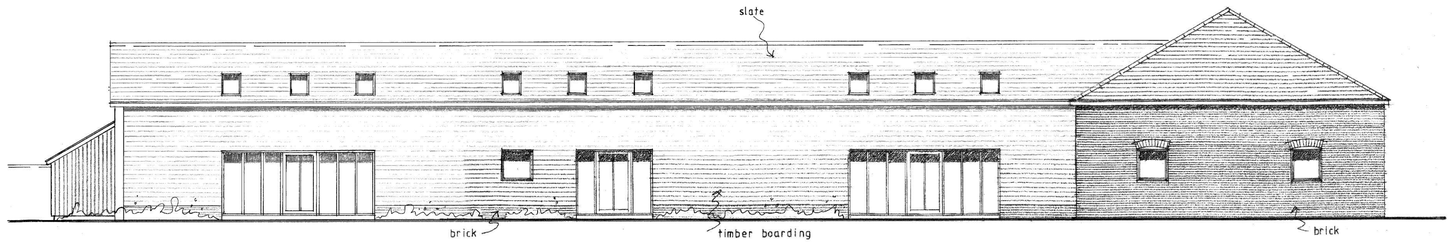
east elevation



south elevation



north elevation



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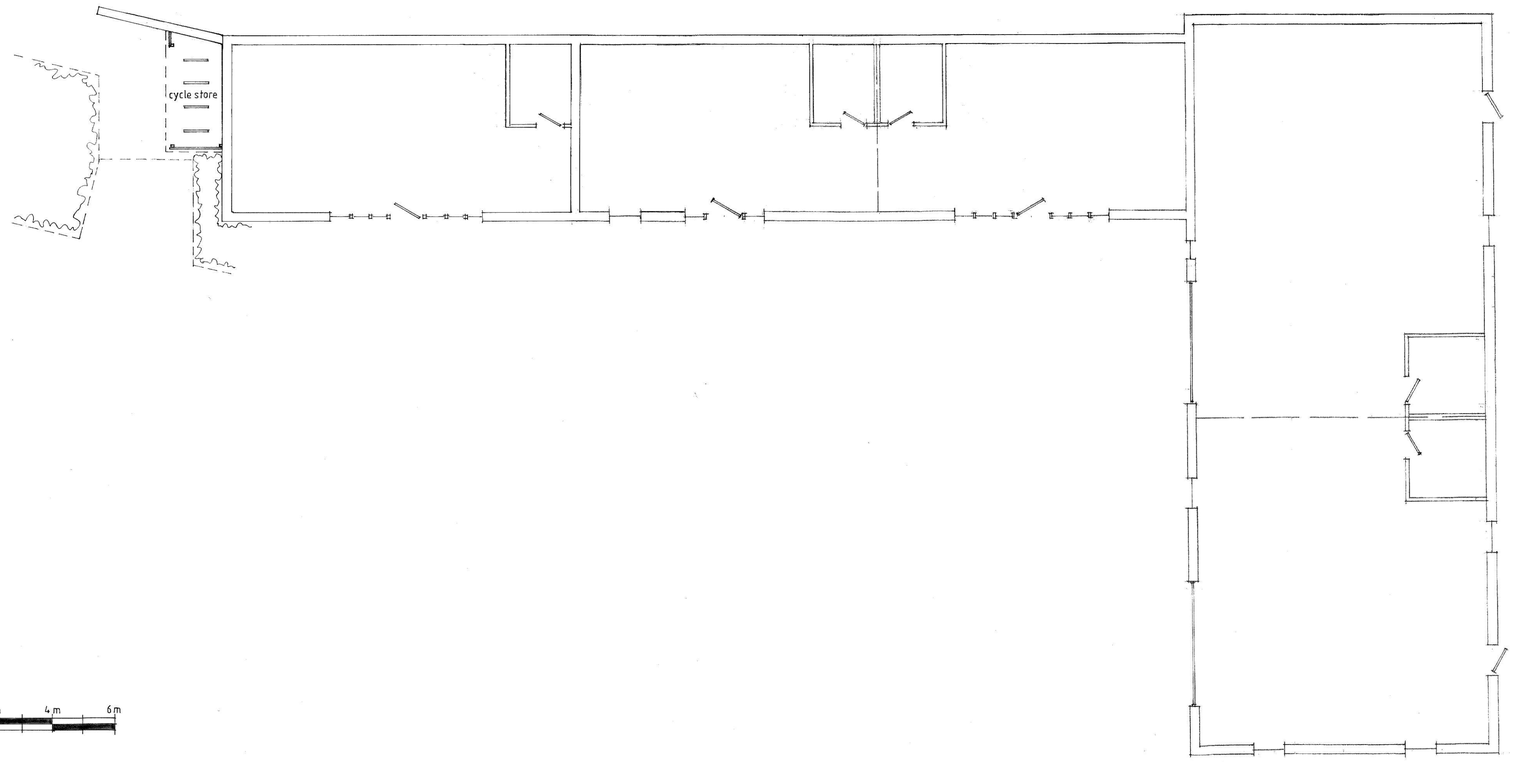

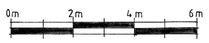

floor plan

revisions | date

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project

MANOR FARM
HANNINGTON

drawing

design scheme
COMMERCIAL UNITS NEW BUILD

scale: 1 : 100 @ A1 | date: APRIL '17

drawing no: 130712 ~ 28 | A

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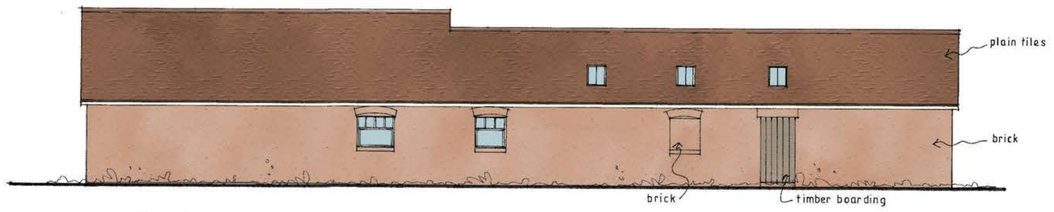

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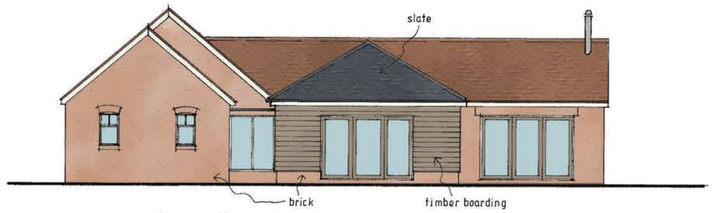
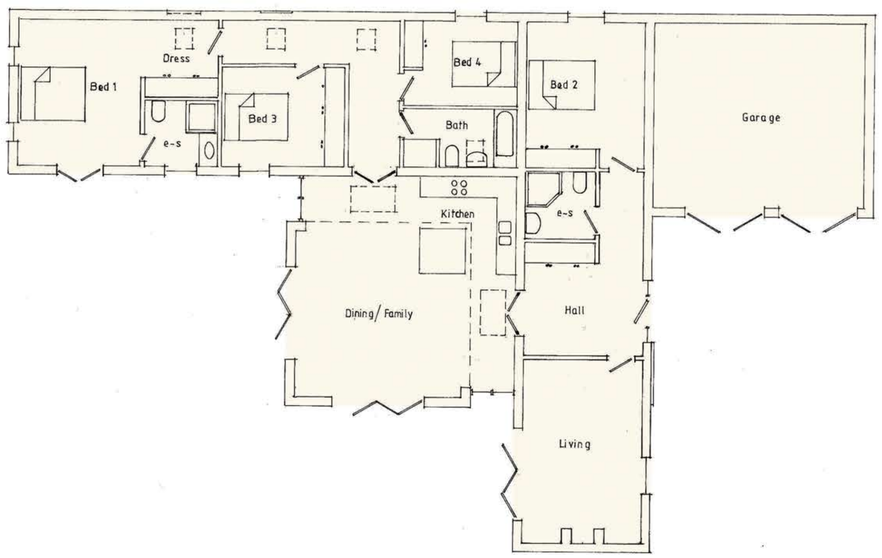


west elevation

east elevation

south elevation



floor plan

revisions | date

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project

MANOR FARM
HANNINGTON

drawing

design scheme

PLOT 1

scale: 1:100 @ A1 | date: DEC 2016

drawing no: 130712 – 21

FOWLER ARCHITECTURE AND PLANNING

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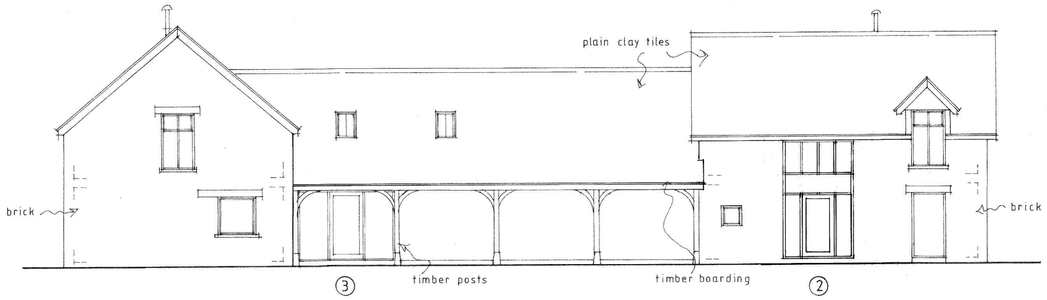
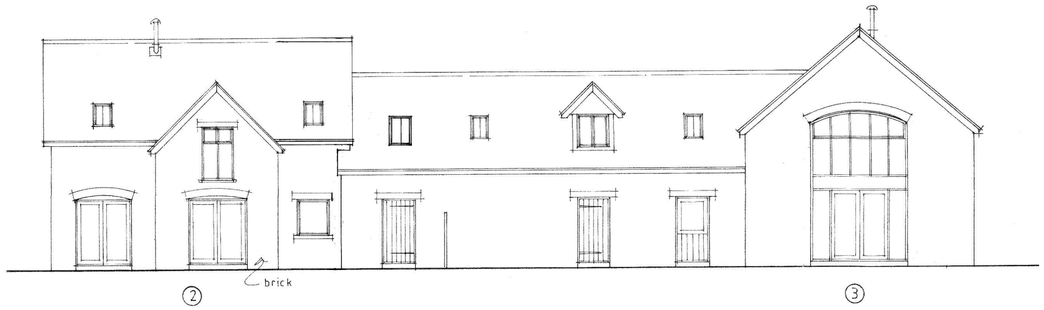


east elevation



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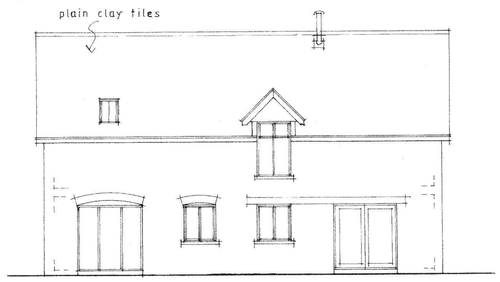

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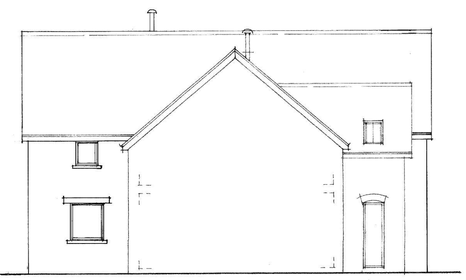

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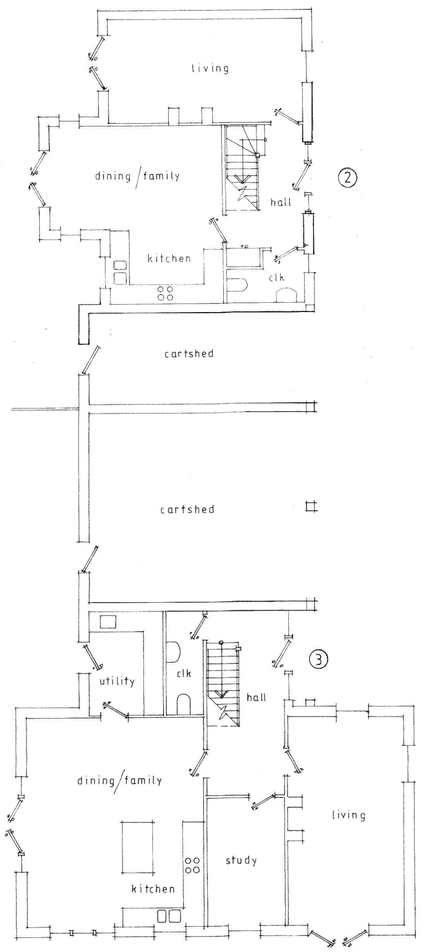
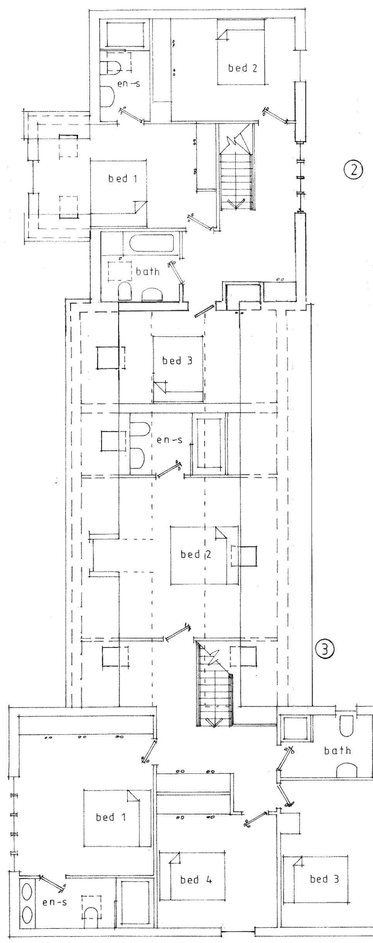


ground floor plan



first floor plan

revisions | date

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project

MANOR FARM
HANNINGTON

drawing

design scheme

PLOTS 2 3

scale: 1 : 100 @ A1

date: MARCH '17

drawing no 130712 ~ 24 A

FOWLER ARCHITECTURE AND PLANNING
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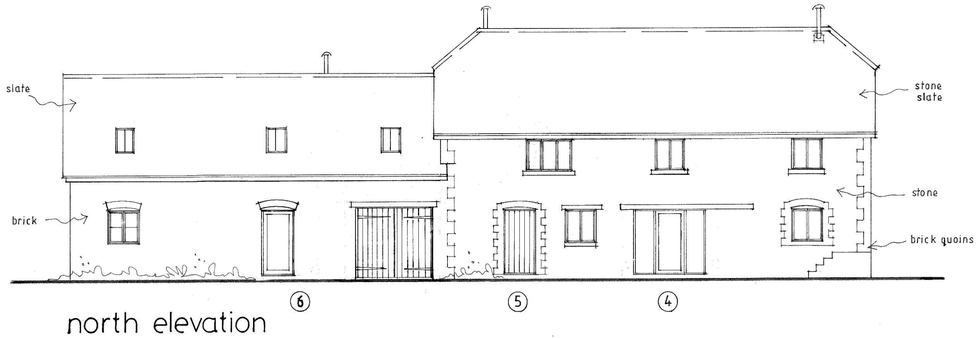

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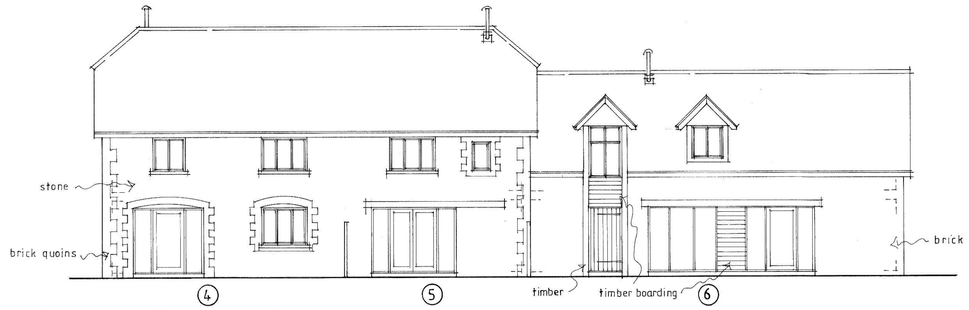

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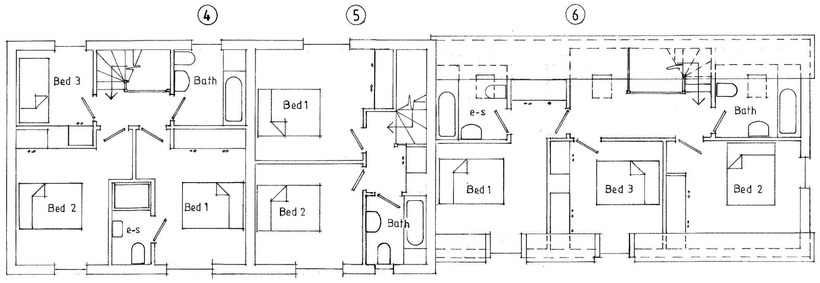
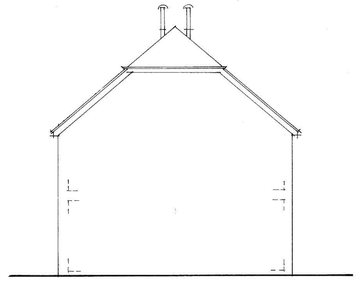


first floor plan



west elevation

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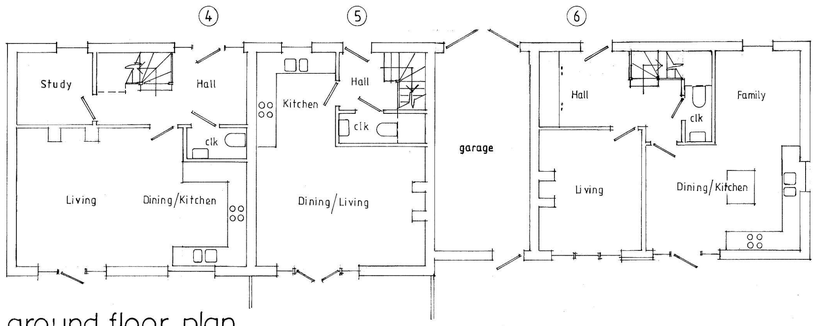
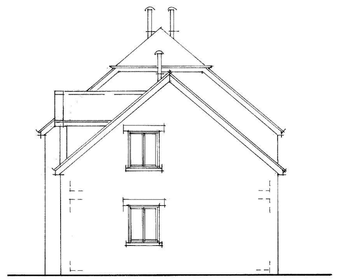


ground floor plan



east elevation

6

revisions date

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project

MANOR FARM
HANNINGTON

drawing

design scheme

PLOTS 4, 5 & 6

scale 1:100@A1 date DEC 2016

drawing no 130712 – 22 A

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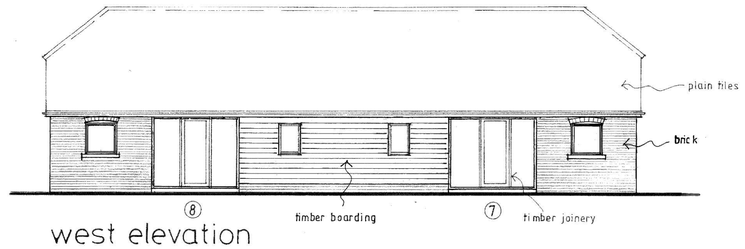

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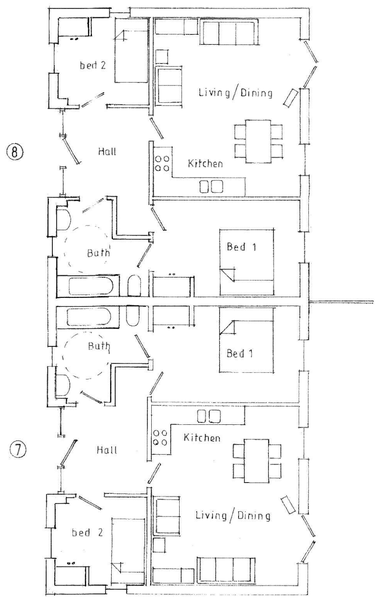
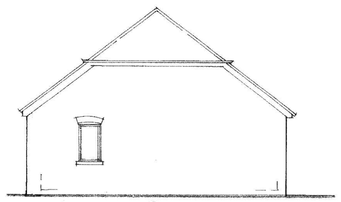


floor plan



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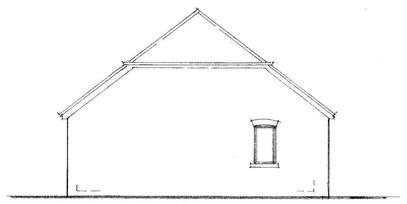
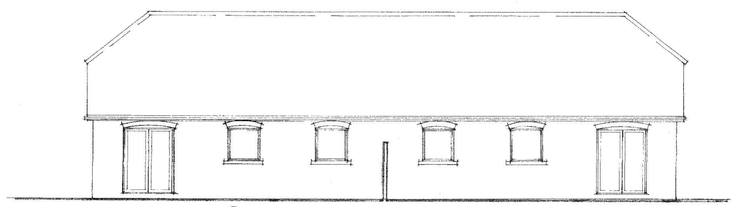


north elevation



east elevation

revisions date

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project

MANOR FARM
HANNINGTON

drawing

design scheme

PLOTS ⑦ & ⑧

scale 1:100 @ A1 date MAR 2017

drawing no 130712-23 B

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COMMITTEE REPORT

Item Number:
Application Number: S/17/1114/SASM

Ward: Blunsdon And Highworth
Parish:
Hannington

Proposal: 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.

Site Location: Manor Farm, 47 Queens Road, Hannington

Case Officer: Mrs Sarah Smith

Agent:
Mr Aaron Smith
Fowler Architecture & Planning Ltd
19 High Street
Pewsey
SN9 5AF

Applicant
Lower Burytown Farms Ltd

c/o Agent

Officers Report

Background:

0.1 This application was considered by Members at Planning Committee in January 2018 where it was resolved that:-

(a) the Head of Planning, Regulatory Services and Heritage be authorised to grant planning permission subject to Conditions set out in the Committee Report together with any amendments, omitted or additional conditions including an additional condition precluding the installation of street lighting and if required, the completion of a Section 106 planning obligation to secure the necessary mitigation in respect of recreational open space.
(b) In the event that the applicant fails to agree an extension of time to allow sufficient time for the Local Planning Authority to deal with this matter the Head of Planning, Regulatory Services and Heritage be authorised to refuse planning permission.

0.2 It was determined that mitigation in respect of recreational open space was required after reviewing the Open Space Audit & Assessment (March 2014 update). Therefore officers negotiated with the applicant to secure open space contributions as set out under adopted Policy EN3 and the off-site contributions generated by the Open Space Calculator. The S106 agreement was completed dated 3rd January 2019 and the decision issued under delegated powers on 7th January 2019.

0.3 Following the grant of Planning Permission a claim was filed by Mr Guillaume Molhant-Proost

on Monday 18th February at the High Court for a Judicial Review of the Council's decision on a number of grounds that the Council had acted unlawfully in granting planning permission, in particular in relation to the consideration of heritage assets within the report.

0.4 After reviewing the matter and having taken Counsel's advice, it was concluded that the process of defending such a decision in a court of law was likely to be both lengthy and costly, and there being no guarantee that the High Court would not agree with the claimant, it was decided to accept Counsel's advice to consent to Judgment to quash the planning permission.

0.5 The High Court made an Order quashing the planning permission on 23rd March 2019. The application is therefore brought back before the Planning Committee for re-determination.

0.6 Since the application was considered by the Planning Committee in January 2018, the Revised National Planning Policy Framework ('revised NPPF') has been published (July 2018) and subsequently amended (February 2019). The thrust of the policy framework on conservation matters remains the same. In addition the Hannington Neighbourhood Plan was 'made' in November 2018.

Summary of Recommendation:

1 That planning permission be **GRANTED** subject to Conditions and to the s106 agreement dated 3rd January 2019 containing planning obligations in respect of off-site open space contributions.

The Proposal

2 A pre application enquiry was submitted for a similar proposal in 2016 and whilst there were some benefits to the proposed development officers raised concerns that the site was outside Hannington's settlement boundary and would have an impact on the Conservation Area. This application was submitted to justify the proposal in planning terms and demonstrate acceptability of its impact on heritage assets.

3 The application proposes to demolish buildings A, C and D as shown on Fig.3 of the Design & Access statement. The lean-to abutting the western end of building B would also be demolished but the remainder of this building would be retained and converted to B1(c) light industrial use. In place of the demolished buildings, 5no. new buildings are proposed to be arranged around two interconnected courtyards. On the western part of the site 8 no. dwellings would be constructed, comprising a detached dwelling, two pairs of semi-detached dwellings, and a terrace of three dwellings. The mix of dwelling sizes would be 3no. 2-beds, 3no. 3-beds and 2no. 4-beds. Two of the proposed dwellings would be Category 2 accessible and adaptable dwellings.

4 The easternmost of the two courtyards would serve a new 390.8sqm commercial building (comprising 5 separate units) and the converted building B. Taking into account the conversion of building B, the total amount of commercial floorspace on site after the development would be 625sqm, a marginal increase on the 550sqm currently provided. The proposed use of the commercial space is described as B1(c) light industrial.

Site and Surroundings

5 The application site is 0.68ha in area. It is currently occupied by four separate buildings. Two of the buildings, on the western part of the site, are single-storey breeze-block structures, part clad in corrugated iron with corrugated iron apex roofs and sliding/roller-shutter doors. These buildings are referred to as buildings A and C in the applicant's Design & Access Statement. They comprise 5 separate units with a total floor area of circa 550 sqm and benefit from planning permission for uses falling within Use Classes B1 (business) and B8 (storage and distribution).

6 The eastern part of the site comprises two further buildings, buildings B and D, which are used for agricultural purposes and have a combined GIA of 1,423.8sqm. Building B is an older brick and tiled roofed structure which stretches along the site frontage with Queens Road. Building D is a large, partly open-sided, metal framed agricultural shed.

7 These groups of buildings are set within a large gravelled/hard standing area. Further to the east, and not forming part of the current application site, are further farm buildings and Manor Farm farmhouse.

8 The site is situated at the western edge of Hannington village on Queen's Road. Opposite are a number of residential properties set back from the road and partly on higher ground. A high leylandii hedge surrounds part of the site on the western and southern edges.

Consultations

Original Plans

9 Hannington Parish Council: The proposal has been discussed with the agent at a number of public meetings. Overall the Parrish Council supports the proposal but has a number of concerns as follows:- hopes that peak traffic movements can be obviated to not cause significant annoyance to near neighbours; insufficient on- site parking; noise level of proposed commercial units should not be increased and a condition is requested to prevent this; request also that the Conservation Officer communicates with the Parish Council any works to the wall at the frontage of the site and materials in respect of Plot 1; during construction there must be no egress of materials or traffic outside the site into any part of the village; there should be no parking of vehicles on Queen's Road; roads should be kept clean and articulated vehicles should be directed from the A419 via the C114. Hours of construction should be limited and hours of commercial units restricted; traffic lights must be used if a road closure notice is required. It is also noted that the Site Plan does not show size or area of gardens for the houses proposed and no footpaths have been shown around the houses or the commercial units. Drainage and sewerage infrastructure has also not been shown and must be addressed.

Neighbours and local residents:-

10 Six letters of objection received from 54 Queen's Road (2), Hannington Hall, Glebe House, 4 Queen's Road and Yorke House, Queen's Road covering some or all of the following grounds:-

- Development falls outside designated Hannington Settlement boundary,
- No brownfield opportunities in the Parish,
- Hannington Neighbourhood Plan not finalised meaning the matter is sub judice,
- Effect on privacy of nearby residential property,
- Need to safeguard countryside and wildlife,
- Noise disturbance,
- Parish Council should consult us on the plans, only heard about the meetings after they had taken place, the only one we were notified about we couldn't attend,
- Conflict with the development plan,
- Highway traffic,
- Design, appearance and layout,
- Lack of enhancement of the Conservation Area.

11 Two letters of support from Butler's Cottage, 39 Queen's Road and 10 Queen's Road covering some or all of the following grounds:-

- Presentations made by the developer to the Parish residents were very well attended and many constructive,

- Intelligent and forward thinking comments were made by the residents, some concerns were raised about noise levels from the light industrial units, residents parking, and increased traffic through the village, impression was that the majority of those present supported the proposal,
- When residents were asked what they didn't like about Hannington a few years ago a significant number of references were made to the Manor Farm barns and surrounding yards not presenting a good visual aspect when approaching village from the west and the proposal should greatly enhance the look of that area,
- Any adverse impact on traffic and population numbers has been exaggerated by opponents of the plan,
- Without controlled sensitive and well designed development Hannington will stagnate and truly become a dormitory village, the village has some 240 residents – half the number it was in 1880,
- The village needs such a small development to give young people a place to call home, my family have had to move out due to the lack of affordable housing, Very little social or affordable housing within the village, These houses are needed for this village to carry on the needs of the 21st century and the families that live here, if not it will become a village for the elite,
- Is this going to be another village filled with rich outside people whose only concern is build anywhere else but not in our backyard, over 95% of the housing stock is priced over £450,000,
- Instead of commercial building on site have a few more houses,
- Kempsford and Fairford are looking to the future and building small affordable housing stock so why is Swindon not doing the same here.

Revised Plans:

12 Hannington Parish Council:- Supportive in principle and acknowledge changes are minimal. Concerns remain regarding whether the garden areas comply with emerging Policy of the Neighbourhood Plan, the Parish would like to see the dwelling to plot ratio of 0.5 being applied, the foul drainage aspects of the proposal needs to be clarified, hopes that peak traffic movements can be obviated to not cause significant annoyance to near neighbours, current numbers of commercial units must not be increased, on site parking remains insufficient, Council concerned that articulated lorries will not have sufficient turning circle with children on the site this creates a dangerous situation, limited bin storage and stores, noise level must not be increased, hours of operation of the commercial units must be conditioned, Parish Council requested that Conservation Officer should advise on the wall and consult with the Parish Council and this has not been done, also in respect to materials this has not been done, construction management on site must be controlled by Condition.

13 Nine letters of objection received from 9, Queen's Road, Step Cottage 11 Queen's Road, 54 Queen's Road (2), 56 Queen's Road, 4 Home Farm Lane, Lower Farm Barn, Hill House and Hannington Hall covering some or all of the following grounds:-

- Increase in traffic,
- Impact on privacy,
- Major disruption to countryside, views and wildlife,
- Effect on services, water pressure and drainage,
- Noise pollution,
- Light pollution,
- Impact on character and charm of village,
- Roads not suitable,
- Leaves us wide open to future development and plan to join us to Swindon,
- Applicants have let buildings deteriorate,
- Outside settlement boundary ,
- Will not preserve or enhance Conservation area,
- Have seen a court order preventing you (SBC) considering it at present,

- Not in accordance with Local Plan,
- Not in accordance with emerging Neighbourhood Plan,
- Scale too great for the village

14 One letter of support received from 39 Queen's Road on the following grounds:-

- Presentations by the developer were very well attended and many constructive, intelligent and forward thinking comments were made by the residents,
- Some concerns were raised about noise levels from the light industrial units, residents parking, and increased traffic through the village,
- Impression was that the majority of those present supported the proposal,
- When residents were asked what they didn't like about Hannington a few years ago a significant number of references were made to the Manor Farm barns and surrounding yards not presenting a good visual aspect when approaching village from the west and the proposal should greatly enhance the look of that area,
- Any adverse impact on traffic and population numbers has been exaggerated by opponents of the plan,
- Previously there was opposition from nearby residents to houses being built on a site in Home Farm Lane. This site lies outside the settlement area. Since they have been built and occupied and the surrounding area landscaped and tidied it is recognised as a significant improvement and the incoming residents have integrated well into the community.
- The proposal is controlled, sensitive and well designed, bring life into a stagnating and unsustainable village and the whole site would look better than present.

Planning Considerations

15 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

16 The Development Plan relevant to this application consists of the Swindon Borough Local Plan, adopted on the 26th March 2015, and the Hannington Neighbourhood Plan, 'made' in November 2018. Also relevant to the application is the revised NPPF.

17 The site lies outside of the rural settlement boundary of the village of Hannington, as defined on the Local Plan policies map.

18 At the planning inquiry for Land at Hill Cottage Blunsdon (Planning Inspectorate reference: APP/U3935/W/17/3192234, SBC reference: S/OUT/17/1032) the Council's position was that it is able to demonstrate 2.7 years' supply of housing land in the Borough in accordance with Paragraph 73 of the revised NPPF.

19 The site is situated within the Hannington Conservation Area (CA), designated in 1979, and reviewed in 2009. The relevant considerations in respect of Conservation issues include the requirement afforded by s.72 of Planning (Listed Building & Conservation Areas) Act 1990 which states "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

20 The group of farm buildings to the east of the application site, including the Farmhouse and building B, are identified in the Hannington Conservation Area Appraisal and Management Plan (2009) as 'key buildings of interest'. However, this does not mean they are statutory listed buildings.

21 Buildings A and C and their curtilages are previously developed land within the definition as

presented in the glossary of the revised NPPF[1] in that they are employment use (Class B1 and B8). Building B and D and their curtilages are not previously developed land because they have remained as agricultural buildings.

Heritage Assets Consideration

22 The starting point for dealing with such matters is the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) of the Act says that in considering whether to grant planning permission for development which affects a listed building or it's setting, the local planning authority, or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or it's setting or any features of special architectural or historic interest which it possesses.

23 Section 72(1) of the Act sets out in the exercise of planning functions, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

24 Paragraph 192 of the revised NPPF states that in determining applications, local authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.

25 Paragraph 193 of the revised NPPF sets out when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This wording reflects the statutory duty in sections 66(1) and 72(1).

26 Paragraph 194 of the revised NPPF then sets out that any harm to the significance of a designated heritage asset can arise from its alteration, destruction, or from development within its setting, and that any such harm should require clear and convincing justification.

27 Paragraphs 195 and 196 of the revised NPPF then directs the decision maker to consider if any harm is substantial or less than substantial, and the course of action to be taken in each circumstance.
.
28 The main consideration in terms of the conservation impact is the effect of the proposed development upon the character and appearance of the Hannington Conservation Area and the effect upon the setting of heritage assets (Manor Farmhouse and associated buildings).These buildings make a positive contribution to the Conservation Area's character and appearance.

[1] Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

29 The site is prominently situated on the western side of the Conservation Area. This part of the Conservation Area is noted as having a distinct identity, including Manor Farm - the farmhouse and other buildings which contribute positively to the area's character and appearance as 'key buildings of interest' (of local significance and therefore heritage assets).

30 The farmhouse and its setting positively contributes to the layout and street pattern of that part of Hannington; it reflects the agrarian context - the acknowledged rural character and appearance. Its situation on the edge of the village is characteristic of the use and contributes positively to the rural quality and reflects a transition between the village and the countryside beyond. This contributes to the historic significance of the Conservation Area.

31 Within the site, for the most part the buildings reflect the farm character. These range from those that are historic buildings of local significance to later modern development (20th C) demonstrated by larger buildings. All are commensurate and characteristic with the farm function. Buildings that relate to the historic farm layout 'extend' eastwards outside the development site boundary to include other Manor Farm buildings and the main Farmhouse.

32 Those significant historic buildings include a stable with granary over (referred to in the application as a barn) and a former cart/shelter shed which has subsequently been altered to form stables.

33 The site contains a large hard surface service yard to the west and the experience from within the site is one of openness with increased built form toward the eastern side. There is a (non-native) hedge surrounding the site at this eastern end (south and west boundary). A gate opening in the area of the north-west corner of the western boundary is highlighted as allowing a 'view' to the wider landscape (as identified on the Conservation Area map). This field gate is near to the existing main vehicular access from Queen's Road direct into the aforementioned yard, and affords access into the adjacent field.

34 A second access is adjacent to the farmhouse (outside of the proposal site). A smaller informal pedestrian access approximately mid-way between the two is via a small grassed bank area forming the verge.

35 From outside the site, the open service yard is apparent from Queens Road particularly travelling out of the village (heading west) and a lessening of the built form becomes apparent as the access gate is met. Historically the farm area was restricted to the eastern side (as depicted on 1880's OS mapping) with the existing land use area having extended westwards.

36 There is a grass verge along much of the edge alongside the site to Queens Road which contributes to the area's rural context and character and there is no existing footpath. Some of the existing built form is immediately adjacent to the road and includes some of the historic buildings.

37 The proposed business use includes the conversion of those buildings within the site that are identified as being of local significance/importance (key buildings of interest) to a B1 use. Subject to conditions, the Conservation Officer has no objections to the conversion of these buildings.

38 In addition the Conservation Officer has no objections to the proposed demolition of the commercial buildings – although she states that the buildings are commensurate with the agricultural function of the farm and contribute to that rural and agricultural character and appearance. However, in principle and in isolation their loss is not considered to be contentious.

39 The proposed siting and layout of the redevelopment is a key consideration. The site layout essentially sub-divides into two use areas; the proposed business use to the east side and the proposed housing development to the west. Manor Farmhouse and the buildings east of and

outside the proposal site represents a third area. In terms of the replacement buildings for business/commercial use, due to their siting and layout they have no impact upon the area's character and appearance as a Conservation Area or on the setting of the historic buildings.

40 The main conservation concerns are around the siting of Plot 1 of the residential element particularly with regard to both the access to the field beyond and the associated 'view' not being preserved in the application, and the siting of the residential units near to the edge of the settlement where development begins to taper off.

41 It is accepted that there will be a loss of the view caused through the position of Plot 1. However, it is considered that the most important views of the hillside and pastoral setting exist from beyond the site boundary across the southern edge of the carriageway where a ditch exists with hedgerow beyond. While a small gate does exist it is sufficiently set back from the road frontage to not offer any significant view of the countryside setting beyond. As far as the location of development on the western part of the site is concerned there are maps which show buildings within the yard extended into this currently open area (1973 to 2002) though these were demolished pursuant to Conservation Area Consent S/CAC/02/0899.

42 Overall the Conservation Officer considers that some harm is caused to the character and appearance of the Conservation Area through this proposal, but the level of harm to the significance of the Conservation Area is **less than substantial**. It is not considered that there would be any significant harm caused to the significance of the non- designated heritage assets or their setting.

43 Paragraph 196 of the revised NPPF states that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 196 should, therefore, be read in conjunction with the first part of paragraph 193, which states that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation. The authority's assessment of likely harm is a matter for its own planning judgment. Nor does it mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. However, it should demonstrably apply that weight to the proposal it is considering.

Public Benefits

44 There are a number of benefits arising from the development proposal. It would:

- retain existing employment land and provide updated employment premises development in a rural area, in accordance with paragraph 83 of the revised NPPF, providing the potential to serve rural employment needs
- make efficient use of land by providing a mixed use scheme on part previously developed land, in accordance with paragraph 118 of the revised NPPF,
- provide accessible dwellings in excess of the Local Plan requirement (2 of the 8 units) thereby making a positive contribution to meeting the accommodation needs of an identified section of the community in the revised NPPF (paragraph 61 refers),
- make a contribution to meeting the overall housing needs of the Borough, and the shortfall in provision against overall Local Plan expectations
- retain and sustain a building of local significance,
- enhance the visual character of the site through the replacement of the modern steel-framed sheds with more sympathetic built development, and
- make a contribution to supporting the vitality of Hannington in accordance with paragraph 78 of the revised NPPF.

45 In addition, effort has been made to complement and harmonise with buildings in the immediate vicinity in the design and selection of materials of the proposed development.

46 Paragraph 200 of the revised NPPF encourages Local Planning Authorities to look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance.

47 Taking into account that great weight should be given to the asset's conservation, as expressed in paragraph 193 of the revised NPPF, it is considered that the benefits of the proposed development listed in paragraph 44 are demonstrable and do outweigh the less than substantial harm on the significance of the Conservation Area.

Policy Issues

Local Plan policy

48 This proposed development is a composite of two land uses, light industrial (B1(c)) and residential (C3) on a site currently used for light industrial and agricultural purposes.

49 Local Plan Policy SD2 states that, in rural and countryside locations outside the rural settlement boundaries, development will be permitted where (amongst other categories) local needs have been identified and allocated through a Neighbourhood Plan or it is in accordance with other policies of the Local Plan permitting specific development in the countryside.

50 The conversion of building B to light industrial use is supported by Policy EC4 of the Local Plan. Policy EC4 states that the conversion of a building to employment use in the countryside will be permitted if it meets the following criteria:

- it is structurally sound and capable of conversion without substantial reconstruction;
- the conversion maintains the original character of the building and does not have a detrimental effect on the fabric and character of any adjacent buildings, including listed buildings, or the landscape character type generally;
- utilities can be provided and the building has adequate access to a metaled road without creating traffic hazards and without involving road improvements incompatible with the character of the area; and
- the conversion does not lead to a dispersal of employment activity on such a scale as to adversely affect the vitality of neighbouring rural settlements.

51 Officers are satisfied that the conversion of building B would meet these criteria.

52 Similarly there are no planning policy concerns to the new build commercial building as there is an established, lawful employment use on the site and the new development would re-provide a similar amount of (net) employment floorspace to the current amount. The employment use would be partly moved to the new building. The provision of a replacement, improved building derives support from Local Plan Policy EC1 which supports the growth and retention of existing businesses.

53 The 8 new residential units are, however, not supported by any of the criteria set out in Local Plan Policy SD2.

Hannington Neighbourhood Plan

54 When the application was considered by Planning Committee in January 2018, Hannington Parish Council had submitted a Neighbourhood Plan to Swindon Borough Council for publicity

under Regulation 16 of The Neighbourhood Planning (General) Regulations 2012 (as amended).

55 The Neighbourhood Plan was 'made' in November 2018 and therefore has the weight of being part of the Development Plan for Swindon Borough in this area.

56 Policies HPRD1 (Development Principles), HPRD5 (Redevelopment of Land), HPRD2 (Design and Amenity), HPRD5 (Redevelopment of Land), HPRD6 (Housing Supply), HPCA1 (Protection of Heritage Assets), HPCA2 (Protection of the Conservation Area), Hannington Character Assessment and Design Statement (Character Area CA01 Queen's Road) and Hannington Parish and Village Design Statement are relevant.

57 The Neighbourhood Plan does allow for the redevelopment of land and also some provision for new windfall site residential development - although it is expected that this will be brought forward within the village settlement boundary and an objective of the Plan is that further development should be brought forward in the existing settlement area boundary before land outside of the settlement area.

58 Policy HPRD1 of the Neighbourhood Plan states that Hannington is a rural village that lacks accessibility and a suitable range of facilities, is not a priority for growth as identified in the Swindon Local Plan 2026 Policy SD2. Bullet point a) of HPRD1 states that 'However, the Local Plan identified that within its Rural Settlement Boundary the village should accommodate a share of the development expected across all the rural villages that is 'proportional to [its] size and function' and primarily that is a share of (at least) the 100 dwellings for 'Other Villages' as stipulated in Local Plan Policy LN1'.

59 It goes on to say 'The Neighbourhood Plan does not identify or allocate for local needs beyond those already addressed since 2011 through completed dwellings or development with a planning consent; these are assessed as fulfilling the proportional growth set out in the Swindon Borough Local Plan 2026. Furthermore, it states if the consented developments are not implemented then further development proposals should be in accordance with the Local Plan (in particular Policy SD2) and have appropriate regard for the Hannington Conservation Area and other related policies in the Neighbourhood Plan.

60 Policy HPRD6 of the Hannington Neighbourhood Plan specifies criteria to be met should the need arise for additional housing to meet identified need. These are:

- in accordance with Swindon Borough Local Plan 2026 sites should be located within the Rural Settlement Boundary and be proportional to the size and form of the village,
- proposed developments should, wherever possible, respond to the latest assessment of housing needs in Hannington Parish; current needs identified through the Plan preparation are for smaller dwellings for first time buyers, for those wishing to downsize and for older persons; and
- in order to effect sympathetic integration within the existing village and retain the character of the Conservation Area, sites will normally be of a size to accommodate between one or three dwellings.

Therefore the proposal is in conflict with policies HPRD1 and HPRD6 by virtue of being located outside the settlement boundary.

61 As noted above, planning law requires that applications for planning permission should be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The revised NPPF), which sets out national government planning policy, is an important material consideration.

62 The revised NPPF requires Local Planning Authorities to seek to maintain and update annually a five year supply of deliverable housing land.

63 As stated in para. 18 above the Council cannot at present demonstrate a 5 year supply of housing in accordance with the Framework.

64 Paragraph 11 of the revised NPPF states that where the policies which are most important for determining the application are out of date, permission should be granted unless the application of policies in the revised NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised NPPF taken as a whole.

65 Since it is considered that the public benefits outweigh the harm caused to the significance of the designated heritage asset, then the tilted balance in paragraph 11d of the revised NPPF is engaged.

66 The revised NPPF also seeks to ensure that there are sufficient community facilities and services to meet the needs of local people. The residents of the proposed dwellings are likely to be reliant on private motor cars to meet their transport needs. The revised NPPF also seeks to manage patterns of growth to make the fullest possible use of public transport, walking and cycling, while practicable key facilities should be located within walking distance of most properties.

67 A further conflict with the Local Plan is identified in respect of Local Plan Policy TR2 (Transport and Development), which states that new development should be located and designed to reduce the need to travel and encourage the use of sustainable transport alternatives, particularly walking and cycling, and provide the potential to maximise bus travel. Although the development would be walkable and cyclable to the limited range of facilities within Hannington, it lacks access to wider sustainable transport alternatives - in particular there is no local bus service to the village.

68 In light of the Borough's inability to demonstrate a 5 year supply of housing, there is a presumption in favour of the proposal. The location of the site in a Conservation Area, and close to buildings of acknowledged historic importance requires any identified harm on these interests to be weighed against the benefits from the proposal identified at paragraph 44 above. On balance, the officer's opinion is that the harm does not outweigh the benefits and therefore the presumption is in favour of granting the proposal.

69 As has been noted above, it is considered the proposal is in conflict with Hanningrton Neighbourhood Plan Policies HPRD1 and HPRD6. Paragraph 14 of the revised NPPF states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all the following apply:

a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73 (of the revised NPPF); and
d) the local planning authority's housing delivery was at least 45% of that required over the previous three years

70 Given the Neighbourhood Plan does not allocate sites to meet its housing need, and the Council can only demonstrate a 2.7 years housing supply, the provisions of paragraph 14 of the revised NPPF are judged to not apply. Therefore conflict with the Neighbourhood Plan policies are subject to the 'tilted' balance of paragraph 11d of the revised NPPF, covered in paragraph 72 above.

Detailed Design Considerations

71 The original proposed elevations for the residential units showed a domestic appearance through proposing details such as the arched brick lintels. Detailed discussions have taken place between the agent and the Council's Design Officer following the submission of the planning application. It was considered that the elevations could be improved by simplifying these details to offer more of a contemporary expression of agrarian style and (subject to a revised southern elevation to Plot 6 which can be provided for by a suitable condition) these are now considered acceptable.

72 The report states that the buildings which are capable of being converted will be subject to a number of works, including the renewal of the roof to the barn, works to stabilise the stables (former cart shed) roof and other more specific work. An appropriately worded condition(s) seeking a full specification of works and materials to be sought and approved in advance can be attached.

73 A concern is the openness shown at the entrance on the submitted Site Plan. Discussions have taken place with the agent to agree a wall as a suitable boundary treatment to each side of the proposed access which would provide a sense of enclosure and limit views into the site where currently the character is one of limited views through the site. As far as boundary treatments are concerned in general acceptable improvements have been proposed to reflect the rural nature of the site and the detail of these can be conditioned.

Highways and Access

74 The Transport Assessment [TA] contains details of a traffic count and speed survey sourced via ATC Loop installed on the public highway in front of the site for over 1 month. The data produced by the loop has been submitted in the TA, but summarises as:

- Queens Road is very lightly trafficked, flows peaking at 30 two-way vehicles per hour;
- Predominately light vehicle traffic [84%] versus HGV movement [16%];
- Average traffic speed passing the site calculated to be 25.3mph, with the highest average speed [85th percentile] taken at 30.5mph.

75 Bespoke cycle and bus facilities are not present in Hannington, with the nearest bus service running through Highworth (4km from site). Although the Accident Record for the site does indicate cyclist injuries, these are considered to result from human error rather than hazardous prevailing conditions or deficiencies in the existing highway network. It is therefore not considered by the Highways Officer that mitigating works to Queens Road are necessary as a consequence of traffic generated by this development. The visibility is considered acceptable at the access.

76 Due to the extent of works proposed in the public highway, any permission should carry a condition for the detailed design (i.e. horizontal arrangement and surface materials) of the highway works prior to the commencement of any works in the public highway. Subsequent to that condition, a S278 Agreement between the developer and SBC/LHA shall also be necessary before works in the public highway can commence, but shall provide for the installation of the new access as well as the closing/reinstatement of the redundant western access.

77 The internal residential road within this site would be eligible in principle for public adoption, as the number of units exceeds 5no. dwellings, and that the Advance Payment Code([APC) applies as the residential units will not have direct access to the public highway (being accessed via a

private shared access road). The development proposes a shared surface design approach which is acceptable.

78 The level of parking proposed complies with the Council's Parking standards.

79 The Highways Officer has advised that following a meeting with the applicant the previous highway and parking issues have been resolved or can be covered by condition. A pedestrian link sensitive to the Conservation Area is proposed. The visitor parking is not considered ideal, but is acceptable. A Swept Path Analysis demonstrates that the site can be served by large vehicles.

Open Space Contributions

80 The s106 obligations in relation to off-site open space contributions negotiated and agreed with the applicant, and set out in the signed s106 deed dated 3rd January 2019 remain relevant and a material consideration to this determination.

81 Due to the scale of the development, it is not practical or viable to provide any form of open space on site in this instance. Therefore based on the information in the planning application form: 3x 2-bed, 3x3-bed, and 2x 4+bed the development triggered the opportunity to secure off site contributions generated by the S106 Open space calculator as follows:

Contribution	***Amount***
Off-site Locally Equipped Area for Play	£4,019.63
Off-site Local Open Space	£5,305.19
Off-site Major Open Space	£1,646.08
Outdoors sports or Off-site Playing Pitches	£3,657.82
~~*Allotments*~~	~~*£1,805.36*~~
TOTAL Combined	£16,434.09

82 There then followed a need to assess the ability to secure each of these contributions.

Hannington is in the Ward of Blunsdon & Highworth. The open Space Audit and Assessment is based on Ward population and open space data.

LEAP and LOS contributions

83 The OSA&A 2014 identified a play area in Hannington at Skinners Close (Ref:15510 on page 1 of Part B).

Following discussions with the Parish Council it was identified that works are needed to improve this local play area and surrounding local open space facility. It was subsequently agreed that the LEAP and LOS contributions could facilitate enhancements to this environment as the play area will be located in LOS. These are identified in the signed s106 as follows:

- Skinners Close Play Area Contribution £5,305.19 for the upgrade enhancement or replacement of provision of new play equipment and associated works at the Skiiners Close play area in Hannington.
- Skinners Close Local Open Space Contribution £4,019.63 for the upgrade and enhancement of the green space surrounding the Skinners Close Play Area in Hannington.

MOS and Outdoor Sport

84 Modest contributions in respect of the Highworth Skate Park and Pentylands Country Park were identified and are included within the signed S106 Agreement. These are labelled

- Pentylands County Park Contribution £1,646.08 towards the enhancement and improvement or continued maintenance of Pentylands Country Park
- Highworth Skatepark outdoors sports contribution £3,657.82 for Highworth skatepark

Allotments

85 No contribution towards improvements to allotments is secured in this instance as this could not be justified and evidenced as required in this instance by the off-site allotment provider.

86 Securing these contributions complies with the requirements of adopted Policy EN3: Open space.

CIL

87 The Council is a Community Infrastructure Levy (CIL) Charging Authority. At the point of writing this report the adopted CIL Charging Schedule is that dated 6th April 2015. The development constitutes CIL Liable development chargeable at the relevant rate within the relevant Charging Schedule in place at the time of calculation, that rate which is subject to indexation annually. The CIL chargeable amount is calculated at the point in time that planning permission first permits development for CIL purposes. To inform the applicant/landowners of the relevance of CIL to the proposal a CIL liable informative will be added to the Decision Notice.

88 The development is located within CIL Residential Charging Zone 2 which generates a rate of £55 per sqm (index linked) for the residential elements of the scheme. Any proposed commercial B1 employment floorspace would be subject to the Zone 'All other uses' £0 per sqm charge rate.

89 The proposal includes an intent to demolish a number of buildings on the site to facilitate the proposed development. It also proposes to re-use existing floorspace for a different use. In both circumstances, should the applicant/landowner be capable of satisfying the Council that each of the relevant buildings has been in a lawful use for a continuous period of a minimum of 6 months within the 3-year period working backward from the date any decision to grant permission is issued, then it is possible that the relevant existing floorspace can be deducted from the proposed floorspace. The impact of this would be to reduce the overall quantum of floorspace GIA sqm that would be chargeable. In such a situation the demolished floorspace would be apportioned accordingly across the uses. Where it is retained floorspace that would become deductible from the floorspace for that specific use.

90 The potential ability to deduct existing floorspace in this manner for CIL purposes, should the evidence submitted demonstrate this is possible, will have a direct impact on the chargeable amount and thus the neighbourhood proportion that could arise from it for the Parish. Based on the submitted information to date, this indicates a greater quantum of existing florospace versus proposed floorspace. Therefore in a worst case scenario it could be that the deductible floorspace could exceed the proposed, thus generating a £0 CIL charge. This is a matter that will only be assessed in detail and determined once a planning permission is in place. To date no comprehensive evidence has been provided in this respect.

Third Party representations

91 There have been a number of objections from the village community many of which relate to Local Plan, Conservation issues and Highway matters covered in the above text. There have also been comments in relation to a number of other issues considered below:-

- Impact on privacy
- Noise pollution

- Light pollution
- Impact on countryside and wildlife
- Scale of development too great
- Effect on services and drainage
- Neighbourhood Plan not made so no decision can be made

92 The nearest residential dwellings in relation to the site are situated on the opposite side of the road and are set back a considerable distance from the site and furthermore on higher ground. It is not considered that there would be any adverse impact on the current privacy levels of these dwellings to cause concern.

93 The site already has a number of employment units which include B8 (storage and distribution) which could already potentially cause some noise disturbance. It is not considered that the proposed B1 (Light Industrial) units (which by definition must be capable of being carried out in a residential environment) would have any adverse impact on noise levels.

94 Any development will have some impact on light levels but Councillors have requested that no street lighting should be provided to limit light pollution – this can be provided by Condition. A Condition can also be proposed to limit lighting on the employment units.

95 The site is already made up of developed land and hardstanding and it is not considered that this proposal represents an incursion into the countryside setting of the village.

96 The scale of development is not considered out of scale with the existing village.

97 The development must provide for an acceptable level of service in relation to mains water and drainage provision.

98 During consultation, procedural concerns were raised in relation to the Hannington Neighbourhood Plan. As the Neighbourhood Plan was 'made' in November 2018 its relevant provisions are set out in the report.

Conclusions

99 The assessed harm to the Conservation Area from the proposal is 'less than substantial.' Taking into account that great weight should be given to the conservation of historic assets, as expressed in paragraph 193 of the revised NPPF, it is considered that the benefits of the proposed development outweigh the 'less than substantial' harm on the significance of the Conservation Area.

100 Whilst parts of the scheme, namely the employment element, are supported by the Development Plan, the residential element is in conflict by virtue of the location outside of the settlement boundary. However, in the light of the Borough Council's current lack of a 5 year land supply the 'tilted balance' in paragraph 11 of the revised NPPF must be applied. That would mean that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the revised NPPF, taken as a whole.

101There is some conflict principally related to whether the scheme represents a sustainable location for new housing. Hannington has a limited range of services and facilities (public house, village hall and church) and therefore is not considered to be a sustainable location for significant residential development. The revised NPPF seeks to ensure that there are sufficient community facilities and services to meet the needs of local people. As stated above, the residents of the proposed dwellings are likely to be reliant on private motor cars to meet their transport needs. The

revised NPPF also seeks to manage patterns of growth to make the fullest possible use of public transport, walking and cycling while practicable key facilities should be located within walking distance of most properties.

102 Officers are of the opinion that there are significant benefits of the scheme in securing the long-term use of the site, particularly the employment element combined with a sympathetic design plus the overall contribution to the supply of housing which outweigh any adverse impacts.

Recommendation

103 That planning permission be **GRANTED** subject to Conditions and to the s106 agreement dated 3rd January 2019 containing planning obligations in respect of off-site open space contributions as set out in the report above.

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 Number 130712-01 (Site Location Plan) at scale 1:1250 and Drawing Number 130712 -21 (Design Scheme Plot 1) at scale 1:100 received by the Local Planning Authority 10th July 2017, Drawing Number 130712-26 A (Block Plan) at scale 1:500, Drawing Number 130712-27 B (Site Plan) at scale 1:200, Drawing Number 130712-22 A (Design Scheme Plots 4,5 & 6) at scale 1:100, Drawing Number 130712-23 B (Design Scheme Plots 7 & 8), Drawing Number 130712 -24 A (Design Scheme Plots 2 & 3) at scale 1:100, Drawing Number 130712-25 B (Design Scheme commercial units) at scale 1:100, Drawing Number 130712 -28 A (Design Scheme commercial units new build) at scale 1:100 and Drawing Number 130712-29 A (Streetscene and Section) at scale 1:200 received by the Local Planning Authority 6th November 2017.
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 commencement of works on site in connection with the development hereby permitted, a scheme of 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 scheme shall include details of the positions, species and crown spread of all existing trees and hedgerows on the land, detailing those to be retained, together with measures for their protection during development. 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.

4. Prior to the commencement of works on site in connection with the construction of development hereby permitted, details of all external facing materials (including sample panels demonstrating bonding mortar mix/pointing etc) 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.

5. Each building shall be constructed in accord with slab levels of the building(s) 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.
Reason: To ensure the details and appearance of the development is acceptable

6. Prior to the commencement of works on site in connection with the development hereby permitted, details of the hard landscaping of the site (samples to be submitted) including the surface treatment of any roadways or other parts of the site which will not be covered by buildings, and the timing of their provision 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 the approved details and agreed timetable.
Reason: To ensure that the appearance of the development is satisfactory.

7. No goods, plant, machinery or materials shall be deposited or stored, or articles displayed, or processes undertaken, outside any building(s) on the site without the prior written consent of the Local Planning Authority.
Reason: To safeguard the visual amenity of the area.

8 1. Site Characterisation
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 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/from:
- human health,
- property (existing or proposed) including buildings, and service lines and pipes,
- adjoining land (including a disused landfill within 200m),
- groundwaters and surface waters,
- ecological systems.

8.2. Submission of Remediation Scheme
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.

8.3. Implementation of Approved Remediation Scheme.
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".

8.4. Reporting of Unexpected Contamination 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 1, 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 2.

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 3.
Reason: To ensure any contamination of the site is identified and appropriately remediated.

9. 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.

10. No site works shall commence on the development hereby permitted (other than those required by this condition) until the first 10m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.
Reason: To reduce potential highway impact by ensuring that there is a satisfactory access at the commencement of construction works and for the duration of the development.

11. No building on the development hereby approved shall be occupied until the carriageway (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that building have been completed to at least binder course level and the footway(s) to surface course level.
Reason: To ensure a satisfactory means of access for occupants of the development.

12. 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 the submitted Site Plan (drawing no. 130712-27 Rev B) with the area in advance of the splay lines cleared of all obstructions to visibility between 1.05m 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.

13. Before the development is first occupied, all existing vehicular accesses to the site (other than that intended to serve the development) shall have been permanently closed, and the footway/verge in front has been constructed/reinstated in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.
Reason: To reduce potential highway impact by ensuring there is no further use of an access that

is deemed to be unsuitable to the serve the development.

14 The residential development hereby permitted shall not be occupied until the areas for the parking and manoeuvring of vehicles associated to each unit (including visitor parking) have been made available, surfaced and marked out, and these areas shall subsequently be retained and maintained for those purposes only thereafter.
Reason: To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site.

15. The commercial buildings hereby permitted shall not be brought into use until the vehicular parking, turning, and loading/unloading facilities have been provided in accordance with the submitted Site Plan [drawing no. 130712-27 Rev B], and those facilities shall be retained and maintained for those purposes thereafter.
Reason: To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site.

16. The commercial development hereby permitted shall not be occupied until secure and sheltered cycle storage facilities for a minimum of 12no. bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA in accordance with SBCs Parking Standards, and retained and maintained thereafter.
Reason: To promote and encourage sustainable transport and travel

17. The dwellings hereby permitted shall not be occupied until space has been laid out within each plot for a minimum of 1no. bicycle to be parked in a secure and sheltered location, in accordance with SBCs Parking Standards and such provision shall be maintained thereafter.
Reason: To promote and encourage sustainable transport and travel.

18. No building shall be occupied until the pedestrian link from the site to the highway labelled 'new footway' on the drawings has been implemented and brought into use in accordance with details which will have first been submitted to and approved in writing by the Local Planning Authority, the pedestrian link shall be thereafter maintained unless or until adopted as highway maintainable at public expense.
Reason: To promote and encourage sustainable transport and travel in accordance.

19. Prior to the commencement of development the full specification (including materials and methodology) of works to facilitate the conversion of the existing buildings be submitted to and approved in writing by the Local Planning Authority. This shall include all temporary works, works of support etc and details of proposed repairs to existing building fabric, including structural work, roof structure, doors, windows and other architectural features.
Reason: in the interests of amenity

20. The works for the conversion of the buildings for use for employment purposes shall be completed prior to the first occupation of any other part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. For the purposes of this condition, 'completed' means that the works to convert the building have been carried out in accord with the agreed scheme and the building is capable of being occupied.
Reason: in the interests of sustainable development and the enhancement of the Conservation Area

21. Prior to the commencement of development above ground level in connection with the development details of all proposed doors and windows (including rooflights), to include large scale details showing materials, finish, depth of reveal, design of heads and cills, glazing, method of opening etc shall be submitted and approved by the Local Planning Authority.
Reason: in the interests of the appearance of the area

22. Prior to the commencement of development above ground level in connection with the development details of the service meter boxes shall be submitted to and approved by the Local Planning Authority.
Reason: in the interests of the appearance of the area

23. Prior to the commencement of development above ground level in connection with the development details of all rainwater goods shall be submitted to and approved by the Local Planning Authority.
Reason: in the interests of the appearance of the area

24. The employment units hereby permitted shall not be used for any purpose, other than for uses falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987, the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other Order revoking or re-enacting those Orders, except for the purpose hereby permitted.
Reason: Other uses than that hereby approved, will require further consideration and justification.

25. 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 development comprising the extension or enlargement of any of the residential units falling within Schedule 2, Part 1 Class A of the Order shall be carried out without express planning permission of the Local Planning Authority.
Reason: To prevent an over development of the site to protect amenity and hertitage assets.

26. 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 windows, roof lights, dormers or roof extensions shall be inserted into the roof or wall of any of the dwellings other than shown on the approved plans without the express planning permission of the Local Planning Authority.
Reason: In the interests of residential amenity.

27. 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 development comprising the provision of buildings incidental to the enjoyment of a dwelling house falling within Schedule 2, Part 1 Class E of the Order shall be carried out without express planning permission of the Local Planning Authority.
Reason: To prevent an over development of the site to protect amenity and hertitage assets.

28. 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 development comprising the erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure other than shown on the approved plans falling within Schedule 2, Part 2 Class A of the Order shall be carried out without express planning permission of the Local Planning Authority.
Reason: to preserve and enhance the character and appearance of this part of the Hannington Conservation Area following the redevelopment of the site

29. Notwithstanding the submitted details, a new front boundary wall shall be constructed along the site frontage on either side of the new vehicular access in accord with details and an alignment that has first been submitted to and agreed in writing by the local planning authority. The new wall shall be constructed prior to the first occupation of the development and thereafter retained in the approved form.
Reason: to preserve and enhance the character and appearance of this part of the Hannington Conservation Area following the redevelopment of the site

30. Prior to the construction of the access and development hereby approved, details of the

provision for the sustainable disposal of surface water within the site, inclusive of sustainable urban drainage, and groundwater monitoring with suitable mitigation so as to prevent water discharge onto the highway and not increase flood risk to the surrounding area, shall be submitted to and approved in writing by the Local Planning Authority, and fully implemented to the satisfaction of the Local Planning Authority. This should include layout details, long section, and surface water attenuation details.
Reason: In the interests of amenity and highway safety.

31. No flood or other external lighting shall be affixed to or sited within the curtilage of any employment building, unless in accord with details that have first been submitted to and agreed in writing by the Local Planning Authority.
Reason: In the interests of amenity

32. No street lighting shall be installed within the site in conjunction with the proposed development without the prior express grant of planning permission.
Reason: In the interests of amenity and to maintain the rural character of the area.

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 or telephone the SBC CIL Team on 01793 466289 or 466397 or email 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 and https://www.gov.uk/guidance/community-infrastructure-levy. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

2. There is a risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2010 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email enquiries@bats.org.uk or visit the Bat Conservation Trust website

3. The proposed development will require works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the Local Highway Authority before

commencing works on the development.

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

5. The developer is informed that, to conform to the terms of Section 163 of the Highways Act 1980, surface water should not be allowed to drain directly from the site onto any highway, and the Local Highway Authority will require adequate safeguards to be incorporated into the development to ensure that such a situation does not arise.

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

End of Report

Application Number S/18/1429

Proposal Erection of 23no. residential units and associated works.

Location: Land Off Morse Street Swindon Wilts

This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.

In all cases reference should be made to the submitted plans.

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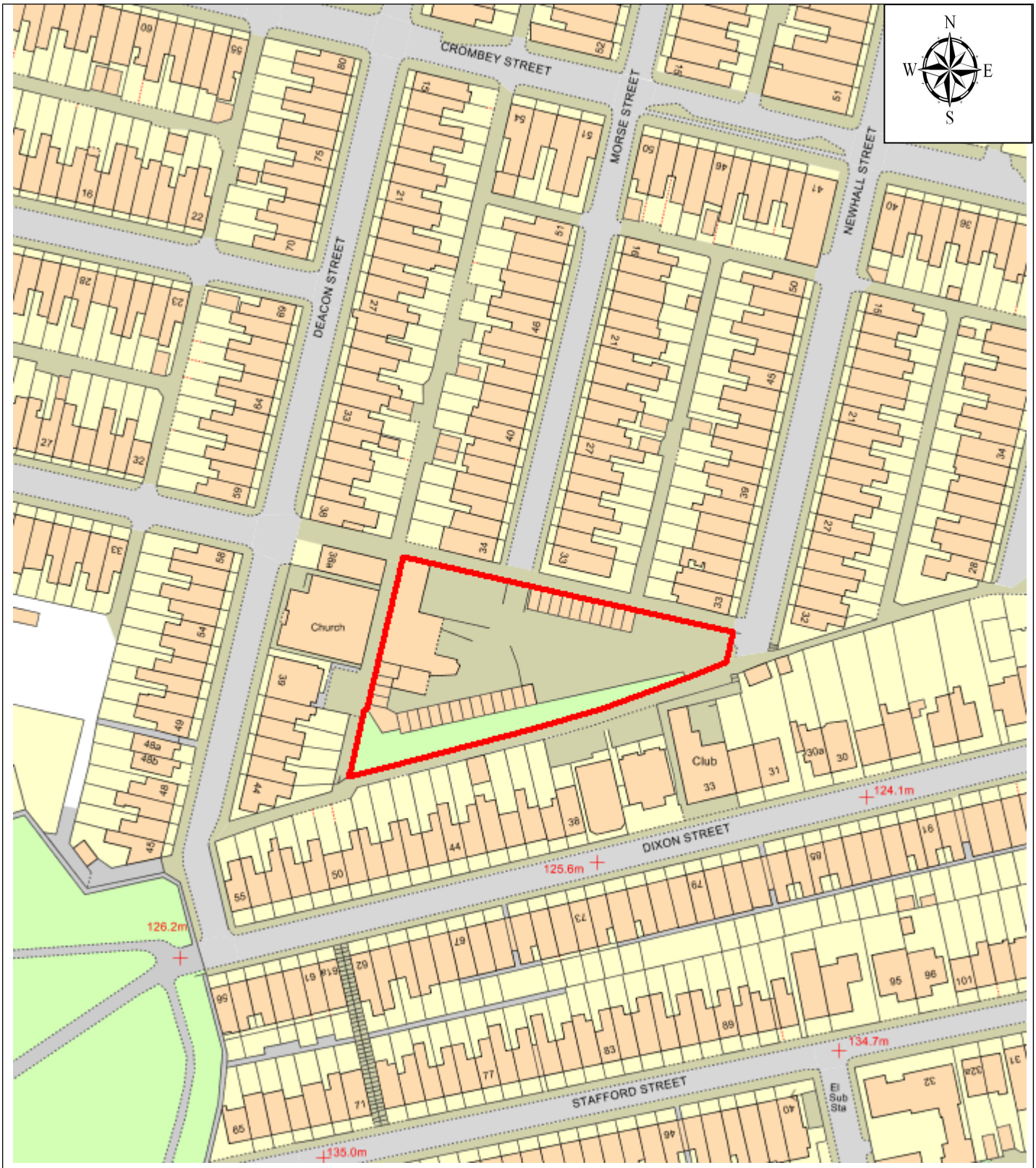
Application Number	S/18/1429
Proposal	Erection of 23no. residential units and associated works.
Location:	Land Off Morse Street Swindon Wilts



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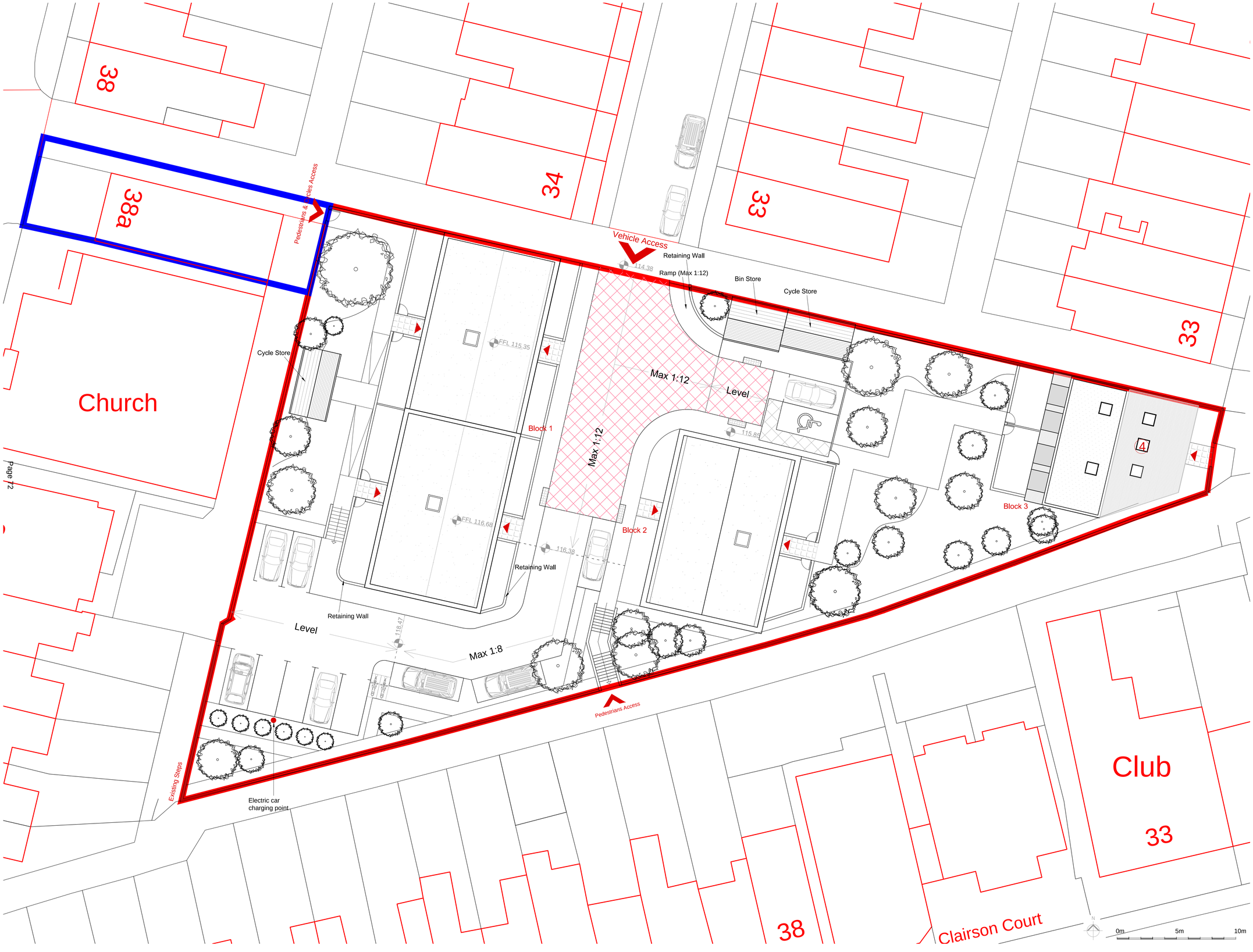

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FOR:

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- BUILDING REGULATIONS
- TENDER
- CONTRACT

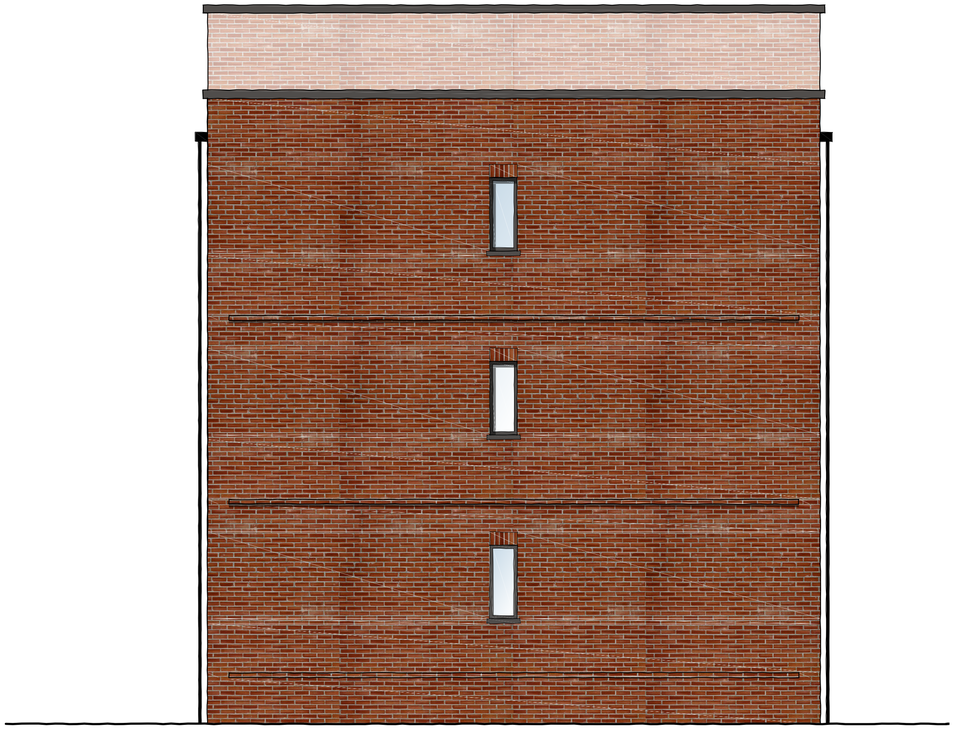
Client
Morse Street Development Ltd

Project
Land off Morse St, Swindon

Drawing
Proposed Site Plan showing differences in levels

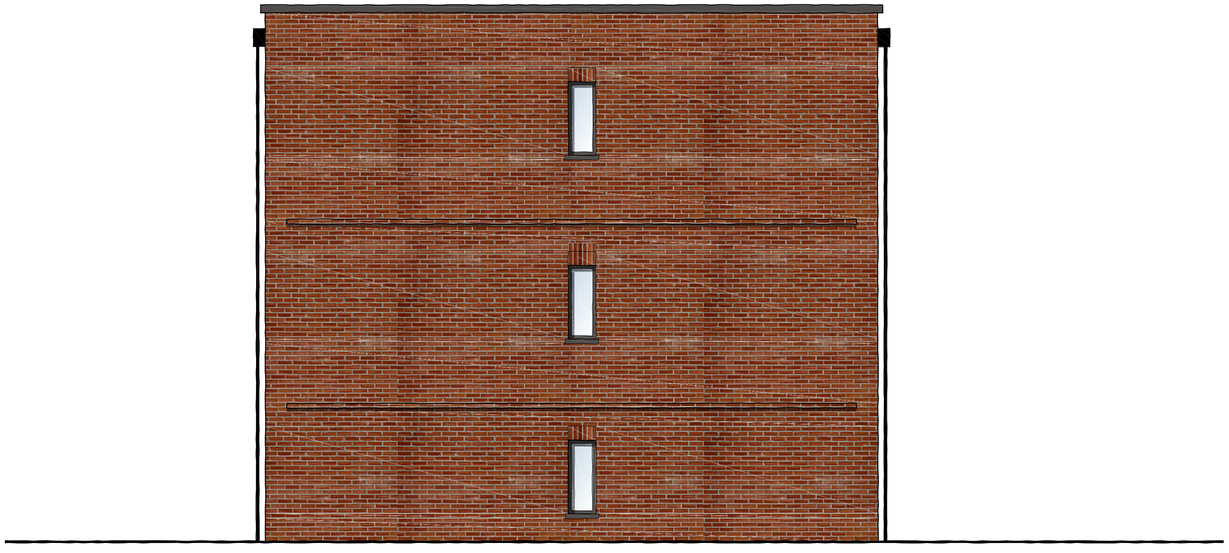
Date	Drawn	Checked
19/07/19	AAA	MMD

Drawing No.	Revision	Scale
C12165.PL.064	-	**1:300 @A3** **1:150 @A1**



NORTH ELEVATION

All windows on north
elevation to be obscure glazing



SOUTH ELEVATION

All windows on south
elevation to be obscure glazing

0m 0.5 1 1.5 2 2.5

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Client
Morse Street Developments Ltd

Project
Land off Morse Street, Swindon

Drawing
Revised proposed Elevations - Block 1. North and South

Date	Drawn	Checked
21.05.19	KLN	MMD

Drawing No.	Revision	Scale
C12165.PL.212	**A**	1:100 @A3 **1:50 @A1**

WEST ELEVATION

EAST ELEVATION

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Client
Morse Street Developments Ltd

Project

Land off Morse Street, Swindon

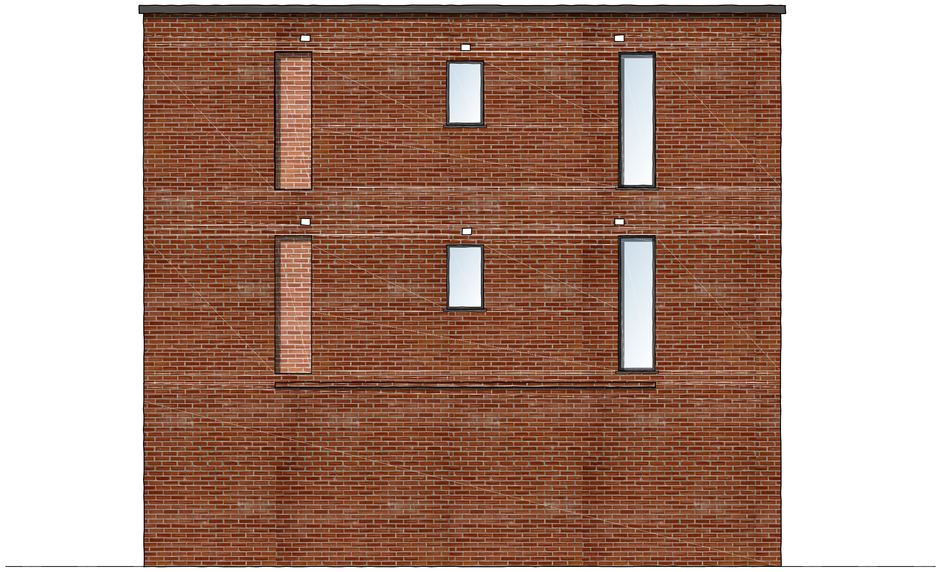
Drawing

Revised proposed Elevations - Block 1. West and East

Date	Drawn	Checked
21.05.19	KLN	MMD

Drawing No.	Revision	Scale
C12165.PL.211	**A**	1:100 @A3 **1:50 @A1**

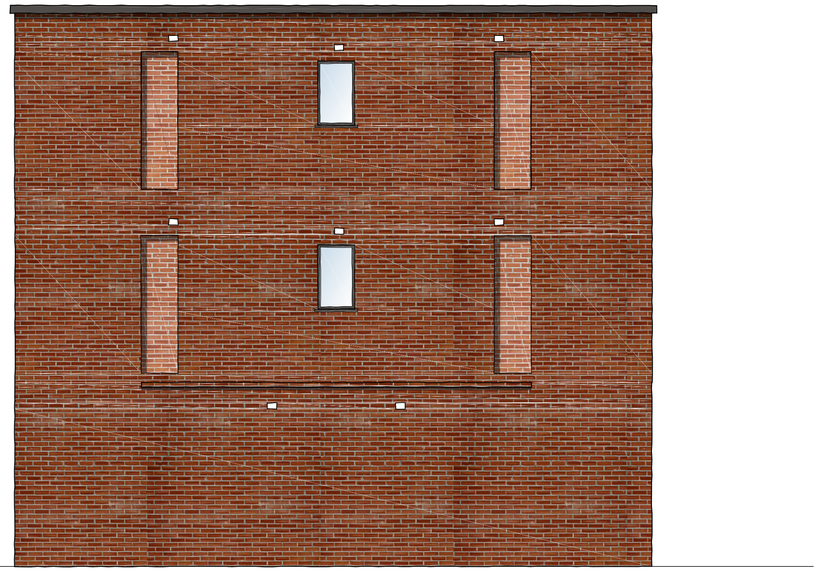
WEST ELEVATION



NORTH ELEVATION

Windows to bathrooms
to be obscure glazing

EAST ELEVATION



SOUTH ELEVATION

Windows on south elevation
to be obscure glazing

0m 0.5 1 1.5 2 2.5

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Client
Morse Street Development Ltd

Project

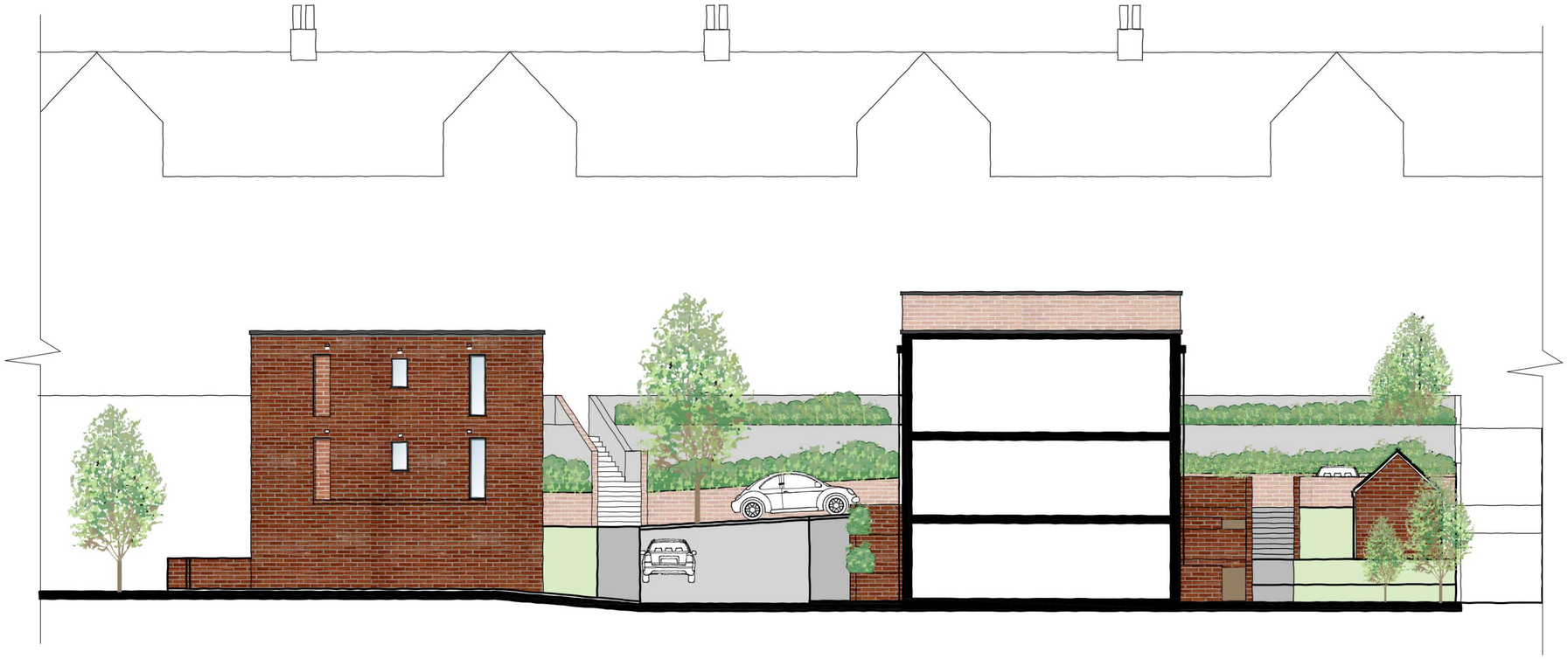
Land off Morse Street, Swindon

Drawing

Revised proposed Elevations - Block 2

Date	Drawn	Checked
21.05.19	KLN	MMD

Drawing No.	Revision	Scale
C12165.PL.231	**A**	1:100 @A3 **1:50 @A1**



Proposed Block 2

Proposed Block 1

Proposed Cycle Store

Existing Alley way

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Client

Morse Street Development Ltd

Project

Morse St, Swindon

Drawing

Proposed Site Section

Date	Drawn	Checked
24.07.19	KLN	MMD

Drawing No.	Revision	Scale
C12165.PL.360	**-**	**1:100 @A1**

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- ☐ BUILDING REGULATIONS
- ☐ TENDER
- ☐ CONTRACT

Client
Morse Street Developments Ltd

Project
Morse Street

Drawing
Morse Street - Street Elevation

Date	Drawn	Checked
24.07.19	KLN	MMD

Drawing No.	Revision	Scale
C12165.PL.350	**-**	**1:100 @A1**

COMMITTEE REPORT

Item Number:
Application Number: S/18/1429/RM
Ward: Eastcott
Parish: Central Swindon South

Proposal: Erection of 23no. residential units and associated works.

Site Location: Land Off Morse Street, Swindon, Wilts

Case Officer: Rhian Morris

Agent:
Mr Les Durrant
DPDS Consulting Group
Old Bank House
5 Devizes Road
Old Town
Swindon
SN1 4BJ
UK

Applicant
Mr Harry Barclay

Morse St Developments Ltd
21 Admiralty Way
Teddington
TW11 0NL

Officers Report

Background:
The application has been requested to be considered at planning committee by Councillor Pajak and South Swindon Parish Council for the following reasons:
*over development of the site;
*parking issues despite provisions on site,
*the area has parking issues from inadequate supply of residential parking spaces and enforcement of the scheme and town centre visitors.
* Development is out of keeping with the terraced housing of the area.
* The proposed site plan indicates a pedestrian access in the backway between 33 Morse Street and 33 Newhall Street. Which is a difficult path to use.
* The development takes majority ownership of this unadopted path and therefore as part of this scheme should make it both make it both safe and usable either as part of the application or as a condition.

Summary of Recommendation:

That planning permission be **GRANTED** subject to Conditions

1.0 The Proposal:

1.1 The scheme proposes 23 residential units in 3 blocks, to include 2 studios; 8 x 1 bed and

13 x 2 bed units. Electric vehicle charging point; 12 parking spaces including a disabled parking space, cycle storage availability; communal external space and landscaping.

2.0 The Site and Surroundings:

2.1 The site is a commercial repair garage, located south of the main central area of the town centre and benefits from good pedestrian access to the town centre. The application site is approximately 0.22ha in total and is currently occupied by a vehicle repair workshop and an informal car park. The site perimeter is enclosed almost on all sides with fencing/retaining wall.

2.2 Morse Street and Newhall Street adjoin the site's boundary and link with Commercial Road. The site is triangular in shape and stretches east to west. It is bounded by a wall and heavily vegetated slope up to a back way to the rear of properties on Dixon Street to the south. The topography of the site generally slopes downwards from south to the north and the north west. Outside of the site are a series of external steps to manage the change in level between the upper access way to the south of the site and the lower lane to the west.

3.0 Representations:

3.1 South Swindon Parish Council Comments: Objection for the following reasons:

1. Out of keeping with the area, the design of the apartment blocks is completely to the surrounding Victorian terraced houses.
2. Overdevelopment of the plot in terms of the height of the apartment blocks, which will be oppressive on the surrounding small terraced houses.
3. Impact on the amenity of neighbouring properties. The apartment blocks will overlook the gardens of the end properties in Morse Street and will create a shadow over the houses and have a detrimental effect on the light in the gardens and the houses.
4. Parking. This area is already known to have parking problems. It is noted that parking spaces are not being provided for all the flats in the development and an assurance is requested that the flats without parking will not be eligible for the Residents' Parking Scheme.
5. Cycle Storage. The cycle storage does not appear to be sufficient for the number of apartments.
6. Surface Water & Drainage. The site is known to have an underground spring. There is nothing mentioned in the plans about how this will be addressed.
7. Highways. The Highways Officers are supported.
8. Crime. The comments of Wiltshire Police are supported.
9. Wider site Issues. There is a strip of land between the houses in Morse Street and the north side of the development site which has not been included in the plans but needs to be addressed. The area is used locally for fly-tipping and the dumping of rubbish. The developer needs to be aware that they may also own this land and will be responsible for removing fly-tipping in the future.

Revised plans:

Call the application into planning committee and make representation at the next Meeting.

3.2 Wiltshire Crime Officer:

Original plans: Expressed concerns

Comments on revisions:
Pleased to see changes to the pedestrian routes, but notes there are no details of postal arrangements request a condition requesting the post arrangements.

3.3 Contaminated Land Officer:
The land is a former contaminative use (motor vehicle repairs) recommends appropriate conditions to address this.

3.4 Housing Officer:
I note in the planning statement that they mention a viability assessment has confirmed that they cannot provide AH or a commuted sum with the development

3.5 Neighbours: 30A ; 39; 42; 43 Dixon Street; 10 Aymer Place:
The overlooking impact assessment stopped at 31 Dixon Street, and block 3 would overlook the garden and rear windows of no. 30A Dixon Street closer than the existing windows of 33 Newhall Street.
The nature of these properties does not fit in with the scale and design of neighbouring properties.
The run down nature of the area are cited to justify building large apartment blocks.
The houses are regularly done up. The public areas need cleaning up.
There is already a car parking problem and not issuing parking permits will not help the situation. Possibly up to 2 cars per unit ie 48 cars on this site.
The flat roofed structures do not fit into the area and appear to be out of scale with the surrounding area.
The site has a natural spring on it.
Could be a problem of subsidence, the site is built on Kimmeridge Clay and is sandy and subject to movement and this needs to be considered. Houses in Dixon Street do not have foundations and worried this could lead to subsidence.

Neighbour comments on revised plans 30A; 39, 40 Dixon Street;
Making these additional comments;

The new plans don't address the main complaint which is that the proposed buildings are inappropriate for this location.
The development will overbear the existing housing.
There will be a significant loss of light at certain months of the year.
There are springs on the southern edge of the development and concerns about the effect of piling on the integrity and safety of older properties on Dixon Street.
The development is too big for the site and does little to respect the original Victorian nature of the area and the people who live there.
The movement of development through the site should be prevented. The use of the pedestrian access as it is a short cut between Deacon St and Newhall St and there may be issues with cars and pedestrians.
The reduction of just one unit, from 24 to 23, and reconfiguration of ground floor flats

in Block 1, is in response to SBC identifying that the gross internal area of the apartments were below the nationally described space standards. The overall footprint of the buildings however remains the same.

3.6 Transport Management:
Comments on Original Plans:

The site is located within the residential area of Swindon Town Centre which resides within sector 1 of SBC's Parking standards, vehicle parking is not required however cycle storage is compulsory at 1 space per flat.

There would be only one vehicle access via Morse Street with pedestrian access either side, with the existing vehicle access from Newhall Street to be closed. The proposed sole vehicle access is to incorporate a stairway to the footway located on the east side of road, this would cause issues to wheelchair users, prams/pushchairs and cycle storage users, as a cycle storage is proposed just off of this footway. There is also pedestrian access via a road adjacent to Morse Street, again via a stairway, this is the same for the access from the south side of the site. To the west of the site the above drawing number shows the sole access to the western facing flats and the cycle storage located here, is via a stairway. This would all, in turn hinder the use for wheelchair and cycle users, thus a ramp would need to be incorporated within these areas to ensure fair accessibility for all pedestrians and safe access to the cycle store.

Comments on revised plans:

The concern over the pedestrian access via Morse Street which incorporate a stairway to the footway located on the east side of road has been replaced with a ramp and is adequate for all users to access the site and also the cycle storage located off the footway.

The disabled space has been moved from the west of the site to the east which now ensures the link to the main entrance of the dwellings are via a safe and level route, in accordance to SBC's Parking Standards.

The cycle storage facilities which are to be incorporated into the site, 2 external secure facilities which each contain storage for 10 cycles via Sheffield Stands and an internal cycle storage area which shows storage for 4 cycles via cycle hoop stands. The proposed is now in accordance with SBC's Parking Standards.

The cycle storage located to the west of the site shows the sole access to the western facing flats and the cycle storage situated here, is via a stairway. This would in turn hinder the use for wheelchair and cycle users, thus a ramp would need to be incorporated within these areas to ensure fair accessibility for all pedestrians and safe access to the cycle store.

No objections subject to conditions.

Further comments on revised plans:

No highway objections are now raised.

The plan shows a reduction in car parking spaces by 1; as the site is located within sector 1 of SBC's parking standards, any parking permitted on the site is beneficial to the area.
The steps which were shown in between block 2 and 3 are shown to be replaced with landscaping and pedestrian access.
.

3.7 Drainage Engineer:

Original comments: Seeks Additional information.

Further Comments: No Objections.

Following revisions to the plans the drainage engineer states that the site is well planned in terms of surface water drainage and the site can be managed via condition.

3.8 Thames Water:

There are public sewers crossing or close to the development; and the risk of damage needs to be minimised;
A groundwater risk management permit will be required from Thames Water for discharging groundwater into a public sewer. Request an informative attached to the permission to ensure that the assets are protected during works.
Thames Water would advise that with regard to waste water network, waste water process infrastructure capacity, water network and water treatment infrastructure capacity, do not have any objection to the planning application, based on the information provided.

3.9 Urban Design comments:

The scheme proposes a high density scheme (109dph), which is considered to be high, with the lack of available open space. It is suggested that the number of units is reduced in order to achieve the correct the correct built form and landscape balance. It should be considered that the proposal could offer the surrounding context a real character enhancement if a more appropriate balance of hard and soft landscaping is offered. It is considered that the hard landscaping is excessive due to the areas of highway and parking layout. It is suggested that the more central communal green space and street planting to facilitate a greener environment and attractive Morse Street vista termination.
It is felt that the space given to highways should be reduced and a pedestrian link be facilitated through a communal green space at the heart of the scheme linking to the existing pathway to the rear of Dixon Street. This would be a legible continuation of the pedestrian access from Morse Street and the built structure frontages would contribute to the safety of the route.
The disabled access parking is located adjacent a stairwell to access the rear of block 1 and is approximately 17m from the front entrance. In order for disabled parking to function as it is intended the siting of disabled parking should be close to the communal entrance in compliance with Part M4 (2) p.13.
Form:
The 3.5 storey height element was raised as a design review panel concern, where the scale of some of buildings at 3.5 storeys appeared excessive in the context of the site.

Although the revised plans now illustrate a maximum height of 3 storeys there remains objection from residents regarding how block 3 will impact upon No.33 Newhall Street in particular.

Comments on the revised scheme

There have been positive changes to the scheme particularly the compliance with GIA space standards. It has been suggested that block 1& 2 could offer improved definition to the buildings character. There are some discrepancies in the window uniformity.
The brick choice will need to be agreed, however it is expected that the brick detail offer various tones, a mix of greys and reds to offer both interest and texture to a simplified built form.
In response to the design review panel concern regarding the termination of the view from Morse Street, it is disappointing that a car parking space has been included at this location. It was suggested that a specimen tree of suitable size would be sited at this location.

Comments on further revisions:

The majority of the issues raised have now been addressed.

4.0 Planning Considerations:

4.1 The main considerations in the determination of this application are whether the proposal accords with the National Planning Policy Framework 2019 and the relevant policies of the Swindon Borough Local Plan 2026 (2015).

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

- Principle of residential development under the NPPF and Local Plan
- Access and Transport
- Design and Layout
- Other planning issues including CIL and developer contributions
- The conclusions

4.2 Principle of residential development under the NPPF and Local Plan:

Policy:

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

- SD1 'Sustainable Development Principles' sets out the development principles which underpin the local plan
- SD2 'The Sustainable Development Strategy' aims to meet Swindon's development needs whilst protecting the Borough's most important assets;
- DE1 'High Quality Design' seeks high standards of design for all development
- HA1 'Mix Types and Density' advises that housing development should be design led

and respect the character of the surrounding area
- HA2 'Affordable Housing' seeks all developments of 15 homes or more, on sites larger than 0.5 hectares to provide 30% affordable housing
- EN3 'Open Space' seeks all development to provide or contribute towards public open space
- IN1 'Infrastructure Provision' seeks to ensure all new development makes a positive contribution to sustainable growth by mitigating its impacts upon infrastructure
- TR1 'Sustainable Transport' seeks to reduce the need to travel and support and encourage the sustainable, safe and efficient movement of people
- TR2 'Transport and Development' encourages sustainable travel and seeks to mitigate the impact of development and ensure that suitable parking provision is provided

4.4 Also of relevance is Swindon Borough Council's Development Control Guidance Note: Technical Guidance on Parking Standards (2007) and the Swindon Residential Design Guide (2016).

4.5 The development strategy for the Borough is set out in Swindon Local Plan Policy SD2. The policy supports the key government objectives for sustainable development in the most accessible locations. The sustainable development strategy in Policy SD2 seeks to focus development on the Swindon urban area and urban extensions to Swindon.

4.6 The Development Strategy is clearly defined in Local Plan Policy SD2. Urban concentration supports key government objectives for sustainable development in the most accessible locations therefore the policy focuses development opportunities within the Swindon urban area. As the site is within Swindon's urban area, it is a location in which the principle of residential development is in accordance with the Local Plan.

4.7 Paragraph 73 of the NPPF requires local authorities to identify and update annually a supply of specific deliverable housing sites sufficient to provide a minimum of five years' worth of housing against their requirement. In evidence for the recently determined appeal at Hill Cottage, Broad Blunsdon (Planning Inspectorate reference: APP/U3935/W/17/3192234, SBC reference: S/OUT/17/1032) the Council's position was that it is able to demonstrate 2.7 years' supply of housing land in the Borough. The lack of a demonstrable 5-year housing supply is not in itself a reason for approval, but in this case the contribution this site can make to the supply of housing is a material consideration in its favour.

4.8 The site is a commercial garage and some parking, and is considered to be previously developed land (brownfield). Paragraph 118 of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and supports appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

4.9 Paragraphs 117 and 118 of the NPPF outline the importance of planning policy in promoting the effective use of land in meeting housing need, this includes giving substantial weight to the value of using suitable brownfield land within existing settlements for homes.

4.10 The site is a sustainable location for residential development, located within a predominately residential area, bound to the west and south by residential communities and is well connected in terms of public transport and local facilities.

4.11 Local Plan Policies SD1 and SD2 outline the Borough's strategic vision, including promoting the delivery of development in sustainable locations and realising development opportunities within Swindon's Urban Area.

4.12 The site is therefore considered an appropriate and sustainable location for a residential development, in accordance with the NPPF and Local Plan Policies SD2 and SD1. The design, mix and layout of these dwellings will be considered in later sections of this assessment.

Access and Transport
4.13 The vehicular access to the site will be via Morse Street, and pedestrian access via Newall Street and Deacon Street has access along the side of the property 38a Deacon Street for pedestrians and cycles.

4.14 The proposal is for 23 residential units and associated works; this includes 12 parking spaces one of which is a disabled space, larger external bike store to accommodate 12 bikes.

4.15 Sector 1, no parking is required for the site, however the proposal includes 12 spaces but there is no indication as to which dwellings these would be associated with. In line with Policy SD1, the site is well connected in terms of sustainable transport and local services, with its proximity to Swindon centre, train and bus routes provides alternatives to the car. It was noted that a reduction in the parking requirement allows for improved private outdoor space for some apartments.

4.16 As Sector 1 has limited capacity for parking with the exception of disabled persons, no owner or occupier of any flat would be entitled to a residential parking permit. As the existing use of the site is for a vehicle repair workshop, the proposal of flats is likely to provide a decrease in trip generation onto the highway.

4.17 There is potential for SuDS to be incorporated when aligning retaining structures with public open space and car parking.

Design and Layout
4.18 The NPPF (Chapter 12) and the Local Plan Policy DE1 place great emphasis on the importance of good design in development. The NPPF and Local Plan require buildings, streets and spaces to respond in a manner which promotes inclusive and sustainable development and contributes positively to the relationship between urban and natural environments and general character of the location.

4.19 The design proposals and site layout have been developed to reflect the site's context, local character and surrounding development patterns; and the final proposals follow extensive pre-application consultation with SBC and the South East Design Review Panel.

4.20 In line with Local Plan Policy HA1 and Swindon's Residential Design Guide, the scale, density and massing of the buildings, which are primarily three storeys in height reflect the site's context, which is primarily suburban in nature. The massing of the buildings ensures the amenity of surrounding neighbourhoods are not impacted following extensive input from the urban design officer.

Design and Review Panel

4.21 This site was reviewed by the design and review panel, which was suggested following the submission of a pre application. The panel were encouraged by the proposals and offered some guidance as to how some aspects of the scheme could be further. The design team subsequently made further improvements to the design in response to the design review panel's recommendations prior to submitting the application.

4.22 The Review Panel made the following comments: the site is characterised by the boundary, wall treatments to all sides that are in a poor state of repair, the design team are currently seeking structural engineering reports to fully appreciate the constraints relating to the retaining structures around the site and a report concerning the extent of any site contamination. There are no trees worthy of retention within the curtilage of the site.

4.23 The site is in a sustainable location within the central area boundary close to the town centre and so is suitable for residential development. There are no apparent constraints apart from possible contamination on the site.

4.24 It was clear that the proposed parking on the site exceeds the Local Authorities requirements, these would require between 4 and 6 spaces. The proximity to the centre, train and bus routes provides alternatives to the car. It was noted that a reduction in the parking requirement could allow for improved private outdoor space for some apartments. Improved parking across the site could be distributed across the site to better effect.

4.25 There is potential for SuDS to be incorporated when aligning retaining structures with public open space and car parking.

4.26 The Panel commended the applicant for wanting to secure a community feel to the scheme, and to promote it to first time buyers but did not think that duplexes would necessarily assist this aim. (The duplexes were the proposal suggested to the panel).

4.27 The use of this typology within the context of the desired unit total of 21 had dictated the massing and height of the buildings. The scale of some buildings appeared excessive in the context of the site. The Panel also queried how the fourth floor layout would be accommodated with the roofspace and suggest that some area will need to be re planned if an acceptable headroom was to be provided.

4.28 It is suggested that if the principal driver for the site was the extension of Morse Street then the building lines of Morse Street should be adopted by following the line of the existing frontages. It was suggested that moving the turning head further into the site could be explored as a way to reinforce the extension of Morse Street. It was further suggested that the visual axis of Morse Street could be terminated with the inclusion of a specimen tree of a suitable size. In addition to a simple palette of materials the panel recommend careful consideration of good quality window and door and suggest balconies or French doors.

4.29 A review of the outside space is recommended, in particular the sun path to make the best use of usable shared spaces. Careful consideration needs to be given to the height and material of the boundary fences.

4.30 In conclusion, there is a need to re-connect with Morse Street, by extending the street to help the overall urban design concept on the proposed site. The interplay between public and private space if clearer and bolder will help in establishing a community. The challenging levels provide an opportunity and help generate the elevational design as well as dictate where to borrow views and add carefully positioned trees.

Viability Report:

4.31 Policy IN1 'Infrastructure Provision' seeks to ensure all new development makes a positive contribution to sustainable growth by mitigating its impacts upon infrastructure. The applicant submitted a viability report to demonstrate that the scheme was not viable and was not therefore able contribute to affordable housing.

4.32 This Independent appraisal on the viability of the proposed development in the context of planning policy, was considered, with regard to policy HA2 of the Swindon Borough Local Plan 2026 taken in the context of the Governments Viability guidance dated 24 July 2018 which was released with the 2018 NPPF.

4.33 Within the viability assessment they demonstrate that a policy compliant scheme (ie 30% affordable being 7 units) is rendered unviable. They therefore propose nil affordable housing on the site.

4.44 Conclusion the independent valuer stated that, following the testing of two schemes one a policy compliant scheme (30% affordable housing) and one no affordable housing. It is evident that neither scheme is viable, the residualised output falling below the minimum Bench Mark Land Value. It is considered that the policy compliant scheme provides a negative land value and should be disregarded.

Conclusion:

4.45 Following the independent assessment it is agreed that the proposed development is unviable and not able to provide a policy compliant level of affordable housing. With no affordable housing the site is able to generate a positive land value, although this falls below the minimum benchmark suggesting there is no margin to allow for affordable housing provision. As such it is considered that the development should proceed with no affordable housing.

Open Space
4.46 A landscaping scheme is proposed for the site, including shared treed and grassed areas for the occupiers of the units. In addition to the communal and public amenity spaces, residential units within the scheme will be served by balconies. Due to the lack of viability, no contribution towards on or off site open space is sought (Policy EN3)

Land Contamination
4.47The land is a former contaminative use (motor vehicle repairs) and the contaminated land officer suggests a condition which can be attached to the planning permission.

CIL requirements
4.487 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.

4.49 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.

4.50 The Council is a Community Infrastructure Levy (CIL) Charging Authority. The adopted CIL Charging Schedule is that dated 6th April 2015, the proposed development for residential is located within CIL Residential Charging Zone 2 of this schedule. The development constitutes CIL Liable development chargeable at the relevant rate within the relevant Charging Schedule in place at the time of calculation, that rate which is subject to indexation annually. The CIL chargeable amount is calculated at the point in time that planning permission first permits development for CIL purposes. To inform the applicant/landowners of the relevance of CIL to the proposal a CIL liable informative will be added to the decision notice.

4.51 Additional comments from the agent:

Agents Response to the residents main points:

- Proposed development will lead to overlooking, overshadowing, loss of amenity and loss of light.
  - Do not consider that the proposal will lead to overlooking, overshadowing or the loss of light. The blocks have been orientated to avoid overlooking and shadowing and maintain privacy distances between the proposed and existing blocks.
- Proposed development is overdevelopment/proposed density is too high.
  - The urban design principles have been used to develop a layout that relates and responds to the massing of the neighbouring development and seeks to improve the public realm and maximises the site potential. The proposal maximises the uses of previously developed land in in line with national and local policy. In addition, there is a shortfall of land in the Borough.
- Impact on character of the area
  - The main principle driving this scheme is to provide a sensitive approach, by maximising the site's potential whilst also being sensitive to its contextual properties. Due to the shape of the site, the scheme is designed to keep with the grain and linear layout of Morse Street and Newhall Street. The tree proposed blocks would step back from the roads and follow the building lines and frontages of the two streets, and onto the public realm to ensure a higher quality outlook and maximise the amount of surveillance. It is considered that strong building lines have been established by Morse Street and Newhall Street and help to enclose the two streets and define their spaces. The

properties in Dixon Street, are substantially higher than the site with relatively small distances between buildings helping to reinforce the same feeling of enclosure.

- Traditional style housing in this location would better reflect the existing character
  - The proposal has adopted a modern architectural style, the dwellings would be finished with materials to match the context of the site.
- Due to the existing car parking issues in the area the proposed development will make the problems worse.
  - The proposed site is located within the Swindon Central Area and within a sustainable location and offer the opportunity for travel other than via the private car. Cycle parking is provided and connection to existing networks and facilities is proposed.
- The site has a natural spring on it
  - Extensive research as not resulted in the discovery of a spring.
- Issues of subsidence could impact on neighbouring properties
  - Suitable soil investigations have been completed on the site and the results will be factored into the buildout of the site. And a phase 1 and 2 Environmental Risk Assessment have been undertaken and a construction management programme will be undertaken and will be subject to Building Regulations.
- Houses adjacent on Dixon Street were not built with foundations so suggest that there be reconsideration of retaining walls and their strength to hold any movement of the land .
  - The retaining walls will be replaced to modern standards.

4.52 Agents Response to Parish Council Comments:

- Out of keeping with the area, design is unsympathetic to the surrounding Victorian terraced houses
  - The client is happy for suitable materials to be used via a planning condition.
- Over development of the plot in terms of height of the apartment blocks.
  - Discussed above in local residents section.
- Overlooking, overshadowing and loss of light. Parking issues; cycle storage, surface water and underground spring.
  - Discussed above in local residents section.
- Wider site issues, there is strip of land between the houses in Morse Street and the north side of the site which has not been included in the plans but needs to be addressed. The area is used locally for fly-tipping and rubbish dumping. The developer needs to be aware that they may also own this land and will be responsible for removing fly-tipping in the future.
  - The land is not within the ownership of the client, and the client is willing to negotiate a suitable financial contribution to help fund some improvements to this land.

Agents further comments following revisions were submitted in May 2019;

- The number of dwellings has been reduced, increased the amount of soft landscaping and ensure a balance between hard and soft landscaping; changes to the pedestrian and cycle access points; internal and external changes to blocks in line with the Council's urban design officer and the introduction of an Electric Vehicle

Charging point.

Agents further amendments were supplied in July 2019; incorporating amendments to the appearance of the blocks in line with the urban designer's comments;

5 Conclusion

5.1 Following lengthy discussions with the applicants/ agents revisions have been made to the scheme including reducing the number of units from 24 to 23 units. The site is located within the residential area of Swindon Town Centre which resides within sector 1 of SBC's Parking standards, vehicle parking is not required however cycle storage is compulsory at 1 space per flat. Despite there not being a need for car parking to be provided in this central location 12 spaces have been provided on the site.

5.2 Following the independent assessment it is agreed that the proposed development is unviable and not able to provide a policy compliant level of affordable housing. With no affordable housing the site is able to generate a positive land value, although this falls below the minimum benchmark suggesting there is no margin to allow for affordable housing provision. As such it is considered that the development should proceed with no affordable housing.

5.3 The NPPF (Chapter 12) and the Local Plan Policy DE1 place great emphasis on the importance of good design in development. The NPPF and Local Plan require buildings, streets and spaces to respond in a manner which promotes inclusive and sustainable development and contributes positively to the relationship between urban and natural environments and general character of the location.

5.4 The design proposals and site layout have been developed to reflect the site's context, local character and surrounding development patterns and the final proposals follow consultation with SBC and the urban design officer.

5.5 In line with Local Plan Policy HA1 and Swindon's Residential Design Guide, the scale, density and massing of the buildings, which are primarily three storeys in height reflect the site's context, which is primarily suburban in nature. The massing of the buildings ensures the amenity of surrounding neighbourhoods are not impacted.

5.6 The proposed development is considered to acceptable and complies with local plan policies, the NPPF and is recommended for approval.

Recommendation

That planning permission be **GRANTED** with Conditions

Conditions/Reasons

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
C12165.PL.003 Existing Site Plan;
C12165.PL.051 Proposed site plan;
C12165.PL.111; 121; 131 floor plans;
C12165.PL.211; 212; 231; 241; 242; Elevations;
C12165.PL.250; street scene;
C12165.PL.901; bin store and elevations;
C12165.PL.902 Cycle store and elevations received by the Local Planning Authority 28 May 2019.
C12165.PL.064 Rev A proposed site plan showing levels received 30th July 2019.

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 commencement of works on site in connection with the development hereby permitted, 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 commencement of works on site in connection with the development hereby permitted, a scheme of 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 scheme shall include details of the positions, species and crown spread of all existing trees and hedgerows on the land, detailing those to be retained, together with measures for their protection during development. 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.

5. No glass other than obscure glass manufactured to a privacy level of 4 or above shall be used in the glazing to the north and south elevations of blocks 1, 2 and 3
Reason: In the interests of residential amenity.

6. Prior to the commencement of works on site in connection with the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment shall be 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.

7. Development shall not begin until a surface water drainage scheme for the site, in accordance with the approved drainage strategy 'Surface Water Drainage Statement for Proposed Residential development - Morse Street, Swindon, Issue 2, December 2018', has been submitted to and approved in writing by the Local Planning Authority. The scheme

shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include, but not be limited to:

Evidence that the proposed flows from the site will discharge at or below greenfield runoff rates, or as close as practical for any areas that have been previously developed;

Details of how the drainage scheme has incorporated SuDS techniques to manage water quantity and maintain water quality in accordance with best practice guidance including the latest SuDS Manual C753;
Detailed drainage plan showing the location of the proposed SuDS and drainage network with exceedance flow routes clearly identified;
Details to demonstrate the SuDS Scheme has been designed in accordance with best practice guidance including the latest SuDS Manual C753;
General arrangement, which should be coordinated with the landscape proposals and the masterplan;
Manhole Schedules;
Detailed drainage calculations for all rainfall events up to and including the 1 in 100 year plus climate change to demonstrate that all SuDS features and the drainage network can cater for the critical storm event for its lifetime;
Details of how the scheme shall be maintained and managed after completion;
Any drainage systems offered for adoption will be designed to Sewers for Adoption 7th edition and/or SBC standards as part of the detailed design and relevant technical approval processes.

8. With the exception of disabled persons, no owner or occupier of any flat hereby permitted shall be entitled to a permit that enables on street parking within any existing or future controlled parking zone designated by the Council.
Reason: To promote sustainable transport and to avoid additional pressure upon limited on-street parking spaces.

9 Notwithstanding the submitted details, no dwelling hereby permitted shall not be occupied until the cycle parking / storage facilities associated with that dwelling has been provided in accordance with details that have first been submitted to and approved in writing by the Local planning authority. Such provision shall thereafter be maintained in the approved form
Reason: To promote and encourage sustainable transport and travel.

10. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before the properties are occupied. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

11 No property on the development hereby approved shall be occupied until the pedestrian access and roadways (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that property have been completed to at least binder course level and the footway(s) to surface course level.
Reason: To ensure a satisfactory means of access for occupants of the development.

12. Prior to the development being brought into use, details of the timing of provision, location and number of electric car charging points shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed in accord with the approved details and thereafter maintained in that form.
Reason: To provide opportunity for sustainable transport modes.

13The dwellings hereby permitted shall not be occupied until the vehicular parking and turning facilities associated with those buildings have been provided in accordance with the submitted plan and those facilities shall be maintained available for those purposes thereafter.
Reason: To ensuring that the parking and manoeuvring facilities are retained for that purpose in the interest of amenity.

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 or telephone the SBC CIL Team on 01793 466289 or 466397 or email 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 and https://www.gov.uk/guidance/community-infrastructure-levy. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

2. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

3. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets
to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other
tructures.https://developers.thameswater.co.uk/Developing-a-largesite/
Planning-your-development/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email:
developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road,

Reading, Berkshire RG1 8DB

4. Thames Water expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

Application Number	S/18/2038
Proposal	Erection of 2no. dwellings, minor alteration to 5 Barnfield Close and associated works.
Location:	5 Barnfield Close Rodbourne Swindon SN2 2DP

This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.

In all cases reference should be made to the submitted plans.

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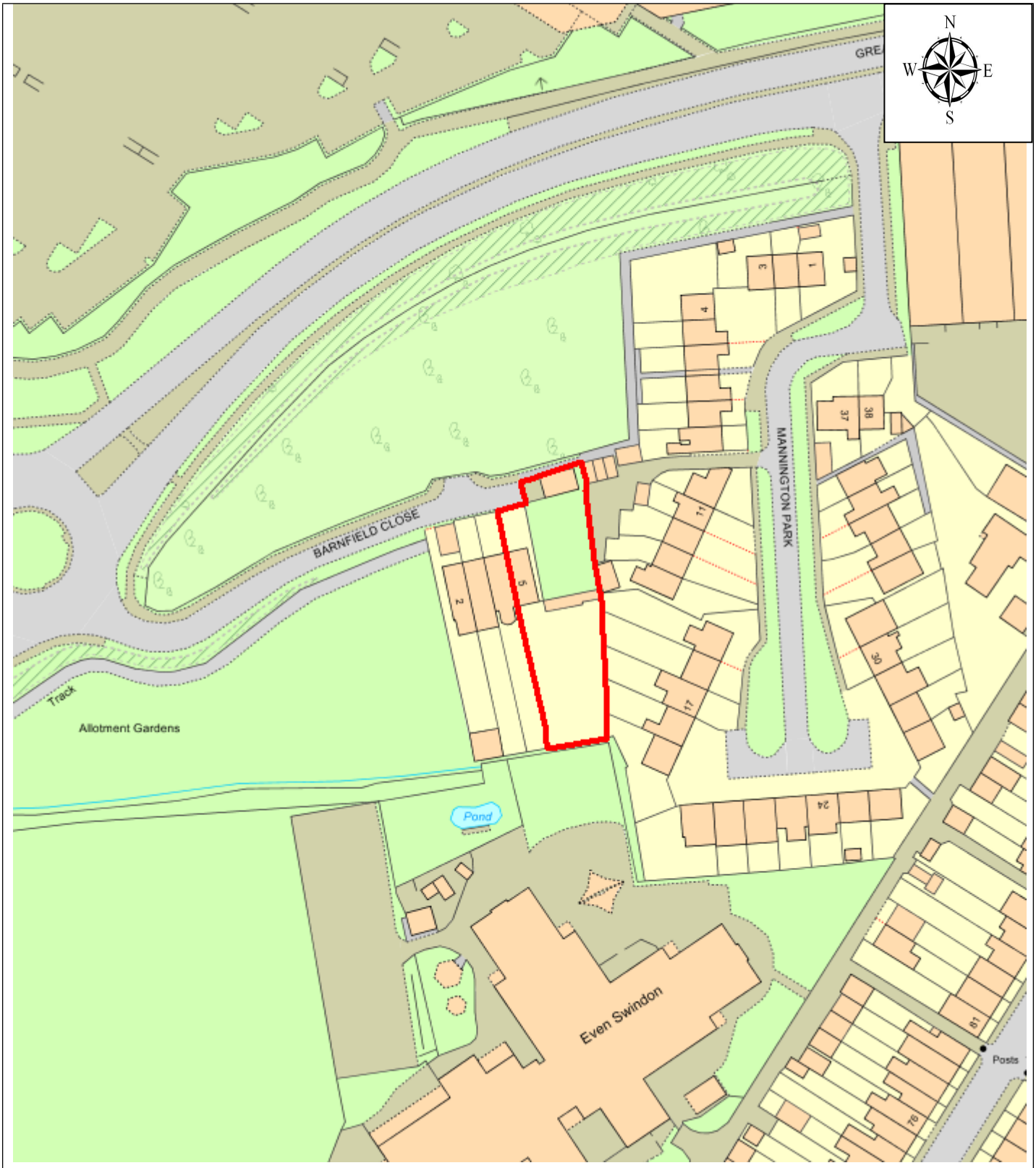

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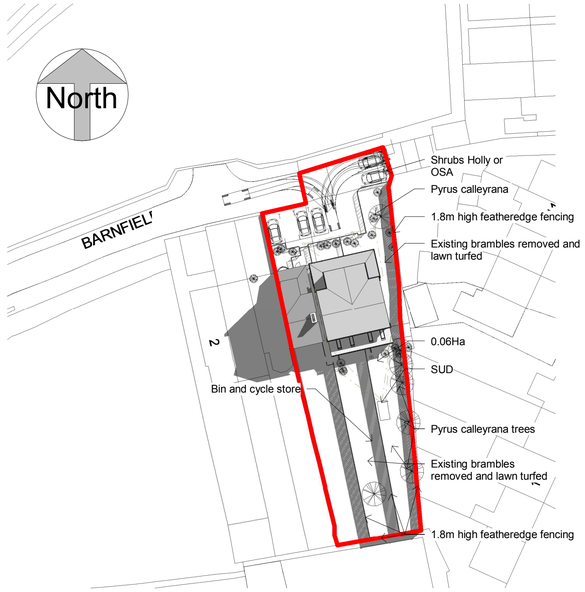
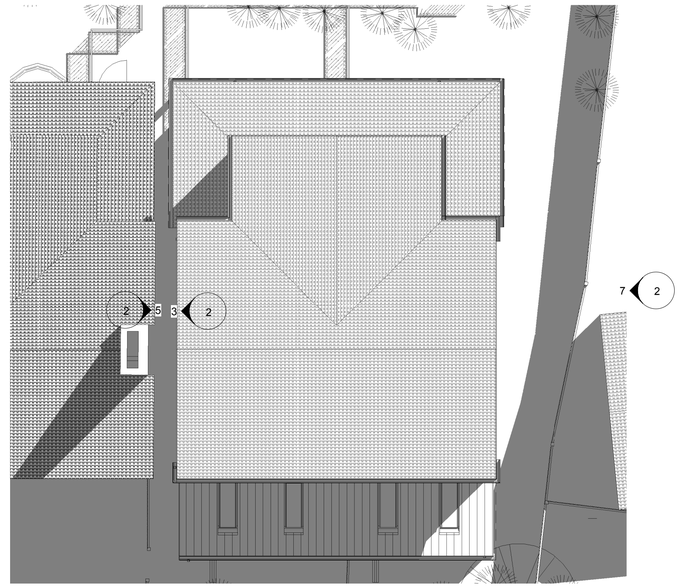
1 Location Plan
1 : 1250

0 10 20 40 80 m



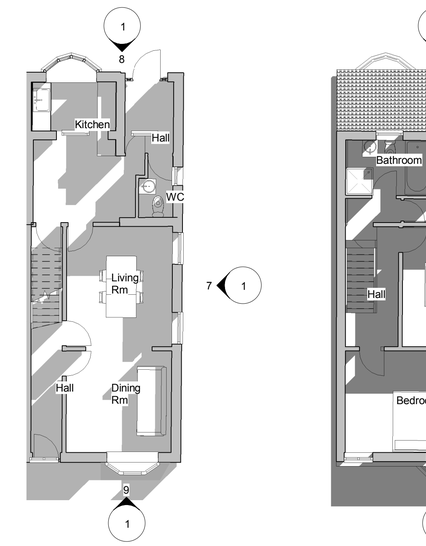
2 Block Plan
1 : 500

0 5 10 20 40 m

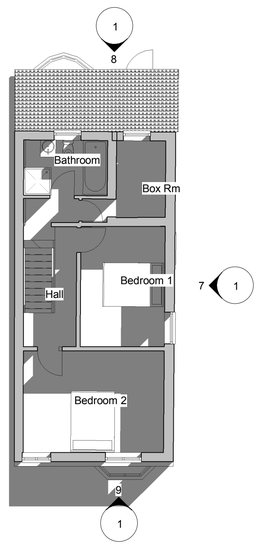


4 Proposed Roof
1 : 100

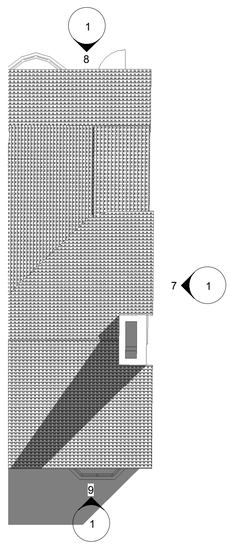
0 5 10 m



5 Existing Ground Floor
1 : 100

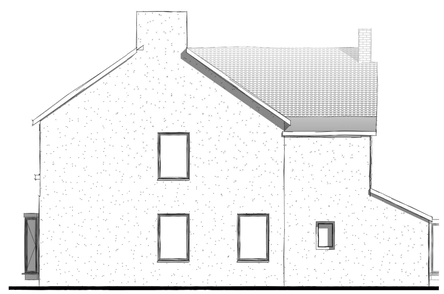


6 Existing First Floor
1 : 100



3 Existing Roof
1 : 100

0 5 10 m



7 Existing East Facade
1 : 100

8 Existing North Facade
1 : 100

9 Existing South Facade
1 : 100

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04/07/2019 09:03:27

Project No.	Purpose	Dwg No.	Rev No.
372	D	1	F

Rev Notes.

Rev	Date	Drawn	Notes
F	04/07/19	CNT	Update Red lines 2

Notes

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Existing House Alterations and Adjacent Housing Development

ADDRESS

5 Barnfield Close
Swindon
Wiltshire
SN2 2DP

Client

Mr & Mrs Smedley

Drawing Title

Block and Location Plans and Existing Building Dwgs

This drawing is only to be used for it purpose group;

(-----) = For comment only
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(D) = Planning purposes
(E) = Building Control
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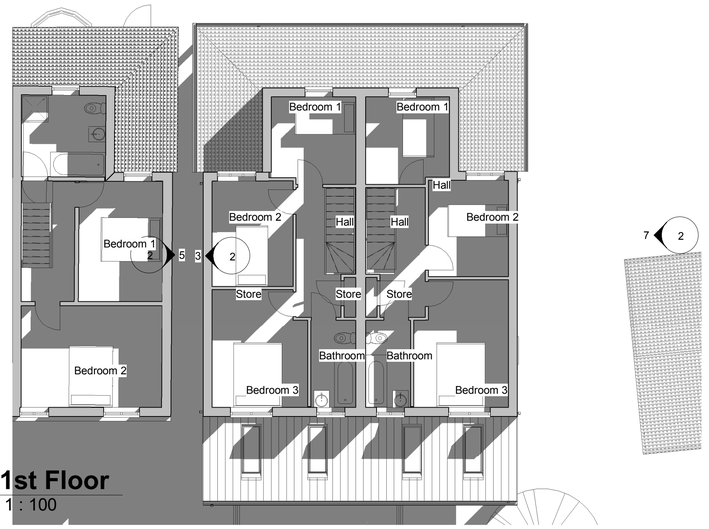
Drawn	Date	Scale
Author	16/06/17	As indicated

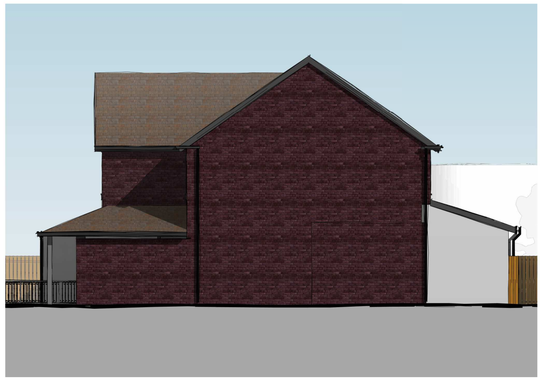
Project No.	Purpose	Dwg No.	Rev No.
372	D	1	F



2 1st Floor
1 : 100

4 South Facade
1 : 100

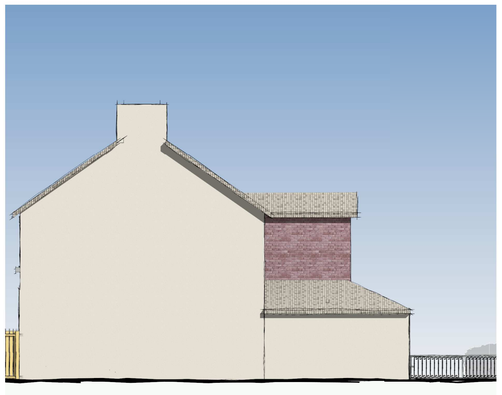
0 5 10 m



5 West Facade
1 : 100

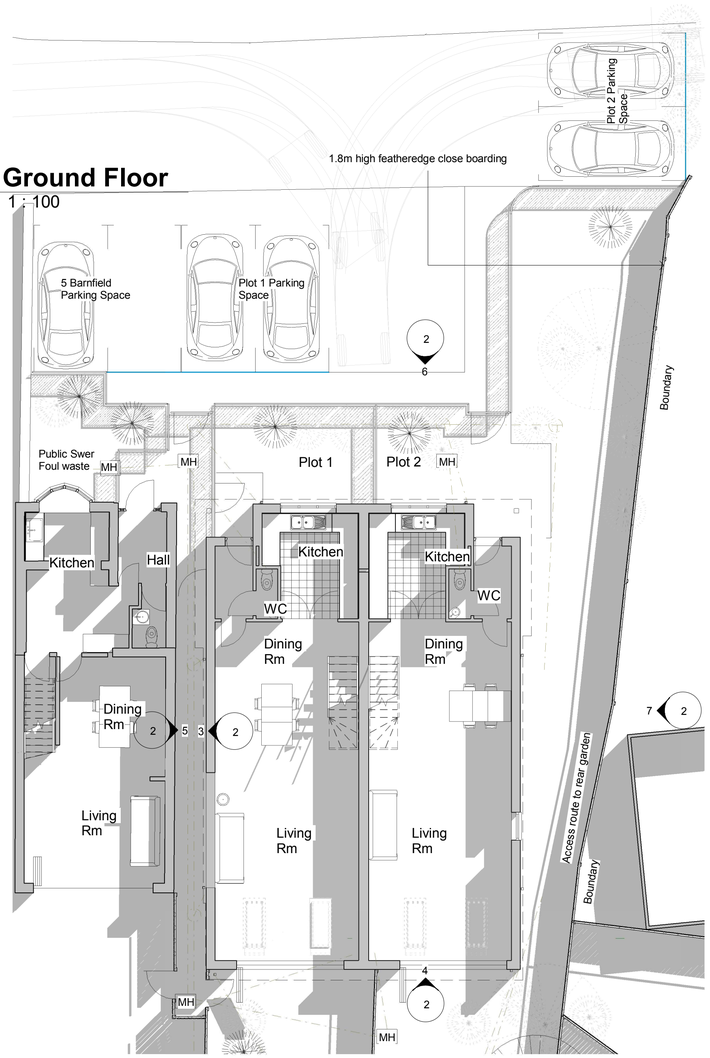
6 North Facade
1 : 100

7 East Facade
1 : 100



3 Proposed Gable End Wall Elevation
1 : 100

8 Front View



1 Ground Floor
1 : 100

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Project No.	Purpose	Dwg No.	Rev No.
372	D	2	C

Rev Notes.

Rev	Date	Drawn	Notes
C	21/03/19	CNT	Pull back north facade nib.

Notes

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Existing House Alterations and Adjacent Housing Development

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Swindon
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Client

Mr & Mrs Smedley

Drawing Title

New Build Plans and Elevations

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Drawn	Date	Scale
CNT	16/06/17	1 : 100

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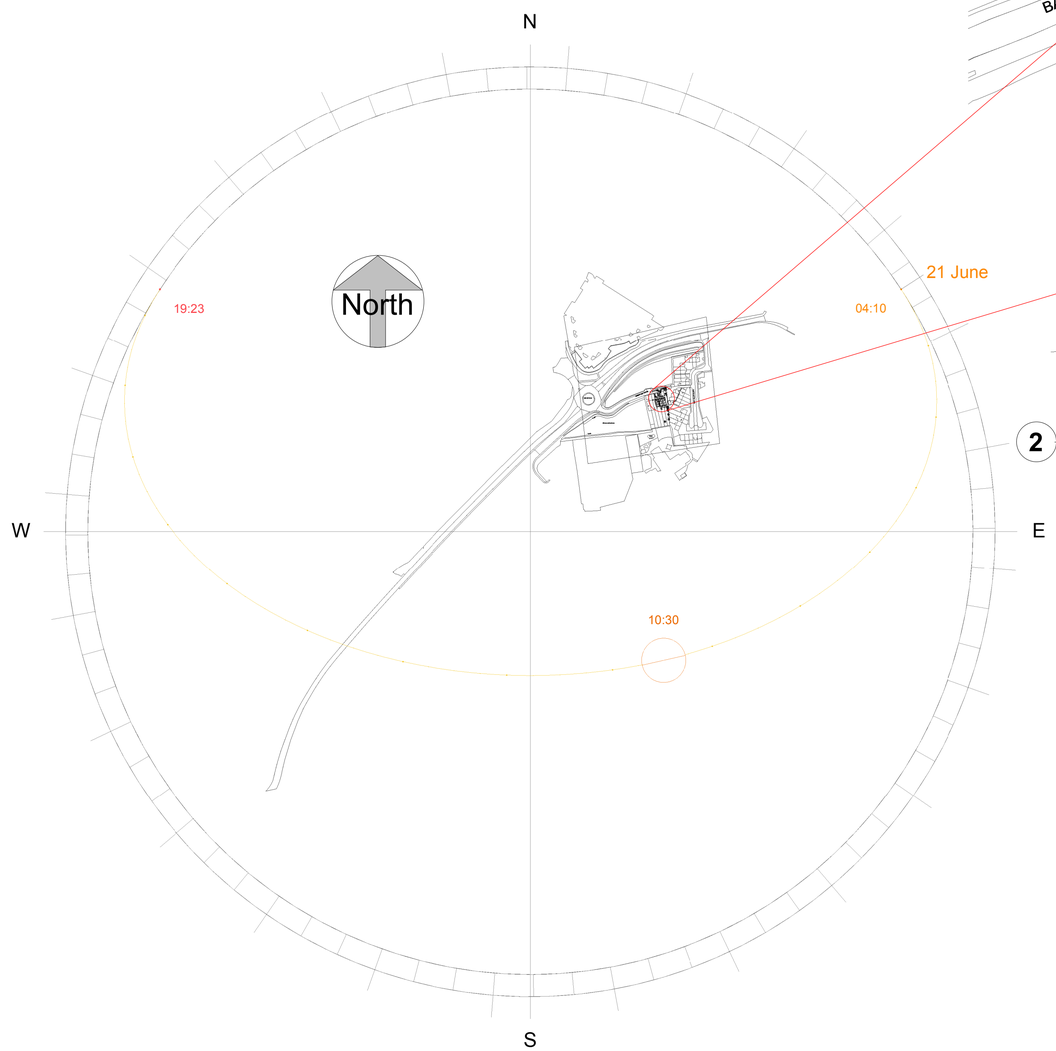
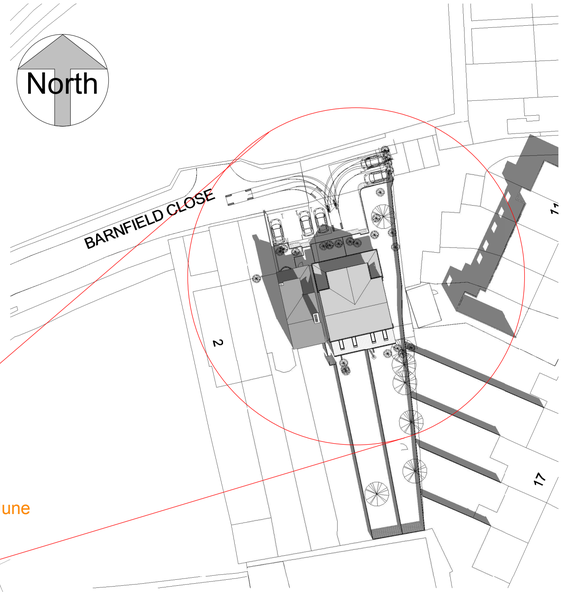
372	D	2	C





2 (1) Spring Equinox 20th March 19 at 10-30am Detail

1 : 500

1 (1) Spring Equinox 20th Marchat 10-30am

1 : 5000

Mannington Park House Numbers	Garden area excluding Garages and sheds etc (M2)	Elapsed hours 3 Hrs					
		Start 10:30am			Finish 1:30pm		
		Shaded area (M2)	Percentages		Shaded area (M2)	Percentages	
			In sunlight	In Shadow		In sunlight	In shadow
14	65	16	75%	25%	5	92%	8%
13	67	32	52%	48%	1	99%	1%

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04/07/2019 09:04:19

Project No.	Purpose	Dwg No.	Rev No.
372	D	3	B

Rev Notes.

Rev	Date	Drawn	Notes
B	21/03/19	CNT	Pull back north facade nib.

Notes

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Mr & Mrs Smedley

Overshadowing - Spring Equinox 20th March at 10-30am to be used for it purpose group;

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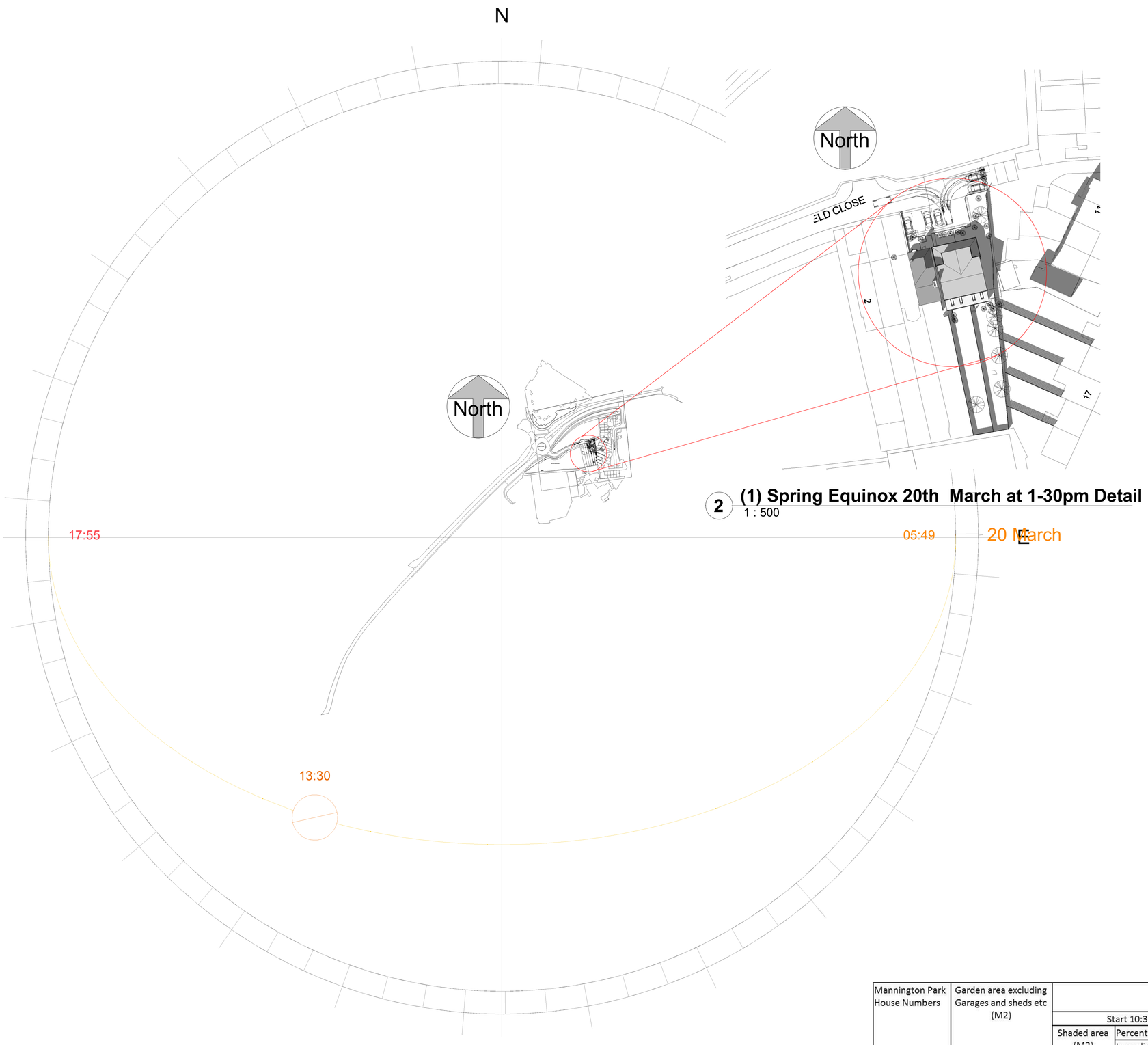
372	D	3	B



2 **(1) Spring Equinox 20th March at 1-30pm Detail**
1 : 500

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1 : 5000

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		Start 10:30am			Finish 1:30pm		
		Shaded area (M2)	Percentages		Shaded area (M2)	Percentages	
			In sunlight	In Shadow		In sunlight	In shadow
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13	67	32	52%	48%	1	99%	1%

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Project No.	Purpose	Dwg No.	Rev No.
372	D	4	B

Rev Notes.

Rev	Date	Drawn	Notes
B	21/03/19	CNT	Pull back north facade nib.

Notes

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Mr & Mrs Smedley

Overshadowing - Spring Equinox 20th March at 1-30pm

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Drawn	Date	Scale
Author	16/06/17	As indicated

Project No.	Purpose	Dwg No.	Rev No.
372	D	4	B

Swindon
BOROUGH COUNCIL

COMMITTEE REPORT

Item Number:
ApplicationNumber:
S/18/2038/PEKO

Ward: Mannington And Western
Parish: Central Swindon North

Proposal: Erection of 2no. dwellings, minor alteration to 5 Barnfield Close and associated works.

Site Location: 5 Barnfield Close, Rodbourne

Case Officer: Peter Korankye-Gyabong

Agent:
Mr Carl Tagoe
OC Architects
92 William Street
Swindon
SN1 5LE

Applicant
Mr & Mrs Smedley
3 Radnor Close
Bodmin

Officers Report

Background:
This application has been brought before the Planning Committee at the request of Central Swindon North Parish Council and Councillor James Robbins, due to concerns about the loss of privacy, parking and access.

Summary of Recommendation:
1. Planning permission be **GRANTED** with conditions

The Proposal:
2. The proposed development would involve the erection of a semi-detached building to create 2 x 3 bedroom dwellings. The building will be two storey and part single storey front and rear projections. The proposed building will have overall depth of approximately 15.2m, 10.2m in width and 8.2m maximum in height, 5.2m at eaves. It will be approximately 10.2m in depth at first floor level with two storey front outrigger stepped in by 2 metres from the side wall. The two storey element of the scheme would feature a gable roof design. The single storey rear element would incorporate rooflights, designed with a mono-pitched roof whilst the single storey front element would feature a pitched roof.

3. The applicant also proposes some external alterations to the host property (5 Barnfield Close) involving the construction of a single storey front extension which would feature a pitched roof flush with the front building line of the proposed semi-detached pair. The proposal includes the provision of 2 x parking spaces for the existing dwelling and 4 no.

spaces (2 per property) for the proposed semi-detached dwellings.

Site and Surroundings:
4. Barnfield Close consists of a terrace of residential properties of similar style and design which are set broadly along a similar building line. The application site consists of a plots forming part of the host property, No. 5 Barfield Close. On the opposite site is the Travelodge building, currently under construction and nearing completion. The side boundary of the site abuts the rear gardens of the properties along Mannington Park. The rear boundary abuts footpath which separates the site from the Even Swindon Primary School to the rear. The intervening boundary between the host dwelling and Mannington Park is formed from a line of young trees.

Site History:
5. There is no relevant planning history.

Representations:
6. Neighbours

Eight representations of objections have been received from 5 neighbours raising the following as concerns:

- "effect of the level of daylight on property and garden",
- removal of existing hedging and its replacement with shorter fencing results in overlooking and loss of privacy (Planning Policy 7 Section A30),
- further loss of open land in the vicinity,
- further overshadowing and due to the close proximity to the back of my property and child's bedroom,
- detrimental to the health and wellbeing,
- the noise of the build will be really disruptive,
- removal of existing garages which are asbestos could be harmful to the environment and public health,
- access to our garage and parking could be restricted by scaffold,
- the proposal represent overdevelopment of the site to the detriment of existing properties and to the open aspect of the neighbourhood,
- the scheme will add to the parking and access issues on Mannington Park.

7. Central Swindon North Parish Council:

The Parish Council wish to object to and call in this application for consideration by the SBC Planning Committee due to concerns of loss of privacy for neighbours and concerns over the lack of provision for parking and access.

8. Highways:

No objections subject to suggested conditions.

9. LLFA:

The Council does not hold any records of surface water drainage or flood risk issues

in area.

Planning Considerations:
10. 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, highway implications 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 and Planning Practice Guidance. Other issues raised within the representations received will also be covered.

Planning Policy:
Adopted Local Plan 2026
11. 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); seeks to achieve high standards of design for all types of development;

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

- 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;

12. 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.

National Planning Policy Framework 2019 (NPPF)
13. The updated National Planning Policy Framework came into force in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied.

14. Of particular relevance are sections: 2 'Achieving sustainable development', 5 'Delivering a sufficient supply of homes', 11 'Making effective use of land' and 12 'Achieving well-designed places'.

Principle of Development:
15. 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.

16. 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). Policy SD2 also recognises that development opportunities should primarily be concentrated to Swindon as the focal point for the economy, services and facilities and transport whilst HA1 offers guidance on the design, layout and densities of proposed housing developments.

17. The adopted Swindon Residential Design Guide SPD 2016 (SRDG) seeks to ensure that infill developments respects the character of its surroundings, the amenity of neighbours and retains rhythm. Currently the Council's housing land supply position is far below 5 years. 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.

18. 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.

19 In this case the application site is located within the Swindon Urban Area as defined on the Swindon Borough Local Plan 2026 Key Policies Map and in accordance with Swindon Borough Local Plan 2026 Policy SD2 which recognises that development opportunities should primarily be located within Swindon's urban area. As such, the principle of a residential development in this location is accepted.

20. 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.

Highway Access and Safety:
21. 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.

22. Neighbours have raised concern regarding lack of off road parking. The Transport Development Officer raises no highway objection to the proposal. The officers are satisfied the existing access is adequate for the increased in residential traffic that is proposed for the new dwellings and the existing site. They are of the view that new vehicle access points would normally require visibility splays to be submitted within the drawings. However, as the site is located off of an exsiting highway within a cul-de-sac with a small number of

dwellings, the scheme is deemed acceptable as adequate visibility is achieved The officer further notes that the footway to the north of the site is proposed to be retained which will ensure a satisfactory means of access for the occupants of the development is met, which is in accordance with the Swindon Borough Local Plan 2026.

Residential Amenity:

23. 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. The Swindon Residential Design Guide also requires consideration of amenity.

24. The nearest existing residential properties to the site are Nos. 4,3 and 2 Barnfield Close to the west and Nos. 9, 10,11,12,13 and14 Mannington Park to the east. The new property would be located directly adjacent to the donor property, No.5 Barnfield Close is part of this site and as the first floor side wall of the proposed building will not project beyond the side wall of No. 5 and faces the blank side wall of No.5, culminated with the orientation, to the west of the application site no significant loss of light or overshadowing could occur so as to warrant refusal of planning permission.

25. In relation to Nos. 9,10,11,12,13 and14 Mannington Park to the east, the new property, would be located approximately 18 metres from the main two-storey rear elevations of these properties at an angle and approximately 12.5 metres of No. 14 Mannington Park (as extended) also at an angle. Such a separation distance, plus the existence of No. 14's own detached garage juxtaposed between their rear elevation and the side elevation of the proposed extension as well as the proposed boundary treatment and screen of vegetation to the boundary, means there will be no unacceptable impact in terms of overshadowing. The distances between properties are in excess of the 12 m separation distance set out in the adopted SRDG. No first floor side windows are proposed. The positioning of windows, with only one ground floor side window angled behind No. 14's garage and absence of first floor side windows, there will be no demonstrable overlooking issue to justify refusal of planning permission. Furthermore, the proposed first floor rear windows will mainly face the rear gardens of the proposed plots 1 and 2. These windows would only have oblique view to the bottom of the gardens of Nos. 16, 17, 18 and 19 Mannington Park, with the sensitive parts of the house at distances between 25 and 40 metres away from the proposed rear first floor windows.

26. Regarding the properties to the northeast, comprising of Nos. 1-8, there is also no reason to suggest that any unacceptable impact will be caused to their amenity in that they would be located approximately 30 metres from the new dwellings and would be left with an adequately sized back garden.

27. In respect of overall amenity acceptability for the future residents of the development, the layout plan shows there will be adequate outdoor amenity space of approximately 30 metres long by 6 metres wide rear garden whilst there will also be acceptable natural light levels and privacy. In summary the development is acceptable from a residential amenity point of view in compliance with Policy DE1 of the SBLP 2026 and the adopted SRDG.

Design, Layout and Character:
28. Swindon Local Plan policy DE1 states that high standards of design will be required for all types of development. The adopted SRDG 2016 also requires high design standards as well as offered guidance on layout, context and character amongst other factors. The NPPF also details the requirement to achieve well-designed places.

29. The development, would not be uncharacteristic in its location, being seen as an extension of the terrace it adjoins. It would benefit from an adequately sized plot, not dissimilar in size to the host property at No. 5 Barnfield Close and those at Nos. 4, 3 and 2 Barnfield Close as well as other properties along Mannington Park. The site is surrounded by development and very similar in layout and density. Furthermore, as detailed above, the proposed dwellings will be afforded adequate amenity protection in terms of not being unacceptably overlooked or overshadowed. In this case therefore it is argued that the proposal is able to comply with the principles of Policy DE1 of the adopted SBLP as is the requirement of this part of the SRDG.

30 The applicant has undertaken an assessment in accord with the advice set out in the Guide to Good practice for site planning for daylight and sunlight 2011. This information was shared with residents at a meeting with the agent in the council offices, facilitated by officers and Cllr Exell. This demonstrated that the scheme met and exceeded the advised criteria and addressed concerns on that aspect. It was acknowledged that the recent travel lodge development has altered the environment locally for the residents close to the application site, and whilst further highlights their concerns, the application has to be determined on its own merit.

31 The location, appearance and scale of the development are considered acceptable and to accord with the policies in the Adopted Swindon Local Plan 2026 (2015), the SRDG and the NPPF in terms of being well designed and respecting neighbours amenity.

32. In summary the proposed layout of the development is deemed to be acceptable in the circumstances of this case and in accord with Policy DE1 of the adopted SBLP and the NPPF.

Other Issues:

CIL/Infrastructure Requirements:
33. The Council is a Community Infrastructure Levy (CIL) Charging Authority. At the point of writing this report the adopted CIL Charging Schedule is that dated 6th April 2015. The development constitutes CIL Liable development chargeable at the relevant rate within the relevant Charging Schedule in place at the time of calculation, that rate which is subject to indexation annually. The CIL chargeable amount is calculated at the point in time that planning permission first permits development for CIL purposes. To inform the applicant/landowners of the relevance of CIL to the proposal a CIL liable informative will be added to the Decision Notice.

Consultee Comments:
34. With regard to the comments raised within the representations section that have not already been covered above the following is noted:
- Paragraph 4.17 of the SBLP is the supporting text of Policy DE1 and thus is covered above.
- Paragraph 70 of the NPPF refers to plan making. In this case the SRDG is the Council's 'policy', as required by this paragraph, for resisting inappropriate development of residential gardens. As detailed above, in the circumstances of this case it is not felt that the proposal represents inappropriate development.
- Inability to manage garden size has not been cited as a justification for the development within the officer's assessment.
- Whilst the Parish Council have raised concerns, they have not identified any harm arising from the development.

Conclusion:
35. In conclusion an assessment of the impact of the development has been undertaken above which has concluded that the development is compliant to Policy SD2 of the SBLP and that the site is in a sustainable area in close proximity to the services, the proposal will not result in any adverse impacts in terms of any harm to: highway conditions or residential amenity.

36. The benefits of the development in terms of providing sustainable development have been identified to be the provision of much needed housing (albeit only 2 houses). In terms of the economic dimension the development would contribute towards economic growth during the construction phase. Also, again not significant but the additional population created could also assist the local economy in terms of utilising local services. Furthermore the development makes efficient use of land and in the current circumstances and in the circumstances of this specific site, any other factors do not significantly and demonstrably outweigh the benefits of the proposal identified above. As such it is considered that the proposal is considered to be acceptable.

Recommendation:
37. That outline planning permission be GRANTED.

Conditions

1. This approval shall be in respect of the site location plan received by the Local Planning Authority on 8th February and drawing numbers: 5, 6, 7, 8, 9, 10, 11, 372-D-1 Rev F, 372-D-2 Rev C, 372-D-3 Rev B, 372-D-4 Rev B, received on 19th July 2019.
Reason: To define the scope of the development hereby permitted, in accordance with section 72 of the Town and Country Planning Act 1990.

2. Prior to any works of demolition, a Construction Management Plan shall have been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall:
i. specify the type and number of vehicles;
ii. specify the point of construction access and access route to the site;
iii. set out details of the parking of vehicles of site operatives and visitors;
iv. set out arrangements for the loading and unloading of plant and materials;

v. set out arrangements for the storage of plant and materials used in constructing the development;
vi. set out arrangements for wheel washing facilities;
vii. specify the intended hours of construction operations;
Reason: To reduce the potential impact on the public highway during the site preparation and construction phase(s) of development in accordance with Policy TR2 of Swindon Borough Local Plan 2026.

3. No development comprising the erection of any dwelling above ground level shall take place until full details of the slab levels of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

4. The allocated private car parking spaces for each unit (and the existing dwelling) plus the associated turning space shown on the approved plan, shall be laid out and made available for use prior to the development hereby permitted. These spaces shall thereafter be retained only for the parking of motor vehicles in connection with the development hereby permitted and 5 Barnfield Close.
Reason: In the interests of highway safety.

5. Construction and demolition works associated with the development hereby permitted shall only take place between 0800 hours to 1800 hours on Mondays to Fridays and 0900 hours to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of residential amenity.

6. Development shall not commence above ground level until 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

7. Adequate and appropriate provision for surface water drainage within the site must be made so that none discharges onto the highway or adjacent land.
Reason: In the interests of highway safety and amenity.

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 or telephone the SBC CIL Team on 01793 466289 or 466397 or email 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 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 or ring 01793 466271 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

End of Report

Application Number S/19/0743

Proposal Change of use of main dwelling to create 9 bed House in Multiple Occupancy (HMO).

Location: 74 Bath Road Old Town Swindon SN1 4AY

This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.

In all cases reference should be made to the submitted plans.

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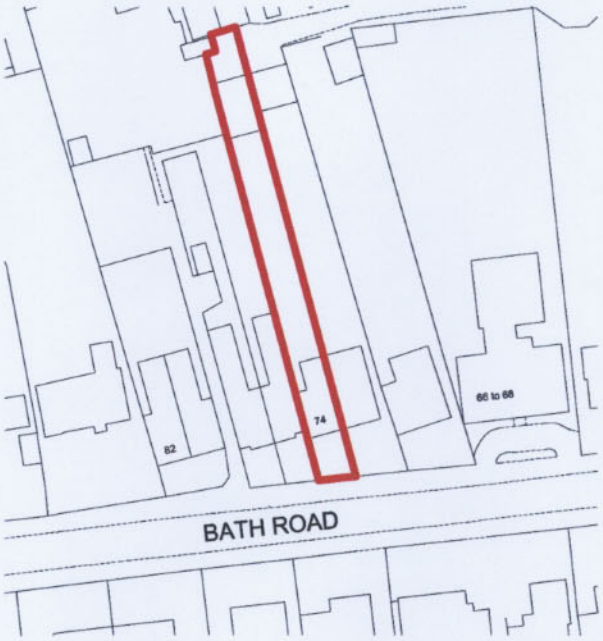
General Notes:

1. This drawing is for design purposes only, scaling from this drawing is not to be used for construction or costings as further drawings maybe required, refer to www.benwill.co.uk/help-and-advice
2. All dimensions should be checked on site.
3. Ben Williams shall be notified in writing of any discrepancies.
4. This drawing is to be read in conjunction with all other drawings, specifications and schedule of works.

Rev	Date	Reason for Issue	Checked

0m 10 20 30 40 50 60



SWINDON BOROUGH COUNCIL
26 APR 2019
S/1910743
PLANNING DEPARTMENT

BEN WILLIAMS
HOME DESIGN AND ARCHITECTURAL SERVICES

Address: 20 The Marlestones, Old Town, Swindon, Wiltshire, SN1 4NA
Tel: 01793920265 / 07944486178
Web: www.benwill.co.uk
Email: hello@benwill.co.uk

Client:
Mr Kirby

Project:
74 Bath Road
Swindon

Title:
Site Location
Plan

Scale @ A4:	Date:	Drawn/Checked:
1:1250	Apr '19	BW

Drawing No: 468/001
Rev: -

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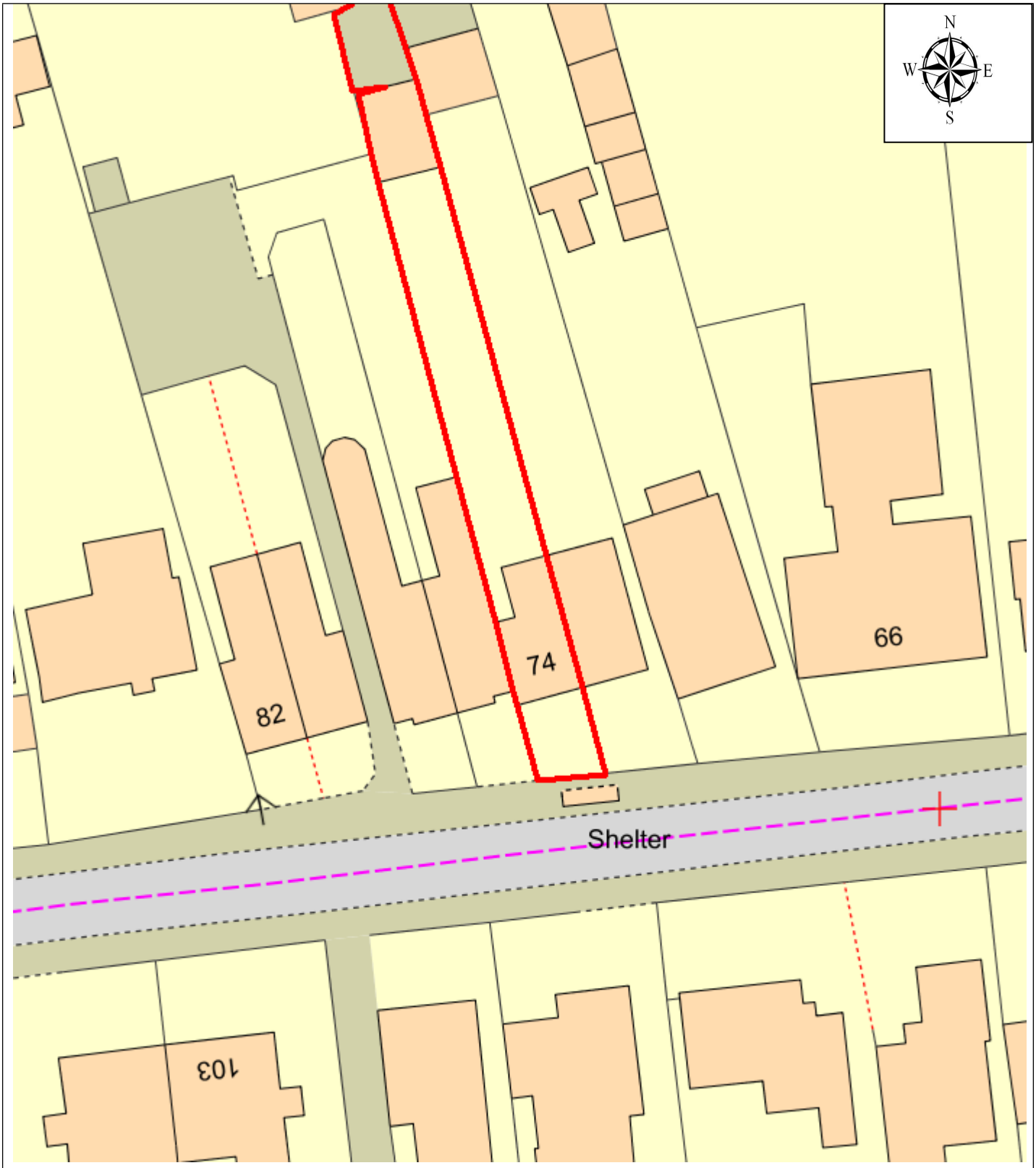
Application Number	S/19/0743
Proposal	Change of use of main dwelling to create 9 bed House in Multiple Occupancy (HMO).
Location:	74 Bath Road Old Town Swindon SN1 4AY



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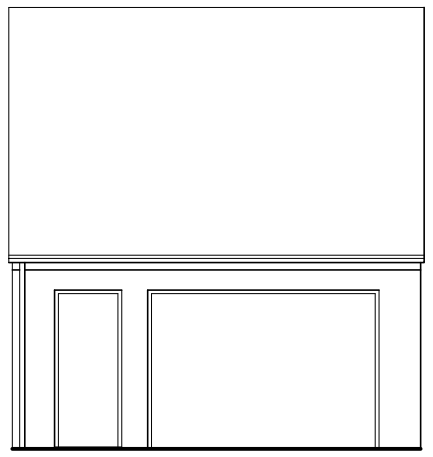
4. This drawing is to be read in conjunction with all other drawings, specifications and schedule of works.

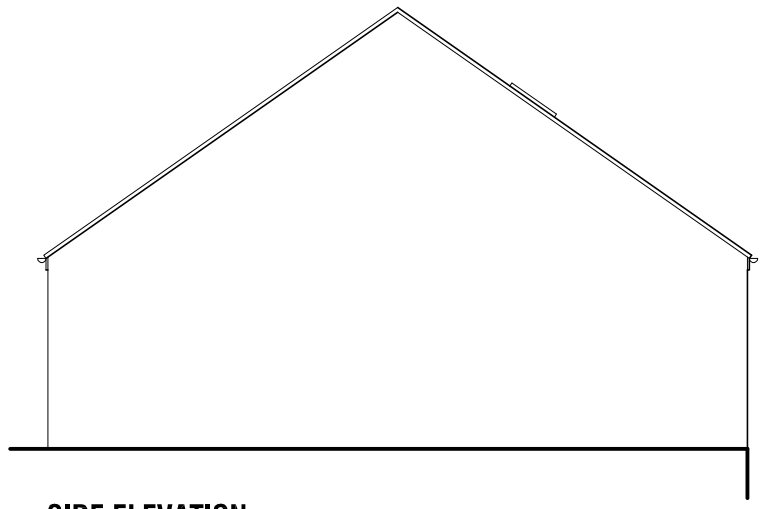
Rev	Date	Reason for issue	Checked
A	June '19	Removal of bedroom back to storage	

0m 1 2 3 4 5

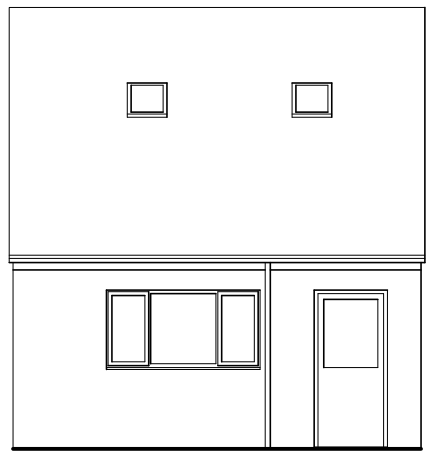
N



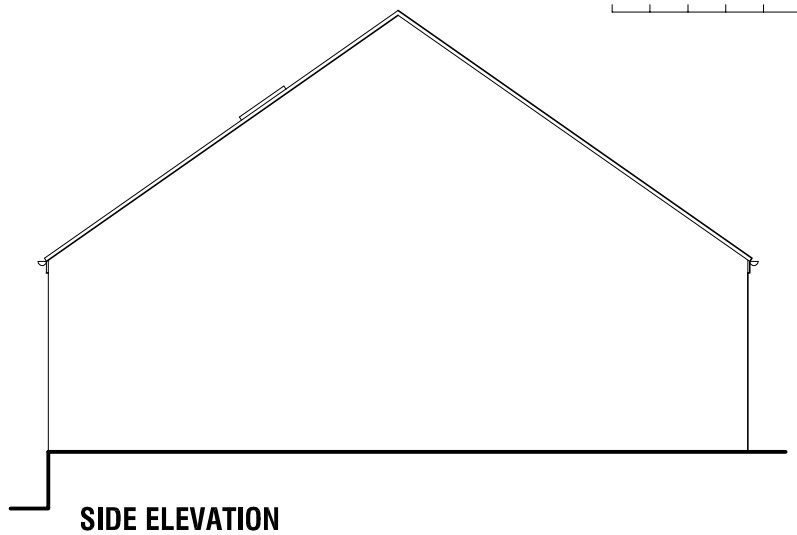
FRONT ELEVATION



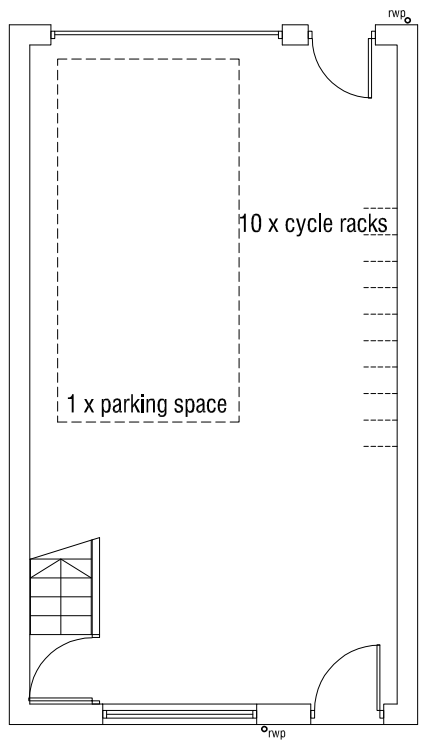
SIDE ELEVATION



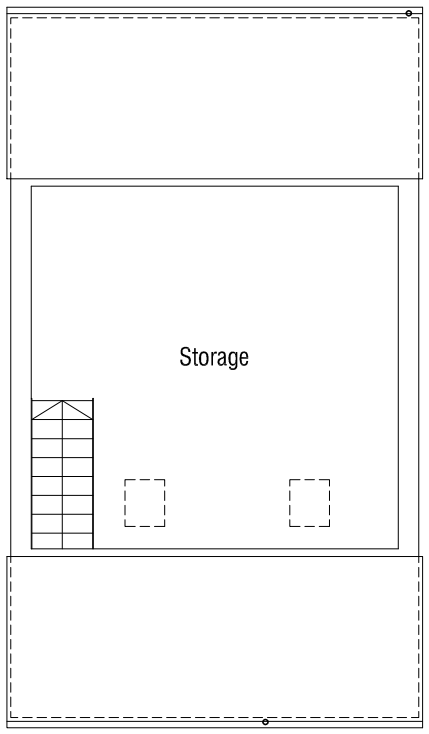
REAR FLOOR PLAN



SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

BEN WILLIAMS
HOME DESIGN AND ARCHITECTURAL SERVICES

Address: 20 The Marlestones, Old Town, Swindon, Wiltshire, SN1 4NA
Tel: 01793920265 / 07944486178
Web: www.benwill.co.uk
Email: hello@benwill.co.uk

Client:
Mr Kirby

Project:
74 Bath Road
Swindon

Title:
Proposed Garage
General Arrangement

Scale @ A3:	Date:	Drawn/Checked:
1:100	Apr '19	BW

Drawing No: 468/400

Rev: A

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General Notes:

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4. This drawing is to be read in conjunction with all other drawings, specifications and schedule of works.

Rev	Date	Reason for issue	Checked
A	June '19	Removal of 1100l bins for 240l bins + timber enclosure	

0m 5 10 15 20 25

BEN WILLIAMS
HOME DESIGN AND ARCHITECTURAL SERVICES

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Tel: 01793920265 / 07944486178
Web: www.benwill.co.uk
Email: hello@benwill.co.uk

Client:
Mr Kirby

Project:
74 Bath Road
Swindon

Title:
Proposed
Site Plan

Scale @ A3:	Date:	Drawn/Checked:
1:500	Apr '19	BW

Drawing No: 468/050
Rev: A

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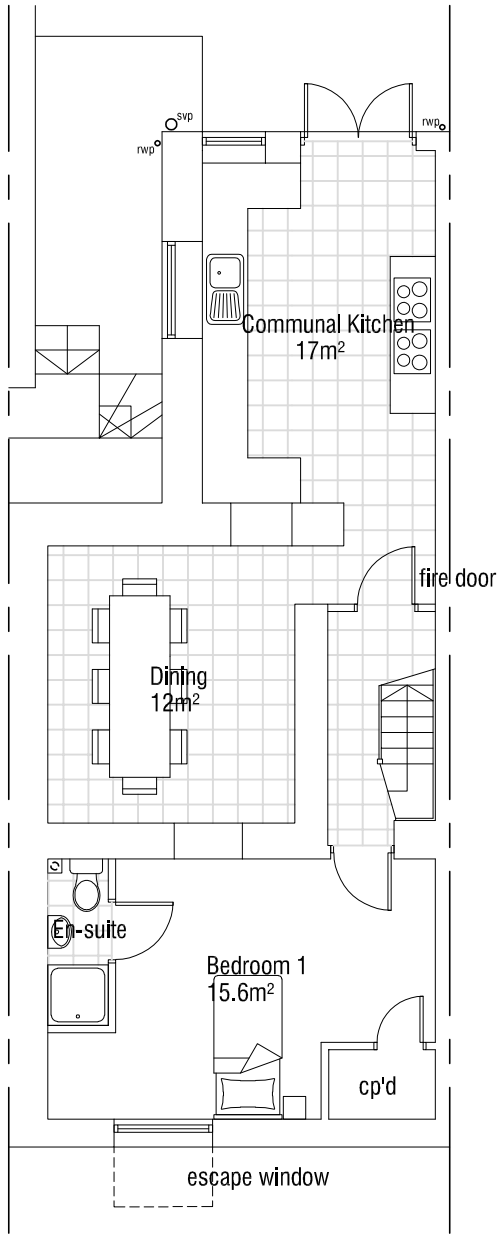
2. All dimensions should be checked on site.

3. Ben Williams shall be notified in writing of any discrepancies.

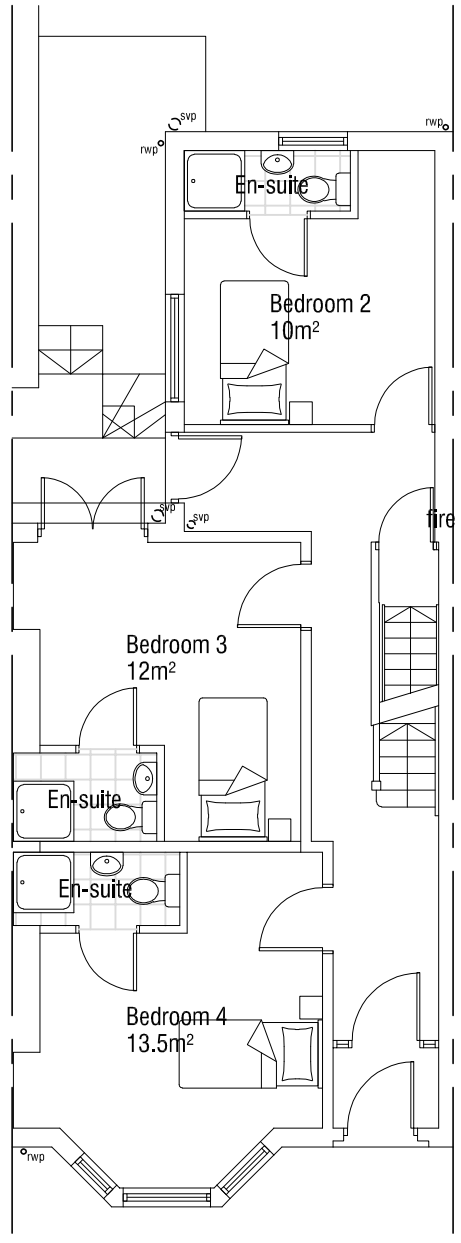
4. This drawing is to be read in conjunction with all other drawings, specifications and schedule of works.

Rev	Date	Reason for issue	Checked
A	June '19	Reposition door to bedroom 1 closer to staircase	
B	July '19	Reposition door to bedroom 1 closer to staircase	

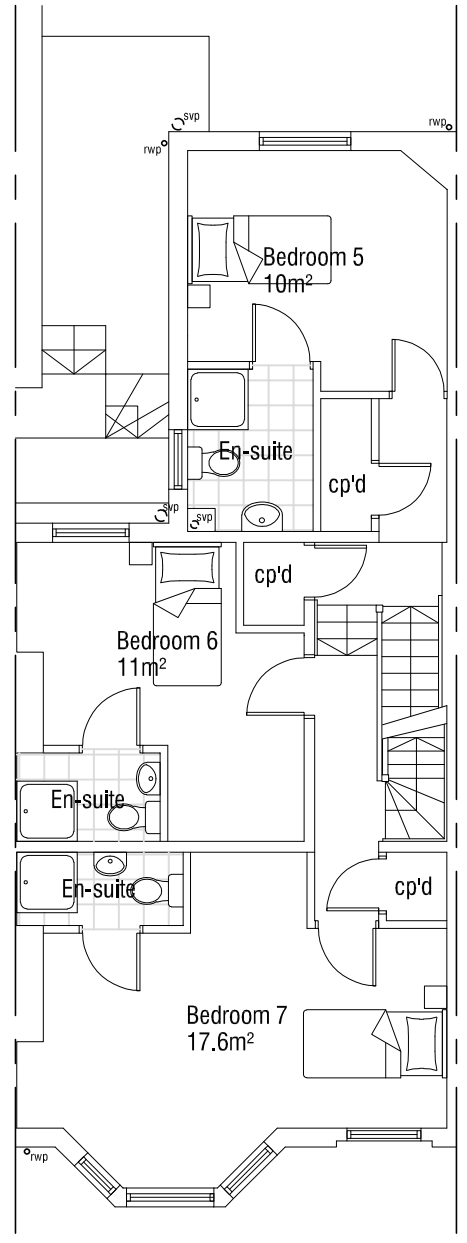
0m 1 2 3 4 5



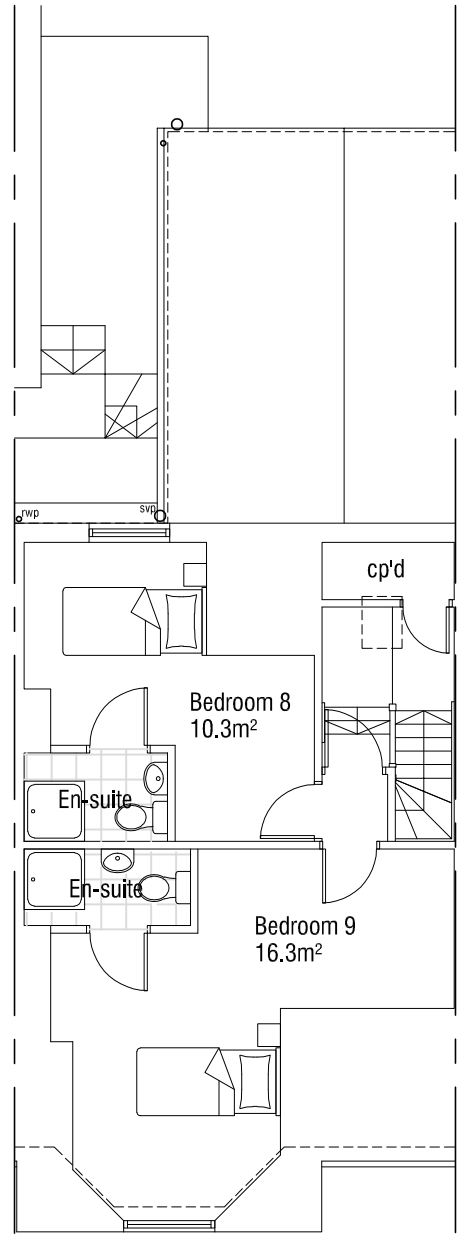
LOWER GROUND FLOOR PLAN



UPPER GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

SCHEDULE OF AREAS USING SWINDON BOROUGH COUNCIL HOUSING STANDARDS GUIDE

SHARED OR COMMUNAL KITCHEN USED BY 1-5 PERSONS = 7.5M²
FOR EACH ADDITIONAL PERSON ADD 1.5M²
FOR 10 PERSONS = 7.5M² + (5 X 1.5M²) = 15M² (PROPOSED SCHEME ILLUSTRATES 17M² + 12M² = 29M²)

NO. OF ROOMS BETWEEN 7.5M² - 10M² WHERE A SHARED LIVING ROOM OF ADEQUATE SIZE IS REQUIRED* = 0
NO. OF ROOMS ABOVE 10M² WHERE THERE IS NO LIVING ROOM REQUIRED = 10

* COMMON LIVING ROOM REQUIREMENTS FOR 1-5 PERSONS = 10M²

NOTES FOR COMMITTEE MEMBERS

- VENTILATION IN ALL EN-SUITES BY INSTALLING EXTRACTOR FANS DUCTED THROUGH EXISTING CEILING JOISTS TO OUTSIDE WALL (NEW SUSPENDED CEILING MAYBE FORMED BELOW EXISTING CEILING TO ACCOMMODATE NEW DUCTING AND PIPEWORK) AS PER BUILDING REGULATION REQUIREMENTS - PLEASE NOTE, VENTILATION CAN ALSO APPLY WITHOUT EXTRACTION WITH GAP UNDERNEATH EN-SUITE DOOR AND IF BEDROOM WINDOW IS OPEN
- INDICATIVE KITCHEN LAYOUT WITH ADDITIONAL HOB AND SINK, EXACT REQUIREMENTS ARE SUBJECT TO HMO LICENCE REQUIREMENTS
- INDICATIVE LOCATION OF FIRE DOORS (FROM DISCUSSION WITH SBC BUILDING CONTROL), SENSITIVE SMOKE DETECTORS WILL BE INSTALLED IN EACH BEDROOM AND COMMUNAL AREAS (INC. KITCHEN AND DINING) AS PER BUILDING REGULATION REQUIREMENTS

BEN WILLIAMS
HOME DESIGN AND ARCHITECTURAL SERVICES
Address: 20 The Marlestones, Old Town, Swindon, Wiltshire, SN1 4NA
Tel: 01793920265 / 07944486178
Web: www.benwill.co.uk
Email: hello@benwill.co.uk

Client:
Mr Kirby

Project:
74 Bath Road
Swindon

Title:
Proposed
Floor Plans

Scale @ A3:	Date:	Drawn/Checked:
1:100	Apr '19	BW

Drawing No: 468/100
Rev: B

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COMMITTEE REPORT

Item Number:
Application Number: S/19/0743
Ward: Eastcott
Parish: Central Swindon South

Proposal: Change of use of main dwelling to create 9 bed House in Multiple Occupancy (HMO).
Location: 74 Bath Road, Old Town, Swindon

Agent:

Mr Ben Williams
Ben Williams Home Design And Architectural Services
The Marlestones
Old Town
Swindon
SN1 4NA

Applicant:

Mr Kirby
76 Bath Road
Old Town
Swindon
Swindon
SN1 4AY

Officers Report

Update

0.1 This application was deferred at the last meeting to enable officers to review the internal arrangements in the interest of the amenity of the future occupants

0.2 Following comment by Building Control Officers, additional fire control / means of escape measures have been incorporated, to satisfy their requirements and the drawings have been appropriately amended and annotated.

The application has been brought back to the committee for determination and the previous repot is set out below and the conditions have been amended to reflect the additional details

Summary of the changes

I. Introduction of a fire doors between the kitchen/dining and bedroom 1 and at upper ground floor staircase.
II. Installation of extractor fans to all en-suites to facilitate appropriate levels of ventilation

The measures above, agreed in consultation with the Building Control officers, are considered to now adequately safeguard the amenity of the future occupants of the proposed House in Multiple Occupation (HMO).

Background:

i) This application has been called to the Planning Committee by the Central Swindon South Parish Council due to its proposed house in multiple occupation (HMO) usage.

ii) The proposal was amended from the initial proposal of a 10 bed HMO that included conversion of the rear detached garage to form the 10th bedroom. The garage will now be retained to provide a single car parking space, cycle storage for maximum 10 bicycles and general storage within the roofspace.

iii) Further amendments have been made to the lower ground layout plan in terms of relocation of bedroom 1 access door to adjoin the staircase. The removal of the door from providing direct access to the dining room mitigates impact onto bedroom 1 in terms of privacy, noise and disturbance.

iv) With regard to refuse collection, the applicant has clarified that 'standard' 240litre refuse bins rather than the large Euro 1100litre bins would be provided within a timber enclosure to the front of the property.

Summary of Recommendation:

That planning permission be GRANTED with Conditions

The Proposal:

1. Planning Permission is sought to change the use of existing dwelling to create 9 bed House in Multiple Occupancy (HMO). The property consists of 4 floor levels. At lower ground floor will be a single bedroom, communal kitchen and dining space with direct access to the rear garden. The upper ground floor and first floor consists of 3 bedrooms each and the second floor level has 2 bedrooms. The submitted plans indicate that each bedroom would be en-suite.

2. Refuse bin storage is proposed to the front of the property and cycle storage for maximum 10 bicycles would be within the detached rear garage. Vehicle access to the detached garage is from a service lane to the rear of properties on Bath Road and Lansdown Road.

3. The only external alteration would be the introduction of an external side elevation door from the upper ground floor level. This will provide through access from the front of the property (Bath Road) to the rear garden.

4. Internal alterations would involve the introduction of en-suites to all the bedrooms and further partitioning of upper ground floor to create 3 bedrooms.

The Site and Surroundings:

5. The mid terrace residential property at present includes 5 bedrooms at upper ground, first and second floors. Part of the upper ground floor consists of a large living room with the lower ground floor housing the second living room, dining and kitchen. The site is located in a predominantly residential area with detached

garages to the rear of properties with separate vehicular access. As such the property is accessible from Bath Road to the front and a service lane to the rear. The site is located within the Swindon Towns Gardens Conservation Area.

Representations:

6. Neighbours:
   Objections received from: 37 and 42 Lansdown Road, 72 Bath Road and 23 Springfield Road
   Concerns raised:
   - Inadequate parking as there are already parking problems on this part of Bath Road and to the rear.
   - Applicant owns property behind 70 Bath Road that already causes parking problems *(Officer comments: issues at number 70 are a separate issue from the current application)*
   - Increased amount of traffic using the rear service lane
   - Redline area of the application is inaccurate as it incorporates shared access area *(Officer comments: Right of access is not a planning matter in this instance)*
   - Overprovision of HMOs in the area
   - Application is misleading. Should apply for a hostel or hotel and not an HMO *(Officer comments: there is nothing misleading about the application)*
   - The building has no fire proofing
   - Lack of sewage capacity to cater for the additional number of bedrooms

7. Central Swindon South Parish Council: Objection for the following reasons:
   - Insufficient cooking hobs – plans for 4, SBC's HMO standards recommends twice that number
   - Kitchen is on ground floor and residents should not be carrying food upstairs. Communal dining room is not large enough to accommodate all residents at the same time – needs to be 18m2 at least
   - Basement bedroom would have insufficient light and window is not fire escape window
   - Plans for bathrooms 1,3,4,6 and 7 show no ventilation

8. Local Highway Authority: No objection subject to a condition requiring submission of a Construction Method Statement and cycle storage provision. The site lies in Sector 1 and does not require parking. The addition of the HMO to the area is unlikely to cause a detrimental impact to the area or surrounding highway. A bin storage area is shown to the front of the property which is sufficient to incorporate refuse collection from Bath Road.

9. Healthy Neighbourhoods: No objection subject to the following
   - Dorset and Wiltshire Fire Service will need to make a final comment regarding the suitability of the basement floor (bedroom 1) being used for a bedroom. As a minimum the window must be a fire escapable window current to Building regulations.

- Bedroom 10 **cannot** be used as a bedroom as the occupant would have no access to a kitchen without exiting the building to enter the main house, this is not acceptable. (N.B. this room has now been omitted)
- Building Control will make a final comment on the higher standard of fire precautions required for a HMO of this size taking into account the guidance in the LACoRS guide.
- The room sizes must exclude the floor area of the en-suites.

10. Local Authority Conservation Officer – No objection and recommneds the recycling bins being located to the rear and the reinstatement of front garden planting to enhance the character and appearance of the conservation area.

Relevant Policy:

11. The Development Plan
Swindon Borough Local Plan 2026 (2015)
    - Policy SD1: Sustainable Development Principles
    - Policy SD2: The Sustainable Development Strategy
    - Policy DE1: High Quality Design
    - Policy HA4: Subdivision of Housing / Houses in Multiple Occupation
    - Policy TR2: Transport and Development.
    - Policy EN10: Historic Environment & Heritage Assets

    - Swindon Central Area Action Plan (2009): No relevant policies
    - Town Gardens Conservation Area Appraisal (2009)

12. Material Planning Considerations
    - National Planning Policy Framework (2012)
    - Planning (Listed Building & Conservation Areas) Act 1990
    - Technical Guidance on Parking Standards Development Control Guidance Note (2009)

Site History:

13. There has been a number of planning applications associated with the site over time of which none is relevant to the current application.

Planning Considerations:

<u>Principle of the development</u>

14. The Swindon Borough Local Plan was adopted on the 26th March 2015 and is part of the development plan for the Borough. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

15. The relevant considerations are the principle of the development, residential amenity, highway safety and impact onto the Conservation area.

16. The NPPF within the core planning principles states that planning should; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

17. Local Plan policy SD1 expects development proposals amongst other criteria to be of high quality design, to promote health, safe and inclusive communities and be accessible by walking, cycling and public transport. Policy SD2 expects to realise development opportunities within Swindon's urban area. As a result of the host property being located within Swindon's urban area in an area already characterised by residential usage (including houses, flats and HMOs) and within walking distance of the town centre and old town and is therefore a highly sustainable location in terms of its proximity to such services and public transport (bus-stop to the front of property), it is considered that the principle of development is acceptable.

18. The key Local Plan policy in respect of the conversion of buildings into Houses of Multiple Occupation is policy HA4.

Minimum Floor Area

19. The first bullet point of part (a), states that the internal inhabitable floorspace of the original dwelling should be 100 square metres in area. The present floorspace that will be converted is well in excess of the 100 square metre minimum floorspace.

Character, Appearance and Amenity

20. Part b of Policy HA4 seeks to support mixed and balanced communities and to ensure that a range of household needs continue to be accommodated throughout the Borough. Applications for change of use to HMOs shall only be permitted where the proposal would not adversely affect the character of the surrounding area or lead to an unacceptable concentration of houses in multiple occupation. There is a demand for such types of accommodation within the Borough, particularly in more central locations where prospective occupants may not have access to a private car and are reliant upon access to more sustainable modes of travel for employment, services and leisure activities. The proposal will comply with all the above criterion for HMO's and licensing details from the Council's Healthy Neighbourhoods team confirms that there are only 7 other licensed HMO properties on Bath Road and Lansdown Road. Given the number and mix of properties in this part of Old Town, it is considered that this proposal will not lead to an unacceptable concentration of HMO properties and therefore can be recommended for approval.

21. The second bullet point of part (a) states that proposals for HMO's must not harm the character of the area, street scene or amenity of neighbouring residents including through the provision of parking, refuse and cycle storage. Policy DE1 and the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The immediate area is wholly residential. The only external change is the insertion of a door to the side elevation at upper ground floor level providing direct access from the front to the rear garden. The changes are very minor and therefore the building will retain its full residential appearance and character.

22. It is evident that each of the units would provide acceptable amenity levels for its future occupiers in terms of access to daylight and appropriate privacy levels. Bedroom 1 at lower ground level has a light well that is considered to provide appropriate levels of light. It should be noted that the room has always been in use as a habitable room. The proposal is deemed to be acceptable and will not harm the character of the street scene or host property in line with Policy DE1.

23. It is not considered that the proposed change of use of the single dwelling to a 9 bedroom HMO would have a significant impact on the existing levels of amenity enjoyed be neighbouring properties. There are no external changes to the building that would create loss of light or loss of privacy over and above the existing arrangement. In addition there is no evidence to demonstrate that the more intensive use of the site would result in harmful impact upon the living conditions of the occupiers of neighbouring dwellings.

24. The application has demonstrated that there is sufficient capacity to accommodate refuse bins to the front of the property and bicycle storage within the detached rear garage. The Highways Officer is happy with the provision.

25. Adequate outdoor amenity space is retained in terms of the existing rear garden that is accessible to all future occupants.

The impact on parking and highway safety

26. The site is considered to have good levels of accessibility to public transport links. Whilst concerns have been raised by residents regarding parking, the site is located within Sector 1 as defined by the adopted Parking Standards where Houses in Multiple Occupation can be considered to be “car free” developments with no specific requirement for parking. A planning condition has been added to ensure future occupants are prohibited from receiving car parking permits. It is therefore considered that the proposal will not impede the safety and efficiency of the adjoining highway network and is therefore in conformity with Policy TR2 of the Swindon Borough Local Plan.

27. Whilst not a requirement, the existing parking in terms of the detached garage to the rear would be retained. This ‘car free’ development is therefore not considered to exacerbate any existing car parking problems in the area.

28. The Highways officer recommended a condition for the submission of a Construction Method Statement. However, given that the proposals are for change of use with very minimal alterations to the building that would not generate high levels of construction traffic and the need for storage space for plant and equipment, such a condition would not be justifiable.

Room Sizes and Internal Arrangements

29. In order to comply with bullet point 5 of Policy HA4, room sizes must meet with the internal arrangements to meet the Council’s current standards. All the room sizes meet the minimum 10sqm (not including en-suite floorspace) for one room single person accommodation where there is no shared living room. A communal kitchen 17sqm in area that is in excess of minimum 13.5sqm required for a 9 bed

HMO is provided. To avoid the need to carry food to upper floor levels communal dining space 12sqm adjoining the kitchen is also provided. Crucially in the interests of securing safe and habitable living conditions, and particularly ensuring that the development complies with fire safety requirements and regulations, the change of use; if approved will still be subject to mandatory HMO licencing.

Historic Environment Considerations

30. The site is located within Swindon Old Town Conservation Area. The relevant considerations in respect of Conservation issues include the National Planning Policy Framework (NPPF) in respect to requiring sustainable development (including) by way of good design and conserving and enhancing the historic environment and assessing whether harm to the significance of the Conservation Area arises. The relevant Swindon Local Plan policies are DE1 - High Quality Design and EN10 - Historic Environment & Heritage Assets.

31. The scheme does not propose any changes in design and appearance of the building that would result in harm to the setting of the Conservation area. The proposal is not contrary to Local Plan policy ENV10 or the provisions of the NPPF in this respect. The Conservation Officer has not objected to the proposals but recommends that the recycling bins being located to the rear and the reinstatement of front garden planting to enhance the character and appearance of the conservation area. However, some of the properties on this part of Bath Road have recycling bins located to the front in covered wooden sheds. It is therefore considered that the location of recycling bins to the front that are appropriately covered would not be detrimental to the character of the conservation area. Further they will be located in close proximity to the property. A condition requiring submission of details is proposed. In addition, most properties on this apart of Bath Road have their frontages hardscaped to provide car parking and therefore retaining the hardscaped frontage would not be out of character.

32. Officers are of the opinion that the proposal preserves the character of the conservation area and officers are of the opinion that the benefits of the scheme in securing the overall contribution to the supply of housing, outweigh the minor and ‘less than substantial’ adverse conservation impacts.

Community Infrastructure Levy

33. The Community Infrastructure Levy Charging Schedule came into effect in April 2015 whereby a mandatory charge is levied for certain types of new floorspace for qualifying development. As a change of use of existing floorspace and as the proposal will not result in the provision of any self-contained residential unit but individual rooms sharing communal facilities, the development falls outside of the scope of the charging scheme and is not liable to CIL.

Other Matters

34. Most of the issues raised have been addressed in the above report. Fire safety, insufficient cooking hobs, en-suites ventilation and sewage capacity concerns have been raised by the Central Swindon South Parish Council and residents,

however these are covered by other legislation and appropriate informatives will be added to that effect.

Concluding Comments:

35. The proposal would provide accommodation for young professionals and key workers in Swindon. The proposal would not be detrimental to the amenities of nearby residents, will not give rise to any unacceptable living conditions, will not harm the character of the surrounding Conservation area, will have adequate refuse storage and parking subject to conditions, will not generate any highway safety issues and will not adversely lead to a concentration of HMO properties in the vicinity. The proposal is therefore compliant with the above policies with specific regard to HA4. The minor external changes are deemed to be acceptable in line with policy DE1 and EN10. The proposal is therefore compliant with local plan polices and the National Planning Policy Framework. Finally, the development will also be subject to mandatory licencing under separate legislation.

Recommendation

36. That planning permission be **GRANTED** with Conditions.

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 the following drawings: Drawing No. 468/001 Location Plan; Drawing No.s 468/200 and 468/210 Proposed Elevations received 16 May 2019; Drawing No.468/400 Rev A Proposed Garage Arrangement Plan received 6 June 2019; Drawing No. 468/050 Rev A Proposed Site Plan received 26 June 2019; Drawing No. 468/100 Rev B Proposed Floor Plans received 19 July 2019.
   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 the commencement of use of the property as a House in Multiple Occupation, Provision for the storage and collection of refuse / waste shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter for the duration of the use.
   Reason: In the interests of providing suitable waste facilities.

4. Prior the commencement of use of the property as a House in Multiple Occupation, secure parking facilities for no. 9 cycles conforming to Swindon Borough Councils Parking Standards shall be provided within the detached rear

garage approved plan 468/400 Rev A and shall be retained and maintained thereafter for the duration of use.
Reason: In the interest of cycle user safety and transport sustainability

5. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the rooms hereby approved the prospective occupier/transferee shall be informed of the prohibition on entitlement to a car parking permit. All material utilised for advertising or marketing the residential flats for letting or sale shall make it clear to prospective tenants and occupiers that no parking permit will be issued by the Council to occupiers of the residential flats.
Reason: In order that the prospective occupiers are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area

Informatives

1. Community Infrastructure Levy – Outside Meaning of Development
The development proposed does not constitute Community Infrastructure Levy (CIL) liable development as the proposed works fall outside the 'meaning of development' for CIL purposes in accordance with the Community Infrastructure Levy (England and Wales) CIL Regulations 2010 (as amended) Regulation 6.

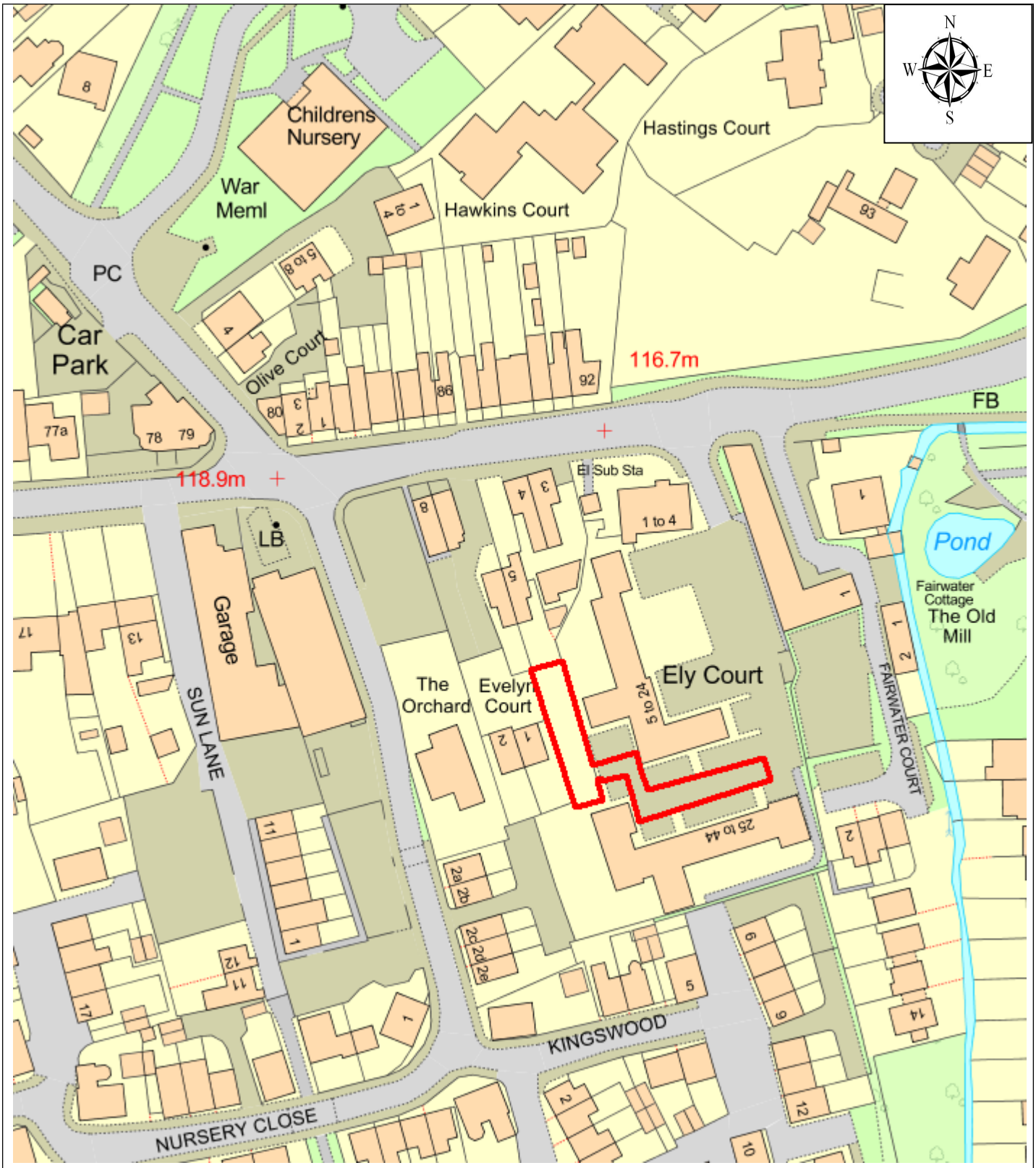
2. Fire Safety
In the interests of safety, the applicant is recommended to incorporate fire prevention measures within the development, such as sprinkler systems. Further advice can be obtained from Wiltshire Fire Brigade by visiting www.wfb.org.uk

3. The approved development is still subject to mandatory Swindon Borough Council Houses in Multiple Occupation licencing requirements.

Application Number S/19/0411

Proposal Erection of 1no. dwelling.

Location: Land Rear Of 5 High Street Wroughton Swindon SN4 9JX



This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.

In all cases reference should be made to the submitted plans.

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Application Number	S/19/0411
Proposal	Erection of 1no. dwelling.
Location:	Land Rear Of 5 High Street Wroughton Swindon SN4 9JX

This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases reference should be made to the submitted plans.
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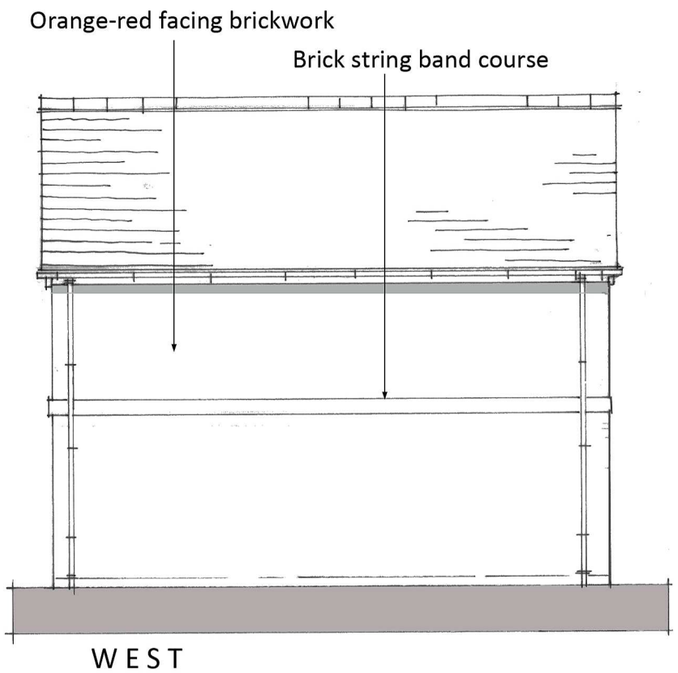
HW
29/01/2019

NORTH



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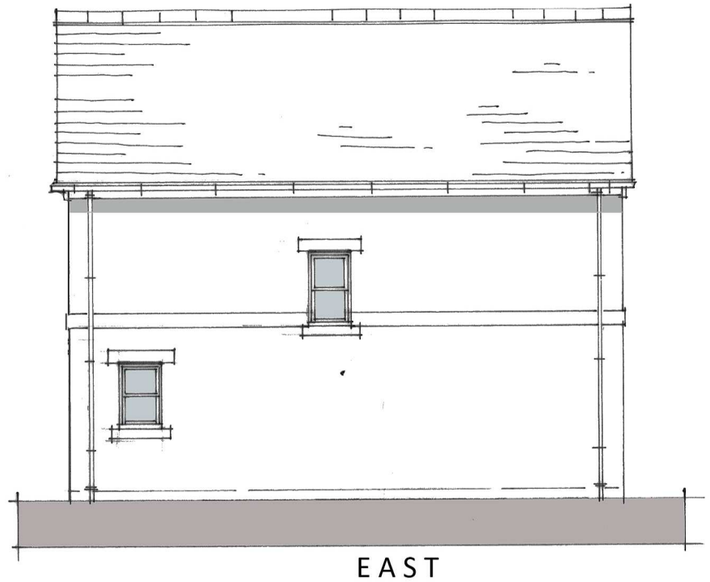
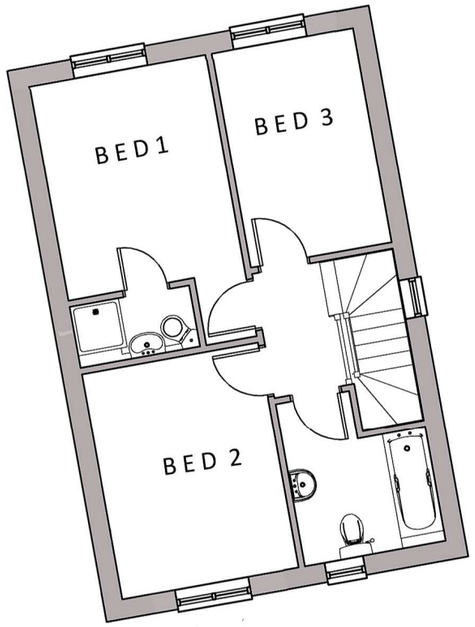
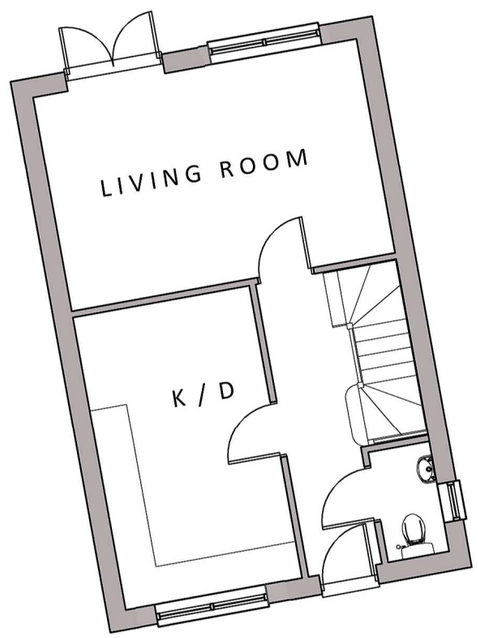


EAST

SOUTH



FIRST FLOOR PLAN



GROUND FLOOR PLAN

NORTH

Floor plans & elevations

1:100 @ A3

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18102.102

PROJECT

Proposed dwelling to the rear of 5 High Street, Wroughton

REVISION DATE AMENDMENTS

SCALE BAR - 1:100

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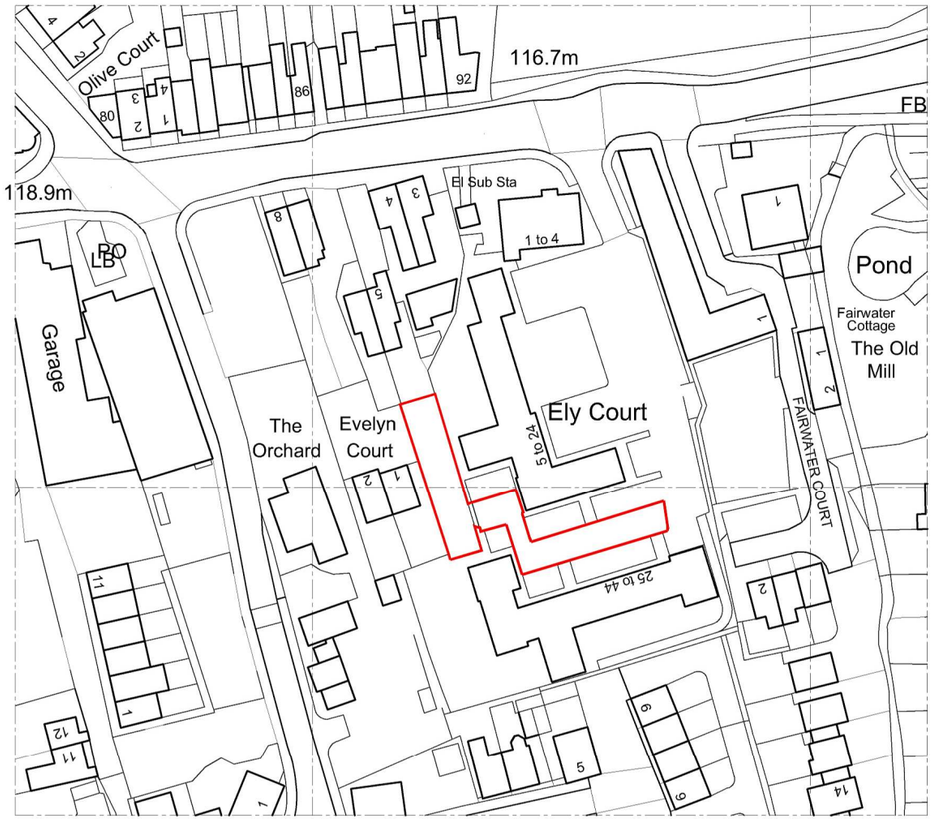
07/02/2019

SITE BLOCK PLAN
SCALE 1:500



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SITE LOCATION PLAN
SCALE 1:1250

NORTH

LOCATION/ BLOCK PLANS 1:1250 & 1:500 @ A3

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18102.100-A

PROJECT

Proposed dwelling to the rear of 5 High Street, Wroughton

REVISION DATE AMENDMENTS
- -

0 10 20 25m
SCALE BAR 1:500

0 10 20 30 40 50m
- 1:1250

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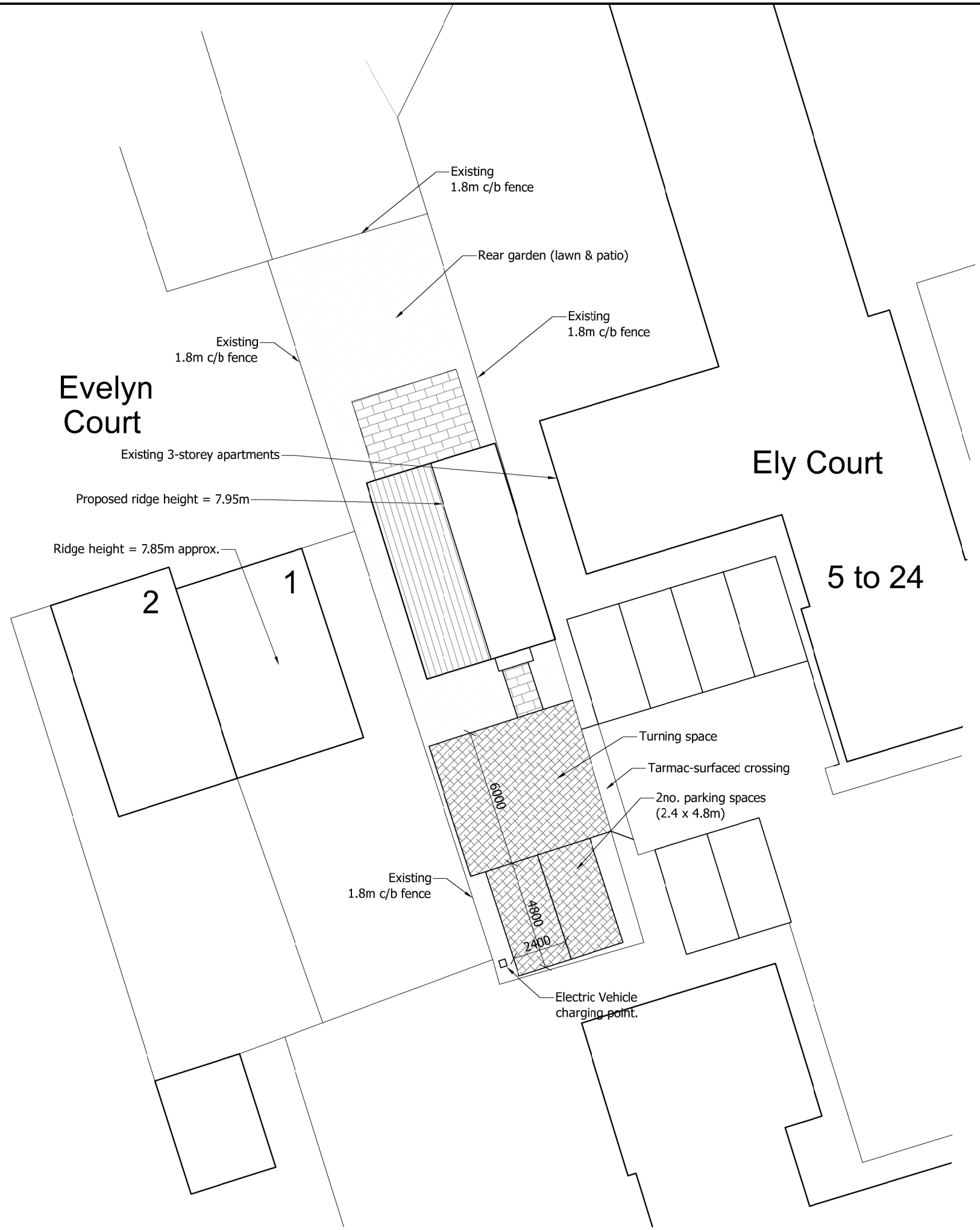
29/01/2019



NORTH

PROJECT

Proposed dwelling to the rear of 5 High Street, Wroughton

REVISION DATE AMENDMENTS
- -

0 2 4 6 8 10m
SCALE BAR - 1:200

Site layout

1:200 @ A3

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COMMITTEE REPORT

Item Number:
Application Number: S/19/0411/CHHO

Ward: Wroughton And Wichelstowe
Parish:
Wroughton

Proposal: Erection of 1no. dwelling.

Site Location: Land Rear Of 5 High Street, Wroughton, Swindon

Case Officer: Charlotte Hopkins (chopkins@swindon.gov.uk, 01793 466280)

Agent:
Mr Howard Waters
Mathewson Waters Architects
The Old Surgery
Crowle Road
Lambourn
Hungerford
RG17 0NR

Applicant
Paintyard Ltd

C/o Agent

Officers Report

Background:
This application is called to Planning Committee at the request of Wroughton Parish Council following concerns in respect of the access to the site, overdevelopment and separation distances between Ely Court.

Summary of Recommendation:
1. Planning permission be **GRANTED** with Conditions

Proposal:
2. This application seeks planning permission for the erection of a detached 3no. bed dwelling. 2no. parking spaces would be provided to the south of the property, which would be accessed via Ely Court. The principal elevation of the new dwelling would be orientated to the south.

Site and Surroundings:
3. The application site is a strip of land to the rear of a semi-detached property at No.5 High Street. The land which it is understood previously formed the garden space of No.5 High Street, is currently overgrown with dense vegetation and shrubbery. Directly to the east and south of the site is a complex of flats, Ely Court, laid out in 2 linear blocks at 3 storeys high. Directly to the west of the site is an infill development of two modern red brick dwellings (Approved under application reference no. S/09/1903 in 2010).

Representations:
Initial Consultation

4. Neighbours: 1 no objection received from No. 1 Evelyn Court. 2 no. impartial observations received, one each from No.26 Ely Court and No.10 Ely Court.

- No.1 Evelyn Court - Objects on the basis the proposed two storey building will extend beyond the front property line and will therefore restrict light to the bathroom, bedroom and kitchen.
- No. 26 Ely Court - unaware that the Council had adopted Ely Court. How will the proposal affect parking? Concern that construction vehicles will obstruct parking spaces.
- No. 10 Ely Court - As part of the access is part public and part private, has permission been sought from the owner of the freehold (Odine)? If access is agreed with the freedholder, no objection is raised.

5. Wroughton Parish Council: Objection. We believe this is an overdevelopment, especially due to the narrow width of the site. The site has access issues as it appears to only have access from a private road which would not be suitable for construction traffic.

6. Highways: No Objection raised subject to conditions. The access point is sufficient. With the close proximity of existing parking spaces for Ely Court and the site being located at the end of the road, the road speeds would be deemed low enough not to require visibility splays. The proposed parking area to serve the new dwelling is sufficient for parking and manoeuvrability. Red line needs to be extended to public Highway boundary.

7. Drainage Engineer: No detailed formal comments to make. The Council do not hold any existing records of surface water drainage, however, surface flood risk issues are known in the vicinity of the proposed site. Therefore the applicant should be aware of potential surface water runoff issues and mitigate against this through the design process.

8. Wales and West Utilities: Extract provided from mains records of the area covered by proposals together with a comprehensive list of General Conditions for guidance. The plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

<u>Revised Consultation</u>

9. Neighbours: Objection received from No.1 Evelyn Court.

- Having looked at revised plans dated 8/5/2019 we consider the proposed two storey building which will extend beyond our existing building line and will be taller than our roof line, will block light from our bathroom, front bedroom and kitchen. Therefore we do not consider this as an appropriate use of this narrow plot of land. We cannot see there are any substantial alterations to the previous plans.

10. Wroughton Parish Council: Objection. We believe this is an overdevelopment, especially due to the narrow width of the site. The site has access issues, although Highways are satisfied we are not convinced that this grants future rights of access through the private section of road. As this is a two storey building we are dissatisfied with the separation distance between the proposed development and Ely Court. In addition to this we would like to know whether a tree survey has been completed for this application site.

11. Highways: No objection subject to conditions (29th June 2019). It is noted that the red line is sufficient and to the highway boundary.

Relevant Policy:

12. Adopted Swindon Borough Local Plan 2026

- Policy SD1 (Sustainable Development Principles)
- Policy SD2 (The Sustainable Development Strategy)

- Policy DE1 (High Quality Design)
- Policy HA1 (Mix, Type and Density)
- Policy EN4 (Biodiversity and Geodiversity)
- Policy EN6 (Flood Risk)
- Policy TR1 (Sustainable Transport Networks)
- Policy TR2 (Transport and Development)

Supplementary Planning Document
- Swindon Residential Design Guide (2016)
- Adopted DCGN Technical Guidance on Parking Standards (2007)

National Planning Policy Framework (NPPF)

Wroughton Neighbourhood Plan 2016 -2026

Planning Considerations:
13. The main issues to be considered are the principle of the development, the design and appearance of the proposal and the impact upon the character of the surrounding area, the impact upon neighbouring amenity, whether the dwelling would provide an adequate standard of amenity and the impact upon highway safety.

Principle:
14. Policy SD1 'Sustainable Development Principles' of the Swindon Borough Local Plan sets out development principles which underpin the Local Plan to enable the delivery of sustainable development and to support sustainable communities. Development should amongst other factors be of high quality design; promote healthy, safe and inclusive communities; be accessible by walking, cycling and/or public transport.

15. The Development Strategy is defined in adopted Swindon Borough Local Plan Policy SD2 'The Sustainable Development Strategy'. Policy SD2 states rural development will be located at Highworth and Wroughton which (of the rural settlements) are the most accessible and maintain the largest range of facilities. The application site falls within the rural settlement boundary of Wroughton, so accords with Policy SD2 in this respect. The principle of residential development in this location is therefore acceptable and the location is considered to be sustainable, in close proximity to shops, services and facilities and public transport links. Policy SD1 is also satisfied in respect of the location being sustainable and accessible.

16. Policy HA1 'Mix, Type and Density' of the Swindon Borough Local Plan requires densities, house types and sizes respect the character of the surrounding area and that higher densities should be directed towards Swindon's Central area and locations served by a good range of services and facilities. The application proposes a 3no. bed detached house which would both respect the house type, size and density of the area and add to the mix of housing types within this area in accordance with Policy HA1.

17. The NPPF at paragraph 117 states planning policies and decisions should promote effective use of land in meeting the needs for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Para. 118 section c) states planning polices and decisions should 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. The NPPF glossary confirms previously developed (or 'brownfield) land does not however include land in built-up areas such as residential gardens. The application site should not therefore be considered as previously developed land in the context of paragraph 117 and 118, as it is the former garden curtilage of No. 5 High Street.

Design, Appearance, Layout:
18. Section 12 of the NPPF sets out the importance of high quality design. Paragraph 127 of the NPPF requires development will: function well and add to the overall quality of the area; will be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to the surrounding built environment; create places that are safe, inclusive and accessible and promote health and well-being.

19. Policy DE1 'High Quality Design' of the Swindon Borough Local Plan seeks to ensure that there is a high standard of design of any development which is also sympathetic to the local context and character. It also seeks to ensure that access arrangements are suitable and neighbouring amenities are protected. Development should also be acceptable in terms of scale, mass, and siting and have an acceptable appearance that would be compatible with, and protect the amenity of nearby land uses in terms of visual intrusion and privacy. In addition, Policy DE1 of the Swindon Borough Local Plan seeks to ensure that there is no material detraction of enjoyment of light and privacy to a neighbour dwelling.

20. The Residential Design Guide (2016) provides guidance on back land development which is development of land behind an existing built up area. It notes that backland development, by its nature, may be hidden from view but that this does not excuse poor quality design. Only schemes designed to accord with all the principles of Policy DE1 will be acceptable. Backland developments must protect amenity and ensure separation distances are safeguarded. The Residential Design Guide also provides guidance on infill development which is the development of new building(s) in a gap between existing buildings or within an existing area. It notes development must respect the existing character of the surroundings and the amenity of neighbours. New development must reflect inherent plot size, building lines, boundary treatments, roofscape, built form, scale, massing, landscaping and details.

21. The surrounding area, whilst residential in character, consists of varying styles of properties and is not uniform in respect of design, style or type of residential accommodation. This is evidenced by the pairs of semi-detached properties fronting the High Street to the north of the site, the 3 storey residential development of flats (Ely Court) adjacent to the east and south boundaries of the site, the modern infill of 2 no. dwellings adjacent to the west boundary of the site and a detached chalet style bungalow beyond this (The Orchard). Due to the modern development within the vicinity of the site including the infill development of 2no. dwellings directly to the west, it is not considered that the proposed dwelling would appear out of context with the character and appearance of the surrounding area. The development would have a footprint and plot size similar to other properties within the vicinity, therefore reflecting the spatial qualities of the area in accordance with the guidance in the Residential Design Guide. The Residential Design Guide notes that as a general rule of thumb, the main external private garden space should be at least the same area as the footprint of the host dwelling, which is achieved in this case. For these reasons, the development is not considered to constitute an overdevelopment of the site. The proposed gable fronted red brick dwelling is appropriate in respect of design, siting, scale and mass, corresponding with the general design and style of the modern infill development of 2no. dwellings directly to the west of the site. For the reasons set out above, the proposed dwelling would integrate successfully into its surroundings and is not considered to create an adverse impact to the character and appearance of the area, in accordance with the Residential Design Guide and Policy DE1.

Amenity:
22. Policy DE1 'High Quality Design' seeks to ensure that proposals do not harm neighbouring amenity in respect of light, outlook, privacy, noise, disturbance and smell. The Residential Design Guide provides further guidance in this respect.

23. There would be a separation distance of 21 metres between the rear of No.5 High Street and the rear of the proposed dwelling in accordance with the minimum rear-to-rear separation distances as set out in the Residential Guide. The privacy of this neighbour would not therefore be unacceptably

compromised. There would be a separation distance of 16.5 metres between the windows in the north elevation of the block of flats to the south of the development site (Ely Court), and the rear windows of the proposed new dwelling. However, these windows would be off-set and not aligned directly rear-to-rear. The proposed layout for the new dwelling details the first floor window in closest proximity to the windows within the block of flats would serve a bathroom window and therefore a condition could be imposed to ensure the window would be obscurely glazed to minimise opportunities for overlooking.

24. The neighbour at No.1 Evelyn Court has raised concern in respect of loss of light to the bedroom, bathroom and kitchen window due to the new dwelling being sited forward of the front build line of No.1 Evelyn Court. Whilst the proposed dwelling will be sited forward of the front build line of No.1 Evelyn Court, there would be a separation distance of 3.5 metres between the dwellings and the proposed dwelling would not obstruct the 45 degree line to the habitable room windows on the principal elevation of No.1 Evelyn Court, therefore causing no unacceptable loss of light, nor having an overbearing impact. Further, given the suns trajectory from east-west and the location of the proposed dwelling slightly to the north east of No.1 Evelyn Court, there would be very limited loss of direct sunlight to windows on the principal (north) elevation of No.1 Evelyn Court. There are 2no. first floor windows in the east side elevation of No.1 Evelyn Court, which according to the approved plans submitted within approved application S/09/1903, are bathroom/en-suite windows which are recognised as non-habitable rooms and are detailed on the plans as being obscurely glazed. Loss of light to these windows or loss of outlook, would not therefore create significant or unacceptable harm to neighbouring amenity. It is understood from the occupiers of No.1 Evelyn Close that one of these windows in fact serves as a second bedroom window as opposed to an en-suite as detailed on the approved plans. However as this side facing window does not appear to be the sole window serving the bedroom, a refusal on the grounds of loss of light or outlook could not be justified in this case. There are no windows within the west side elevation of the adjacent block of flats at Ely Court to the east of the site, therefore no concerns in respect of loss of light or privacy to the occupiers of these flats.

25. Overall the proposal would not cause significant or unacceptable harm to neighbouring amenity in accordance with Policy DE1 and the guidance set out in the Residential Design Guide.

26. The Residential Design Guide also requires the proposal provides a good standard of amenity for the future occupiers of the proposed dwelling. The proposal will provide sufficient access to light, outlook and internal and external space.

Parking and Access:

27. Policy TR1 ‘Sustainable Transport Networks’ states that the Council will use its planning and transport powers to help reduce the need to travel and to support and encourage the sustainable, safe and efficient movement of people and goods within the Borough. Policy TR2 ‘Transport and Development’ requires new development should be located and designed to reduce the need to travel and to encourage the use of sustainable transport alternatives, particularly walking and cycling, and provide the potential to maximise bus travel.

28. Policy TR2 also states that development shall be permitted where proposals provide access that is appropriate to the scale, type and location without detrimental to highway safety and local amenity, and where there is an existing safe and convenient pedestrian and cycle access or provision is made for such access. Parking provision, including secure cycle and motorcycle parking should be provided in accordance with the Councils adopted parking standards.

29. The site is accessed via Ely Court located off Wroughton High Street. Ely Court contains residential flats with associated parking courtyard areas. The Highways Officer in correspondence with the Highways Records Officer, initially confirmed that the proposed access route to the site was public adopted Highway. However following further investigation, the Highways Records Officer later provided a map which showed part of the access route is private. The applicants Agent has

now provided a revised red line site boundary, connecting to the point at which the access road is public adopted Highway. A revised application form has been completed with Certificate B signed to confirm that part of the land within the application site boundary is outside of the applicant's ownership. Certificate B confirms notice has been served on the owner of the land 'QDime Limited' on the 04/06/2019. It is however important to note that land ownership is not a planning matter. Consent would be required from the land owner to achieve the proposed access and the grant of any planning permission could not be implemented without the land owners consent. This is a private matter for the land owners and not a planning matter upon which permission could be refused.

30. Highways Officers note that the access point measures 5.3m wide, which is sufficient for 2 vehicles to pass each other to and from the site. With the close proximity of the existing parking spaces for Ely Court and the site located at the end of the road, Highways Officers consider that these road speeds would be deemed low enough to not require visibility splays for the proposed new access created. The proposed site layout illustrates the site incorporates 2 parking spaces measuring 4.8x2.4 with 0.8m either side of each space, with 6m measured to the front of the spaces. This area is sufficient for manoeuvrability and provides the required 2no. parking spaces for a single family dwelling with up to 4no. bedrooms in accordance with the guidelines set out within the Council's adopted Parking Standards (2007). As the required level of parking can be provided on site and the access is deemed to be sufficient, the proposal is unlikely to have a detrimental impact on the highway or access to neighbouring parking spaces. Further, it is noted concern has been raised regarding how construction vehicles would access the site. A condition can be imposed on any grant of permission requiring that a construction management plan is submitted to the Local Planning Authority for approval in order that the impact on the highway is controlled. It is clear that access can be achieved and whilst construction works are taking place some inconvenience to neighbouring properties may result but that is not a reason to withhold permission.

31. For the above reasons, the proposal is acceptable on Highways ground in respect of access, parking and highway safety and is not expected to cause a detrimental impact to the highway network, in accordance with Policy TR2 and the NPPF, as well as the adopted Parking Standards.

Drainage:
32. Policy EN6 'Flood Risk' of the Swindon Borough Local Plan seeks to minimise the risk and impact of flooding. The Lead Local Flood Risk Authority (LLFA) has confirmed they have no formal comments to make on the application. The Council do not hold any existing records of surface water drainage, however, surface flood risk issues are known in the vicinity of the proposed site. Therefore the applicant should be aware of potential surface water runoff issues and mitigate against this through the design process.

Ecology:
33. Policy EN4 'Biodiversity and Geodiversity' of the Swindon Borough Local Plan seeks to protect and enhance biodiversity. No significant harm to biodiversity or geodiversity has been identified, however an informative can be added to the grant of planning permission to advise on action to take if bats or evidence of bats are found during site clearance works.

Trees:
34. The Parish have questioned whether a tree survey has been carried out. The site consists of dense vegetation and shrubbery and therefore a tree survey would not be required in this case. There are no significant or protected trees (TPOs) on site.

CIL/Infrastructure requirements:
35. The Council is a Community Infrastructure Levy (CIL) Charging Authority. At the point of writing this report the adopted CIL Charging Schedule is that dated 6th April 2015. The proposed development for residential is located within CIL Residential Charging Zone 2 of this schedule. The development constitutes CIL Liable development chargeable at the relevant rate within the relevant Charging Schedule in place at the time of calculation, that rate which is subject to indexation

annually.

Concluding Comments:
36. The proposed development is acceptable in principle within this location, integrating successfully with its surroundings and would not result in unacceptable harm being created to the character and appearance of the area or to residential amenity. No objection is raised on highways grounds. Matters relating to legal rights of access do not form a material planning consideration. The development is compliant with Policy SD1, SD2, DE1, HA1, EN4, EN6, TR1, TR2 of the adopted Swindon Borough Local Plan 2026 (2015) and the provisions of the NPPF (2019). It is also compliant with the Residential Design Guide (2016) and the Parking Standards (2007).

Conditions

1. This approval shall be in respect of the dwgs no. 18102.102 and Planning Design and Access Statement received by the Local Planning Authority on the 11th March 2019 and 18102.101-A received by the Local Planning Authority on the 8th May 2019 and 18102.100-A received by the Local Planning Authority on the 4th June 2019.
Reason: To define the scope of the development hereby permitted, in accordance with section 72 of the Town and Country Planning Act 1990.

2. 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.

3. No development comprising the erection of the dwelling above ground level shall take place until details of all external facing materials 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 commencement of works on site in connection with the development hereby permitted, details of the proposed slab levels of the building in relation to the existing and proposed levels of the site and the surrounding land shall 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

5. The dwelling hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no.18102.101-A, 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

6. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall:
i. specify the type and number of vehicles;
ii. specify the point of construction access and access route to the site;
iii. set out details of the parking of vehicles of site operatives and visitors;
iv. set out arrangements for the delivery, loading and unloading of plant and materials;

v. set out arrangements for the storage of plant and materials used in constructing the development;
vi. set out arrangements for wheel washing facilities;
vii. specify the intended hours of construction operations;
Reason: To reduce the potential impact on the highway during the site preparation and construction phase(s) of development

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. Adequate and appropriate provision for surface water drainage within the site must be made prior to the occupation of the development hereby permitted so that none discharges onto the highway.
Reason: In the interests of highway safety.

9. No glass other than obscure glass manufactured to a privacy level of 4 or above shall be used in the glazing of the first floor bathroom window in the principal (south) elevation of the dwelling hereby permitted. This window shall be top-opening only and shall be permanently maintained in this form.
Reason: In the interests of residential amenity.

10. Prior to the first occupation of the development hereby permitted, a secure and sheltered cycle storage area shall have first been provided and shall thereafter be retained for as long as the development remains on site.
Reason: To promote and encourage sustainable travel

11. Prior to the first occupation of the development hereby permitted, the boundary treatments as detailed on the approved plans shall be fully implemented. All boundaries shall be retained in their approved form for so long as the development hereby permitted remains on the site.
Reason: In the interests of the amenities of the area

12. Prior to the first occupation of the development hereby permitted, full details of the bin storage area and refuse collection arrangement shall have first been submitted to and approved in writing by the Local Planning Authority. The approved bin storage details shall be completed and made available for use prior to the first occupation of the development and shall thereafter be retained in its approved form for as long as the development remains on site.
Reason: In the interest of amenity.

13. 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 windows, roof lights, dormers or roof extensions shall be inserted into any roof or wall above ground floor level other than shown on the approved plans without the express planning permission of the Local Planning Authority.
Reason: In the interests of residential amenity.

14. 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 development comprising the extension or enlargement of any of the dwellings on the site falling within Schedule 2, Part 1 Class A of the Order shall be carried out without express planning permission of the Local Planning Authority.
Reason: To prevent an over development of the site in an unacceptable manner.

Informatives

1. This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email 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.

2. The granting of planning permission does not authorise you to carry out any works on, over or under your neighbour's land or property without first obtaining their consent.

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

4. 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

5. The applicant is informed that, to conform to the terms of Section 163 of the Highways Act 1980, surface water should not be allowed to drain directly from the site onto any highway, and the Local Highway Authority will require adequate safeguards to be incorporated into the development to ensure that such a situation does not arise.

6. The weather will have an impact on construction sites which in turn will require roads to be swept in addition to using wheel wash facilities. Swindon Borough Council are on winter service alert for gritting roads around the Borough from mid-October to mid-April each year, the treated roads are shown on the attached plan. The de-icing material used for road treatment by this council is Thorox, this material is rock salt treated with an agricultural by-product similar to molasses and has the advantage of being active on the carriageway for up to three days providing there is no substantial precipitation or sweeping. It is imperative that any salt removed from the treated network by sweepers clearing mud and debris is replaced straight away at a spread rate of 15g/m2. Where a sweeper is used on the roads around your site, you have a responsibility to retreat roads after washing or sweeping to ensure safety of road users is maintained during the winter period. In order to assist with this retreatment, Swindon Borough's Highway Operations Team can provide a filled grit bin at a cost available on request for use by developers, it should be noted that once delivered the bin and its contents will be in the property of the developer. In the first instance, please contact, Duty Winter Service Engineer, 01793 466354 to discuss and confirm site specific requirements.
https://www.swindon.gov.uk/info/20040/road_safety_maintenance_and_repairs/737/find_out_about_road_gritting

7. There is a risk that bats may occur at the development site. Many species of bat depend

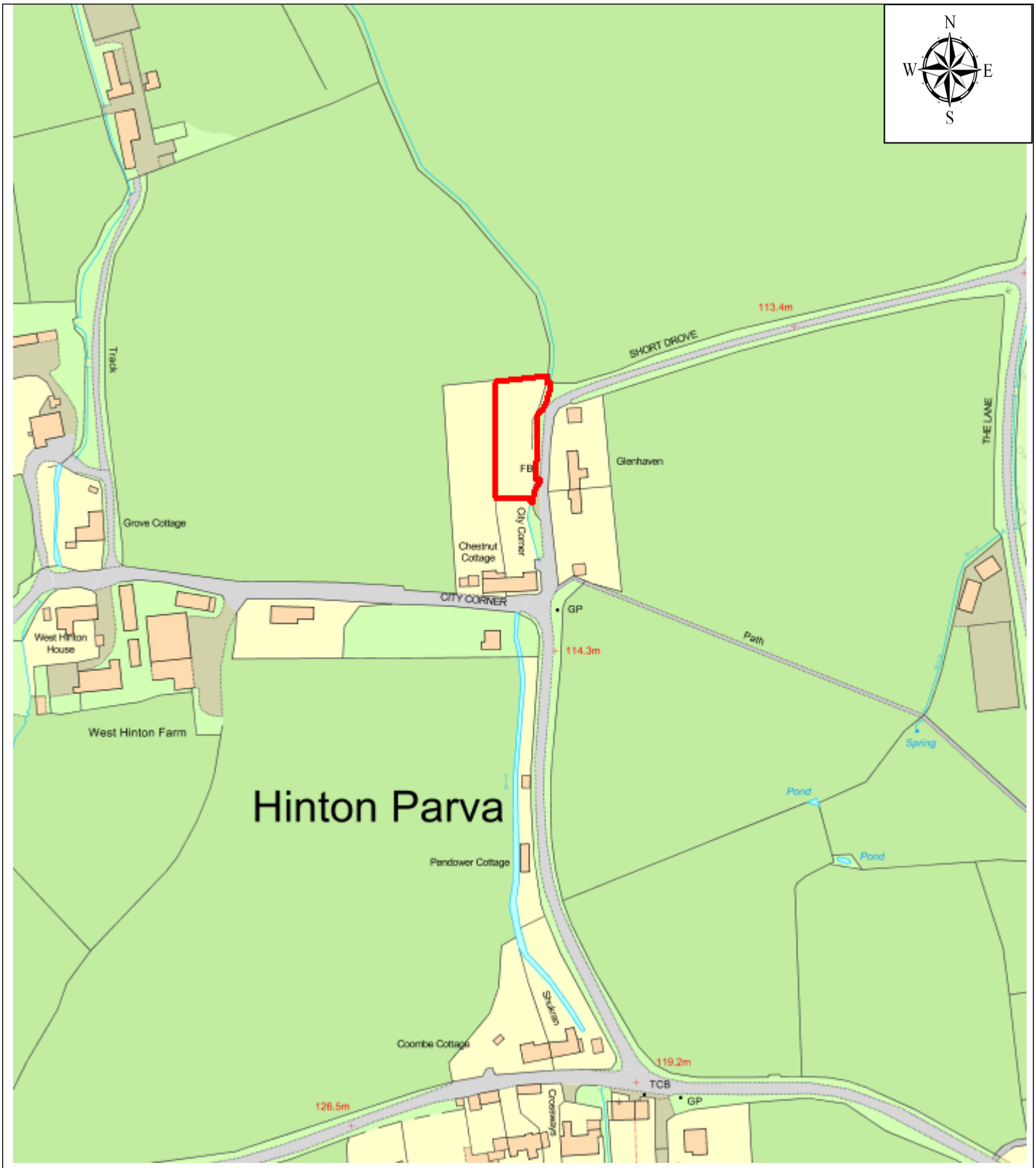
on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2010 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the site clearance works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email enquiries@bats.org.uk or visit the Bat Conservation Trust website

End of Report

Application Number S/19/0821

Proposal Erection of 1no. dwelling, detached garage and associated works.

Location: Land At Netherwater City Corner Hinton Parva Swindon SN4 0DH



This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.

In all cases reference should be made to the submitted plans.

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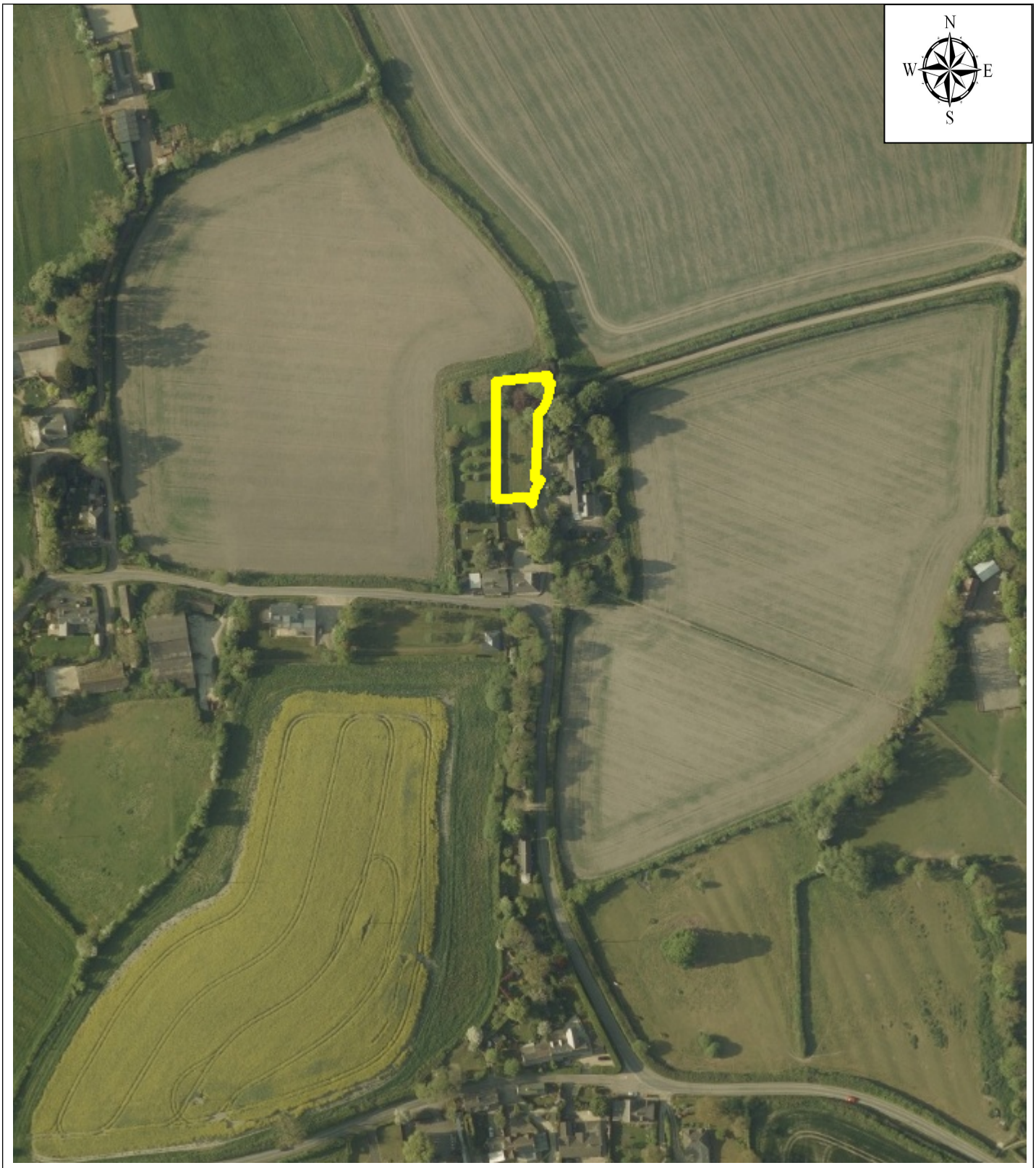
Application Number	S/19/0821
Proposal	Erection of 1no. dwelling, detached garage and associated works.
Location:	Land At Netherwater City Corner Hinton Parva Swindon SN4 0DH



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In all cases reference should be made to the submitted plans.
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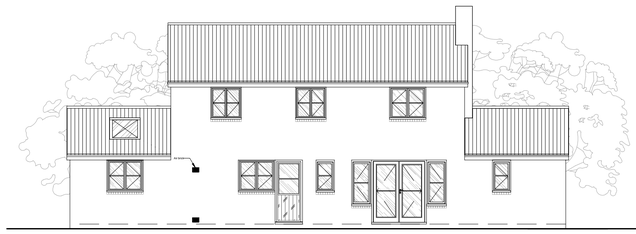
Metres
0 1 2 3 4 5 6 7 8
SCALE 1:100

Proposed Front Elevation

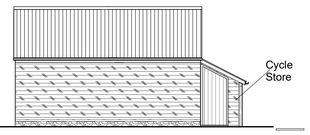
Proposed Front Elevation

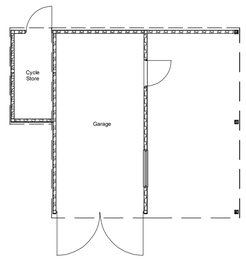
Proposed Side Elevation

Proposed Side Elevation

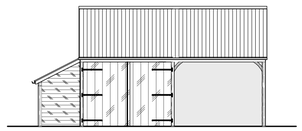


Proposed Rear Elevation

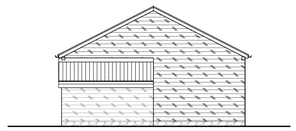




Proposed Floor Plan



Proposed Front Elevation



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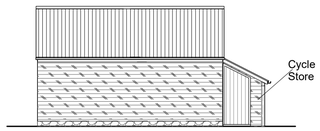
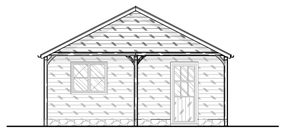
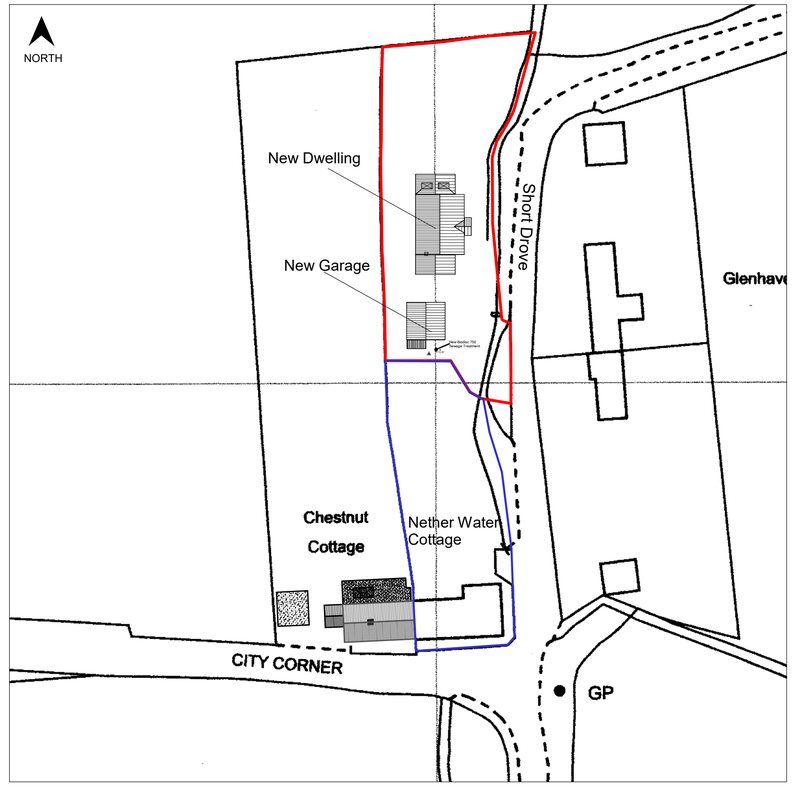


Proposed Rear Elevation

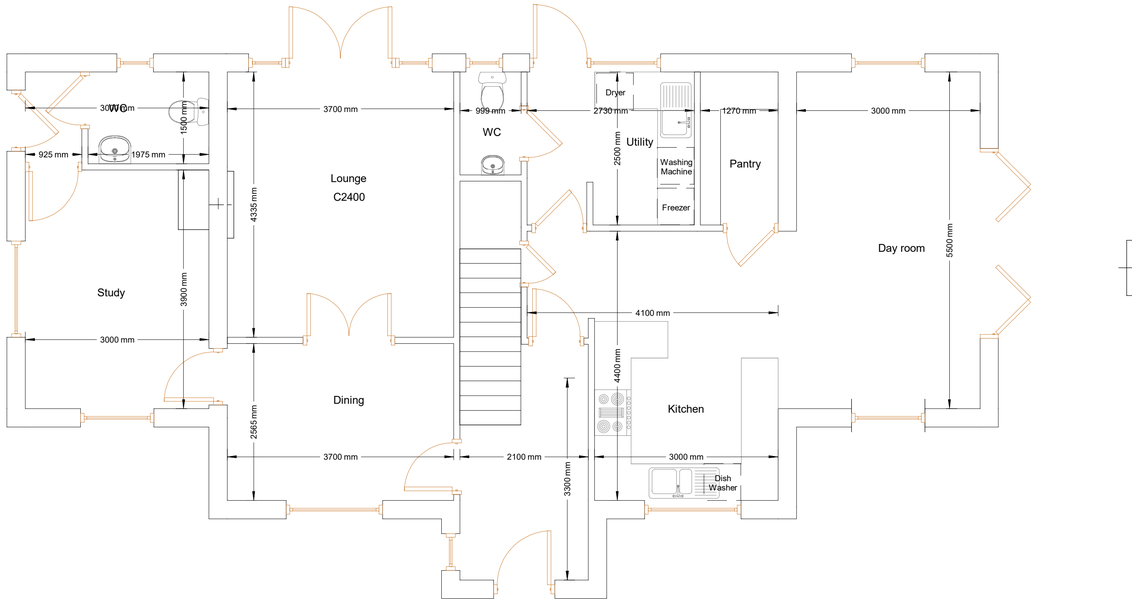


Proposed Side Elevation



BLOCK PLAN SCALE 1:500

Metres
0 5 10 15 20
SCALE 1:500



Proposed Grd Floor Plan

Metres
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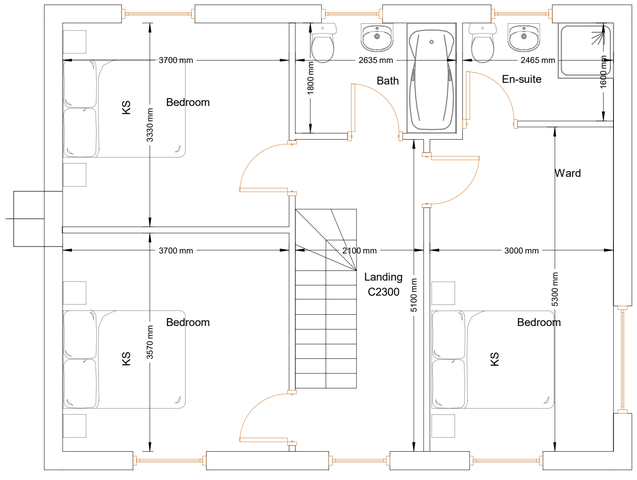
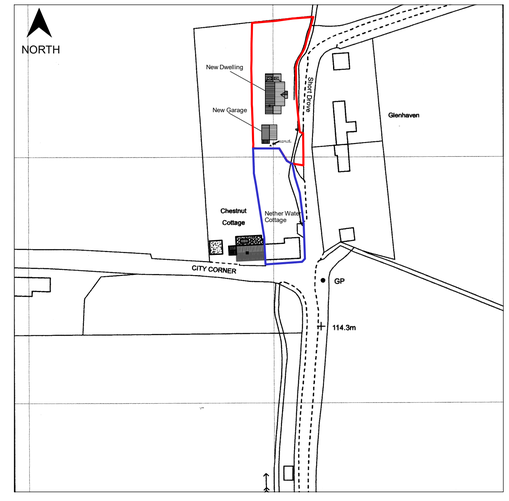
SCALE 1:50



Proposed 1st Floor Plan



SITE PLAN SCALE 1:1250

Metres
0 20 40
SCALE 1:1250

C Copyright

SUN DESIGN & CONSULTANCY LTD
SOUTHVIEW
22 HAM ROAD
WANBOROUGH
SWINDON
WILTSHIRE
SN4 0DF

Tel: (01793) 790381

CLIENT
Mrs P Bennett,

TITLE
Proposed New Dwelling & Detached Garage
Nether Water Cottage,
Hinton Parva, Swindon
SN4 0DH

SIZE	CAGE CODE	DWG NO	REV
A1		001 16/05/2019	1:1

SCALE 1:1250/1:500/1:100/ 1:50 SHEET 1:1

422780E 422800E 422840E

183560N 183540N 183520N 183500N 183480N 183460N

422780E 422820E 422840E

Grid and Levels to National Grid Projection OSTN15 and OSGM15 Scale factor = 1

N

SCALE

0m 5m 10m 20m

SURVEY STATIONS

Name	Easting	Northing	Height
PEG1	422809.509	183549.101	113.361
PEG2	422799.209	183504.560	113.521
PEG3	422800.194	183477.820	114.080
PEG4	422815.396	183539.670	112.773
STN1	422813.759	183467.234	113.783
STN2	422817.776	183474.962	113.552
STN3	422812.863	183496.745	113.089

Underground Utilities Legend

STORM WATER SEWER (SWS)
FOUL WATER SEWER (FWS)
COMBINED SEWER (CWS)
ELECTRIC CABLE
HV HIGH VOLTAGE CABLE
LV LOW VOLTAGE CABLE
TELECOMS CABLE
CATV CABLE TELEVISION
TLS TRAFFIC LIGHT SIGNAL CABLE
WATER UNDERGROUND WATER SUPPLY
GAS GAS
GAS (MP) GAS MEDIUM PRESSURE
GAS (IP) GAS INTERMEDIATE PRESSURE
GAS (HP) GAS HIGH PRESSURE
OIL OIL PIPE
MSR MULTIPLE SERVICE ROUTE
MSD MULTIPLE SERVICE DUCT
UNK M UNKNOWN SERVICE METALLIC
UNK GPR UNKNOWN SERVICE FOUND WITH GPR
UNK CABLE UNKNOWN SERVICE CABLE
ED EMPTY DUCT

D=0.6 - Depth = 0.6 approx

SURVEY STATION · GATE · BANK · FOLIAGE · CLIFF

50m MAJOR CONTOUR

MINOR CONTOUR (0.25m interval)

UNDERGROUND UTILITY SURVEY NOTES:
This survey has been carried out to the standard, as described by The Survey Association (TSA), for a Level 4 Survey, (PAS128 Type B) Utilities on this drawing have been detected using non invasive technologies. The performance of these technologies can be adversely affected by ground conditions which are out of the control of Brunel Surveys . Consequently some utilities may be undetectable and therefore, whilst Brunel Surveys uses best endeavours to detect all utilities we cannot guarantee that 100% detection can always be achieved.
Irrespective of the information provided by a utility survey and statutory plans, any groundworks should be undertaken with extreme caution and in accordance with health and safety executive guidelines HSG 47 AVOIDING DANGER FROM UNDERGROUND SERVICES

Legend

AV	Air Valve	MK	Marker Post
BH	Bore Hole	MK-BT	Marker Post (Telecoms)
Bin	Litter Bin	MK-FH	Marker Post (Fire Hydrant)
BL	Bollard	MK-GV	Marker Post (Gas Valve)
BS	Bus Stop	MK-SV	Marker Post (Stop Valve)
BT	Telecom Cover	MK-WM	Marker Post (Water Meter)
BT CAB	Telecom Cabinet	OHC	Overhead Cable
CATV	Cable TV Cover	PB	Post Box
CL	Cover Level	RE	Rodding Eye
DP	Down Pipe	RS	Road Sign
EB	Electricity Box	SC	Stop Cock (Water)
ECAB	Electrical Cabinet	SL	Soffit Level
EIC	Electrical Inspection Cover	SNP	Street Name Plate
EOT	End of Trace	SP	Sign Post
EP	Electricity Pole	SV	Stop Valve (Water)
ER	Earth Rod	THL	Threshold Level
FFL	Finished Floor Level	TL	Traffic Light
FH	Fire Hydrant	TL CAB	Traffic Light Cabinet
FP	Fence Post	TP	Telegraph Pole
GP	Gate Post	TS	Traffic Sign
GPR	Ground Penetrating Radar	TVIC	Cable TV Inspection Cover
GV	Gas Valve	UTL	Unable to Lift
GY	Gulley	UTS	Unable to Survey
Ht	Height	UTT	Unable to Trace
IL	Invert Level	VP	Vent Pipe
KI	Kerb Inlet	WL	Water Level
LC	Lamp Column	WM	Water Meter
MH	Manhole	WO	Wash Out

Sun Design & Consultancy LTD
Southview
22 Ham Road
Wanborough
SwindonWiltshire
SN4 0DF

CLIENT

Mrs P Bennett,
Nether Water Cottage,
Hinton Parva,
Swindon
SN4 0DH

JOB TITLE

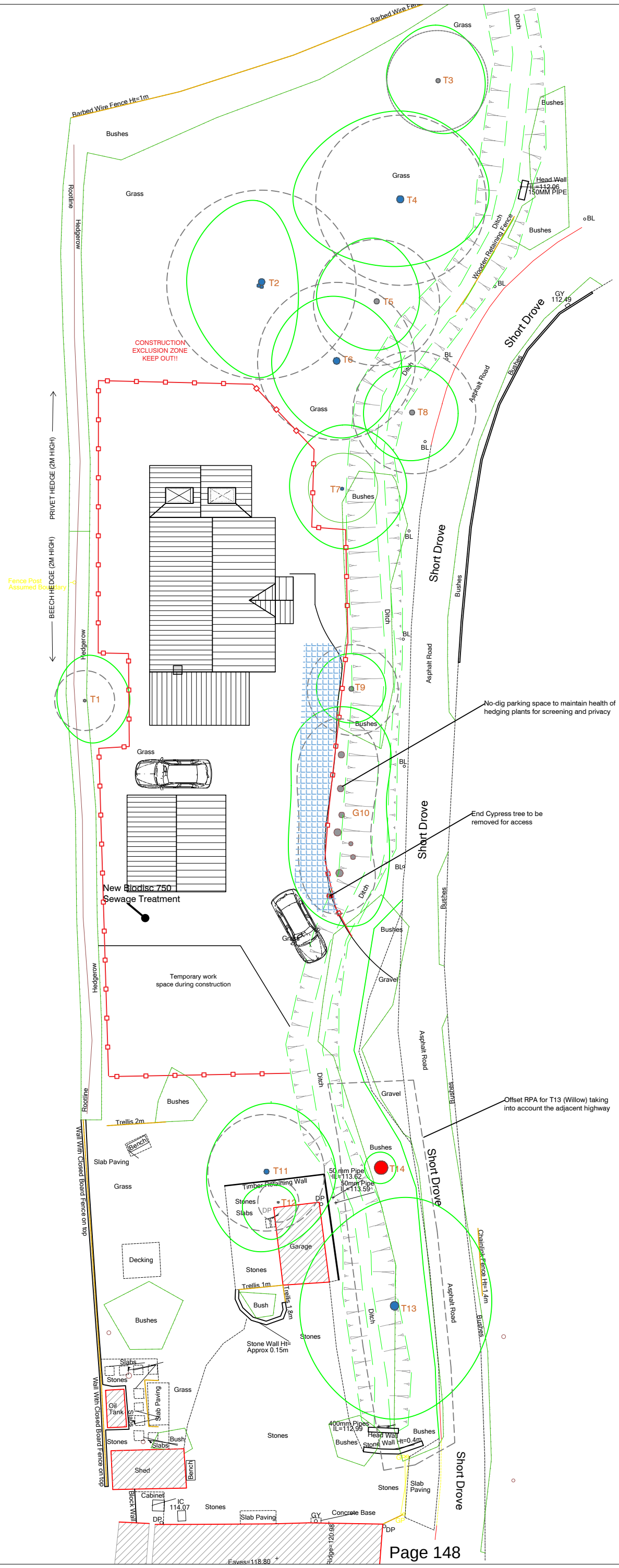
Topographical Survey and Proposed Site Layout
Nether Water Cottage,
Hinton Parva,
Swindon
SN4 0DH

REVISIONS

SCALE	A2 Sheet @ 1 to 200
DATE	Sep 2018
SURVEYED BY	JD
DRAWN BY	JD
CHECKED BY	PAH

DRAWING No.

19798-200-01



Tree Protection Plan

Land to the rear of
Nether Water Cottage
Hinton Parva
SN4 0DH

KEY

- Root Protection Areas
- Category A Tree
- Category B Tree
- Category C Tree
- Category 'U' Tree
- Tree Protection Fencing
- Tree Canopy
- Cellular confinement parking

Survey by Sarah Duckworth
Arboricultural Consultant

www.duckworthsarboriculture.co.uk
T:01672 519811 M:07810440546

Scale 1:250 @ A3

Date: MARCH 2019
Ref: PLAN 05224/2019

The locations of trees notplotted on the topographical survey (T7, T9, T14) have been plotted by eye their locations being measured against fixed structures within the site.

As such the position of these trees is indicative and should not be taken as exact but gives a fair representation of the tree in relation to the property and proposed build areas within the site.

DUCKWORTHS
ARBORICULTURE

COMMITTEE REPORT

Item Number:
Application Number: S/19/0821/CHHO

Ward: Ridgeway
Parish:
Bishopstone And Hinton Parva

Proposal: Erection of 1no. dwelling, detached garage and associated works.

Site Location: Land At Netherwater, City Corner, Hinton Parva

Case Officer: Charlotte Hopkins (01793 466280 chopkins@swindon.gov.uk)

Agent:
Mr Rob Spurr
Sun Design And Consultancy Ltd
Southview
22 Ham Road
Wanborough
Swindon
SN4 0DF

Applicant
Mrs P Bennett
Netherwater
City Corner
Hinton Parva
Swindon
SN4 0DH

Officers Report

Background:
This application is called to Planning Committee by Bishopstone Parish Council who object to the principle of a new dwelling in this location. The site is located outside of the rural settlement boundary and is not in a sustainable location, contrary to Policy SD2.

Recommendation:
1. That planning permission be **GRANTED** with Conditions

The Proposal:
2. This application seeks planning permission for the erection of 1no. detached dwelling to the rear of the existing dwelling at Nether Water, City Corner with a new access to be created off Short Drove. The proposed two storey dwelling would provide 3no. bedrooms. A detached garage is also proposed which includes a canopy area which could be used as a car port, together with a separate cycle store area. Ample space is provided on site for the parking of 2+ vehicles to the front of the garage/side of the property. The access and parking arrangement for the host property at Netherwater will remain as existing.

The Site and Surroundings:
3. The application site is located approximately 600 metres from the centre of Hinton Parva but outside of the rural settlement boundary. The site is not located within a conservation area, nor within an area of outstanding natural beauty (AONB). However, the boundary of the North Wessex Downs AONB is located approximately 260 metres to the south. The nearest listed buildings are located approximately 200 metres to the west of the site. The east of the site is bounded by mature

hedges and trees up to 10 metres tall, with a stream, which separates the site from Short Drove. To the west of the site is a mature hedge forming the boundary with Chestnut Cottage, with a wire fence and mature trees to the north of the site beyond which is open countryside. To the south east of the site, close to the junction between City Corner and Short Drove, is a public footpath.

4. There are a number of residential proprieties in the vicinity of the site, including those along City Corner and Short Drove. These are typically large detached or semi-detached dwellings at low density, which vary in architectural style and character

5. The host property, together with the 2 properties to the east of the site (Brook Cottage and Elm Cottage) take access from Short Drove which is a single track rural lane. Planning permission was recently granted in February 2019 by the planning committee for a new dwelling to the south of Elm Cottage (S/15/1701) which will also take access from Short Drove.

6. There is a bus stop located on City Corner approximately 200 metres from the site. Within the village is a church and village hall, with the nearest primary schools and shops/pubs in Wanborough some 2.6km to the west.

Representations:
7. Neighbours: 2no. letters of objection received, 1 each from Brock Cottage and Elm Cottage. Representations raise one or more of the following points:

- There has never been a dwelling here before and this would be building on a greenfield site
- The building will seem completely out of character with the other cottages as it will have a much higher roof line
- The land has a tendency to flood
- The proposed access would be via the lay-by, a useful parking space created and used by the owners of Elm Cottage for at least the past 50 years
- Entrance to the new dwelling could impact access to other properties
- Impact of additional traffic on single track lane
- Poor condition of road

8. Bishopstone Parish Council: Objects to principle of new dwelling in this location. The site is located outside of the rural settlement boundary and is not in a sustainable location. Furthermore, and contrary to the circumstances applicable to the application S/15/1701, the site of the proposed dwelling is clearly not previously developed land. Notwithstanding the lack of a five year land supply the proposal remains contrary to Policy SD2 which is not solely a housing delivery policy and so should not necessarily be considered out of date. The proposal meets none of the special circumstances required to permit development in countryside locations under this policy, namely:-

- local needs have been identified and allocated through a neighbourhood Plan or neighbourhood Development Order; and/or
- It supports the expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centre; or
- The proposal satisfy the policy requirements of this Plan

9. Planning Policy: No objection. Paragraph 11 of the NPPF directs the decision maker to consider the 'tilted balance' in the presumption in favour of development. Whilst there is some harm in respect of opportunities to promote sustainable transport modes by virtue of its location, this harm is not significant. Should the conclusion be that there is no harm, by virtue of the design, to the character of the surrounding area, the planning balance is considered to weigh in favour of the proposal.

10. Landscape: Objection raised. Primary concern would be loss of vegetation to create the access which would cause significant harm to the character of the lane. Also identifies harm to the setting of an important group of trees - Significant Beech tree (T2) which is an important tree within a larger group. The proposed dwelling does not properly respect their setting in landscape terms.

11. Arboricultural Officer: No issues with this as long as they adhere to the plan provided and the necessary tree protection is installed before any works take place.

12. Highways: No Highway Objection raised, subject to conditions. It is considered that the proposed three bedroom dwelling would not lead to a significant volume of traffic being generated on the adjoining public highway network. Furthermore, whilst the means of access is not shown in detail, it is likely that an acceptable access could be provided by a cross-over from Short Drove and a culvert over the adjoin watercourse. It is therefore not anticipated that the proposed development would lead to conditions prejudicial to the safety or operational capacity of the adjoining public highway.

13. Drainage: Recommends approval with conditions.

Relevant Policy:
14. Adopted Swindon Borough Local Plan 2026

- Policy SD1 - Sustainable Development Principles
- Policy SD2 - Sustainable Development Strategy
- Policy DE1 - High Quality Design
- Policy HA1 - Mix, Types and Density
- Policy EN4 - Biodiversity and Geodiversity
- Policy EN5 - Landscape Character and Historic Landscape
- Policy EN6 - Flood Risk
- Policy TR2 - Transport and Development

Supplementary Planning Documents

- Adopted Swindon Residential Design Guide (2016)
- Adopted DCGN Technical Guidance on Parking Standards (2007)

National Planning Policy Framework (NPPF) 2019

Planning Considerations:
15. The main issues to be considered are the principle of the development, whether the proposal has provided a high standard of design, the impact on the character and appearance of the surrounding area including any landscape impact, the impact on the amenity of neighbouring properties, the impact on the living conditions of the future occupiers and whether the proposal site provides safe access and adequate parking.

Principle:
16. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

17. Policy SD1 'Sustainable Development Principles' of the Swindon Borough Local Plan states to enable the delivery of sustainable development and support sustainable communities in the Borough, all development proposals will: be of high quality design; promote healthy, safe and inclusive communities; respect and conserve, and/or enhance the natural built and historic environments; be accessible by walking, cycling and/or public transport.

18. The proposal site is located outside the Hinton Parva settlement boundary. Policy SD2 'The Sustainable Development Strategy' of the Swindon Borough Local Plan states that development proposals in rural and countryside locations outside the rural settlement boundaries will be permitted where:

- Local needs have been identified and allocated through a Neighbourhood Plan or Neighbourhood Development Order; and/or

- It supports the expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in a rural service centre; or
- It is in accordance with other polices in this Plan permitting specific development in the countryside

19. In this respect, as the proposal does not meet any of the above criteria, it is not in accordance with Policy SD2. As a conflict with the development plan is identified, it is then necessary to look at other material considerations.

20. It is acknowledged that at present, the Council cannot demonstrate a five-year housing land supply. At the planning inquiry for Land at Hill Cottage Blunsdon (Planning Inspectorate reference: APP/U3935/W/17/3192234, SBC reference: S/OUT/17/1032) the council's position was that it is able to demonstrate 2.7 years' supply of housing land in the Borough. Paragraph 11 (part d) of the NPPF 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:

i) The application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing development; or
ii) 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

21. Footnote 7 of the NPPF 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. The lack of a demonstrable 5-year housing supply is not in itself a reason for approval. 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.

22. Therefore, the consideration is whether the benefits of the proposed development in respect of contributing to house types in the area and making a contribution to the delivery of housing would outweigh any adverse impacts in respect of design and impact on the character and appearance of the area, together with an assessment of the acceptability of the scheme in respect of highways, landscape and drainage.

23. The proposal site consists of the curtilage to an existing residential dwelling and is laid to a garden, mainly lawn. Paragraph 117 of the NPPF promotes the use of previously developed or 'brownfield' land. The NPPF definition of previously developed land includes the curtilage of developed land (although it should not be assumed that the whole of the curtilage should be developed). The NPPF definition excludes land in built-up areas such as residential gardens, however residential gardens in rural areas are not excluded from this definition. The development site is not considered to be within a built up area and in the context of paragraph 117 of the NPPF, it constitutes previously developed land and enjoys some material benefit in this respect.

24. Paragraph 79 of the NPPF states that planning policy and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
c) the development would re-use redundant or disused buildings and enhance its immediate setting;
d) the development would involve the subdivision of an existing residential dwelling; or
e) the design is of exceptional quality, in that it:
- is truly outstanding or innovative, reflecting the highest standards in architecture, and would

help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

25. In March 2018, the Court of Appeal confirmed a High Court judgement into the lawful interpretation of 'isolated homes' in the context of former paragraph 55 of the NPPF. Here, Justices McCombe and Lindblom agreed with Justice Lang that the inspector at the appeal for 2 detached dwellings at Lower Green Road, Blackmore End in Essex had made no error in law. The inspector had taken a 'narrow view' of the meaning of isolated in so much as it concerned the physical separation of the site as opposed to a more functional interpretation relating to access to services. In his judgement, Justice Lindblom states the word isolated *"is itself generally used to describe a location".*

26. He then goes onto say:
The word isolated in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. What constitutes a settlement for these purposes is not defined in the NPPF. There is no specific minimum number of dwellings, or population. It is not said that a settlement boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will constitute the settlement. In my view a settlement would not necessarily exclude a hamlet or cluster of dwellings, without for example, a shop or post office of its own, or a school or community hall or public house nearby, or public transport within easy reach. Whether, in a particular case a group of dwellings constitutes a settlement or village for the purposes of the policy will again be a matter of fact and planning judgement for the decision maker.

27. In respect of the specific case he concludes:
That Blackmore End is indeed a settlement and that there are dwellings a short distance to the north of the appeal site, others a short distance to the south and another on the other side of the road to the west, is obvious when one looks at a map. And it is not contested, or contestable that if the word 'isolated' in paragraph 55 of the NPPF means physically isolated in being isolated from a settlement, the inspector was entitled - as a matter of fact and planning judgement, if not simply as a matter of fact - to conclude at the end of paragraph 9 that the "development would not result in the new isolated homes in the countryside to which Framework paragraph 55 refers".

28. He then goes on to say:
"In the circumstances, there was no need for "special circumstances" to be identified to justify a development of "new isolated homes in the countryside". This was not such a development".

29. Applying this logic to the application site, a similar conclusion can be drawn with the dwellings to the east and south of the site and others in close proximity. Therefore following the Court of Appeals lead, the proposal cannot be regarded as isolated and the justification for the proposal under this part of the NPPF paragraph 55 (Paragraph 79 of revised NPPF) falls away.

30. However, it is instructive to look at other aspects of the Judgement as the case has many parallels with the application at Short Drove. There is a regular but infrequent bus service to Hinton Parva and there is a bus stop approximately 200 metres from the site. There are a limited number of facilities at Hinton Parva including a church and village hall, but the nearest primary school and shops are in Wanborough some 2.6km to the west. One of the principles of sustainable development as expressed in Policy SD1 of the Swindon Borough Local Plan 'Sustainable Development Principle' is that development should be accessible by walking, cycling and/or public transport.

31. The inspector of the Blackmore End case considered the accessibility of the proposal. He noted that Blackmore End had a very limited range of services and facilities. There is for example no shop, the nearest being about 2 miles away. It is likely that those occupying the dwelling would rely heavily on the private car to access everyday services, community facilities and employment. While this

weighs against the development, it is consistent with the Framework that sustainable transport opportunities are likely to be more limited in rural areas. Justice Lindblom commented that the inspector had rightly considered this within the *"overall balance and sustainable development"* and that it was a matter of planning judgement, and in so much he had not erred in law.

32. The updated NPPF reference in this respect is paragraph 103: *"However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making".*

33. Whilst there is some harm in respect of opportunities to promote sustainable transport modes by virtue of its location, mindful of the scale of development (1 dwelling) and the provisions of paragraph 103 of the NPPF, this harm is not deemed to be significant.

Design and Layout:
34. A consideration needs to be given to the potential harm to the character and appearance of the surrounding area. Policy DE1 'High Quality Design' of the Swindon Borough Local Plan requires high standards of design for all development. The proposal will be assessed in terms of context and character; layout form and function of the development and amenity.

35. The Residential Design Guide SPD amplifies Policy DE1 and provides specific guidance on infill and backland development, stating that new development must reflect inherent plot size, building lines, boundary treatments, built form, scale, massing, landscaping and details.

36. Paragraph 130 of the NPPF states that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".* Paragraph 131 states that *"In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings"*.

37. Whilst it is not necessarily considered that the proposed dwelling represents an outstanding or innovative design, the proposed dwelling which is simple and traditional in design and uses appropriate materials, would not appear as out of context or character with its surroundings. The host property would retain a reasonable garden area and the plot sizes of the host dwelling and new dwelling would not be dissimilar to those of the properties directly to the east, therefore the proposal respects the spatial qualities of its surroundings in accord with Policy DE1 and the SPD. The new dwelling would have a road frontage onto Short Drove and would be served by its own access, in keeping with the linear pattern of development within the vicinity of the site. The dwelling would achieve a sufficient set back from the road frontage, largely screened from Short Drove by mature vegetation and would not appear unduly dominant within this setting.

38. Local Plan Policy HA1 'Mix, Types and Density' of the Swindon Borough Local Plan states housing should be design-led and that densities, house types, and sizes should respect the character of the surrounding area and meet local needs. The proposal is for the erection of a three bed detached 2 storey dwelling, which is considered to reflect and contribute to the house types in the area.

Amenity:
39. Policy DE1 'High Quality Design' of the Swindon Borough Local Plan and the Residential Design Guide, also seek to protect neighbouring amenity in respect of light, outlook, privacy, noise, disturbance and smell. The proposal is not considered to create significant or unacceptable harm to neighbouring amenity in respect of loss of light, overshadowing or overbearing impact. Whilst the proposal will partially obstruct the views of the properties to the east of the site towards the open countryside, loss of view is not a material planning consideration. Further, neighbouring privacy will not be unacceptably harmed. The new dwelling would have 3 no. first floor windows on the west

(rear) elevation, overlooking the lower garden area of Chestnut Cottage. One of these windows would serve a bedroom window, however as this window would not directly overlook the most private or sensitive area of the garden at Chestnut Cottage, it is not considered an unacceptable impact would arise. The remaining two rear (west) facing windows would serve a bathroom and en-suite, therefore a condition could be imposed that these windows are obscurely glazed to assist in minimising opportunities for overlooking. The proposal accords with Policy DE1 and the SPD in respect of protecting neighbouring amenity.

40. It is considered that the occupiers of the proposed new dwelling would have sufficient access to natural light and outlook, with adequate internal space and external private amenity space. A good standard of amenity would be provided in accordance with Policy DE1 and the Residential Design Guide.

Landscape Impact:
41. Policy EN5 'Landscape Character and Historic Landscape' (a) states that proposals for development will only be permitted when the intrinsic character, diversity and local distinctiveness of landscape within Swindon Borough are protected, conserved and enhanced; the design of development and materials used are sympathetic to the surrounding landscape; unacceptable impacts of the landscape are avoided.

42. The proposal site is not located within an area of outstanding natural beauty (AONB), although the boundary of the North Wessex Downs AONB is approximately 260 metres to the south. Whilst the proposal site may be considered to be in the 'open countryside' in the context of the adopted Swindon Borough Local Plan due to its location outside the defined rural settlement boundary, in reality it is surrounded by residential development to the east and south, with the site being a residential garden constituting previously developed land in the context of paragraph 117 of the NPPF. The proposed development on this site at this scale, is unlikely to have affects to the intrinsic character of the AONB.

43. Landscape Officers raise concern with the loss of vegetation required to create the access, noting than any visibility splays would need to be kept clear of vegetation above 600mm. They note this would create an urbanising impact and would be harmful to the rural character. Highways Officers confirm that the type of access proposed, without any formal visibility splays, would be appropriate due to the vehicle speeds along Short Drove likely to be low (circa 20mph). As formal visibility splays are not required in this instance, this limits the extent of vegetation removal required to that depicted on the proposed site layout plan. Further, it should be noted three properties already have accesses from Short Drove, with a further dwelling granted planning permission to the south of Elm Cottage (S/15/1701) which would also take access.

44. Landscape Officers also raise concern with harm to the setting of an important group of trees to the north of the site, which includes a significant Copper Beech Tree (T2) which is recognised as an important tree within a larger group. Whilst it is accepted the proposed development will alter the setting of the group of trees by built form in closer proximity, the trees are not protected by TPO's and nor is the site within the AONB itself. The plans demonstrate these trees will be retained and protected during construction works and a condition can be imposed to control this. No objection is raised by the Arboricultural Officer, subject to works being carried out in accordance with the plans provided and the tree protection installed before works takes place.

Highways:
45. Policy TR2 'Transport and Development' of the Swindon Borough Local Plan states development shall be permitted where proposals provide access that is appropriate to the scale, type and location without detriment to highway safety and local amenity and where there is an existing safe and convenient pedestrian access or provision is made for such access.

46. Short Drove serves three existing dwellings and an additional dwelling has been granted

consent on the opposite side of the road, to the south east of this proposed dwelling (S/15/1701). Five dwellings in total would take access from Short Drove if this development was permitted. The existing dwellings are accessed by simple cross-overs without any formal visibility splays. Highway Officers consider that this type of cross over access would be appropriate as due to its width and alignment, vehicle speeds along Short Drove are likely to be low (circa 20mph). Whilst the means of access is not shown in detail, it is likely that an acceptable access could be provided by a cross-over from Short Drove and a culvert over the adjoining watercourse. These details would need to be agreed with the relevant authority responsible for this water course. It is considered that the proposed three bedroom dwelling would not lead to a significant volume of traffic being generated on the adjoining public highway network. It is therefore not anticipated that the proposed development would lead to conditions prejudicial to the safety or operational capacity of the adjoining public highway and there is no Highways Objection to the proposal. There is sufficient space to accommodate at least two parking spaces in front of the garage and an informal turning area is also available. The proposal accords with the Parking Standards (2007) and Policy TR2.

Flood Risk:
47. Policy EN6 'Flood Risk' of the Swindon Borough Local Plan seeks to minimise the risk and impact of flooding. The site is not located within Flood Risk Zone 2 or 3 and is not deemed to present a significant risk to flooding. The Lead Local Flood Risk Authority (LLFA) recommends approval of the application subject to conditions, requiring the submission of a surface water drainage scheme for the site and surface water drainage maintenance scheme.

Biodiversity and Geodiversity:
48. Policy EN4 'Biodiversity and Geodiversity' of the Swindon Borough Local Plan seeks to protect and enhance biodiversity. The site is previously developed in terms of the majority consisting of managed lawns and shrubbery. As such it is unlikely to contain any significant wildlife habitats. No significant harm to biodiversity or geodiversity has been identified.

Titled Balance:
49. Paragraph 11 of the NPPF directs the decision maker to consider the 'tilted balance' in the presumption in favour of sustainable development.

50. Paragraph 11 part d) i) states the 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. Whilst the site has a rural setting, it is not located within a conservation area nor an area of outstanding natural beauty (AONB) which have the highest levels of protection. Further, there are no listed buildings within the immediate vicinity of the site which would be harmed. As such, there is no clear reason for refusing the development under this criterion.

51. Paragraph 11 part d) ii) states permission should be granted unless 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.

52. The benefits of the proposal include the provision of much needed housing (albeit 1 house only) to contribute to the Boroughs 5-year housing supply shortfall together with short term economic benefits that construction would bring. Further, the additional population created could also assist the local economy in terms of utilising local services. The adverse impacts identified include the loss of vegetation to create the access which impacts the rural character of the lane together with the impact on the setting to a group of important (but unprotected) trees. On balance, taking into account the limited level of vegetation removal required to create the access, together with the existing properties which have accesses from Short Drove, it is not considered that the harm would significantly and demonstrably outweigh the benefits. The proposed layout plan shows that it will be possible to retain trees and shrubbery within the garden as well as along the boundaries. In addition, as the group of trees within the site are to be retained and do not have Tree Perseveration Orders (TPOs) attached it is not considered the identified landscape harm significantly and demonstrably

outweigh the benefits.

53. Further, whilst there is some harm in respect of opportunities to promote sustainable transport modes by virtue of its location, mindful of the scale of development (1 dwelling) and the provisions of paragraph 103 of the NPPF, which acknowledges *"opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making",* this harm is not significant and does not significantly and demonstrably outweigh the benefits.

54. In applying the titled balance, Officers are of the view that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits

CIL/Infrastructure requirements:
55. The Council is a Community Infrastructure Levy (CIL) Charging Authority. At the point of writing this report the adopted CIL Charging Schedule is that dated 6th April 2015. The proposed development for residential is located within CIL Residential Charging Zone 2 of this schedule. The development constitutes CIL Liable development chargeable at the relevant rate within the relevant Charging Schedule in place at the time of calculation, that rate which is subject to indexation annually.

Concluding Comments:
56. In summary, although the site is located outside the rural settlement boundary of Hinton Parva and thus contrary to Policy SD2 of the adopted Swindon Borough Local Plan, as the Council cannot demonstrate a 5 year housing land supply, paragraph 11 of the NPPF is engaged. Paragraph 11 of the NPPF directs the decision maker to consider the 'tilted balance' in the presumption in favour of sustainable development. The key consideration is whether any adverse impacts of granting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The benefits of the proposal include the provision of much needed housing (albeit 1 house only) to contribute to the Boroughs 5-year housing supply shortfall together with short term economic benefits that construction would bring. Further, the additional population created could also assist the local economy in terms of utilising local services The resulting balancing exercise concludes that the landscape harm identified as a result of the removal of vegetation to create the access and impact to the setting of a group of important (unprotected trees), is limited and is not considered to amount to significant and demonstrably harm which outweighs the benefits. Further, whilst there is some harm in respect of opportunities to promote sustainable transport modes by virtue of its location, mindful of the scale of development and the provisions of paragraph 103 of the NPPF which recognises *“opportunities to maximise sustainable transport solutions vary between urban and rural areas”,* this harm does not significantly and demonstrably outweigh the benefits.

57. Officers are of the view that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission is granted subject to conditions.

Recommendation:
58. That planning permission be **GRANTED** with Conditions

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:
Dwg no. 001 16/05/2019 received 24th May 2019
Topographical Survey and Proposed Site Layout Dwg. No. 19798-200-01 received 24th May 2019
Tree Protection Plan (1:1250) PLAN 05224/2019 received 24th May 2019
Planning Design and Access Statement received 24th May 2019
Arboroicultural Report March 2019 REF: SCD 05224/2019 received 24th May 2019
Drainage Strategy Option 1 6875/501/01 Rev A received 18th June 2019
Drainage Strategy Option 2 6875/501/02 Rev A received 18th June 2019
Technical Note 6875/01 June 2019 Issue 2 received 18th June 2019
Reason: To define the scope of the development hereby permitted, in accordance with section 72 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be constructed using external facing materials as detailed on the approved plans and application form. Such facing materials shall be retained thereafter in their approved form.
Reason: To ensure that the appearance of the development is satisfactory.

4. No glass other than obscure glass manufactured to a privacy level of 4 or above shall be used in the glazing of the first floor bathroom and en-suite windows in the west (rear) elevation of the dwelling hereby permitted.
Reason: In the interests of residential amenity.

5. 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 windows, roof lights, dormers or roof extensions shall be inserted into any roof or wall above ground floor level other than shown on the approved plans without the express planning permission of the Local Planning Authority.
Reason: In the interests of residential amenity and to ensure the appearance of the development is acceptable

6. Development shall not begin until a surface water drainage scheme for the site, in accordance with the approved drainage strategy 'Drainage Statement and SuDS Maintenance Plan - Nether Water Cottage, Hinton Parva - Issue 2, June 2019', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include, but not be limited to:

- Evidence that the proposed flows from the site will discharge at or below greenfield runoff rates, or as close as practical for any areas that have been previously developed;
- Details of how the drainage scheme has incorporated SuDS techniques to manage water quantity and maintain water quality in accordance with best practice guidance including the latest SuDS Manual C753;
- Detailed drainage plan showing the location of the proposed SuDS and drainage network with exceedance flow routes clearly identified;
- Details to demonstrate the SuDS Scheme has been designed in accordance with best practice guidance including the latest SuDS Manual C753;
- General arrangement, which should be coordinated with the landscape proposals and the masterplan;
- Manhole Schedules;
- Detailed drainage calculations for all rainfall events up to and including the 1 in 100 year plus climate change to demonstrate that all SuDS features and the drainage network can cater for the critical storm event for its lifetime;

- Details of how the scheme shall be maintained and managed after completion;
- Any drainage systems offered for adoption will be designed to Sewers for Adoption 7th edition and/or SBC standards as part of the detailed design and relevant technical approval processes.

Reason: To ensure there is no localised flooding

7. The development shall not be occupied until a surface water drainage maintenance scheme for the site, in accordance with the approved maintenance regime 'Drainage Statement and SuDS Maintenance Plan - Nether Water Cottage, Hinton Parva - Issue 2, June 2019', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be maintained in accordance with the approved details.
Reason: To ensure there is no localised flooding

8. Prior to any occupation of the dwelling hereby permitted, the access, parking and garaging shall be constructed as generally set out on application drawing number 001 16/05/2019
Reason: To ensure the satisfactory provision is made for vehicles to be parked off the highway at all times.

9. The proposed garage shall be used only for the accommodation of private motor vehicles and for purposes incidental to the main use of the dwellinghouse and no trade or business shall be carried on therein.
Reason: To safeguard the amenities of the area and to ensure adequate provision of parking.

10. Prior to the commencement of works on site in connection with the development hereby permitted, the trees shown for retention on tree protection plan 05224/2019 shall have first been protected by the erection of a temporary protective fence in accordance with details on this plan, which shall be of and maintained to a standard compliant with BSI 5837:2005.
Reason: To ensure that adequate protection is afforded to the trees on the site.

11. The trees to be protected on site as shown on tree protection plan 05224/2019 shall not be lopped, topped, felled, destroyed or wilfully damaged including severance of roots, without the prior written consent of the Local Planning Authority.
Reason: To prevent loss or damage to the trees on the site in the interests of amenity.

12. There shall be no external lighting, including floodlighting installed within the site, unless in accord with details that have been submitted to and agreed in writing by the Local Planning Authority.
Reason: In the interests of amenity.

13. No works for the construction of the building shall take place outside of the hours of 08.00 - 18.00 Monday to Friday, 08.00 to 13.00 on Saturdays and no work shall take on Sundays and Bank Holidays
Reason: In order to ensure that works likely to give rise to disturbance to nearby residents do not take place at unsocial hours, in the interests of residential amenity.

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 or telephone the SBC CIL Team on 01793 466289 or 466397 or email 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 and https://www.gov.uk/guidance/community-infrastructure-levy. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

2. A licence to construct the access will be required from Swindon Borough Council. Permission to culvert or construct an access will also be required from the relevant authority with responsibility for the watercourse.

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

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

End of Report

South Marston Airfield (Honda) Planning Policy Position Statement

Planning Committee **13th August 2019**

Author:	Head of Planning, Regulatory Services and Heritage
Wards:	All, but particularly St Margaret and South Marston Ward
Parishes Affected:	All, but particularly Stratton St Margaret and South Marston Parishes

1. Purpose and Reasons

1.1 The purpose of this report is to provide a clear position statement on the application of planning policies to the potential future uses of the Honda manufacturing site at South Marston Airfield.

2. Recommendations

The Committee is recommended to:

2.1 Note and endorse the contents of this report as a planning policy position statement on the potential future use of the South Marston Airfield (Swindon Honda Manufacturing Plant) site.

3. Detail

3.1 On 13th May 2019, Honda UK Manufacturing confirmed the intended closure of the South Marston manufacturing plant in 2021.

3.2 The manufacturing plant is sited on the former South Marston Airfield. In total the site is 152 hectares, although approximately only half the site is developed, with the remainder consisting of the former airstrip (currently used for parking vehicles), vacant land, landscaping and flood alleviation. There are currently three access points to the site; North and South Gate with access to the A419 and a third through Key Point accessed from the A420 (currently used by HGVs). Theoretically, and subject to highways approval, a fourth access point could be made from South Marston Industrial Estate to the north.

3.3 The whole site is owned by Honda and their plans for land disposal, upon closure of the plant, are not yet known.

3.4 For avoidance of doubt, the lawful use of the site is Use-class B2 (General Industrial Uses) and will remain as such on closure of the plant, until such time as an alternative use is permitted.

3.5 Current Planning Policy

3.6 Adopted Swindon Borough Local Plan Policy EC1 states that inward investment and the growth and retention of existing business will be enabled by, *inter alia*,

Further information on the subject of this report can be obtained from Phil Smith, 466443, psmith@swindon.gov.uk.

protecting the best employment sites under Policy EC2 for employment use (B-class).

3.7 The Swindon Employment Land Review 2017, undertaken by Nathaniel Lichfield and Partners, assessed 36 employment areas across the Borough for their quality and suitability to meet the future development needs of the local economy. The Honda site was ranked joint highest (with 4 others) with a rating score of 28 out 30.

3.8 Policy EC2 states that the Key Employment Areas shall be retained primarily for employment generating uses within the classes B1, B2 and B8. Planning permission will be given for Class B1, B2 and B8 uses, and for sui generis uses, in these areas, subject to the Class B1(a) office development not adversely impacting upon the regeneration of Swindon Central Area. The Honda site is identified as a key employment area to which Policy EC2 applies.

3.9 Policy EC2 then sets out the criteria to be met for a change of use from employment to be supported. In the application of this policy it is considered the entire Honda site is currently in employment use.

3.10 Planning applications for alternative uses which are not in accord with Policy EC2 depending on the scale, will constitute a departure from the Local Plan and in such circumstances may be called in by the Secretary of State for his or her determination.

3.11 Emerging Planning Policy

3.12 The Council is currently reviewing the Swindon Borough Local Plan. At Council on 11th July 2019 (Item 6 refers), approval was given to consult on emerging options to inform the final draft of the Plan due to be submitted for independent examination early in 2020.

3.13 Through the Local Plan Review, it is proposed to strengthen the policy in relation to the Honda Site by identifying it as a 'Core Employment Site', at which proposals for alternative uses other than B-use and employment generating 'sui-generis' uses will not be supported unless there is an exceptional justification.

3.14 National Policy

3.15 The revised National Planning Policy Framework (NPPF) (February 2019) states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

3.16 However, the revised NPPF emphasises that 'substantial weight' should be given to the value of using suitable brownfield land within settlements for 'homes and other identified needs.' It also confirms that planning policies and decisions should promote and support the development of underutilised land and buildings (especially to meet housing needs where land supply is constrained), (Para. 118). It also states applications should be refused which fail to make efficient use of land. (Para. 123).

3.17 Whilst it is acknowledged that the Council is unable to demonstrate a deliverable five-year supply of housing in accordance with the NPPF, it is not considered that the overall land supply is constrained to the extent that brownfield sites of this size should be realised for housing. In total 17,740 additional dwellings have planning permission or are allocated on sites in the adopted Local Plan of made Neighbourhood Plans.

3.18 Pre-application consultation is emphasised within the revised NPPF, stating that 'Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.' (para. 128). In this respect, it is critical that future uses of the site recognise and utilise the social capital of the present Honda Plant particularly in relation to skills of the current workforce.

Next Steps

3.19 This report will serve to provide a clear position statement on the application of planning policies to alternative uses for the Honda site, and in doing so augments the provisions of the adopted Swindon Borough Local Plan. It does not seek to pre-determine the outcome of consultation on the replacement Local Plan, which will be subject to independent examination at the appropriate stage in 2020.

4. Alternative Options

4.1 The Council could choose not to provide a planning position statement on the site, and instead continue to rely solely on the adopted Local Plan having regard to the Revised National Planning Policy Framework. However, this could potentially weaken the Council's position when considering proposals for development.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

5.1 There are no direct financial and procurement implications as a result of this Report, however there maybe an impact on planning fee income, positive or negative which will be monitored.

Legal and Human Rights Implications

5.2 Legal and Human Rights implications were taken into account in preparing this report. It is considered that the recommendations are consistent with Convention Rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

5.3 Any future planning application(s) for the site may require an Environmental Impact Assessment in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Diversity Impact Assessment (DIA)

5.4 The Swindon Borough Local Plan has been subject to a DIA, as will the on-going Local Plan Review,

Risk Management

5.5 The Local Development Scheme (March 2019) presents a detailed risk assessment to the Local Plan Review Production.

6. Consultees

6.1 The Head of Finance - Section 151 Officer and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

7.1 None.

8. Appendices

8.1 None

Travel Plans Supplementary Planning Document (SPD)

Planning Committee **Date: 13th August 2019**

Author:	Service Manager – Transport Planning, Development & Street Works Management
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

1.1 The Council requires that new developments exceeding given thresholds mitigate the transport impact of their operation through the production and implementation of a travel plan. This is a long term management strategy secured through the planning process by condition or obligation, based on evidence of the anticipated transport impacts of development. The Travel Plan outlines measures to promote and encourage sustainable travel (such as promoting walking and cycling) to maximise the opportunity of the infrastructure measures the developer will also be providing.

1.2 In the absence of implementation of the travel plan over the long term, it results in ineffective travel plans, with potential implications on the local residents in terms of congestion and / or parking problems. It is proposed therefore to adopt a Supplementary Planning Document (SPD) for Travel Plans, which will inform and enforce development planning and design.

1.3 This SPD will guide how we require Travel Plans to be delivered. It will give developers the option to pay a contribution to Swindon Borough Council, which will fund the resources required to implement the travel plans. This gives long term security that the travel plan will be implemented effectively.

1.4 A consultation with officers and other LPAs has therefore been undertaken, leading to the preparation in draft of a Travel Plans Supplementary Planning Document (hereinafter referred to as the **Travel Plans SPD 2019**).

1.5 This report seeks Committee's approval of the draft **Travel Plans SPD 2019** as a basis of a Public Consultation exercise. The results of that consultation exercise and a Final Draft of the document will be reported to Committee later this year, with a request that the document is, subject to any required amendments, finalised and formally adopted as a Development Management document.

2. Recommendations

That Committee:

2.1 Approves the draft **Travel Plans SPD 2019** attached at Appendix 1 for the purpose of public consultation and authorises the Service Manager – Transport Planning, Development & Street Works Management to undertake a public consultation exercise to secure feedback from the public and a range of stakeholders.

2.2 Authorises the Service Manager – Transport Planning, Development and Street Works Management 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.

3. Context

Planning Policy Framework

3.1 The Swindon Borough Local Plan 2026, at Part 4, includes a range of policies aimed at enabling sustainable development.

3.2 The Plan includes policies targeted at minimising the impact of new development on amenity and highway safety, with Policy TR2 specifically requiring that new development should make provision for the promotion of sustainable travel choices through the submission of a Travel Plan.

3.3 The National Planning Policy Framework (NPPF 2019) supports new development where it does not compromise the effective or safe operation of the highway network (para. 108). Chapter 9 requires that new development schemes provide a travel plan.

Council Aims and Objectives

3.4 The Vision for Swindon 2019 – 2032 has four main priorities, two of which are:

- Improve infrastructure and housing to support a growing, low-carbon economy
- Ensure clean and safe streets and improve our public spaces and local culture

3.5 The adoption and application of **Travel Plans SPD 2019** will support these overarching objectives by ensuring that new development is fit for purpose and without impact on the amenity or safety of the communities within which it lies and specifically by promoting and facilitating a move towards active lifestyles.

4. The Review Process

4.1 A cross-discipline Officer Working Group was set up to develop new guidance, taking account of the following:

- Officer experience of travel plan successes and failures;
- Prevailing Transport Policy Guidance;
- Benchmarking from other Local Planning Authorities

4.2 The emerging **Travel Plans SPD 2019** was presented to the lead Member for Highways and the Environment on 17th June 2019 and to the Leader Advisory Group on Thursday 25th July 2019.

5. Proposed Travel Plans SPD

5.1 The outcome of the review process has been the Draft **Travel Plans SPD 2019** attached at Appendix A. The key elements of the document include:

Developer Options

5.2 The guidance offers the opportunity to the developer of paying a contribution to have the Travel Plan implemented by Swindon Borough Council on their behalf. The level of contribution reflects the cost that the developer should already be allocating for the implementation of a plan, and therefore is not an additional cost.

Securities

5.3 If the developer chooses not to pay the contribution, they will be required to pay a bond to secure delivery of the Travel Plan. The bond will be returned once the developer has fulfilled their obligation as per the agreement with Swindon Borough Council.

Online submission

5.4 The SPD supports the submission of travel plans through an online portal (Modeshift Stars). This aims to reduce the amount of paper entering the organisation, and aids monitoring of the travel plan across time.

Dwelling thresholds

5.5 Currently the Department for Transport threshold for submitting a residential Travel Plan is at 80 dwellings. The SPD proposes to reduce this threshold to 60 dwellings to account for multiple developments in the same geographical area having a cumulative impact on the highway network.

6. Alternative Options

6.1 The alternative to the adoption of **Travel Plans SPD 2019** would be to continue to rely on the provisions made within our unadopted guidance document (2017) in assessing new development proposals. The consequence would be a continued reliance on a document that carries limited weight, with an increasing risk that challenges by developers to its requirements could be successful.

7. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

7.1 The adoption of the Travel Plans SPD will have no financial implications beyond those associated with the Officer time required to manage the consultation exercise and to develop the document. The SPD provides that the owner / developer funds the costs of a Travel Plan through the options set out.

Legal and Human Rights Implications

7.2 Legal and Human rights implications have been considered in preparing this report. It is considered that the report is compatible with the Convention Rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

7.3 By adopting new Travel Plan guidance that is more fit for purpose and robust than those currently relied upon, Officers will feel more confident in the application of those standards, which will carry greater weight as a material consideration in the determination of planning applications.

Diversity Impact Assessment

A Diversity Impact Assessment (DIA) has been undertaken and has been reviewed and approved by Officers within the Learning & Development team. The DIA, has assessed the implications of the change in travel plan requirements for all those who might be affected and concluded that the policy document supports diversity by making provisions for all sectors of the community.

8. Consultees

8.1 The Board Director, Resources (Section 151 Officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.

9. Background Papers

9.1 The relevant background documentations:

- National Planning Policy Framework (2019)

10. Appendices

Appendix 1 – **Travel Plans SPD 2019**

Travel Plans Supplementary Planning Document

A guide for developers in Swindon

Swindon Borough Council

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1. What is a Travel Plan?

A travel plan is defined as a long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.

Swindon Borough Council requires developers to produce and implement travel plans to a consistent standard to help mitigate the transport impacts of their development.

1.1 Benefits of a travel plan

A Travel Plan will assist in bringing about a wide range of benefits to the wider community such as:

- Reducing peak time congestion
- Reducing harmful transport emissions and reducing energy use
- Improving accessibility and tackling social exclusion
- Improved public transport
- Reduction in vehicular trips potentially reducing the cost of off-site highway works
- Creating additional site capacity by reducing the need for car parking spaces and their on-going maintenance costs
- Enhancing the image of the company/organisation in question in environmental terms which supports Corporate Social Responsibility
- Promotion of healthy lifestyles through more physical activity and use of active travel modes

> Tadpole Garden Village in Swindon is a new community which has sustainability built into its core.
>
> By its location and the real attention to detail in planning the layout and infrastructure of the site, sustainable travel will be the obvious choice for new residents. Hard infrastructure and supporting soft measures further encourage the uptake of sustainable modes by residents, visitors, pupils and employees of the development.
>
> CREST NICHOLSON

2. Purpose of this guidance

Travel Plans have an important role in reducing traffic and increasing accessibility for all, which will contribute to local and regional targets aligned with national policy.

Swindon Borough Council is seeking to ensure that all travel plans produced in the Borough are consistent in terms of structure, content and approach. This guidance has been written to provide a framework to ensure the consistency of quality, but aims to allow flexibility to adapt travel plans to site specific conditions.

It is acknowledged that best practice and requirements change over time, and this guidance will be reviewed every three years.

2.1 Travel Plan Policy Landscape

The effects of the unsustainable way we frequently travel can be clearly seen on the environment, our health and on our quality of life. Our towns are becoming more and more congested with increased levels of car traffic.

Travel plans are an integral part of the Government's policies on sustainable transport.
The primary national planning policy impetus for travel plans is through Chapter 9 of the National Planning Policy Framework (NPPF) (2018):

"All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."

Swindon Borough Local Plan 2026 (adopted March 2015)

The Local Plan provides a development strategy to deliver sustainable growth in Swindon to the year 2026. In relation to the delivery of the travel, the key planning policies to realise these objectives are:

- Policy TR1 (Sustainable Transport Networks) seeks to deliver a high quality transport network throughout the Borough, which supports economic growth, regeneration and housing growth.
- Policy TR2 (Transport and Development) seeks to ensure new development provides appropriate access arrangements, is designed to reduce the need to travel and encourages the use of sustainable transport. In particular, to assess and mitigate the impact of development and to promote sustainable travel choices, proposals are required to submit a travel plan alongside a transport assessment and transport statement. This is in accordance with Department for Transport guidance and where proposed development is likely to have significant transport and related environmental impact.

The Travel Plan Supplementary Planning Document needs to be read in conjunction with all other Swindon policies and guidance.

3. Do I need to produce a travel plan?

A Travel Plan will be negotiated for all developments as defined in table 1 below and for planning applications which are likely to have significant transport implications.

These include;

- Smaller developments comprising jobs, shopping, leisure and services which would generate significant amounts of travel in, or within 100 metres of, **Air Quality Management Areas.**
- All **schools and nurseries,** and extensions to schools likely to have a material impact on traffic movements. All state schools are obliged to have a School Travel Plan.
- Comprising or involving a **material increase in existing car parking provision** (to be determined on a case by case basis) at employment, retail, or leisure sites, schools, colleges, hospitals or health centres.
- Where the travel plan will help address a **particular local traffic problem** associated with a planning application, which otherwise would be likely to be refused on local traffic grounds. (This category may include smaller residential, commercial, service or educational developments below the relevant thresholds) or where there is **inadequate transport infrastructure** in the area.

3.1 Guideline thresholds

The thresholds in Table 1 opposite are based on those set out in Appendix B of the Department for Transport Guidance on Transport Assessment March 2007, adapted to local need in Swindon in respect of use class C3, where the lower threshold is set at 60 dwellings for a travel plan and 20 dwellings for a Travel Plan Statement.

Table 1

Land Use	Threshold at or above which a Travel Plan is required (m2 and Ha)
A1 Retail - Food	800m2
A1 Retail – Non food	1500m2
A2 Financial and Professional	2500m2
A3/A4/A5 Food and Drink	2500 / 600 / 500m2
B1 including Offices	2500m2
B2 Industrial	4000m2
B8 Warehousing and Distribution	5000m2
C1 Hotels	100 bedrooms
C2 Residential Institutions • Hospitals and nursing homes • Residential education • Hostels	50 beds 2500m2 2500m2
C3 Residential	60 + units (Travel Plan Statement will be required for 20- 59 units)
D1 Non-residential institutions	1000m2
D1 Schools	State schools: All are already required to have a School Travel Plan. Independent schools: All new schools and extensions to schools that are likely to have a material impact on traffic movements. Nurseries that cater for 60 + children daily are required to have a travel plan.
D1 Higher and Further Education	1000m2
D2 Assembly and Leisure	1500m2
Mixed-use developments	Where a planning application covers mixed land uses, a single or overarching travel plan will be required covering the complete development.

4. Types of travel plan

A Travel Plan will be negotiated for all developments as defined in table 1 on page 7 and for planning applications which are likely to have significant transport implications.

INTERIM Travel Plan
Prepared when the **exact scale and split of uses cannot be identified** at the planning application stage.

FRAMEWORK Travel Plan
The Framework is an **umbrella plan** used to devise subsequent individual plans for each element of the development. It sets out basic principles for the site as a whole.

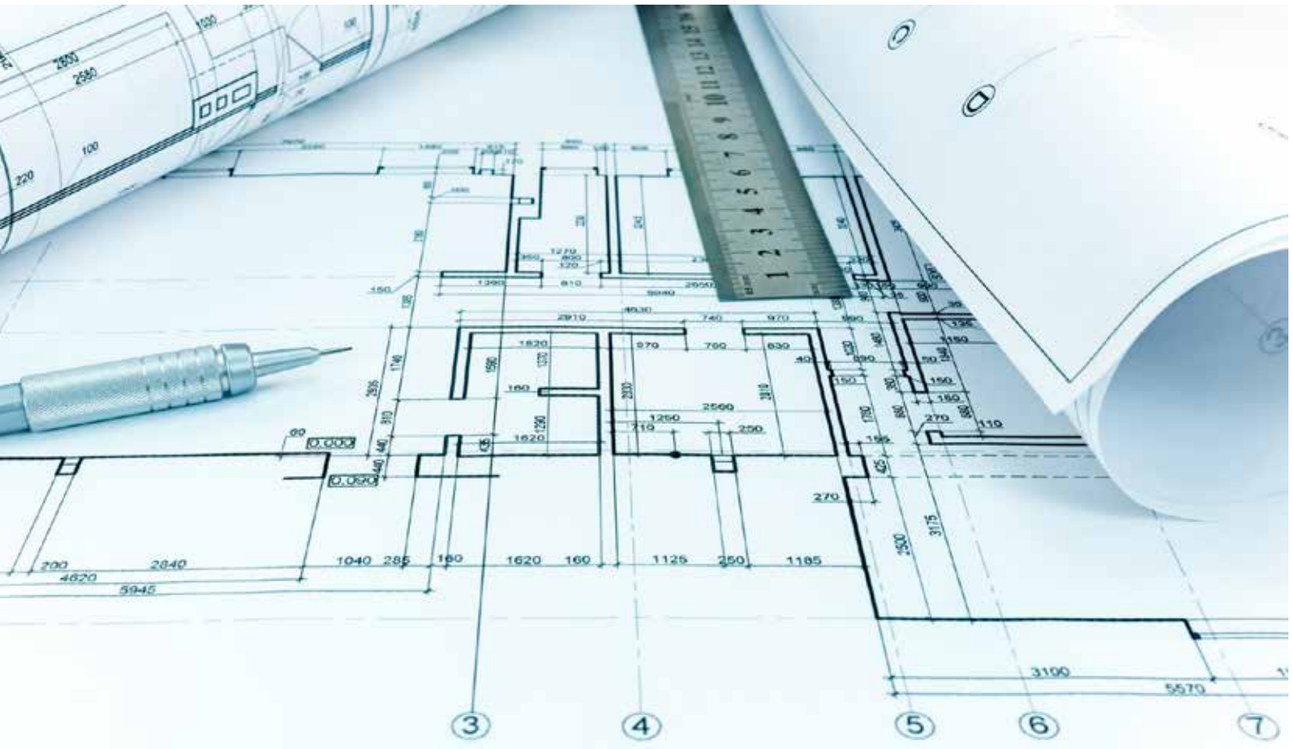
FULL Travel Plan
Prepared where the proposed use and accessibility needs are known.
Will be tailored to the **end occupier(s)** – eg residential / school / workplace

Travel Plan STATEMENT
For smaller developments.
Can take the form of an '**Action Plan' promoted by the developer** or occupier of the site

4.1 Securing the Travel Plan

Travel plans will be secured through a Section 106 obligation, which requires the legal binding of a Section 106 agreement. Section 106 agreements are more effective in securing travel plans given the range of elements required within them.

In some circumstances, Swindon Borough Council may use a planning condition to secure the travel plan or Travel Plan Statement. You can find our model conditions in Appendix B



5. Options for producing the travel plan

Developers find that implementing a travel plan over a lengthy period can be a challenge, and Swindon Borough Council are able to take enforcement action against developers who fail to implement their travel plan obligations.

For this reason, Swindon Borough Council offers two options.

5.1 Option One - Swindon Borough Council takes responsibility for managing and implementing the travel plan on behalf of the developer in return for a set contribution.

Swindon Borough Council would be responsible for the implementation of the travel plan, incentives, and the appointment of a designated travel plan coordinator. The travel plan coordinator (TPC) takes responsibility for implementing the travel plan, and provides a contact point for the plan.

This option requires a "per dwelling" (for residential) or "per square metre" (for employment) contribution. The contribution would only be repayable on expiry of planning permission with no building having commenced.

This option removes any responsibility from the developer for the implementation of the plan (other than providing hard infrastructure measures such as signage, lighting, walking/cycling paths, cycle parking etc, which are secured separately to the travel plan).

To ensure the travel plan duties are undertaken in a timely fashion, contributions via a Section 106 agreement will be requested in line with the suggested trigger points outlined in Table 1.1 below. The trigger points are subject to the size and nature of the development can be agreed within the legal agreement.

Table 1.1 – Suggested phasing of Section 106 contributions

Phase of development	% of contribution due
Commencement of development	25%
1st occupation	20%
50% occupation of site	40%
100% occupation of site	15%

Although it is not compulsory to choose Option One and pay the travel plan contribution, SBC consider this is a effective option for all concerned. The alternative is Option Two.

5.2 Option Two - The owner / developer retains responsibility for managing and implementing the travel plan, and also pays a bond / monitoring fee. This bond would be repayable on successful completion of the travel plan, minus the monitoring fee (deposit).

Under this option, the developer/owner retains responsibility for funding and implementing the travel plan, its incentives and measures, the appointment and retention of a travel plan coordinator, monitoring for a period covering full build out and occupation, and identifying remedial measures.

In addition to funding the travel plan, this option also requires a bond to be paid to Swindon Borough Council, repayable on successful completion of the travel plan. A travel plan monitoring fee is also required, which is non-refundable. Swindon Borough Council would retain the bond in order to implement remedial measures if the developer/owner does not meet the agreed set targets and / or comply with the agreement.

A travel plan submitted by a developer would need to meet the required specifications set out in this guidance, detailed at Chapter 6 (Employment) and Chapter 7 (Residential).

The costs of each option, and their justifications are outlined in more detail in Appendix A.

5.3 Introducing STARS Business and STARS Community (formerly Starsfor) (https:/starsfor.org)

STARS Business and STARS Community (formerly known as STARSfor) is the national travel plan rating scheme that has been established to recognise excellence in supporting walking, cycling and other forms of sustainable transport. It is an online platform where residential or business travel plans can be stored, developed, managed and monitored over time. The platform is free for all Swindon based organisations and developers to use, and is suitable for workplaces, retail, leisure, residential sites and colleges / universities. Schools and nurseries are covered separately.

STARS Business and STARS Community allows users to collect data and information linked to a site or a collection of sites and to input into the system. This process is more efficient than paper and PDF travel plans. Users of the system will save time when putting together a travel plan and they will be able to access and update their site's information online at any time.

Five steps to getting started with STARS

1. Visit ***https://starsfor.org/*** and choose Swindon from the list of local authorities that appears.
2. Select the ***'Register'*** tab from the top right corner of the page.
3. From the registration page, enter your name, select ***'Site'*** and then select the role that is most appropriate to you (e.g. Consultant / Travel Plan Champion).
4. Ensure ***'Your LA'*** is Swindon and then select your site from the drop down menu. If you have contacted SBC's travel plan officer to discuss, then your site will be listed. If your site is not listed, please select ***Other*** and enter the name of the development / site / company.
5. Complete the rest of the registration form and then select ***'Register'***.

Once registered, the Local Authority will approve your access and you can then work on the travel plan. A full user guide is available at www.swindontravelchoices.co.uk/resources

Creating your travel plan

For developers choosing **Option One** above, please complete the site details within the Site Audit section of the system. This is all that is required, as Swindon Borough Council will take responsibility for the remainder of the plan and its implementation.

For developers choosing **Option Two** above, please complete the full travel plan within the Stars system, detailed at Chapter 6 (Employment) and Chapter 7 (Residential). You will need to liaise with the travel plan officer to assign a survey through the system, and to set targets. For consistency, a minimum set of actions are required in the sustainable travel action plan. These are set out in Chapter 6 (Employment) and Chapter 7 (Residential). Plans will not be approved without the minimum actions in place.

5.3 Introducing STARS Education for schools

Modeshift STARS Education is the national travel plan rating scheme for schools that has been established to recognise excellence in supporting walking, cycling and other forms of sustainable transport. It is an online platform where travel plans can be stored, developed, managed and monitored over time. STARS is free for all Swindon based schools (primary and secondary) to use.

STARS allows users to collect data and information linked to a school site and to input into the system. This process is more efficient than paper and PDF travel plans. Users of the system will save time when putting together a travel plan and they will be able to access their sites information online at any time. Schools can also aim for bronze, silver and gold accreditation.

More detail on producing school travel plans is given in Chapter 8

6. Employment travel plans

Table 2 below relates to headings required for an employer travel plan produced in Stars Business. Framework and Interim travel plans can be inputted into the system, but the full travel plan of the end occupier will also be required as the main evidence of implementation.

Under Option One, Swindon Borough Council will follow this structure, and under Option Two, the developer will be responsible for ensuring that all headings are completed and updated for the duration of the travel plan obligation.

Table 2 – Section and Requirements

1. About the site	**Basics are required about the employment site, such as** • Site name, address, introduction to the organisation • Details of occupation and build out • Main contacts, including senior management • Details of Travel Plan Coordinator(If not yet appointed, the authors of the travel plan will be held accountable as the Travel Plan Coordinator until this field is updated). A TPC needs to be appointed prior to first occupation and employed for a minimum of 5 years, or until completion of the plan, whichever is later. • Aims and objectives of travel plan
2. Working Group	• Add working group contacts in this section, once known. (This may include developer, other sections of the organisation (eg HR / Facilities), public transport operator, neighbouring business contacts, and resident group.)
3. Site Audit	**Site Audit** This section deals with the operational side of the development, such as • Location details, site plans, layouts • Details of staff, visitors and deliveries, such as numbers, working patterns, opening hours, sickness levels (once known) • Travel and transport infrastructure (eg cycle stands, storage, facilities, bus routes and stops, access arrangements) • Arrangements for car travel and parking The site audit should be reviewed and resubmitted annually.
4. Travel Surveys	• Swindon Borough Council's travel plan officer will assign a staff travel survey through the system – this can be completed electronically or on paper (and inputted into the system), or a mixture of both. • Prior to development, baseline data can be ascertained using census data for the relevant ward (available from the Office for National Statistics), or data from a similar organisation, or the same organisation in a different town. This data can be uploaded as PDF or image file from the "Additional Surveys" tab. Trip rates – if you have them - can be stored here too. • We require a baseline staff survey to be undertaken on Stars Business within 3 months of first occupation, and annually thereafter for the life of the travel plan. • Automatic Traffic Counts may also be appropriate over the same timescales. • A response rate of 30% and higher is acceptable for travel surveys.
Targets	• From the baseline survey, we require a target to be set to reduce single occupancy vehicle trip rates. As a guide we suggest a target of 8-10 percentage point reduction over the life of the travel plan, to be agreed with SBC. These targets can be negotiable, depending on the nature and location of the development. With the decrease of car rates, an increase in active travel, public transport use and reducing the need to travel (i.e. by working from home / video conferencing) should be evidenced.
5. Travel and transport issues	• This section is to record issues associated with the development site as they develop
6. Sustainable Travel Action Plan	This is a key section to add, create and report on actions that support, encourage and promote sustainable travel at your site. See table 3 below. Developers choosing Option Two will need to include the minimum requirement of each section for their plans to be approved. For larger or more complex sites, we will be looking for recommended requirements to be met, where appropriate. The list below is not exhaustive and additional measures are welcomed.

Table 3 below outlines items for a Sustainable Travel Action plan. For developers choosing Option Two, we will require commitment to the minimal requirements to be met in order to approve your plan.

The minimal requirements match the level of provision given by SBC for developers choosing Option One.

Table 3 – Sustainable Travel Action Plan

Car Travel Disincentives	
Minimal Requirement for all sites	• Provide directions to the site (online and embed into marketing materials) that promote active travel, public transport and car sharing over solo car travel. • Regular monitoring of car park capacity and take steps to address any issues around excess demand for spaces.
Recommended Requirement	• Consideration of how parking will be managed. This may include permits, barriers, car share areas, charging. • Develop business mileage policy that encourages local journeys to be undertaken by sustainable travel. • Enforcement action for unauthorised parking • Incentives for commuting by sustainable means

Promotion of walking	
Minimal Requirement for all sites	• Provision of walking maps / magazines / websites for users of the site • Provision of personalised route maps for commuting to work on foot as part of a Personalised travel planning offer • Provide pool umbrellas at reception to aid trips on foot • Hold annual pedometer challenges for staff • Hold promotional events for users of the site as part of "Walk to Work week"

Promotion of cycling	
Minimal Requirement for all sites	• Provision of cycling maps / magazines / information for users of the site • Cycle maps provided within new starter welcome pack and on the company intranet. • Borrow a bike scheme – Free use of a bicycle for up to 4 weeks to "try cycling". Employees taking up the offer should be helped to purchase a bike afterwards through (for example) a bike discount voucher, cycle to work scheme and information about local bike shops. • Promote Active Swindon Challenge to staff and encourage a work team, or departmental teams for larger organisations. • Regular (at least 2 annually) events for users of the site - such as bike breakfasts and doctor bike sessions, security bike marking, led bike ride, cycle skills training
Recommended Requirement	• Cycling club and / or Bike User Group set up for staff • Pool bike scheme • CCTV installed in the bike sheds • Lockers and showers available • Cycle to work scheme for staff

Public transport actions	
Minimal Requirement for all sites	• Active dissemination of public transport information. Information on public transport options should be actively disseminated in new starter welcome packs and on the employer's website. • Current bus timetables should be made available on noticeboards, online and at reception • Employees offered a week's pass to try the bus for free. • Event to promote "Catch the Bus week" each year
Recommended Requirement	• Mechanism to provide bus season tickets / loans for staff • Real time bus information in the office • Promote bus / rail travel for business journeys

Monitoring Actions	
Minimal Requirement for all sites	• Baseline staff travel survey within 3 months of first occupation, followed by annual staff travel survey for at least 5 years subsequently. • Review actions annually and update according to survey results • Physical trip counts annually across all modes at the development entry and exit points • Annual report to monitor progress towards targets, and report on activity over the past 12 months. Submit to developer (Option One) or SBC (Option Two)
Recommended Requirement	• Counts of bikes on bike stands • Increase bike stands if demand exceeds capacity

Smarter Driving Actions (inc car sharing)	
Minimal Requirement for all sites	• Promotion of a car-share matching service There is already a recognised car share matching service in Swindon that may be promoted (www.carshareswindon.com) • Free membership to the car club if applicable (town centre employment sites) • Annual event (eg coffee morning) for staff to meet each other with a view to setting up car share arrangements.

Promotion, Communications and Events Actions	
Minimal Requirement for all sites	• Sustainable transport information on the company website and in-tranet • Welcome packs for new starters to contain: - Details of online journey planning - Local bespoke travel map - Swindon Cycle Map - Local Get Walking magazine - Swindon Cycling magazine - Advice leaflets (range) - Details of the Active Swindon Challenge - Car share information - Details of Swindon Cycle campaign - Details of development website / journey planner - Car Club information / membership voucher (if relevant) - Bus timetables, details of ticketing options, smartcard details and voucher for a week's pass • Company travel policies / benefits • Promotional events • The Travel Plan Coordinator should conduct two promotional events each year, it is often appropriate to use national' events such as bike to work day, catch the bus week or liftshare week.
Recommended Requirement	• Commitment for the travel plan Coordinatorto undertake free travel plan training, courtesy of **www.travelplans365.com** • Travel plan Coordinatorto join SWIFT – the free travel plan network for Swindon businesses.

Failsafe Mechanisms

For developers choosing Option Two, mechanisms need to be in place to ensure that best endeavors are made to meet the travel plan targets. Funds from the bond will need to be retained to allow Swindon Borough Council to implement additional measures if the targets set are not met.

Examples of remedial measures could include – but is not limited to:

- Intensified Personalised Travel Planning with staff
- Additional promotional events
- Creation of walking groups for commuters
- Cycle training for individuals or teams
- Use of video to promote infrastructure, or highlight routes, incentives and interventions
- Traffic Regulation Orders (TROs)
- Implementation of "real time" information boards

Evaluation Criteria

*For developers choosing **Option Two**, we will evaluate the initial travel plan using the following criteria:*

1. To approve the travel plan, **all sections in Stars Business** (outlined in Table 2 above) need to be completed and kept up to date.
2. We require a **named Travel Plan co-ordinator.** Where the TPC has yet to be appointed, an interim named contact (such as the author of the travel plan) will need to be retained and held responsible for the plan until the TPC is appointed
3. **Baseline survey data** is required to set targets from
4. **Targets need to be set.** We have suggested a minimum as a guide in Table 2, but these are negotiable depending on baseline data and level of infrastructure installed.
5. A commitment to **annual monitoring** is required for a period of the life of the travel plan; this can be included as an action in the Sustainable Travel Action Plan.
6. All the minimum requirements in the **Sustainable Travel Action Plan** (outlined in Table 3 above) need to be included with a realistic target date for completion.
7. For larger or more complex sites, recommended requirements from Table 3 will need to be included.

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7. Residential travel plans

Table 4 below relates to headings required for a residential travel plan produced in Stars Community.

Under Option One, Swindon Borough Council will follow this structure, and under Option Two, the developer will be responsible for ensuring that all headings are completed and updated for the duration of the travel plan obligation.

Table 4

1.About the site	**Basics are required about the employment site, such as** • Site name, address • Details of occupation and build out • Main contacts, including senior management • Details of Travel Plan Coordinator(If not yet appointed, the authors of the travel plan will be held accountable as the Travel Plan Coordinator until this field is updated). A TPC needs to be appointed prior to first occupation and employed for a minimum of 5 years, or until completion of the plan, whichever is later. • Aims and objectives of travel plan
2. Working Group	• Add working group contacts in this section once known. (This may include developer, public transport operator, neighbouring business contacts, and resident group.)
3. Site Audit	**This section deals with the operational side of the development, such as** • Location details, site plans, layouts • Travel and transport infrastructure (eg cycle stands, storage,facilities, bus routes and stops, access arrangements) • Arrangements for car travel and parking We require the site audit to be reviewed and resubmitted annually.

4. Travel Surveys	• The travel plan officer will assign a resident travel survey through the system – this can be completed electronically or on paper (and inputted into the system), or a mixture of both. • Prior to development, baseline data can be ascertained using census data for the ward, or data from a similar development. This data can be uploaded as PDF or image file from the "Additional Surveys" tab. Trip rates can be stored here too. • We require a baseline resident survey to be undertaken upon 30th occupation, and annually thereafter for the life of the travel plan • Automatic Traffic Counts may also be appropriate over the same timescales. • A response rate of 30% and higher is acceptable for resident travel surveys.
Targets	• From the baseline survey, we require a target to be set to reduce single occupancy vehicle trip rates. As a guide we suggest a target of 8-10 percentage point reduction over the life of the travel plan, to be agreed with SBC. These targets can be negotiable, depending on the nature and location of the development. With the decrease of car rates, an increase in active travel, public transport use and reducing the need to travel (i.e. by working from home / video conferencing) should be evidenced.

5. Travel and transport issues	• This section is to record issues at the development site as they develop

6. Sustainable Travel Action Plan	• This is a key section to add, create and report on actions that support sustainable travel at your site. See table 3 below. Developers choosing Option Two will need to include the minimum requirement of each section for their plans to be approved. • For larger or more complex sites, we will be looking for recommended requirements to be met, where appropriate. The list below is not exhaustive and additional measures are welcomed.

Table 5 – Section and Requirements

Car Travel Disincentives	
Minimal Requirement	• Provide directions to the site (online and embed into marketing materials) that promote active travel, public transport and car sharing over solo car travel. • Regular monitoring of on street parking and take steps to address any issues around problem parking.

Promotion of walking	
Minimal Requirement	• Provision of walking maps / magazines for residents • Provision of personalised route maps for regular journeys on foot as part of a Personalised travel planning offer • Hold annual pedometer challenges for residents (as part of Active Swindon Challenge) • Hold promotional events as part of "Walk to Work week"

Promotion of cycling	
Minimal Requirement	• Provision of cycling maps / magazines / information for users of the site • Cycle maps provided within new starter welcome pack and on the company intranet. • Borrow a bike scheme – Free use of a bicycle for up to 4 weeks to "try cycling". Employees taking up the offer should be helped to purchase a bike afterwards through (for example) a bike discount voucher, cycle to work scheme and information about local bike shops. • Promote Active Swindon Challenge to staff and encourage a work team, or departmental teams for larger organisations. • Regular (at least 2 annually) events for users of the site - such as bike breakfasts and doctor bike sessions, security bike marking, led bike ride, cycle skills training
Recommended Requirement	• Cycling club and / or Bike User Group set up for residents

Public transport actions	
Minimal Requirement	• Active dissemination of public transport information. Information on public transport options should be actively disseminated in householder welcome packs and on the development website. • Residents offered a week's pass to try the bus for free. • Event to promote "Catch the Bus week" each year
Recommended Requirement	• Real time bus information at the development's bus stops

Monitoring Actions	
Minimal Requirement	• Baseline resident travel survey within 3 months of first occupation, followed by annual travel surveys for the life of the travel plan • Review actions annually and update according to survey results • Physical trip counts annually across all modes at the development entry and exit points • Annual report to monitor progress towards targets, and report on activity over the past 12 months. Submit to developer (Option One) or SBC (Option Two)
Recommended Requirement	• Counts of bikes on bike stands in community spaces (if applicable) • Increase bike stands if demand exceeds capacity

Smarter Driving Actions (inc car sharing)	
Minimal Requirement	• Promotion of a car-share matching service There is already a recognised car share matching service in Swindon that may be promoted (www.carshareswindon.com) • Free membership to the car club (town centre sites) • Annual event (eg coffee morning) for residents to meet each other with a view to setting up car share arrangements.
Recommended Requirement	• Promote eco driving • Installation of electric charging points • Provide space for car club vehicle for developments in excess of 500 dwellings

Promotion, Communications and Events Actions	
Minimal Requirement	• Sustainable transport information for residents on the development website • Sustainable transport information for residents on the development website • Householder welcome packs to contain: - Details of online journey planning - Local bespoke travel map - Swindon Cycle Map - Local Get Walking magazine - Advice leaflets (range) - Details of the Active Swindon Challenge - Car share information - Details of Swindon Cycle campaign - Details of Borrow a Bike scheme - Car Club information / membership voucher (if relevant) - Bus timetables, details of ticketing options, smartcard details and voucher for a week's pass. • Promotional events • The Travel Plan Coordinator should conduct two promotional events each year, it is often appropriate to use national' events such as bike to work day, catch the bus week or liftshare week.
Recommended Requirement	• Commitment for the travel plan Coordinatorto undertake free travel plan training, courtesy of **www.travelplans365.com**

Failsafe Mechanisms

For developers choosing Option Two, mechanisms need to be in place to ensure that best endeavors are made to meet the travel plan targets. Funds from the bond will need to be retained to allow Swindon Borough Council to implement additional measures if the targets set are not met.

Examples of remedial measures could include – but is not limited to:

- Intensified Personalised Travel Planning with residents
- Additional promotional events
- Cycle training for individuals or families
- Use of video to promote infrastructure, or highlight routes, incentives and interventions
- Traffic Regulation Orders (TROs)

Evaluation Criteria

For developers choosing Option Two, we will evaluate the initial travel plan using the following criteria:

1. To approve the travel plan, **all sections in Stars Community** (outlined in Table 4 above) need to be completed and kept up to date.
2. We require a **named Travel Plan co-ordinator.** Where the TPC has yet to be appointed, an interim named contact (such as the author of the travel plan) will need to be retained and held responsible for the plan until the TPC is appointed. The TPC will need to be appointed prior to occupation and be retained for the life of the travel plan.
3. **Baseline survey data** is required to set targets from
4. **Targets need to be set.** We have suggested a minimum as a guide in Table 4, but these are negotiable depending on baseline data and level of infrastructure installed.
5. A commitment to **annual monitoring** is required; this can be included as an action in the Sustainable Travel Action Plan.
6. All the minimum requirements in the **Sustainable Travel Action Plan** (outlined in Table 3 above) need to be included with a realistic target date for completion.
7. For larger or more complex sites, recommended requirements from Table 3 will need to be included.

Smaller residential developments

Developments between 20 and 60 dwellings

Option One is not appropriate for developments of between 20 and 60 dwellings, so developers are responsible for these requirements. However, no bond will be taken and the travel planning requirement can be secured by condition.

A shorter travel statement will be required within Stars Community, along with commitment to providing the following;

- Cycle storage for residents and visitors as per Swindon Borough Council's cycle parking guidelines.
- Household travel information packs along with the option of choosing either a monthly bus pass (value approx £50) or a cycle discount voucher of equivalent value. The packs should include details about the local walking, cycling and bus routes and time, the car share scheme, localised maps, contact details of where to find out more information and the facilities and incentives available.
- Telecommunication points to allow on-line shopping and home working, reducing the need for travel
- Travel information provision and promotion of sustainable transport in estate agents / show rooms etc.

Developments of flats and apartments

Cycle parking will be required for all flats/apartments regardless of the size of development. This will depend on the density of flats and location but as a general rule, there should be one space provided per flat. Visitor cycle parking is also required; the number of stands will depend on the size of development, number of blocks etc.

Cycle parking for residential developments should be as per Swindon Borough Council's Cycle Parking Guidelines.

Developments with less than 1:1 car parking ratios

Given that this will mean some households will have no access to a car, provision for other modes of transport are essential. Additional travel plan measures, such as a car club, are likely to be requested for such developments. Where the majority of houses have parking but some don't, additional incentives should be provided to these households (e.g. free car club membership, cycle vouchers in addition to bus passes for the household, taxi discounts etc).

These should be discussed with Swindon Borough Council prior to the submission of a planning application.

8. School travel plans

All new schools in Swindon are required to submit and implement a travel plan. We define a school as any educational facility for children up to the age of 16, including (but not limited to) nurseries, primary, secondary, academy, independent, Voluntary Aided and SEN.

A School Travel Plan (STP) is a document which sets out how a school will promote safer, active and sustainable travel to school, with the main emphasis being on reducing the number of children being driven to and from school. A good STP should be based on consultation with teachers, parents, pupils and governors and the local community.

In order to ensure that the plan remains relevant and appropriate to changing circumstances it is essential that the plan is reviewed and updated regularly.

Using Modeshift STARS Education to support your planning application

Swindon Borough Council are now incorporating Modeshift STARS into the planning process to make it easier for schools to implement and maintain their STP once the development has been completed.

The information required to support a planning application should be submitted via an Interim School Travel Plan form – See http://www.swindontravelchoices.co.uk/business/travel-plans-guidance/.

The Interim School Travel Plan form is designed in such a way as to allow the information to be transferred easily to the School's STARS application once the development is complete. The STARS application will then become the School's live travel plan and should continue to be maintained.

In particular, as a minimum standard we will be looking for

- A **designated STP champion** / co-ordinator
- Establishment of a **working group**
- Clear identification of the **travel and transport issues** (that the plan will seek to mitigate)
- **Travel surveys** and consultation exercises undertaken at least yearly
- **A range of initiatives** to increase active and sustainable travel to the site that will be implemented before and after occupation – We advise using Modeshift Stars list of initiatives
- **Monitoring schedule**
- A ***commitment to achieve accreditation:*** bronze accreditation within 1 year of opening, and silver accreditation (or higher) within 5 years.

There is no Option One for schools, as the school community need to take responsibility for its own travel plan, and embed this into the school culture for future generations. Swindon Borough Council will not be seeking a bond nor monitoring fee for School Travel Plans.

9. Contacts and links

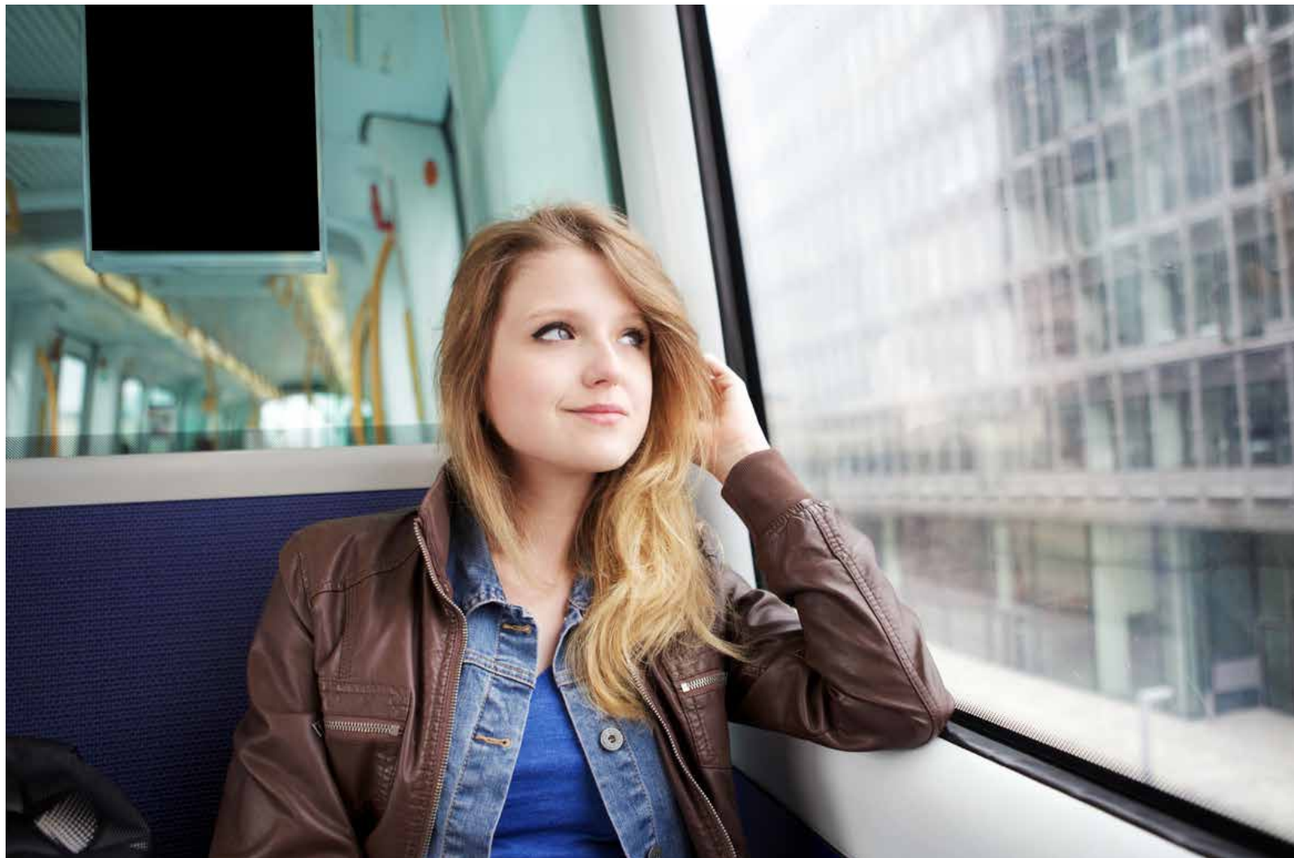
For further information and advice on travel plans contact:

Travel Plan Officer
Swindon Borough Council
Wat Tyler House
Beckhampton Street
Swindon
Wiltshire
SN1 2JH

Email: transportplanning@swindon.gov.uk

Transport Development Management Team
Swindon Borough Council
Wat Tyler House
Beckhampton Street
Swindon
Wiltshire
SN1 2JH

Email: TransportDevelopment@swindon.gov.uk



Appendices

APPENDIX A

Example of contribution costs under Option One and Option Two

1. Employment Travel Plan

The ***Employment Travel Plan package*** (Option One) would require a 'per square metre' (GFA) contribution from each developer to Swindon Borough Council, who would then effectively adopt the management, implementation and monitoring of the travel plan for the development.

Benefits of the Employment Travel Plan Package

By committing to the ***Employment Travel Plan package***, the developer is benefitting from the scale and strategic nature of Swindon Borough Council's resources, rather than relying on the final occupiers creating their own individual travel plan. A Swindon wide approach to employment travel planning allows for stronger connections to be made between the new developments and existing communities, as well benefitting from economies of scale with town wide schemes, such as online travel surveys, a car club and "borrow a bike" scheme.

What measures are included in the Employment Travel Plan Package?

The breakdown of what will be provided under Option One for the ***Employment Travel Plan package***, has already been outlined in Chapter Six.

What level of funding are developers required to contribute to join the Employment Travel Plan package?

The level of funding required to join the ***Employment Travel Plan package*** is outlined in Table 6 on page 29. This amount has been calculated using costs for the measures outlined in Chapter Six multiplied up over a proposed 5 year delivery period. We can then convert this per employee cost to a square metre [1] (GFA) cost- per land use- using the HCA employment densities table [1]. This amount is index linked (base date July 2019.

Is it a compulsory charge?

It is not compulsory to pay the Employer Travel Plan contribution, but SBC consider it a more cost effective option for all concerned. Furthermore, the developer would be released from certain obligations such as monitoring their development after construction commences.

[1] *https://www.gov.uk/government/publications/employment-densities-guide-3rd-edition*

Table 6 below demonstrates the contribution cost per square metre GFA based on the planning land use.

Land Use	Cost per square metre (GFA)
A1 Retail - Food	£28.10
A1 Retail – Non food	£28.10
A2 Financial and Professional	£35.13
A3/A4/A5 Food and Drink	£28.10
B1 including Offices	£46.84
B2 Industrial	£15.61
B8 Warehousing and Distribution	£8.03
C1 Hotels	£281.07 per bedroom
C2 Residential Institutions • Hospitals and nursing homes • Residential education • Hostels	£281.07 per bed
D1 Non-residential institutions	Discuss with Swindon Borough Council : Based on predicted staffing and user levels
D1 Schools	No contribution sought
D1 Higher and Further Education	Discuss with Swindon Borough Council : Based on predicted staffing and student levels
D2 Assembly and Leisure	Discuss with Swindon Borough Council : Based on predicted staffing and customer levels

What if I decide to do Option Two instead?

Developers can choose to be responsible for funding and implementing their own travel plan, including providing incentives, the appointment of a travel plan coordinator, conducting monitoring and implementing remedial measures should targets not be met. **This option also requires a bond,** repayable on successful completion of the travel plan, or retained to implement remedial measures if the developer/owner does not meet the set targets and / or comply with the S106 agreement.

The bond for Option Two (in addition to funding the travel plan) will follow the same cost as the "per square metre" costs outlined in Table 6 above. We also require a **non-refundable monitoring deposit** of £4710 for a travel plan covering 5 years. For developments phased beyond a five year period, further monitoring deposits would be required.

For illustration purposes, the contributions for the following sized developments would be as follows;

Employment Land	Option One	Option Two [2]
1000 Sq metre A1 food store	£28,100	£28,100 + £4710
5000 Sq metre B8 distribution warehouse	£40,150	£40,150 + £4710
200 bedroom hotel	£56,214	£56,214 + £4710

[2] *This bond / deposit is on top of the costs to implement your own travel plan. The bond is refundable on successful completion and achieving targets, but the £4710 monitoring contribution is not.*

2. Residential Travel Plan

The residential travel plan package would require a 'per dwelling' contribution from each developer to Swindon Borough Council, who would then effectively adopt the management, implementation and monitoring of the travel plan for the development.

Benefits of the Residential Travel Plan Package
By committing to the Residential Travel Plan package, the developer is benefitting from the scale and strategic nature of Swindon Borough Council's resources, rather than creating their own individual travel plan. A Swindon wide approach to residential travel planning allows for stronger connections to be made between the new developments and existing communities, as well benefitting from economies of scale with town wide schemes, such as a car club and "borrow a bike".

What measures are included in the Residential Travel Plan Package?
The breakdown of what will be provided under Option One for the Residential travel plan has already been outlined in Chapter Seven.

What level of funding are developers required to contribute to join the Residential Travel Plan?
The level of funding required to join the Residential Travel Plan package is £288.00 per dwelling. This amount is index linked (base date July 2019) This has been calculated by determining costs for the measures outlined in Chapter Seven over the proposed delivery period. This approach is considered to offer greater benefits to SBC, developers and prospective residents, rather than through the delivery of piecemeal travel plans.

Is it a compulsory charge?
It is not compulsory to pay the Residential Travel Plan contribution, but SBC consider this is a more cost effective option for all concerned. Furthermore, the developer would be released from certain obligations such as monitoring their development for years after construction commences.

What if I decide to do Option Two instead?
Developers can choose to be responsible for funding and implementing their own travel plan, including providing incentives, the appointment of a travel plan coordinator, conducting monitoring and implementing remedial measures should targets not be met.

This option requires an additional bond, repayable on successful completion of the travel plan, or kept to implement remedial measures if the developer/owner does not meet the set targets and / or comply with the S106 agreement.

We also require a non-refundable monitoring deposit of £4710 for a travel plan covering 5 years. For developments phased beyond a five year period, further monitoring deposits would be required.

For illustration, the contributions for the following sized developments are as follows;

Residential Units	Option One	Option Two [2]
60	£17,280	17,280 + £4710
90	£25,920	£25,920 + £4710
150	£43,200	£43,200 + £4710
250	£72,000	£72,000 + £4710
500	£144,000	£144,000 + £4710
1000	£288,000	£288,000 + £4710

APPENDIX B

Example S106 agreements

Condition

A condition is only suitable for physical infrastructure required as a means of aiding the measures of the travel plan. For example: A pedestrian and/or cycle way that could be promoted and would offer improved access and/or a link to local services.

Some smaller developments could also have their travel plan or travel plan statement secured by condition.

Contribution

Contributions will be agreed on a development specific basis, please refer to Appendix A above for levels of contribution.

Legal Agreement (Section 106)

Travel plans should be secured through legal agreements to ensure ample flexibility and the ability to include related costs and contributions.

Example clauses

We have provided some example Section 106 templates below. These are for guidance only and agreements will be agreed on a development specific basis.

There are 5 template agreements;

Template 1- Residential Travel Plan Option One- contribution only (for SBC to deliver the travel plan)
Template 2- Employment Travel Plan Option One- contribution only (for SBC to deliver the travel plan)
Template 3- Residential Travel Plan Option Two- Implemented by Developer
Template 4- Employment Travel Plan Option Two- Implemented by Developer
Template 5- Planning condition for travel plan
Template 6- Planning condition for travel plan statement

Template 1

Residential Travel Plan Option One - contribution only (for SBC to deliver the travel plan)

'the Travel Plan'	means a plan on Modeshift Stars to deliver a modal shift away from the private car in favour of sustainable transport.
'the Travel Plan Contribution'	means the sum of XXX pounds (£XX) to be used towards:-
	(a) the production and implementation of the Travel Plan;
and	
	(b) the employment of a person or organisation (at the discretion of the Director) to co-ordinate the Travel Plan
and	
	(c) monitoring the Travel Plan

The Travel Plan Contribution
The parties hereby agree and covenant with each other that:-

(a) the Owner will pay the Travel Plan Contribution to the Council on the following trigger points;

Phase of development	% of contribution due
Commencement of development	25%
1st occupation	20%
50% occupation of site	40%
100% occupation of site	15%

(b) the Council will implement the Travel Plan in accordance with Schedule A

(c) in the event the targets in Schedule A are not met, the Council will continue travel planning activity at the Development for a further 2 years at its own cost.

SCHEDULE A
The council will undertake the following upon receipt of the Travel Plan Contribution

Travel Plan

The council will produce the Travel Plan on Modeshift Stars and make this available to all relevant parties.

Travel Plan Coordinator

The council will employ a named person to act as Travel Plan Coordinatorfor a minimum period of 5 and a half years. The Travel Plan Coordinatorwill be recruited no later than 3 months prior to first occupation.

Targets

Overall trip reduction rates by private car will be set at X% after X years from baseline data gathered at 30th occupation. There will be an interim target reduction of X% X years from baseline survey.

Monitoring

The council will undertake surveys upon 30th occupation and annually thereafter for a period of X years. The surveys will include, but not be limited to, resident surveys and traffic counts.

The council will produce an annual monitoring report outlining activity and survey results. The report will be made publically available to all relevant parties.

Sustainable Travel Action plan

The council will undertake the following activity to achieve the outcomes of the travel plan;

- Local sustainable travel information will be provided to sales office staff for distribution to prospective residents
- Householder welcome packs will be distributed when residents first occupy their new property. The packs will include travel maps for the local area, bus timetables, details of the car share scheme and an outline of special offers for the household.
- Special offers will be offered to each household. These include a free "borrow a bike" scheme, and week's pass to try the bus for free.
- The travel plan Coordinatorwill plan and hold promotional activities on the site – such as led bike rides or local walks, in addition to car share coffee mornings or events tied into national events (e.g. catch the bus week / bike week). There will be a minimum of two activities per year, increased in years 3-5 if targets are not on track to be met.

Remedial measures

If targets outlined above are not met after 5 years, the council will extend the employment of the travel plan coordinator for a further two years to continue travel planning activity outlined above at its own cost.

Template 2

Employment Travel Plan Option One - contribution only (for SBC to deliver the travel plan)

'the Travel Plan'	means a plan on Modeshift Stars to deliver a modal shift away from the private car in favour of sustainable transport.
'the Travel Plan Contribution'	means the sum of XXX pounds (£XX) to be used towards:-
	(a) the production and implementation of the Travel Plan;
and	
	(b) the employment of a person or organisation (at the discretion of the Director) to co-ordinate the Travel Plan
and	
	(c) monitoring the Travel Plan

The Travel Plan Contribution
The parties hereby agree and covenant with each other that:-

(a) the Owner will pay the Travel Plan Contribution to the Council on the following trigger points;

Phase of development	% of contribution due
Commencement of development	25%
1st occupation	20%
50% occupation of site	40%
100% occupation of site	15%

(b) the Council will implement the Travel Plan in accordance with Schedule A

(c) in the event the targets in Schedule A are not met, the Council will continue travel planning activity at the Development for a further 2 years at its own cost.

SCHEDULE A
The council will undertake the following upon receipt of the Travel Plan Contribution

Travel Plan

The council will produce the Travel Plan on Modeshift Stars and make this available to all relevant parties.

Travel Plan Coordinator

The council will employ a named person to act as Travel Plan Coordinatorfor a minimum period of X years. The Travel Plan Coordinatorwill be recruited no later than 3 months prior to first occupation.

Targets

Overall trip reduction rates by private car will be set at X% after 5 years from baseline data gathered at 30% occupation. There will be an interim target reduction of X% X years from baseline survey.

Monitoring

The council will undertake surveys upon minimum 30% occupation and annually thereafter for a period of X years. The surveys will include, but not be limited to, staff surveys and traffic counts.

The council will produce an annual monitoring report outlining activity and survey results. The report will be made publically available to all relevant parties

Sustainable Travel Action plan

The council will undertake the following activity to achieve the outcomes of the travel plan;

- Local sustainable travel information will be provided to staff upon induction.
  The packs will include travel maps for the local area, bus timetables, and details of the car share scheme and an outline of special offers at the workplace.

- Special offers will be offered to the workplace. These include a free “borrow a bike” scheme, and week’s pass to try the bus for free.

- The travel plan Coordinatorwill plan and hold promotional activities on the site – such as led bike rides or local walks, in addition to car share coffee mornings or events tied into national events (e.g. catch the bus week / bike week). The will be a minimum of two activities per year, increased in years 3-5 if targets are not on track to be met.

Remedial measures

If targets outlined above are not met after X years, the council will extend the employment of the travel plan coordinator for a further two years to continue travel planning activity outlined above at its own cost.

Template 3

Residential Travel Plan Option Two - Implemented by Developer

‘the Travel Plan’	means a plan submitted on Modeshift Stars Community to deliver a modal shift away from the private car in favour of sustainable transport.

The Travel Plan
The parties hereby agree and covenant with the other that:

(a) prior to First Occupation the Owner / Developer will submit to the Director the Travel Plan on Modeshift Stars Community for his written approval.

(b) the Director shall provide his written comments on the documents submitted in accordance with sub-clause (a) of this Clause within 28 days of receipt of the same and confirm in so doing that it is approved (with or without amendment) or not approved and in the absence of a response in that period the document in question shall be deemed approved

(c) the Owner / Developer shall implement, monitor and review the Travel Plan at its own cost in accordance with the monitoring strategy as approved

Bond

The Owner hereby agrees with the Council that it will upon the execution hereof pay

(b) a bond in the sum of XXX pounds (£XXX)

(c) a monitoring contribution of £4710

Bond repayment

X% of the bond will be repaid if Travel Plan targets are met following monitoring at year X.
The remainder of the bond will be repaid if Travel Plan targets are met at year X.

Failure to meet targets by {date} will result in Swindon Borough Council using the bond to implement failsafe measures as outlined in the approved Travel Plan.

Template 4

Employment Travel Plan Option Two - Implemented by Developer

'the Travel Plan'	means a plan submitted on Modeshift Stars Business to deliver a modal shift away from the private car in favour of sustainable transport.

The Travel Plan
The parties hereby agree and covenant with the other that:

(a) prior to First Occupation the Owner / Developer will submit to the Director the Travel Plan on Modeshift Stars Business for his written approval.

(b) the Director shall provide his written comments on the documents submitted in accordance with sub-clause (a) of this Clause within 28 days of receipt of the same and confirm in so doing that it is approved (with or without amendment) or not approved and in the absence of a response in that period the document in question shall be deemed approved

(c) the Owner / Developer shall implement, monitor and review the Travel Plan at its own cost in accordance with the monitoring strategy as approved

Bond

The Owner hereby agrees with the Council that it will upon the execution hereof pay

(a) a bond in the sum of XXX pounds (£XXX)

(b) a monitoring contribution of £4710

Bond repayment

X% of the bond will be repaid if Travel Plan targets are met following monitoring at year X.
The remainder of the bond will be repaid if Travel Plan targets are met at year X.

Failure to meet targets by {date} will result in Swindon Borough Council using the bond to implement failsafe measures as outlined in the approved Travel Plan.

Template 5

Travel Planning condition

The development shall not be occupied until a travel plan has been submitted through Modeshift Stars Community / Modeshift Stars Business and agreed in writing by the Local Planning Authority.

The travel plan should set out:

i. objectives and targets for promoting sustainable travel,
ii. appointment, contact details and funding of a travel plan coordinator,
iii. details of an annual monitoring and review process,
iv. details of annual reporting to SBC,
v. means of funding of the travel plan, and;
vi. an implementation timetable, lasting at least 5 years and 6 months, including the responsible body for each action.

The approved travel plan shall be implemented prior to occupation of any part of the development and shall be continued thereafter in accordance with the details therein.

Reason: To reduce single occupancy car travel and to encourage and promote sustainable transport and travel in accordance with Policy TR1 of Swindon Borough Local Plan 2026.

Template 6

Travel Planning Statement condition

The development shall not be occupied until a Travel Plan Statement has been submitted through Modeshift Stars Community / Modeshift Stars Business and agreed in writing by the Local Planning Authority.

The Travel Plan Statement should set out:

i. objectives for promoting sustainable travel,

ii. contact details of a travel plan coordinator responsible for implementing the actions from the travel plan statement,

iii. an action plan, and;

iv. an implementation timetable, including the responsible body for each action.

The approved travel plan shall be implemented prior to occupation of any part of the development and shall be continued thereafter in accordance with the details therein.

Reason: To reduce single occupancy car travel and to encourage and promote sustainable transport and travel in accordance with Policy TR1 of Swindon Borough Local Plan 2026.

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Notes

Notes

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

Planning Committee **Date: 13 August 2019**

Author: Head of Planning, Regulatory Services, Heritage

Wards: Penhill and Upper Stratton Ward

Parishes: Stratton St Margaret Parish

1. Purpose and Reasons

1.1 To seek the approval of the Planning Committee for the adoption of a refreshed Development Brief for The Limes, 21 Green Road, Stratton St Margaret for Development Management purposes.

1.2 A Development Brief for The Limes was adopted by Planning Committee in January 2015. More recently the Head of Property Assets appointed the in-house Masterplanning, Design & Conservation Team to prepare this refresh of the development brief to update the document before going out to market and to ensure it reflects the current policy framework which required updating.

2. Recommendation

Planning Committee is requested to:

2.1 Approve the refreshed Development Brief for adoption for Development Control purposes.

2.2 Authorise the Head of Planning, Regulatory Services, Heritage and Libraries, to make minor typographical and presentational changes to the content of the document if required.

Further information on the subject of this report can be obtained from Peter Garitsis on Direct Dial No. 466744 or Email pgaritsis@swindon.gov.uk

3. Detail

3.1 In July 2013 Cabinet approval was given to complete the necessary agreements and documentation to enable the Head of Property Assets to dispose of The Limes and Palm Tree Lodge.

3.2 Since then the property remained in use by Swindon Borough Council. This occupancy is due to come to an end September/October this year, leaving the building and the site vacant.

3.3 There are a number of reasons for the proposed refreshing of the adopted brief:

- The adoption of the Swindon Borough Local Plan;
- The adoption of the Swindon Residential Design Guide SPD;
- The updates to the National Planning Policy Framework;
- The Setting of Heritage Assets Guidance by Historic England (updated 2017)
- The site needs to be marketed with up-to-date information so that future purchasers and applicants are fully aware and up to date with the policy context in making prospective bids to the Council;
- The document has been re-designed to be more attractive as a marketing tool to the property development market.

3.4 As with the previous development brief, the purpose of the refreshed document is to provide a framework of planning and design guidance for prospective purchasers and help maximise the disposal value of the site. The guidance seeks to ensure that a high quality residential development is achieved that respects The Limes, a Grade II listed building and the surrounding environment.

3.5 The brief will also be used to support the marketing of the property by identifying the form of development that is possible and acceptable. Any potential purchasers can use the brief as a base for site appraisals to inform any offer they make. Accordingly the brief has been prepared to set out the objectives and requirements to guide and encourage the redevelopment of the site and property.

3.6 The vision for the site is to convert The Limes, which is a grade II listed building, to a single residential unit and deliver new dwellings on land to the rear with access from Green Road. The listing includes several more recent additions and extensions and there may be opportunities to reconsider their retention in a future application.

3.7 The brief sets out a development concept for how the site could satisfactorily function and sets out the criteria for how the buildings could be designed and arranged, however such proposed development or alterations to the listed

building will be subject to future scrutiny and formal applications to the Local Planning Authority.

4 The Refresh

4.3 The level of changes made to the refresh of the Development Brief in terms of written content are minor and necessary to provide current context. These include updates to policy, more current site context photos and references to plans and sketches and new illustrations added in light of the existing narrative.

4.4 As the changes to the document are minor - involving graphic design and illustrative refreshes as well as updates of the information in light of policy changes, the need for further public consultation is considered unnecessary.

4.5 A full public consultation exercise was carried out previously with authority from Planning Committee, before the existing brief was adopted in 2015. This included consultation with Ward Members on the drafting of the document and a briefing session with local residents. The draft brief was posted on the Council's website and made available in the Council offices and the Parish Council offices. Local residents in Stratton St Margaret were consulted over an eight week period between 27th October 2014 and 22nd December 2014. No representations were received as result of the consultation.

4.6 The refreshed brief has been updated in consultation with the Council's Senior Conservation Officer and Planning Officers.

5 Next Steps

5.3 The adoption of the refreshed development brief will assist progress by setting out a clear and up to date set of planning requirements for the successful development of the site and by confirming that the Council is supportive of the redevelopment process in principle. Once adopted, the development brief will form a material consideration against which planning applications for the development of the site will be assessed.

6 Alternative Options

6.3 The alternative to producing a refreshed development brief would be to rely on the existing adopted brief which is out of date in policy terms. This approach may not provide adequate guidance for prospective developers and is unlikely to streamline the process. This in turn may fetter the speed at which the site disposal is possible, limit the commercial opportunity and interest in the site and/or negatively impact on the capital receipt that the Council receives.

6.4 The preparation of a refreshed brief is a positive move that could provide a catalyst for future investment and to realise the opportunity The Limes site brings.

Further information on the subject of this report can be obtained from Peter Garitsis on Direct Dial No. 466744 or Email pgaritsis@swindon.gov.uk

It also provides an up to date planning framework to promote interest in the site and guide and encourage co-ordinated redevelopment to secure benefits for the locality.

7 Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

7.3 A brief will help maximise the development value of the property within an approved planning framework. The capital receipt from the disposal of the property will be used by the Council in accordance with financial regulations.

Legal / Human Rights Implications

7.4 The purpose of the refreshed development brief is to ensure that decisions on planning applications accord with the Council's objectives for social and environmental improvements. This is to the benefit of the residents of the Borough of Swindon and is achieved within the framework of planning legislation.

7.5 The development proposal will be in general conformity with the Council's development plan and relevant national guidance. Colleagues in the Legal Department will deal with any documentation relating to the disposal of the property.

7.6 There are no human rights issues arising from this report and accompanying development brief.

Links to the Council Vision, Priorities and Pledges

7.7 The refreshed brief seeks to secure the quality of development to be constructed and therefore it is aligned with the vision for Swindon which seeks to ensure Swindon has all the positive characteristics of a British city with one of the UK's most successful economies and a model of well managed housing growth which supports new and existing communities.

7.8 A Diversity Impact Assessment (DIA) has not been completed for this report as it deals with the adoption of a Development Brief to aid the freehold disposal of land and buildings and their subsequent development and does not make any recommendations or have any implications that affect services that have not been previously addressed under the wider Swindon Programme estates rationalisation project.

7.9 The adoption of the refreshed brief will not create an adverse impact on the basis of age, disability, race, gender, sex, sexual orientation, religion or belief.

7.10 In addition to this, the refreshed brief provides an overarching Planning Framework based on the adopted Swindon Borough Local Plan 2026. The Local Plan has been subject to a Diversity Impact Assessment and therefore potential equality implications have also been assessed through this process too.

Risk Management

7.11 A Risk Assessment has been previously undertaken in respect of consultation with individuals and the local community under the Statement of Community Involvement June 2013.

7.12 Once vacant, the existence of a derelict site in this area would have an adverse impact on the local environment as well as potentially impacting on the well-being of residents.

7.13 A vacant building also has maintenance and security cost implications for the Council as owner.

8 Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- The Head of Planning, Regulatory Services, Heritage and Libraries
- Ward Members for Penhill and Upper Stratton
- Stratton St Margaret Parish Council

9 Background Papers

- Swindon Borough Local Plan 2026

Further information on the subject of this report can be obtained from Peter Garitsis on Direct Dial No. 466744 or Email pgaritsis@swindon.gov.uk

- National Planning Policy Framework 2019
- Swindon Residential Design Guide SPD;
- The Setting of Heritage Assets Guidance by Historic England (updated 2017)

The Limes

In principle the redevelopment of *The Limes* is appropriate. The site is located in a sustainable location within the urban area of Swindon and provides an opportunity to bring forward family housing within an established residential area.

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MDC

Swindon
BOROUGH COUNCIL

Introduction

This development brief has been prepared by the Masterplanning Design and Conservation Team (MDC) at Swindon to provide guidance for potential residential development at *The Limes* on land at Green Road, Stratton St Margaret, Swindon.

Redevelopment of *The Limes* offers a unique opportunity to improve and enhance the site whilst protecting and enhancing the special inherent features.

The information contained in this document provides a framework of planning and design guidance to encourage the site's redevelopment. The development brief also provides a summary of the site's features. This brief, once adopted will form part of the material planning considerations for the site.

Guidance on the further technical information required to inform and support the emerging development proposals is given within the Design Evolution section. These will need to be shared with the Council and other relevant stakeholders as part of the pre-application and planning process.

Location

The Limes site is located within the urban area of Swindon, less than 2 miles north of the town centre; FIGURE 1. To the east runs the A419 which connects with Cirencester to the north and junction 15 of the M4 approximately 4 miles to the south. Beyond this to the south runs the A346 to Marlborough and the A338 to Salisbury. The A420 to Oxford is also easily accessible to the east. Swindon Station which provides access to the main Bristol to Paddington line is less than 1.5 miles away.

There are bus routes from Swindon to Marlborough, Cricklade and Hungerford with more local services linking the town centre with the suburbs of the town and villages beyond.

FIGURE 1 SITE LOCATION

Site Context

The site measures approximately 0.318 hectares and lies to the north of Green Road within the Parish of Stratton St Margaret.

Employment, convenience shops, community facilities, schools, and health care facilities are all within walking distance of the site and are in keeping with an existing well established residential area.

The site contains one Listed Building 21, Green Road, referred to as the '*The Limes*', and another adjacent, 19, Green Road FIGURE 2.

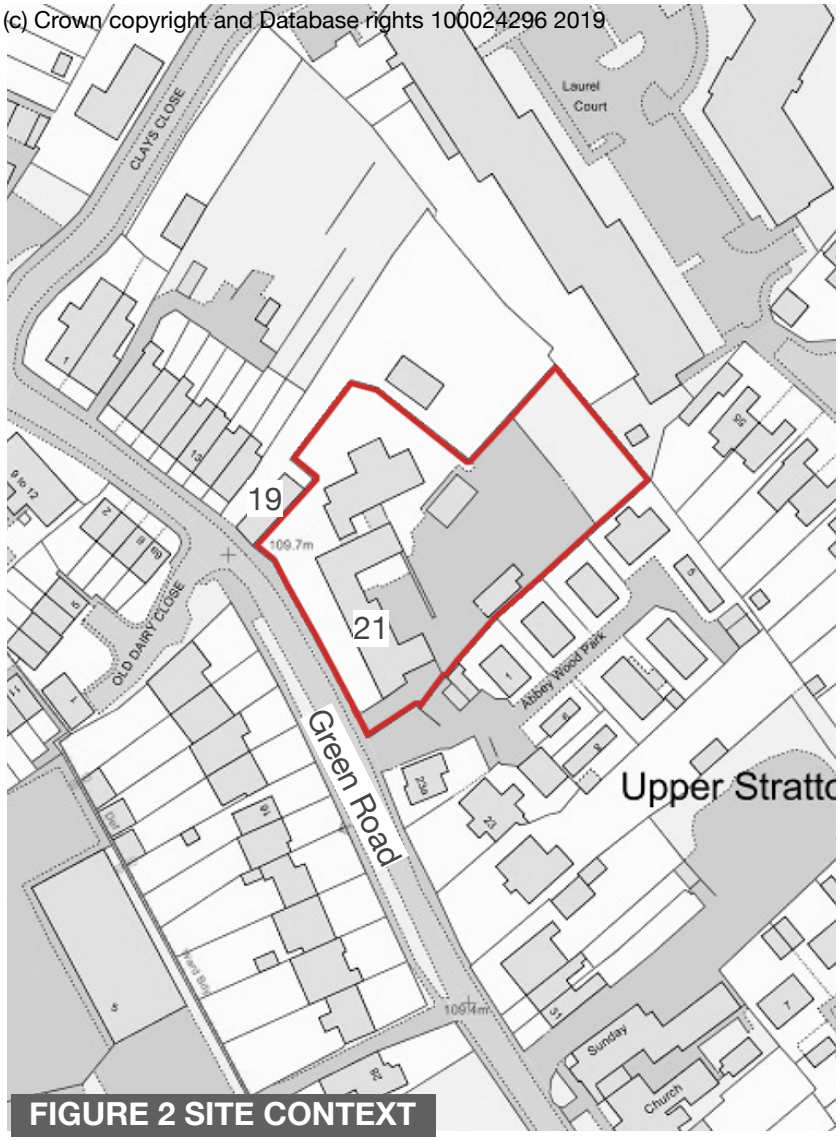


FIGURE 2 SITE CONTEXT

Stratton started off as a small village with a church dating from the 13th century which now forms part of the Parish of Stratton Saint Margaret.

There is a mix of building types; early vernacular through to Victorian stone cottages, 1930s semidetached housing and some recent development of 2.5 storey terraces using red brick; FIGURE 3. Dwellings are generally 2 storey and local stone is prevalent in the area, often used with red brick for window and door surrounds.

Coursed rubble stone walls are a feature in the area forming boundaries between the road and properties.

'The Limes' is a Grade II Listed building with a lime rendered wide frontage that faces onto Green Road; FIGURE 4. The statutory list description is provided at Appendix A.

The Limes has been extended including a two-storey side and rear addition, known as '*Palm Tree Lodge'*. There are also two small detached prefabricated buildings in the car park to the rear. The buildings are used for a mix of Class B1 (office) and Class D1 (non-residential institution) uses.

FIGURE 3 GREEN ROAD

FIGURE 4 *THE LIMES*

There is an existing vehicle access off Green Road to the far south-eastern corner of the site; FIGURE 5. A rubble stone wall forms the southern boundary of the site, with a lawn to the front. *The Limes* boundary wall to Green Road contains gate piers with 'The Limes' carved into the stone cap.

There is also a pedestrian gate on the southern boundary that leads to the C20th extension of *The Limes* where the main entrance is currently located. There is also a second entrance here to a single storey building on the site. To the north west is 19 Green Road a Grade II listed thatch cottage that adjoins the site. The statutory list description is given in Appendix B.

Surrounding *The Limes* are lawn areas with planting and hedgerows forming some of the site boundaries. To the immediate rear of *The Limes* there is a hard-surfaced courtyard set lower than the rest of the site.

An existing gravel parking area adjoins this where there are some pre-fabricated structures used for storage and additional work space. Parts of the eastern boundary are made from a rubble stone wall (listed) with a wire fence between the site and neighbouring residential area.

The northern part of the site has a grassed area with some hedges and trees. A wire fence and some planting forms the boundary between the site and two storey residential area to the north. The topography of the site rises to the north-east.

The site is currently owned by Swindon Borough Council.

(c) Crown copyright and Database rights 100024296 2019

FIGURE 5 SITE LOCATION

The following site features will require consideration within any future planning application.

- To the north east of the site there is an existing residential care facility; FIGURE 6
- The eastern boundary has a wire fence erected.
- The adjoining residential area to the south east is single storey prefabricated units
- On the western boundary there is a Grade II Listed thatch cottage - Number 19 Green Road; FIGURE 7
- The southern and part of the east boundary are made of rubble stone walls; FIGURE 8
- Number 21 Green Road within the site is Grade II listed along with boundary walls. Number 19, adjacent to eh site, is also Grade II listed. Development will need to address direct and indirect impacts, including their setting; FIGURES 7 and 8.
- The buildings attached / extended to the Listed Building as shown to the right in FIGURE 9 are twentieth century additions that are not in keeping with the Listed Building and may be demolished subject to the appropriate consent.

FIGURE 6 NE BOUNDARY

FIGURE 7 W BOUNDARY

FIGURE 8 S BOUNDARY

FIGURE 9 REAR ELEVATION

Legislation & Policy

A Planning application for this site will need to consider the current planning policy context. At present this includes:

- The National Planning Policy Framework (NPPF) (2019);
- The Planning Practice Guidance (PPG) (2018);
- Planning (Listed Building & Conservation Areas) Act 1990
- The Swindon Borough Local Plan 2026 (adopted 2015);
- The Community Infrastructure Levy (adopted 2015);
- Statement of Community Involvement (2019)
- The Setting of Heritage Assets Guidance (2017)

This list is not exhaustive and may become superseded as a consequence of the timing of submission of an application.

FIGURE 10 THE SITE

Of particular relevance within the NPPF are the following sections;

• Section 6 Delivering a wide choice of high quality homes;

• Section 7 Requiring good design;

• Section 12 Conserving and enhancing the historic environment.

A full list of the current relevant Local Plan policies and Supplementary Planning Documents is provided at Appendix C.

The Local Plan Policies Maps confirms the site is situated within the Swindon Urban Area. The site represents a sustainable and logical location for residential development, and would help to support the future redevelopment of a brown field site.

The Council has adopted a Community Infrastructure Levy for Swindon 'CIL'.

Information on the type of development that will be affected by CIL can be obtained from the Council's website (www.swindon.gov.uk/cil). CIL charging is a mandatory charge on development in accordance with the adopted Charging Schedule. For this reason it would have financial implications for the development in addition to any S106 planning obligations that may be necessary to mitigate the site-specific impact of the permitted development.

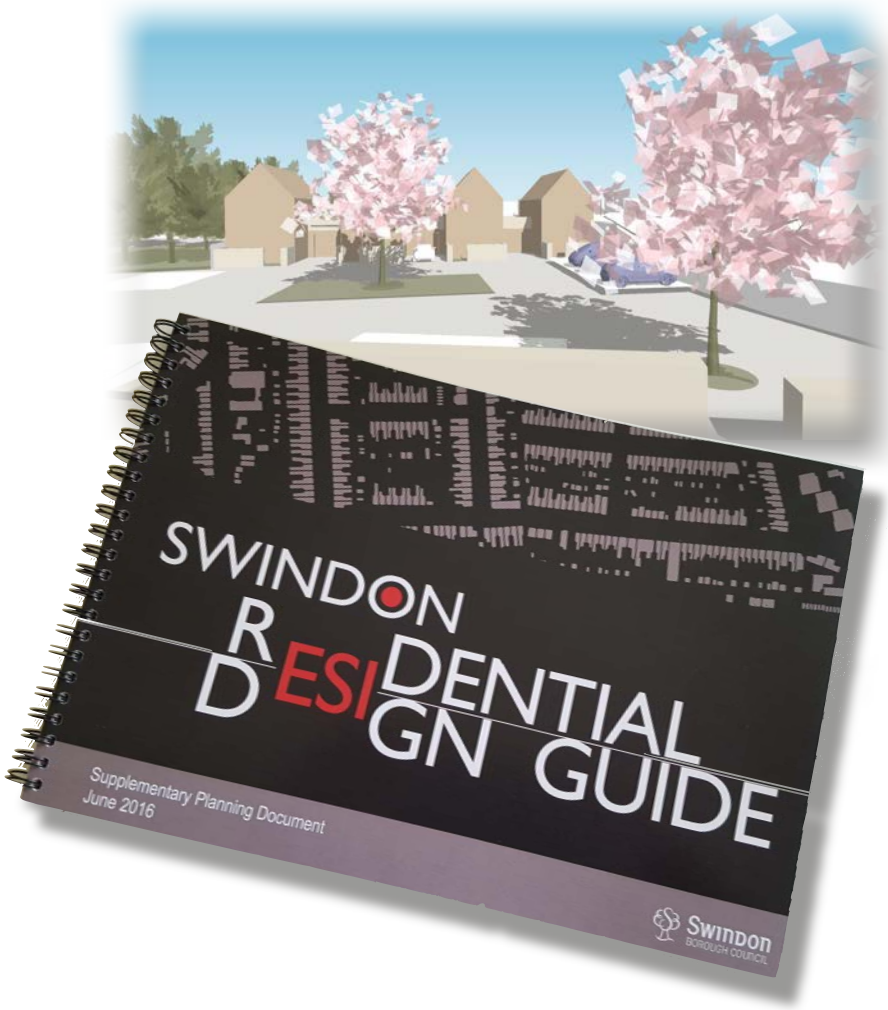


FIGURE 12 ADOPTED SPD

Design Evolution

The Limes, 21 Green Road is Grade II Listed; FIGURES 13-17.

The listing extends to the boundary walls and associated gate piers; FIGURES 15-17. Dating from the 18th Century it has been altered but does retain some characteristic features, for example natural stone tile roofing, remnants of its original plan form, fireplace and elements of former window panelling.

The building is suited for conversion to a single residence. Conversion for residential use would require Listed Building Consent and planning permission (including change of use).

In assessing alteration proposals for LBC, regard would be had to the significance of the building and how those alterations would affect that significance in line with legislation and policy considerations. The enhancement of the building, for example by the removal of the uncharacteristic later extensions at the NW end, would be viewed favourably and encouraged.

FIGURE 13 THE LIMES

FIGURE 14 SIDE WALL

FIGURE 15 FRONTAGE

FIGURE 16 LISTED WALL

FIGURE 17 LISTED PIER

Immediately to the north western boundary is another Listed Building, 19 Green Road; FIGURES 18-20. The preservation and enhancement of its setting should be a key priority and this includes the aforementioned removal of later extensions on the Limes. '*The Limes*' will also need to be preserved and enhanced.

An appropriate offset and scale of development will need consideration.

Rubble stone walls that make up the site's boundary should be retained and enhanced as they are part of the Listed Building, its setting and contribute to the character and appearance of the area.

The lawn area and courtyard are also part of the Listed Building's setting and should be respected.

To the north east of the site there is an existing residential care facility FIGURE 6. Privacy and respect of current outdoor amenity space and 'right-to-light' will mean any development will need an appropriate offset from this boundary. The existing lawn areas within the site should be protected as they provide landscaped offsets from the neighbouring residential boundaries.

The existing trees and hedgerows will need surveying and assessing for quality, but provide an effective screen along the site boundary.

The eastern boundary adjoins residential single storey prefabricated units; privacy for existing residents will need to be considered. The current fenced boundary and other site boundaries should be enhanced to protect privacy for new and existing residents.

FIGURE 18 19 GREEN RD

FIGURE 19 REAR VIEW

FIGURE 20 FRONT END

FIGURE 21 COURTYARD

The scheme will need to respond to attributes of the site:

- Ensure that future development preserves and enhances the setting of the Listed Buildings.
- Ensure future development is well-designed using high quality materials.
- Sustain and enhance the Grade II Listed Building on site *The Limes* (No 21 Green Road) in accordance with policy EN10.
- Retain and enhance view lines to Grade II Listed Buildings and set back development to respect the setting of the Listed Buildings, retaining a front lawn area.
- Retain rubble stone boundary walls, gate and railings and railing.
- Enhance other boundaries with stone walls and create new walls using matching material, using hedge boundaries and grassed verges, which are both characteristic of the area.
- Retain existing vehicle access as a non-adopted private drive.
- Retain courtyard to the Listed Building on site, *The Limes*.
- Private boundaries will need to be considered sensitively.

KEY

Buildings

Listed Buildings

Site Edged Red

Later additions

Courtyard

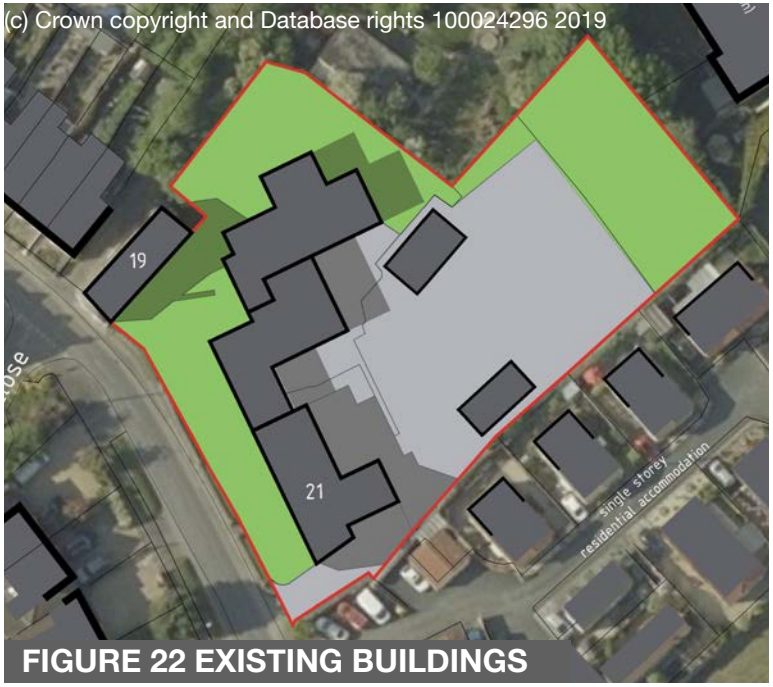


FIGURE 22 EXISTING BUILDINGS

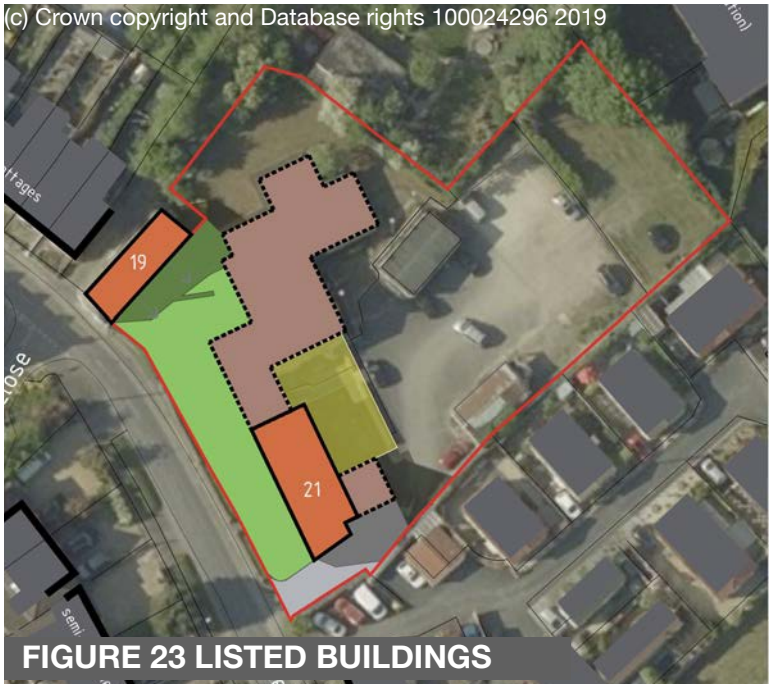


FIGURE 23 LISTED BUILDINGS

To be resolved in detail at planning application stage:

Capacity and Scale: The site is capable of accommodating 4 new dwellings of a maximum height of two storey on land to the rear of *The Limes*.

Use: It is accepted in principle that *The Limes* could be converted to a single dwelling or other suitable residential conversion. There is scope for a replacement extension to *The Limes* subject to Listed Building constraints including setting.

Drainage: Appropriate drainage strategy to be submitted.

Lighting: Sensitive lighting of the development to be considered.

Access and Highways: Each new dwelling will require 2 parking spaces and 1 visitor parking space for the overall development with adequate turning for fire and refuse collection.

Amenity: The minimum separation distances set out in the Swindon Residential Design Guide will be applied:

- 21m rear to rear in two-storey dwellings.
- 12m rear to side in two storey dwellings.

Windows which would not directly face neighbouring properties but which may overlook the most sensitive parts of private gardens should normally be at least 10 metres away.

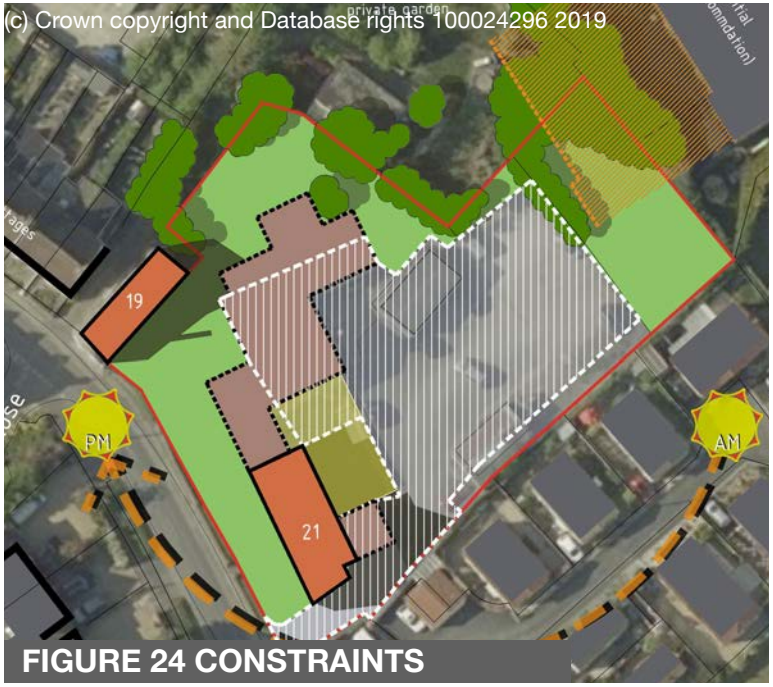


FIGURE 24 CONSTRAINTS

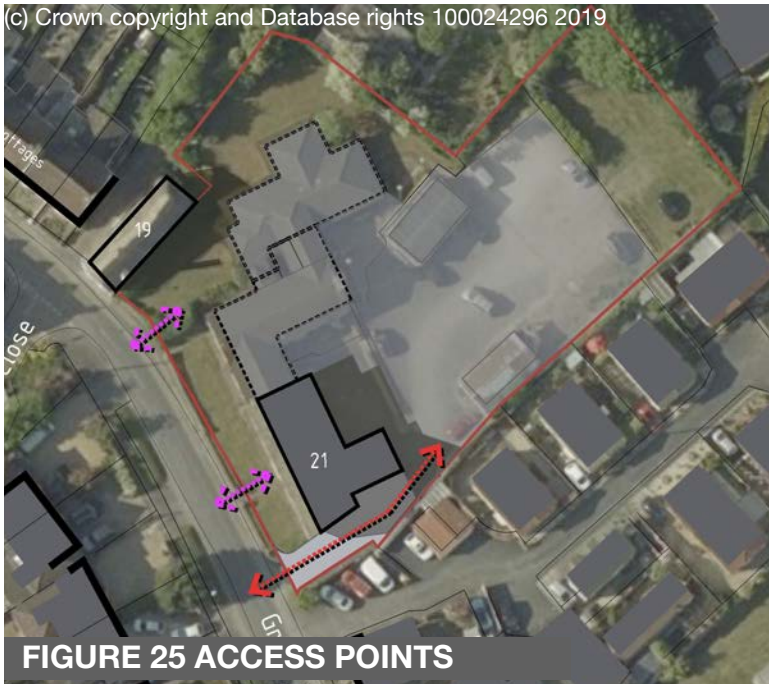


FIGURE 25 ACCESS POINTS

KEY

Developable Area

Existing Vegetation

21m Separation

Vehicular Access

Pedestrian Access

Possible removal

Next Steps

The Pre-application service provides open and constructive pre-discussions during which officers can help shape a development to meet the Council's expectations. The aim of the service is to remove, as far as possible, uncertainties as to what is likely to be approved or rejected. This will enable you to proceed with more confidence and will reduce the risks of additional costs arising from failed applications or redesign work.

Design Review is an impartial evaluation process in which the design of a proposal is assessed by an independent panel of experts. It is endorsed by the NPPF and can assist applicants improve their schemes and gain support from experts to facilitate a favourable recommendation to Planning Officer and Councillors.

Validation

Please refer to the validation requirements and relevant local planning guidance on infrastructure requirements from development and the Council's CIL, details of which are available on the SwindonBorough Council website.

Please note, any works internal of external to alter or extend the listed building and associated walls will need Listed Building Consent. Applications for this site need to be accompanied by a survey and demonstrate the impact of the proposals upon the significance of the building. This should also include consideration of the setting of all the listed buildings. Please refer to the Council's website for Heritage Statements:

https://www.swindon.gov.uk

The Council can also assist with the necessary Building Regulations approval required for alterations and new build:

www.swindon.gov.uk/info/20060/building_control

Appendix A

The Limes List Description

No 21 Green Road (The Limes) Grade II listed. List Entry Number: 1023416

- Probably C18 but altered.
- Two storeys rubble.
- Front pebble-dashed (now lime render/washed).
- Stone slate roof with two brick chimneys.
- Four windows on first floor, three on ground floor, modern glazing bar casements and roughly central modern door.
- Modern extensions to the north-west and east.
- Survivor of ancient hamlet.

List descriptions are for identification only and do not include all listed features

Appendix B

19 Green Road List Description

No 19 Green Road Grade II listed. List Entry Number: 1185433

- C17. Once a dame school.
- One and a half storeys thatched cottage in painted rubble.
- Gable end to road rendered.
- Hipped roof with black ridge stack.
- Two windows on first floor, modern casements, cut into thatch and a two-light casement with wooden lintel on ground floor.
- Lean-to extension to right with two light casement.
- Principal feature is an extension to right stack with attached bread oven to left of centre.
- One eyebrow dormer and modern conservatory entrance.

List descriptions are for identification only and do not include all listed features.

Appendix C

Local Policies & Guidance

The following local policies apply from the Swindon Borough Local Plan 2026:

SD1: Sustainable Development Principles

SD2: The Sustainable Development Strategy

SD3: Managing Development

DE1: High Quality Design

HA1: Mix, Types and Density

TR1: Sustainable Transport Networks

TR2: Transport and Development

IN1: Infrastructure Provision

CM4: Maintaining and Enhancing Community Facilities

EN10: Historic Environment and Heritage Assets

SC2: Swindon Existing Urban Communities

The following Supplementary Planning Documents may need to be considered:

Inclusive Design and Access for All SPD (2011)

Swindon Residential Design Guide SPD (2016)

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

Planning Committee **13th August 2019**

Author:	Head of Planning, Regulatory Services and Heritage
Wards:	Central
Parishes Affected:	Central Swindon North and Central Swindon South

1. Purpose and Reasons

1.1 To seek approval to introduce an Article 4 Direction that would remove "permitted development" rights with respect to office to residential conversions in the area around Swindon Railway Station.

2. Recommendations

The Committee authorises:

2.1 the Head of Planning, Regulatory Services and Heritage in consultation with the Director of Law and Democratic Services 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; and

2.2 the Head of Planning, Regulatory Services and Heritage to make minor drafting changes to the content of the Direction and supporting documents if required prior to confirmation.

3. Detail

Introduction

3.1 An Article 4 Direction under the General Permitted Development Order enables the Local Planning Authority to withdraw specified permitted development rights across a defined area.

3.2 Where an Article 4 Direction is in place, applicants must make a planning application to the Council and receive planning permission before carrying out the forms of development specified in the Direction.

3.3 It is proposed that an Article 4 Direction be put in place requireing planning permission to be sought for office to residential conversions in the area around Swindon Railway Station as shown on the map at Appendix 1.

Justification

3.4 Government planning practice guidance states that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the Direction is intended to address needs to be clearly

Further information on the subject of this report can be obtained from David Dewart, ddewart@swindon.gov.uk.

identified, and there needs to be a particularly strong justification for the withdrawal of permitted development rights in cases where prior approval powers are available to control permitted development.

3.5 The adopted Swindon Borough Local Plan identifies much the proposed Article 4 area as being within the prime office quarter for Swindon. However, with the 'prior approval regime' in place the Council has limited powers to ensure that this office area is protected in line with adopted policy.

3.6 In recent years there have been several office to residential 'prior approval' submissions in Swindon Town Centre. Several buildings have secured prior approval for office to residential conversions in this area, including SN1, Holbrook House, UK Life, Alexander House and Signal Point.

3.7 Of these 'prior approvals', only Alexander House has been implemented in the proposed Article 4 area. Prior Approvals are time limited to 3 years, meaning that if the conversion to residential has not been commenced by the end of this 3 year period the applicant would need to re-apply.

3.8 A number of office buildings in the area around the station have not been the subject to a prior approval application for conversion to residential. These buildings include:

- Milford House
- Tricentre
- Network Rail Building (Signal Point)
- Focal Point
- 1 Gloucester Street
- North Star House.
- The Research Councils campus

3.9 Due to their built form and design (many of these buildings are bespoke 1980s built offices), they may not readily lend themselves to residential use. Nevertheless, this does not mean that they should not be protected.

Policy Justification

3.10 The NPPF, (2018) highlights the importance of offices to successful town centres. Offices are identified as "Main town centre uses" in the NPPF.

3.11 The regeneration of Central Swindon forms a key element of the Development Strategy of the adopted Swindon Borough Local Plan 2026.

3.12 An objective of the Local Plan is to create a town centre that operates as a fully functioning centre which should be the first choice location for appropriate higher

order activities, and which provides an attractive place in which to live, work and spend leisure time.

3.13 Policy SC1 of the Local Plan identifies the need for a Commercial Quarter, as part of a 'balanced town centre', which should be "the focus for a flagship new office area". The bulk of this office floorspace is expected to be provided in the Commercial Quarter.

3.14 The Commercial Quarter is intended to develop close to Swindon Railway Station, which is the most accessible place in the Borough by public transport. This is where the Borough's largest concentration of existing office space is available and where new offices are to be provided at Kimmerfields. It is important to retain these high density uses close to the point of highest accessibility.

Additional Justification

3.15 A number of office to residential conversion units delivered under the prior approval regime in the Town Centre are providing cramped living accommodation.

3.16 There is evidence that the spate of low quality and low specification office to residential conversions in the Town Centre has supressed residential values in the area, making higher quality bespoke-designed new build residential schemes, such as Kimmerfields, less viable.

3.17 Requiring the submission of a planning application would enable the Local Planning Authority to secure financial contributions from these developments to deliver infrastructure improvements necessary to mitigate their impact. Contributions may be secured, for example, towards public realm, open space and transport improvements in the vicinity of the development.

Implications of an Article 4 Direction

3.18 An Article 4 Direction does not mean that offices in the area cannot be converted to residential uses. It just means that a planning application would need to be submitted to the Planning Authority to do so.

3.19 The submission of a planning application would enable the Council to consider the principle of the change of use and to retain control over design. It would also allow the Council to secure S106 contributions to deliver the infrastructure necessary to mitigate the impacts of development on local services and infrastructure.

Next Steps

3.20 If agreed by Planning Committee, the Local Planning Authority would give notice to affected parties of the Council's intention to introduce an Article 4 Direction to control office conversions in the area shown at Appendix 1. A one year notice period will be given. The Direction would be confirmed after the one year period has passed.

3.21 In deciding whether to confirm the Direction the local planning authority must take into account any representations received. Any representations received would be reported back to Planning Committee.

4. Alternative Options

4.1 All development proposals for office to residential conversions in the area could continue to be managed through the prior approval regime. However this would continue to prevent the Council from managing the principle and detailed design of these conversions, and would continue to prevent the Council from seeking S106 developer contributions to help mitigate the impact of these proposals.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

5.1 If a local planning authority makes an article 4 direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently:

I. refuses planning permission for development which would otherwise have been permitted development; or

II. grants planning permission subject to more limiting conditions than the General Permitted Development Order

5.2 The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.

5.3 The compensation risk has been mitigated by applying a one-year notice period prior to confirmation of the Direction.

5.4 Requiring that a planning application is submitted would allow the LPA to seek S106 developer contributions to help mitigate the impact of these schemes.

Legal and Human Rights Implications

5.5 Article 4 Directions allow Local Authorities to withdraw the 'permitted development' rights that would otherwise apply by virtue of the Town and Country

Planning (General Permitted Development) Order 2015. Schedule 3 of the GDPO sets out the procedures for introducing Article 4 Directions.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

5.6 There are no staffing implications from this report.

Diversity Impact Assessment

5.7 The proposal seeks to implement policy SC1 of the Local Plan, which has been subject to a diversity impact assessment.

5.8 Swindon Town Centre is accessible by a wide range of transport modes. The Town Centre is the most accessible and inclusive place in the Borough to site office accommodation.

Risk Management

5.9 Several of the office buildings around the station already have 'prior approval' in place to convert to residential. An Article 4 may have less impact as a result. However Prior Approvals are time limited, and in all but one case, conversions have not been commenced in this area.

5.10 There is a view that Swindon town centre is no longer an attractive office location and that the Council should not stand in the way of the market recycling outdated or underlet office accommodation into active use. It is considered that electrification and wider Town Centre regeneration will make the Centre more attractive to new office occupiers. Where an office building is genuinely no longer viable for office accommodation, and this can be proven, the principle of a change of use planning application would be supported.

6. Consultees

6.1 The Head of Finance - Section 151 Officer and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

6.2 Ward Members have been notified.

7. Background Papers

None

8. Appendices

8.1 Appendix 1: Map showing extent of the Article 4 Direction Area to control Office to Residential conversions in Swindon Town Centre

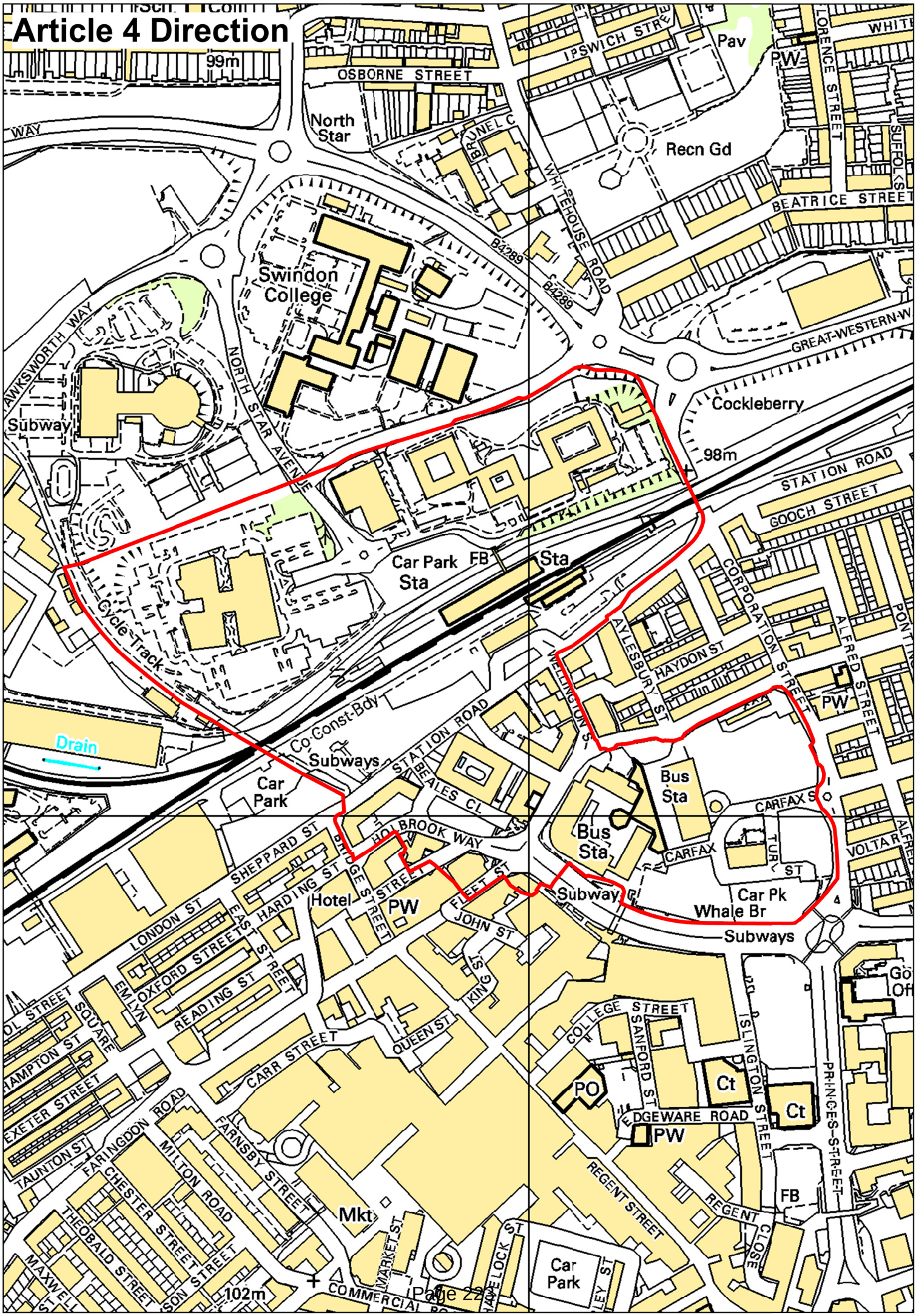
Further information on the subject of this report can be obtained from David Dewart, ddewart@swindon.gov.uk.

8.2 Appendix 2: Notice of Article 4 Direction to control Office to Residential conversions in Swindon Town Centre

8.3 Appendix 3: Justification for an Article 4 Direction to control Office to Residential conversions in Swindon Town Centre

Further information on the subject of this report can be obtained from David Dewart, ddewart@swindon.gov.uk.

Article 4 Direction



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TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED) ("the GPDO")

Article 4(1) Direction relating to Swindon Town Centre

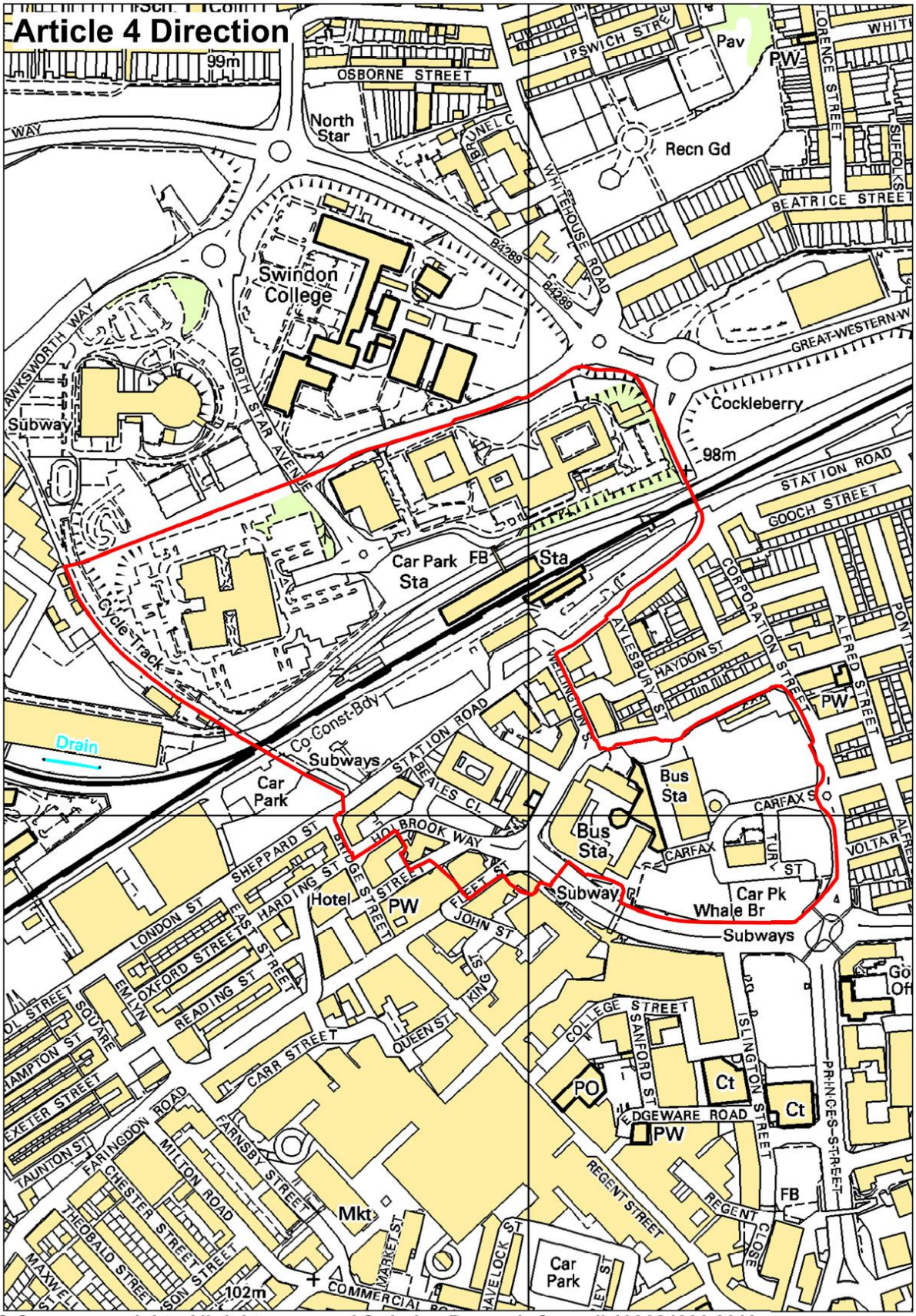
WHEREAS Swindon Borough Council being the appropriate local planning authority within the meaning of article 4 of the GPDO, are satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out within the area identified on the map attached to the Direction, unless planning permission is granted on an application made under the Town and Country Planning Act 1990 as amended.

SCHEDULE

The effect of the Direction covering this area will be to prevent development which is the change of use of a building and any land within its curtilage from a use falling within Class B1(a) of the Schedule to the Use Classes Order (offices), to a use falling within Class C3 of that Schedule (dwelling houses) unless express permission is granted for it.

The Direction will take effect on 1st September 2020.

26th August 2019



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Appendix 3

Justification for an Article 4 Direction to control Office to Residential conversions in Swindon Town Centre

Introduction

Government planning practice guidance states that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area.

The potential harm that the Direction is intended to address needs to be clearly identified, and there needs to be a particularly strong justification for the withdrawal of permitted development rights in cases where prior approval powers are available to control permitted development.

The purpose of Article 4 Direction

The purpose of the article 4 direction is to manage office to residential changes of use within a designated area of the Swindon town centre through the planning process. This will help to protect the existing office supply, which is considered of thigh importance to the economic role of Swindon town centre.

The Article 4 direction would provide a tool to enable the protection of important and accessible office space, and supporting the delivery of the Development Plan, including balancing housing, cultural and employment needs. In so doing the Article 4 Direction would support sustainable economic growth and protect businesses and jobs in the town centre.

The Local Plan identifies the designated area as being the prime office quarter for Swindon. However, the Council currently has limited powers to ensure that this office area is protected.

In recent years there have been several office to residential 'prior approval' submissions in Swindon Town Centre. Several buildings have secured prior approval for office to residential conversions in this area, including SN1, Holbrook House, UK Life, Alexander House and Signal Point.

Of these 'prior approvals', only Alexander House has been implemented in the proposed Article 4 area. Prior Approvals are time limited to 3 years, meaning that if the conversion to residential has not been commenced by the end of this 3 year period the applicant would need to re-apply.

A number of office buildings in the area around the station have not been the subject to a prior approval application for conversion to residential. These buildings include:

- Milford House
- Tricentre
- Network Rail Building (Signal Point)
- Focal Point

- 1 Gloucester Street
- North Star House.
- The Research Councils campus

Due to their built form and design (many of these buildings are bespoke 1980s built offices), they may not readily lend themselves to residential use. Nevertheless, this does not mean that they should not be protected.

Policy Justification

The NPPF, (2018) highlights the importance of offices to successful town centres. Offices are identified as “Main town centre uses” in the NPPF.

The regeneration of Central Swindon forms a key element of the Development Strategy of the adopted Swindon Borough Local Plan 2026.

An objective of the Local Plan is to create a town centre that operates as a fully functioning centre which should be the first choice location for appropriate higher order activities, and which provides an attractive place in which to live, work and spend leisure time.

Policy SC1 of the Local Plan identifies the need for a Commercial Quarter, as part of a ‘balanced town centre’, which should be “the focus for a flagship new office area”. The bulk of this office floorspace is expected to be provided in the Commercial Quarter.

The Commercial Quarter is intended to develop close to Swindon Railway Station, which is the most accessible place in the Borough by public transport. This is where the Borough’s largest concentration of existing office space is available and where new offices are to be provided at Kimmerfields. It is important to retain these high density uses close to the point of highest accessibility.

Additional Justification

A number of office to residential conversion units delivered under the prior approval regime in the Town Centre are providing cramped living accommodation.

There is evidence that the spate of low quality and low specification office to residential conversions in the Town Centre has supressed residential values in the area, making higher quality bespoke-designed new build residential schemes, such as Kimmerfields, less viable.

Requiring the submission of a planning application would enable the Local Planning Authority to secure financial contributions from these developments to deliver infrastructure improvements necessary to mitigate their impact. Contributions may be secured, for example, towards public realm, open space and transport improvements in the vicinity of the development.

Implications of an Article 4 Direction

An Article 4 Direction does not mean that offices in the area cannot be converted to residential uses. It just means that a planning application would need to be submitted to the Planning Authority to do so.

The submission of a planning application would enable the Council to consider the principle of the change of use and to retain control over design. It would also allow the Council to secure S106 contributions to deliver the infrastructure necessary to mitigate the impacts of development on local services and infrastructure.

COMMITTEE REPORT

Section 106 – Deed of Variation Request and Supplemental Deed Request

Planning Committee **13th August 2019**

Item Number:
Application Number: S/11/0084 and S/RES/14/1289 as amended by S/AMEND/16/1774

Ward: Gorsehill & Pinehurst
Parish: Stratton St. Margaret

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.
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.

Site Location: Former Headlands Comprehensive School Site, Cricklade Road, Swindon

Agent:
N/A

Developer:
Bellway Homes Ltd (South West)

Officers Report

1 Recommendations

The Planning Committee is recommended to:

1.1 Agree to the Chief Legal Officer and Head of Planning Regulatory Services and Heritage entering into negotiations to secure a S106 planning obligation Deed of Variation and Supplemental Deed under delegated authority as follows:

1.1.1 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;

1.1.2 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;

1.1.3 To amend as necessary any other clauses in the original deed to ensure that the provisions of the deed read correctly (including those set out in Schedule 2 Parts 1, 2 and 3).

1.1.4 To enter into supplemental planning obligation clauses the purpose of which is to ensure that the future landowner(s) is indemnified by the current landowner and developer from being liable for any costs of remediation and repair associated with any future subsidence as a result of the settling or movement of made up ground as a result of the excavated and back-filled area of the site, known as the 'borrow-pit', that was excavated on site by the developers under what is now the play area and associated open space, in order to make up levels on other areas of the site.

1.2 That this s106 Deed of Obligation and Supplemental Deed be entered into before any agreement is signed to transfer the land direct into Parish Council ownership.

1.3 That this report be agreed as authority for the Chief Legal Officer to be instructed to enter into such obligations on behalf of the Council.

2. Purpose and Reasons

2.1 Under Section 106A of the Town & Country Planning Act 1990, the terms of a section 106 agreement may only be modified by written agreement by Deed entered into by the parties to the original Deed. This report seeks the authority and agreement of Planning Committee to enter into a combined S106 planning obligation Deed of Variation and Supplemental Deed.

2.2 Applications for minor variations of section 106 agreements can be dealt with by officers under the Council's Scheme of Delegation and delegated authority of the Director of Communities and Housing via the Head of Planning Regulatory Services and Heritage. Whilst some elements of the proposed amendment may be considered minor, the supplemental obligations are not considered to be so, thus they require the agreement of Planning Committee.

2.2 Since the original legal agreement was signed dated 15th May 2015, alongside the grant of the Outline planning permission once the land was sold, there has been a change to Council's position in respect of taking on the ownership and management of open space. Alongside the Community Governance Review (CGR), Property were given authority to discuss and agree the transfer or long-term lease of existing open space assets, including play areas and associated open space to Parish Council's, thus also passing the direct responsibility of the associated StreetSmart maintenance services to the relevant Parish.

2.3 The original s106 Deed contained obligations require the Council to take on the future ownership and maintenance of the new open space provided within the development. In the spirit of the CGR Asset Transfer proposals the Council's

Property officers entered discussions with Stratton St. Margaret Parish Council to reach agreement on what areas of open space provided within this development, the Parish Council would be prepared to take direct ownership and maintenance of.

2.4 That discussions then progressed directly between Stratton St. Margaret Parish Council and the developers directly up to the point of transfer documents being finalised. It was following an approach to the Local Planning Authority that the developer was advised that this would not be possible until such time as the current s106 obligation clauses are amended to allow such. The relevant clauses therefore require variation to support the agreement that is in place. The Council is in support of this.

2.5 Actions of the developer associated with its development of the site however, resulted in a significant change to original ground conditions on the land area where the open space on which the formal play facilities have now been constructed and the surrounding open space laid out.

2.6 In order to manage ground levels at the site the developer made a decision to excavate a pit disturbing land that had historically been used as playing pitches by the former school for many years. Given the name of a 'borrow pit' this resulted in an excavated pit which subsequently required backfilling with imported material.

2.6 Council planning officers and the land contamination officer were involved in discussion with the developer, their contractors and specialists and the Environment Agency to agree the method of backfilling this pit in order for the development to be completed. The borrow-pit and its impact in terms of ground disturbance has however raised concerns in relation to any agreement to have the land transferred to any third party, as the circumstances of this area of land are materially different to those in place at the time the original legal agreement was signed.

2.7 In order to mitigate those concerns, on behalf of the Parish Council, the Council proposes to only accept agreement of the transfer of the affected areas of land to the Parish Council or any other agreed third party (that is not the Developer and current landowner) providing supplemental clauses are included in the agreement to ensure that the Developer remains responsible in the future for any costs resulting from subsidence, settling and/or ground movement of the ground within and surrounding the borrow pit area

2.8 At present as the Parish Council is not a signatory to the S106 Deed the associated POS Maintenance Contribution has to be paid to the Council. Given that the intention is now to directly transfer a substantial portion of the open space to the Parish Council it is only fair and reasonably that the Parish Council receive the associated maintenance contribution.

3.0 **Detail**

3.1 In respect of the original S106 Deed, clause 6.2 required the Owner to pay the POS Maintenance Contribution on the date on which the POS and Play Areas are transferred in accordance with Schedule 2 clause 1.13. Clause 1.13 of Schedule 2 currently requires the open space to be transferred to the Council. This will require amendment accordingly.

3.2 Clauses 6.3 and 6.4 relates to the timing at which the POS Maintenance contribution should be paid.

3.3 Clause 8.4 refers to use of the POS Maintenance Contributions solely by the Council, however this contribution would be transferred to the Parish Council.

3.4 The detail of Schedule 2 of the Deed, will need to be reviewed and the obligations in Part 1, 2 and 3 that cover the process for the POS and Play Areas inspection following construction, interim maintenance and subsequent transfer in ownership. To assist in expediting the transfer to the Parish Council, it remains the Council's intent at present to inspect the open space for delivery in compliance with the approved plan drawings, and establish what remedial works may be necessary accordingly.

3.5 The obligation will need to allow the transfer of the POS to Stratton St. Margaret Parish Council.

3.7 New obligation clauses will need to be drafted and agreed between the parties in respect of the matter of the 'borrow pit' excavation and backfilling. This will ensure that future landowners (e.g. the Parish Council) are not liable for costs associated with future damage caused in relation to the borrow pit including by ground movement, or subsidence.

4.0 Concluding Comments:

4.1 Officers consider that the amendments to the existing s106 obligation clauses combined with the addition of the supplemental obligations linked to the borrow pit, would be sufficient to protect the Council and the Parish Council or other 3rd Party landowners from risk and allow the relevant area of land to be successfully transferred to the Parish Council in this instance.

5.0 Recommendation:

That the request to agree to this combined Deed of Variation and Supplemental Deed be **approved** in accordance with the Recommendations listed above.

Further information on the subject of this report can be obtained from *Sarah Screen* on *466397* or Email sscreen@swindon.gov.uk.

6.0 Alternative Options

6.1 The Planning Committee may not agree to enter into the S106 DoV and Supplemental Deed, but in doing so, the Council would remain obligated to complete the transfer of all of the open space constructed and provided as approved under the development directly to it. This transfer would take place with no protection clauses indemnifying it against potential future hidden costs and risks that could arise as a result of subsidence or settling. Further the lack of such a clause has the potential to undermine any agreement for the Parish Council to enter into a future lease for the long-term future maintenance of that area of land and the play facilities constructed on it.

7 Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

7.1 In completing a S106 Deed of Variation there should be no financial impact to the Council as the Council's costs of entering into such should be borne by the developer. In addition future responsibility for on-going maintenance of that relevant area of Land would become the direct responsibility of the Parish.

7.2 In the event that the S106 DoV and Supplemental Deed is not entered into the Council will be left with no option but to take on the relevant land ownership and long-term maintenance responsibility of the relevant area of open space and any potential financial risks associated with unknown potential hidden costs to repair damage as a result of ground movement.

Legal and Human Rights Implications

7.3 Legal and human rights implications have been taken into account in preparing this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

7.3 In completing this DoV and Supplemental Deed it will secure the longer-term retention of open space on site for the benefit of the residents and wider public in the interests of supporting a sustainable development and wider public health benefits derived from its everyday use.

7.5 Links to Council Plan 2016-2020, Strategic Objectives, Plans and Policies

This report relates to improving the quality of development to be constructed in the Borough and therefore it is aligned with the vision for Swindon which seeks to ensure Swindon has all the positive characteristics of a British city with one of the UK's most successful economies and a model of well managed housing growth which supports new and existing communities. This report supports the vision with respect to deregulation, facilitating local decision-making and helping to deliver economic growth. As such the proposal is fully aligned to our Corporate

Objective around securing good economic growth and supporting the localism agenda and delivering public health benefit through development.

Diversity Impact Assessment

7.6 This report simple seeks to amend the content of an existing s106 planning deed of obligation that has previously been entered into. The securing of these amendments accords with regulation and will not create an adverse impact on the basis of age, disability, race, gender, sex, sexual orientation, religion or belief.

Risk Management

7.7 The amendments to the current planning obligations set out above are proposed to de-risk the financial burden on both the Council or any other 3rd party land owner that takes on ownership of the land, and reflect the actions of the Local Planning Authority acting reasonably and in the best interest of the Parish Council other interested parties in this instance.

Appendices

Appendix 1: Site location Plan
Appendix 2: Approved Planning Layout
Appendix 3: Approved Play Area Layout

Background Papers

- Original Signed S106 agreement with Bellway dated 12th May 2015
- Outline Planning Permission S/11/0084 and all associated documents
- Approved Plan Drawings and accompany information under detailed Reserved Matters application S/RES/14/1289 as amended by S/AMEND/16/1774 (the latter of which changed the Public Open Space detailed layout.
- Donor Site Risk Assessment & Working Controls Document dated 15th June 2016 by AA Environmental
- Site Location plan
- Approved Play Area and open space design & layout
- Borrow pit location plan

Further information on the subject of this report can be obtained from *Sarah Screen* on *466397* or Email sscreen@swindon.gov.uk.

Appendix 1 Site location Plan for S/11/0084 and S/RES/14/1774

Further information on the subject of this report can be obtained from *Sarah Screen* on *466397* or Email sscreen@swindon.gov.uk.

Appendix 2 Approved Planning Layout S/11/0084 and R/RES/14/1289

Further information on the subject of this report can be obtained from *Sarah Screen* on *466397* or Email sscreen@swindon.gov.uk.

Drg. No. 1359-PL01-RevH received by the Local Planning Authority on 26th February 2015

Appendix 3 Approved Play Area Layout under S/AMEND/16/1774

Further information on the subject of this report can be obtained from *Sarah Screen* on *466397* or Email sscreen@swindon.gov.uk.

NEAP Equipment Specification
Play Equipment
Play equipment has been carefully selected in order to provide a NEAP that will cater for older children and offers opportunities for younger children as well, recommended age groups range between 2+ and 6+ years. Items aim to provide interesting and challenging play opportunities which will encourage children to use the facility regularly as well as keeping fit.
Play apparatus to be selected from Proludic.co.uk (01158823980) and Kick About apparatus to be supplied by hags-smp.co.uk (0845 260 1655) or similar and agreed with LPA.
Play Items List
NEAP Equipment
A. Inclusive WOK Roundabout Ref:J2406
B. Primo Metal Pod Swing Ref:J441
C. Pirouette Ref:UKGM0420
D. 2x Star Springer Ref:J836
E. Vivarea Multiplay Unit Ref:J3362
F. Iso Multiplay Unit Ref:J2532M
Kickabout Area
G. HAGs Goal End with rebound panels
H. HAGs Goal End
Ancillaries
I. 77Lm Bowtop Fence 1m High Powdercoated Black
J. 3x 1m high bowtop gates
K. 15x Broxap Derby Slimline Bin
L. 18x Broxap Greenlea Mild Steel Bench (18x Benches to be confirmed on site) Ref:BX17 4002
Groundworks
Area to be surfaced with 344m² wetpour surfacing to the following specification:
175m² @ 40mm depth
115m² @ 80mm depth
28m² @ 100mm depth
26m² @ 140mm depth
344m² Excavation to depths as above , 50mm depth Larfarge Tarmacadam (aggregate size between 20mm-60mm), MOT Type 1 Base 150mm depth (aggregate size between 100mm-dust). (Edging by others)
Kickabout Area to be surfaced with 472m² Macadam open texture base course 45mm thick & Macadam 6mm open surface course 25mm thick. (To be laid over a pre-prepared sub base including edging done by others)
Basketball, football and netball line marks as shown.
Including a post installation inspection.
Based on a flat, grass site.
Drawing based on client's drawing EDP 2538/03e
Subject to a full site survey by a Proludic Representative.
Kickabout area sub base and edging to be done by others.
Neap Edging to be done by others.
NEAP Maintenance & Management Regime
Amenity Grassland Management
Amenity grass on and around the NEAP will be mown weekly during the growing season to a height of 60mm to increase wear tolerance whilst maintaining a tidy appearance (Note: other amenity areas within the wider POS are to be mowed every two weeks to a height of 35mm).
A small rotary push along mower is to be used in conjunction with with a brush cutter/strimmer with a nylon cord type cutting head to ensure the grass is mown to an even height around the NEAP perimeter edge. All arisings are to be removed thereafter.
Site
POS Pedestrian
NEAP Surface Treatment
Asphalt Surface Treatment
Grass Run-off Perimeter
Extent of safety zone for play apparatus
Street Furniture Palette
Seating
Litter & Refuse
Fencing
Gated Access
Wall (Key) Fencing
Notes:
CDM
Swindon Borough Council
edp
Berkeley Homes Wales and West
Former Roadlands School, Swindon
Hard Landscape Details - NEAP
NEAP Design and Elements
Refer to Suppliers Equipment Specification for further apparatus information
Grass boundary to the asphalt Kick About Area allows adequate space for a run-off strip in accordance with Sport England
Ball stop fencing adjacent to NEAP play area to be 3.05m in height for the entire length. Please refer to product description (no.7) and manufacturers specification for installation guidance
A band of asphalt will be used to negate a grass strip between the Kick About Area and NEAP
Neap
KickaboutArea
NEAP & POS Path Edging Detail
1. Amenity grass surround
2. Concrete foundation and mortar bed with adequate haunching to secure edge blocks.
3. Wearing course 60mm thick macadam to BS 4987-1 Table 3 Type AC 20 dense surf
4. Wet Pour safety surfacing to be laid at a depth of 60mm (Please refer to manufactures recommended depth changes around play apparatus)
5. Lean Mix concrete base 150mm thick (aggregate size between 20mm-60mm)
6. MOT Type 1 sub-base layer laid at a depth of 150mm (aggregate size between 100mm - dust)
Kick About Area Line Markings
CRICKLADE ROAD

COMMITTEE REPORT

Section 106 – Deed of Variation Request

Planning Committee **13th August 2019**

Item Number: **Ward:** St. Andrews
Application Number: T/98/0472 **Parish:** St. Andrews

Original Development Proposal: Proposed town expansion to include housing, employment, commercial uses, shopping, open space, roads, sewers and ancillary facilities.

Approved Framework Plan: VC3 Redhouse Village Centre

Site Location: Haydon 3 North Swindon - Redhouse

Agent:
N/A

Developer:
North Swindon Development Company

Officers Report

1 Recommendations

The Planning Committee is recommended to:

1.1 Agree to the Chief Legal Officer and Head of Planning Regulatory Services and Heritage entering into a S106 planning obligation Deed of Variation as follows:

1.1.1 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.

2. Purpose and Reasons

2.1 Under Section 106A of the Town & Country Planning Act 1990, the terms of a section 106 agreement may only be modified by written agreement by Deed entered into by the parties to the original Deed. This report seeks the authority and agreement of Planning Committee's to enter into a Deed of Variation in this instance.

2.2 Applications for minor variations of section 106 agreements can be dealt with by officers under the Council's Scheme of Delegation under the delegated authority of the Director of Communities and Housing via the Head of Planning Regulatory Services and Heritage. Given that the outcome of this change would result in

land intended to be developed for offices, restaurant and pub uses potentially coming forward for use as open space, it was considered that Members should be aware of and agree to the changes, having duly considered the implications associated discussion with intent to future use.

2.3 The original outline planning permission for Haydon 3 was granted in outline on 16th June 2000. It was accompanied by a large and complex s106 deed of planning obligation also dated 16th June 2000 ('the S106') the purpose of which was to manage both financial and non-financial obligations, control the use of land within the development area and all associated requirements in respect of such.

2.4 Village Centre 3 is specifically identified in the S106. Under the definitions it is defined as *'the area of land in the approximate location shown for the purposes of identification only on the New Master Plan as adjusted by any Framework Plans Reserved Matters Approvals / detailed planning permission from time-to time and designated as 'Village Centre 3' to accommodate inter alia housing local shops serving local needs and other local facilities'*. The area of land in the subject of this S106 DoV is indicatively identified on the plan in Appendix 3 to this report. It is the last undeveloped area of land at Village Centre 3, the wider location of which within the northern expansion area of Haydon 3, is identifiable on the Illustrative approved New Masterplan in Appendix 1.

2.5 In accordance with the requirements of the planning permission T/98/0472 and other obligations in the Deed, the development came forward in Phases and Framework Plans and Design Codes were approved for specific areas separately. The Approved Framework Plan for Village Centre 3 is attached in Appendix 2.

2.6 The specific area of undeveloped land has been subject to two relatively recent planning applications in 2013 (which was withdrawn) and 2015 for mixed use in a 3-storey building containing retail with apartments which was refused by Planning Committee in January 2016.

2.7 It is unclear whether the land has ever been uses as a temporary construction compound. It is currently laid to grass, and because it is surreounded by pedestrian footpaths and is not enclosed and appears as though it could be open space although it is still in private ownership. There has never been any formal planning application for change of use or development as public open space.

2.8 Following the creation of St Andrews Parish Council ('The Parish Council') in April 2017, the Parish Council has been in direct discussion with the landowner with respect to purchase of the land with a view to formalising it as open space.

2.9 The Parish Council has agreed a price with the landowner and both parties are keen to proceed with the transaction. It should be noted that the Council has already agreed in principle via Cabinet to allocate s106 receipts to the value of

£190,000 to support the Parish in funding the land purchase. It is possible that more s106 receipts soon to be received could be bid for once received for the same purpose. It is understood that the Parish Council will also be covering the land purchase price difference.

2.10 The Approved Framework Plan as set out in Appendix 2 of this report allocates the undeveloped area of land identified on the plan in Appendix 3 to be used for a pub, restaurants and offices. Economic factors have already lead to the grant of planning permissions for development on land in other areas of Village Centre 3 for uses not in accordance with the Framework Plan. The s106 allows for this to happen overriding the provisions of the s106 Deed.

2.11 Although the current wording of the S106 at clause 6.8.3 states that *'the provisions of any detailed planning permission or Reserved Matters Approvals shall take precedence over the Master Plan the New Master Plan or any Framework Plan'* to date there has been no approved planning permission for use of the land as open space. For this reason it would be necessary to ensure that the original s106 is amended to allow for use of the land as open space, and formalise the ability of this to be acceptable.

2.12 Formalising this by s106 Deed would clarify the position in the event the original proposed uses do not come forward. It would also be necessary for planning permission to be sought for the use of the land.

3.0 **Detail**

3.1 On review of the S106 it would appear that this very simple amendments would be necessary that are likely to include:
3.1.1 The amendment of the definition of Village Centre 3; and
3.1.2 Clause 6.10 under the heading of 'Village Centre' as the developer obligation in clause 6.10.1 is *'to* reserve *those parts of Village Centre 3 which are located on the Development Area and to use all reasonable endeavours having regard to market conditions to ensure that those parts shall be used for (inter alia) the purposes of housing local shops serving local needs and other local facilities following the identification of the relevant land uses through Reserved Matters Approvals.'*.

3.2 The alteration suggested is that this simply needs to insert reference to may also 'which may also include use of land as open space or public open space' or words to that effect.

3.3 The Framework Plan for Redhouse Village Centre was approved around a decade ago. Whilst a substantial area of Village Centre 3 (VC3) was constructed in broad accordance with the land uses set out on the approved Framework Plan and it does contain retail units and convenience store and some offices were

built, the later phases suffered from a lack of interest from the relevant development sector.

3.4 on 6th March 2013, the Council granted planning permission under **S/12/0711 for** Erection of 33 no. 1, 2, 3 and 4 bedroom dwelling and a community building (Use Class D1) with associated roads, car parking and amenity space. The Council purchased the land and funded the construction of the Community Centre which is now the also the St Andrew Parish Council office. This community centre is immediately east of the area land proposed as open space, separated by a footpath. The community centre was constructed on what allocated as the Church site and Community Homes site in the original approved Framework Plan. As part of the same application residential development was built on another area of land identified for Pub use.

3.5 In 2013 a planning application was submitted reference **S/13/1724:** Erection of a 12 no. bedroom Learning Disability Care Unit (Use Class C2) and 3 no. Retail Units, (Use Classes A1, A2, A3 and A4) including parking, access and associated works. This was on the area the land the Parish Council wish to purchase. It was consequently - WITHDRAWN dated 8th May 2014

3.6 Subsequently on the same area of land in 2015 under application reference **S/15/1585** development was applied for the erection of 3 storey building comprising ground floor retail (Class A1) and 14 no. apartments (Class C3) with access, parking, and amenity areas and associated works. The officer recommendation to approve was overturned by Planning Committee on 12th January 2016 and permission was REFUSED Decision dated 15th January 2016. It was not subsequently appealed.

3.7 The land remains vacant. With the wider development of Haydon 3 nearing completion, the North Swindon Development Company are keen to draw a conclusion to matters that remain outstanding. Furthermore the Parish Council are very keen to progress with the land purchase. Given the proximity of the land to the Community Centre at the south-eastern corner of the Village Centre 3 officers are not objectionable to the potential loss of the developable land as the proposed use would offer additional local amenity use that would be complementary to adjacent landuses. Furthermore residents in the area that overlook the land have become used to its open nature as a consequence of the lapse of time.

4.0 Concluding Comments:

4.1 Officers consider that the amendments to the existing s106 obligation clauses should be supported.

5.0 Recommendation:

That the request to agree to a S106 Deed of Variation be **approved** in accordance with the Recommendations listed above.

6.0 Alternative Options

6.1 The Planning Committee may refuse to enter into the S106 DoV and Supplemental Deed. The s106 however appears to provide options to allow this alternative use to be approved and override the provision of the s106 in any case. In refusing to support the variation, there is a risk that the land may remain undeveloped. Should that become the case, it could be seen as detrimental in the long-term to the wider environment of Redhouse Village Centre and its residents and users.

7 Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

7.1 In completing a S106 Deed of Variation there should be no financial impact to the Council as the Council's costs of entering into such should be borne by the developer. In addition future responsibility for on-going maintenance of that relevant area of Land would become the direct responsibility of the Parish following land purchase as the purchase would take place direct.

Legal and Human Rights Implications

7.2 Legal and human rights implications have been taken into account in preparing this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

7.3 In completing this DoV it will ensure that there is no risk of a s106 breach occurring as a direct result of the land purchase. Furthermore in the event that formal open space is created, this could be seen to enhance immediate health benefits for residents and wider public in the interests of supporting a sustainable development and wider public health benefits derived from its everyday use, and greater certainty of what may happen with the land.

Links to Council Plan 2016-2020, Strategic Objectives, Plans and Policies

7.4 This report relates to improving the quality of development to be constructed in the Borough and therefore it is aligned with the vision for Swindon which seeks to ensure Swindon has all the positive characteristics of a British city with one of the UK's most successful economies and a model of well managed housing growth which supports new and existing communities. This report supports the vision with respect to deregulation, facilitating local decision-making. As such the

proposal is fully aligned to our Corporate Objective around securing supporting the localism agenda and delivering public health benefit through development.

Diversity Impact Assessment

7.5 This report simple seeks to amend the content of an existing s106 planning deed of obligation that has previously been entered into. The securing of these amendments accords with regulation and will not create an adverse impact on the basis of age, disability, race, gender, sex, sexual orientation, religion or belief.

Risk Management

7.6 There are no identifiable risks in entering into this s106 DoV.

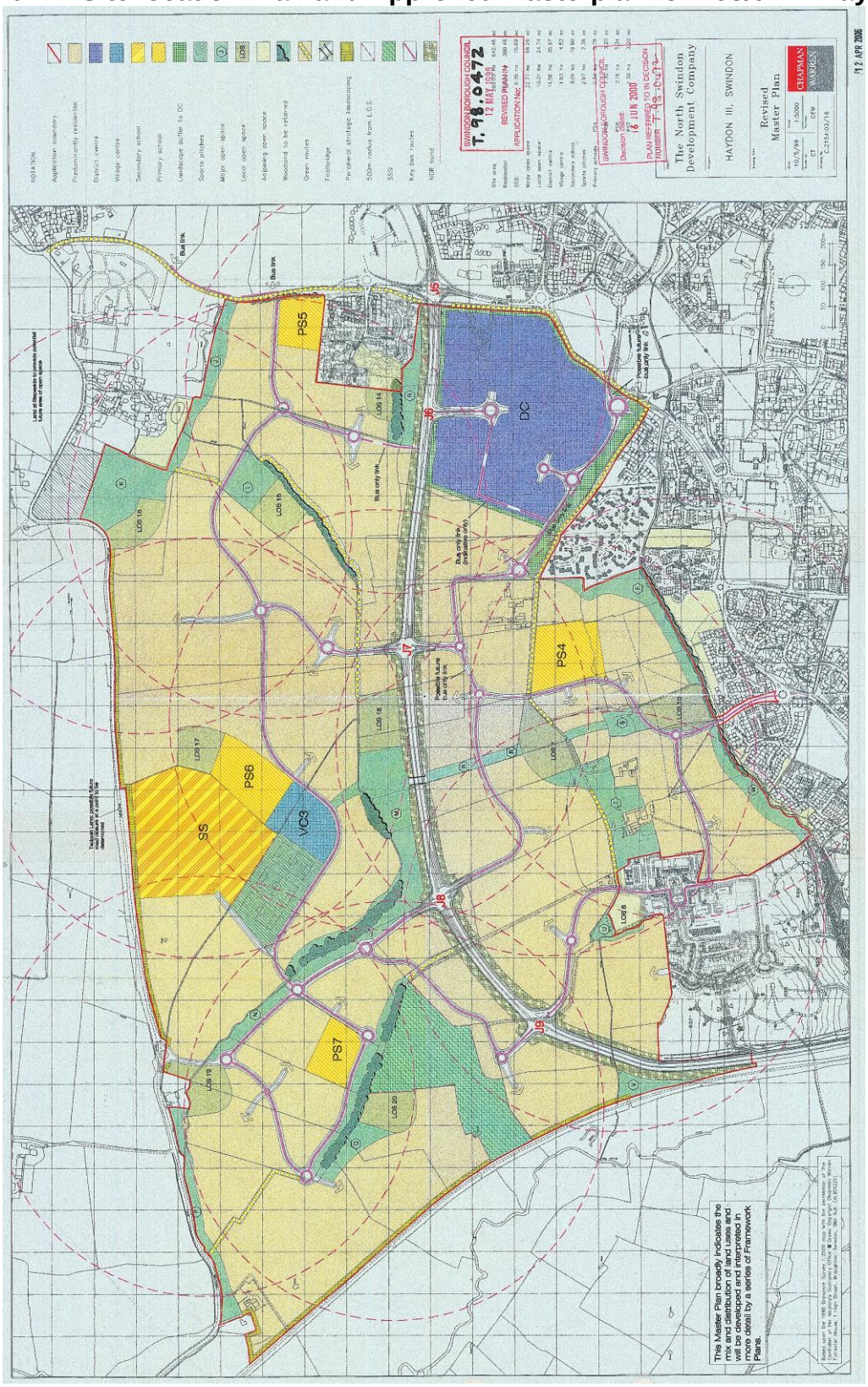
Appendices

- **Appendix 1: Site location Plan with approved Masterplan for T/98/0472 Haydon 3**
- **Appendix 2: Original Approved Framework Masterplan for Haydon 3 VC3**
- **Appendix 3: Plan showing indicative area of land under discussion for purchase by and transfer to St. Andrews Parish Council**

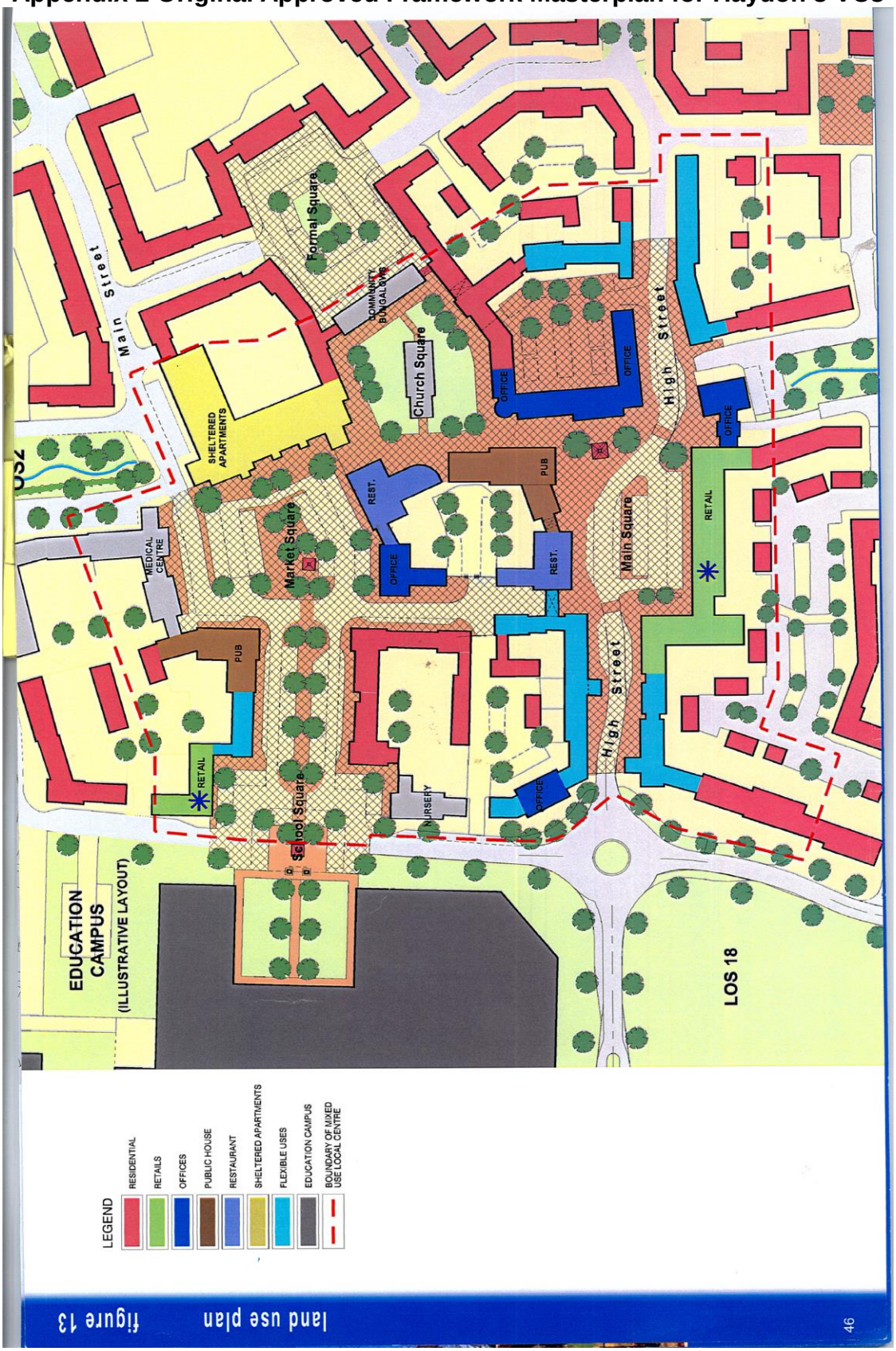
Background Papers

- Original Signed S106 agreement for T/98/0472 dated 16th June 2000 (as amended)
- Approved Framework Plan for Village Centre 3 - Redhouse
- Site Location plan

Appendix 1 Site location Plan and Approved Masterplan for T98/0472 Haydon 3

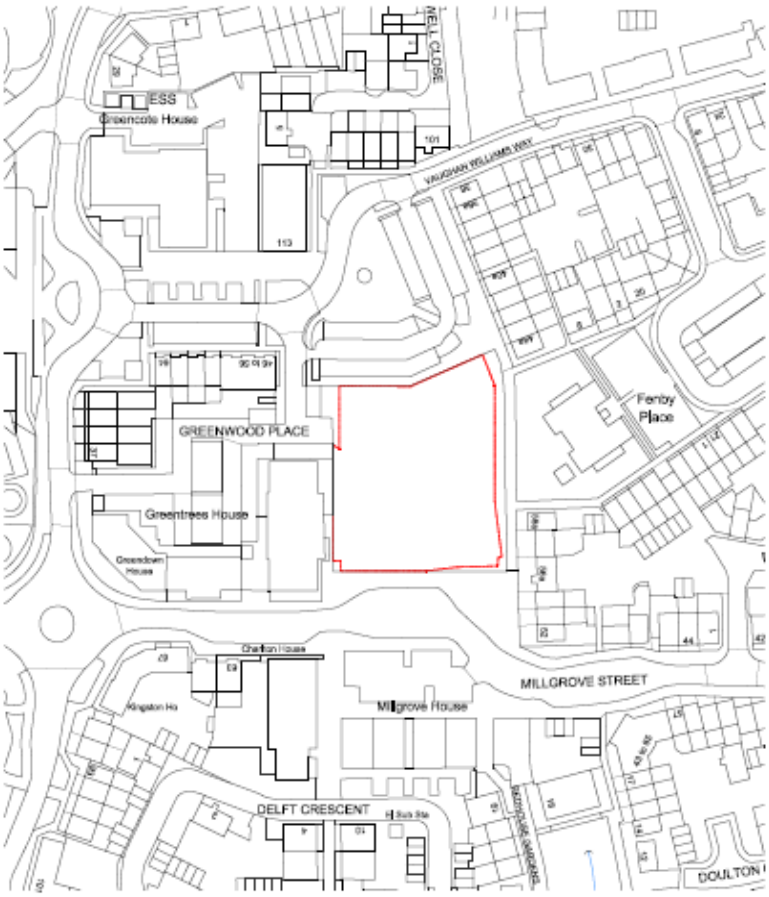


Appendix 2 Original Approved Framework Masterplan for Haydon 3 VC3



Further information on the subject of this report can be obtained from *Sarah Screen* on *466397* or Email sscreen@swindon.gov.uk.

Appendix 3 Plan showing indicative area of land proposed for purchase by and transfer to St. Andrews Parish Council for use as Open Space



Redhouse Village Centre
Swindon
Site Location Plan
1:1250 @ A3
September 2015
AGL
JJ