

# Swindon Borough Council

## Planning Committee

**Tuesday, 10 September 2019**

Council Chamber, Civic Offices

At 6.00 p.m.

### **Conservative Councillors**

*Timothy Swinyard  
Alan Bishop  
Nick Burns-Howell  
Malcolm Davies  
Robert Jandy  
Jenny Jefferies  
Nick Martin  
Vera Tomlinson*

### **Labour Councillors**

*John Ballman  
Paul Dixon  
Steph Exell  
Jane Milner-Barry  
James Robbins  
Peter Watts*

### **Liberal Democrat Councillors**

*Stan Pajak*

**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)

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## **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 - 14)**

To receive the minutes of the meeting held on 13<sup>th</sup> August 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 15 - 17)**

6. **S/17/1114/SASM - Demolition of buildings, and erection of 8no. dwellings and employment building (Use Class B1), conversion and alteration of stables and barn to employment (Use Class B1) including Access and Parking - Manor Farm, 47 Queens Road, Hannington, Swindon (Ward: Blunsdon and Highworth) (Pages 18 - 50)**
7. **Consultation upon and Adoption of Tadpole Garden Village Custom Build Local Development Order (Pages 51 - 60)**

**Date of Despatch:** 10 September 2019

**Key:**

**Officers:**

HPRS&H - Head of Planning, Regulatory Services and Heritage

**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 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, 13 AUGUST 2019**

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

**21. Declarations of Interest**

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

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

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

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

**22. Minutes**

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

**23. Public Question Time**

There were no public questions

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

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

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

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

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

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

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

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

Submissions opposing the application can be broadly summarised as:

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

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

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

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

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

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

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

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

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

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

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

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

Submissions opposing the application can be broadly summarised as:

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

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

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

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

- (a) An application for permission to develop;



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

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

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

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

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

Submissions opposing the application can be broadly summarised as:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Submissions opposing the application can be broadly summarised as:

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

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

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

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

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

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

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

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

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

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

Submissions opposing the application can be broadly summarised as:

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

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

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

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

Resolved – (1) That the report be noted.

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

### **32. Travel Plans Supplementary Planning Document**

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

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

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

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

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

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

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

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

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

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

works); and

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

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

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

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

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

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

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

### **36. Section 106 - Deed of Variation Request**

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

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

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



## Determination of Planning and related Applications

**Planning Committee**

**Date: 10<sup>th</sup> September 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.

# **Determination of Planning and related Applications**

**Planning Committee**

**Date: 10<sup>th</sup> September 2019**

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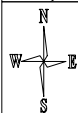
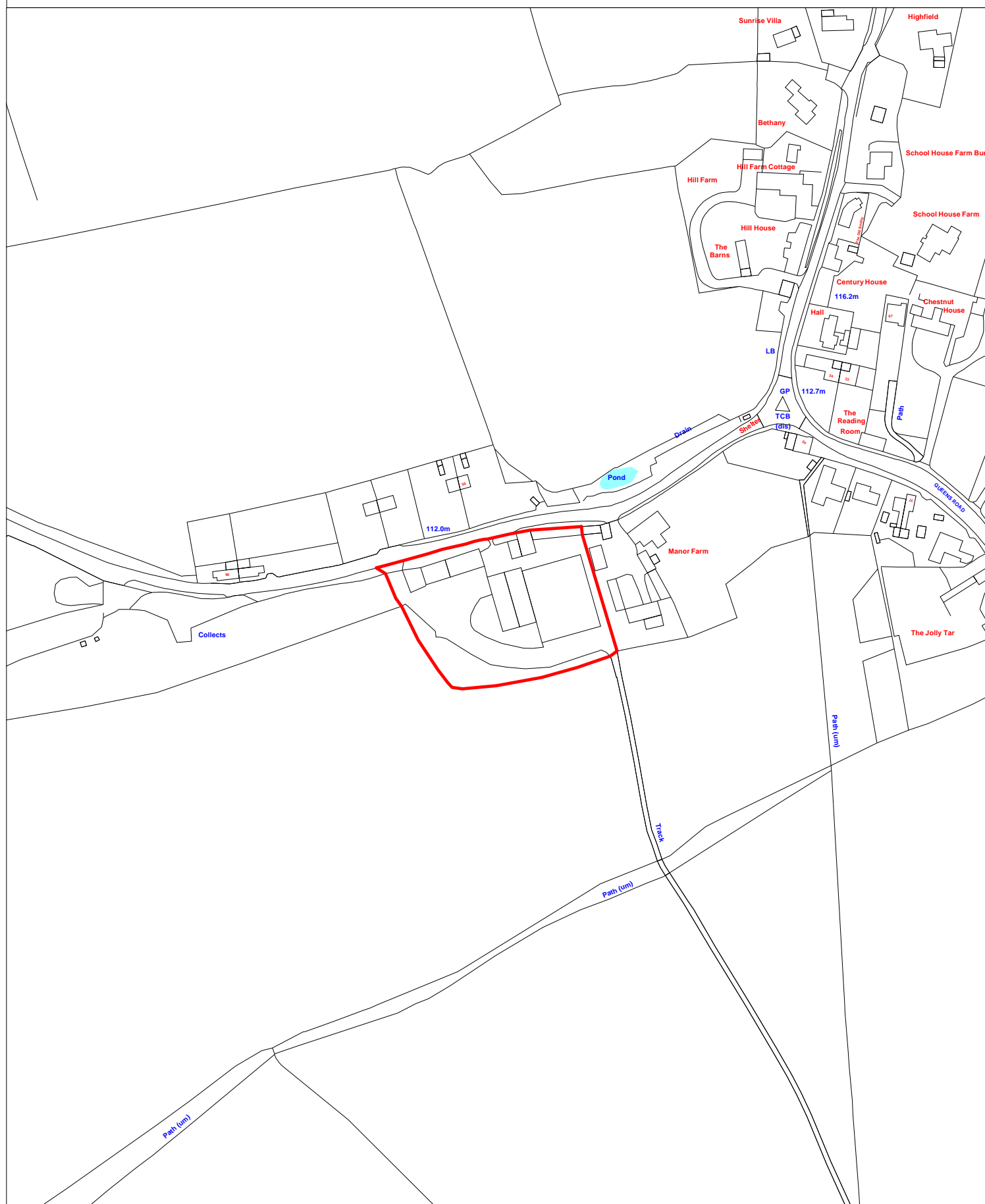
5.2 Planning and related applications reported to this Committee for the first time.

## **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
  - Hannington Neighbourhood Plan (2018) for applications in Hannington Parish
2. Adopted Supplementary Planning Guidance Notes, Supplementary Planning Documents and Development Control Guidance Notes
3. The National Planning Policy Framework, (2019); 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

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



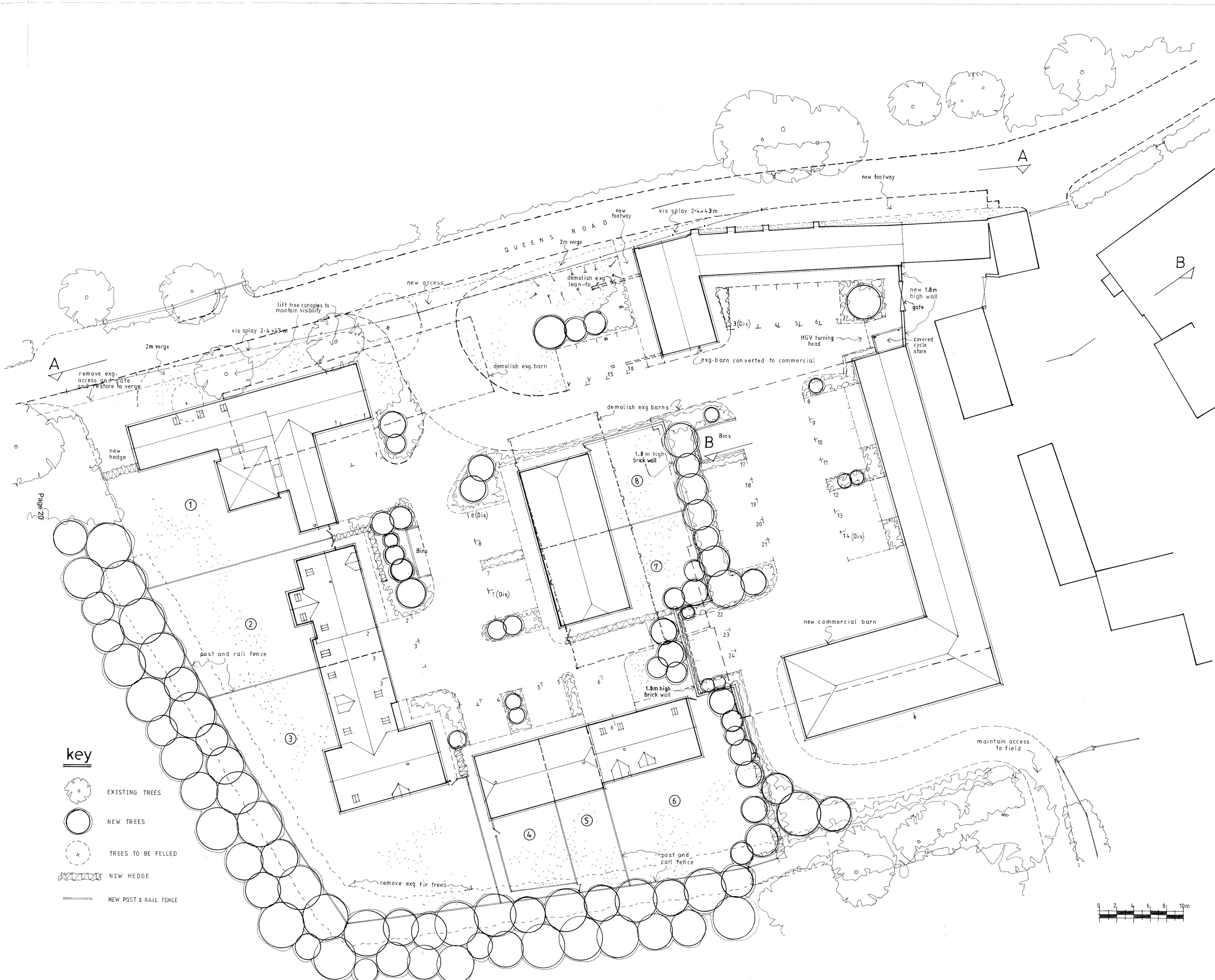
This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.  
In all cases references should be made to the submitted plans.





Page 19





Page 20

- key**
- EXISTING TREES
  - NEW TREES
  - TREES TO BE FELLED
  - NEW HEDGE
  - NEW POST & RAIL FENCE

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

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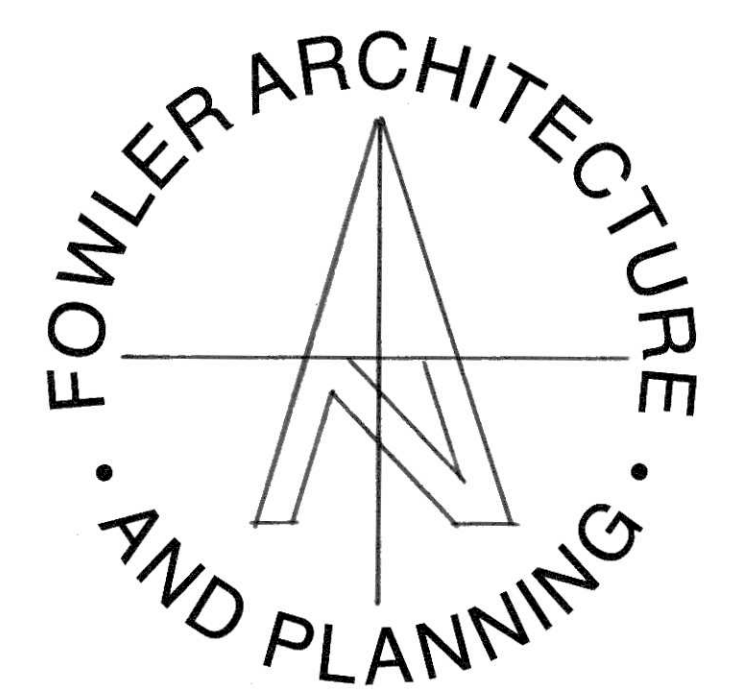
project  
**MANOR FARM**  
**HANNINGTON**

drawing  
**site plan**

scale  
**1:200 @ A1**

date  
**MARCH '17**

drawing no **130712 ~ 27** B



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 Wiltshire  
 SN9 5AF

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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          |
| <b>TOTAL</b>      |                   | <b>1981.4</b> |

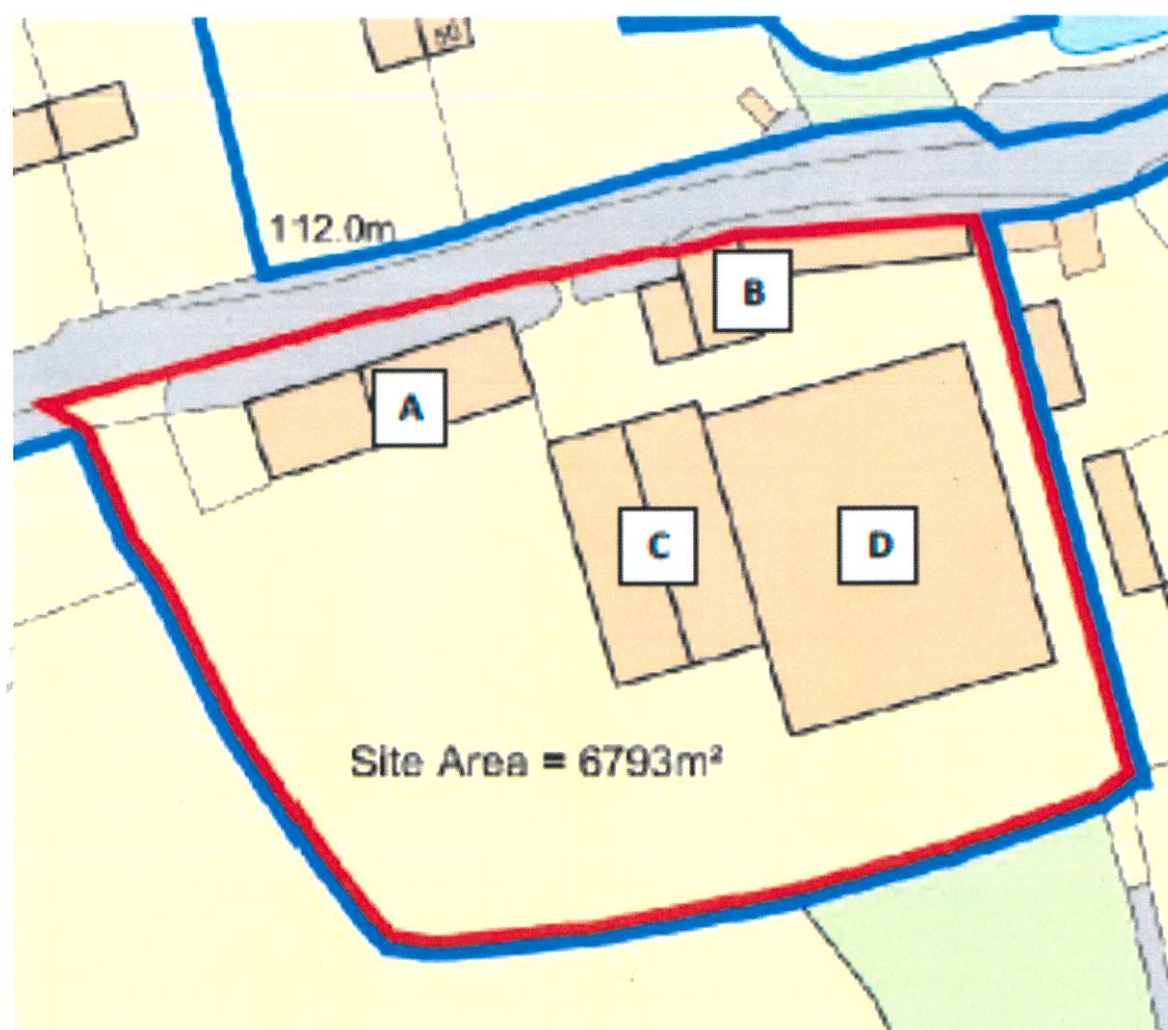
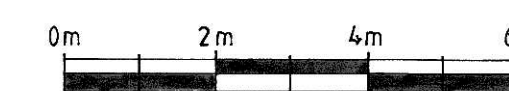
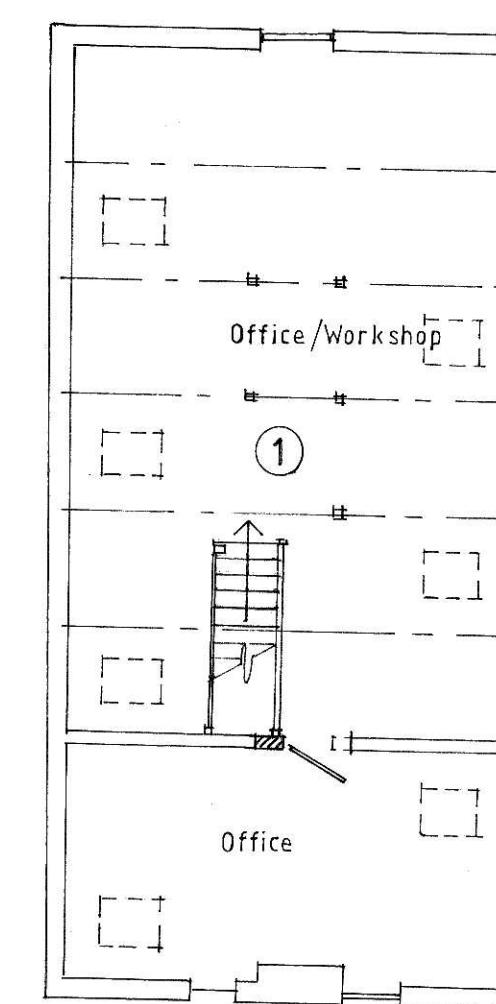
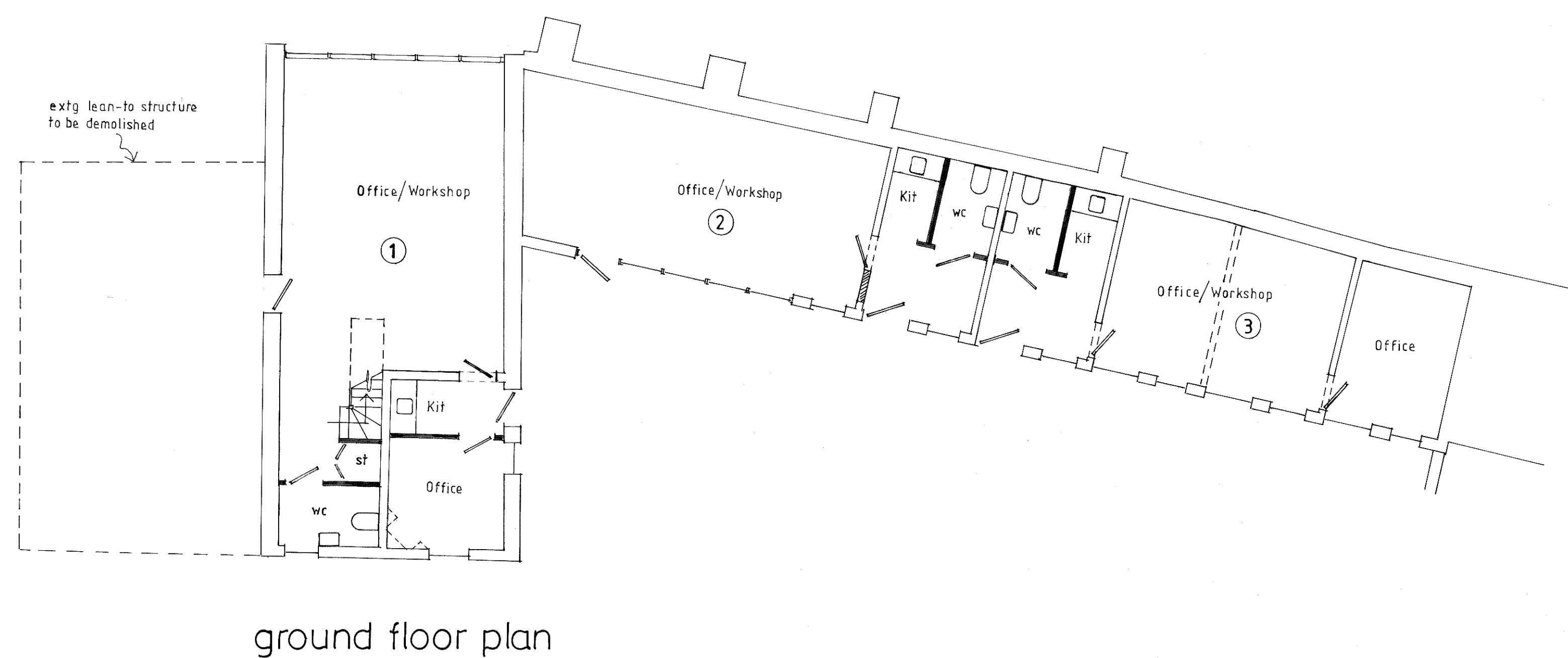
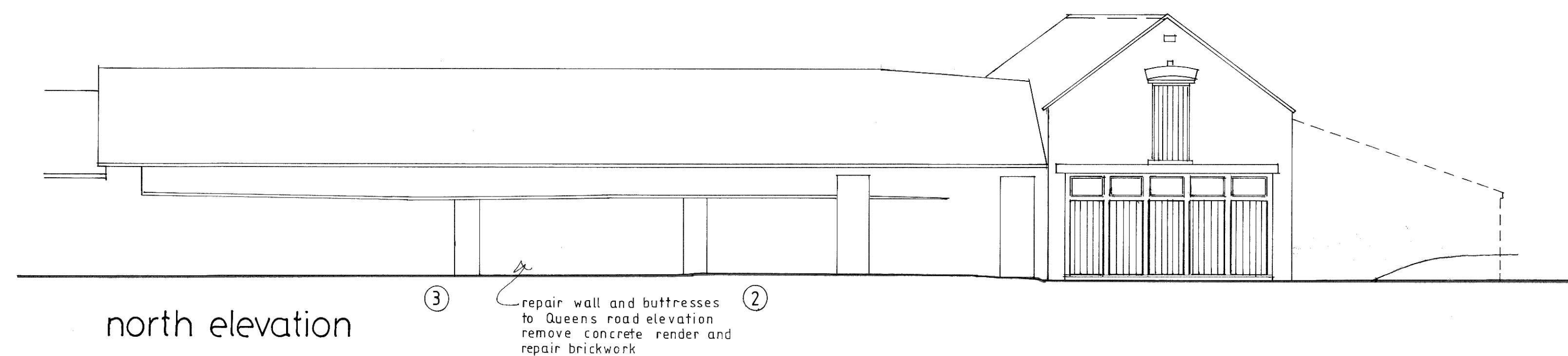
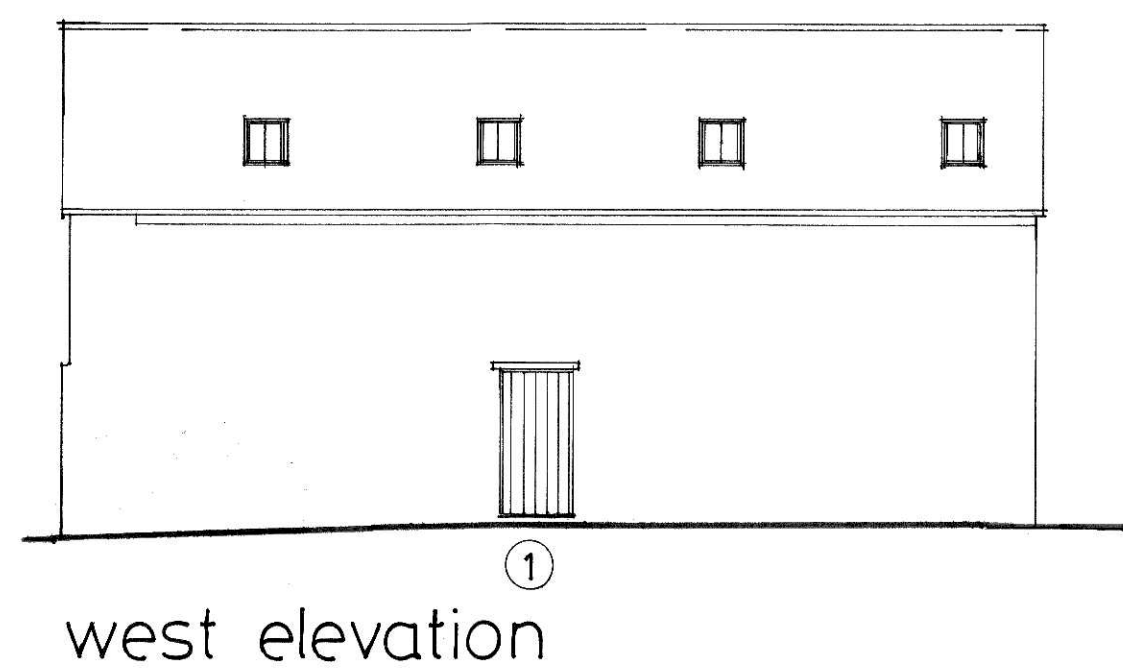
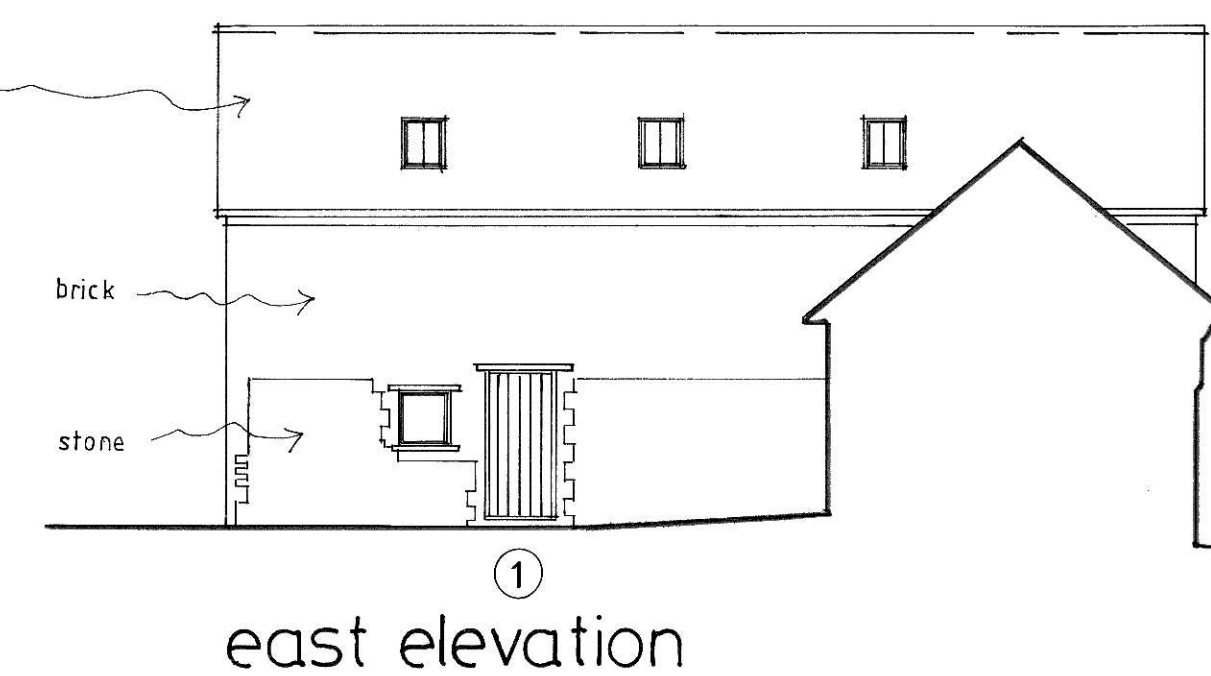
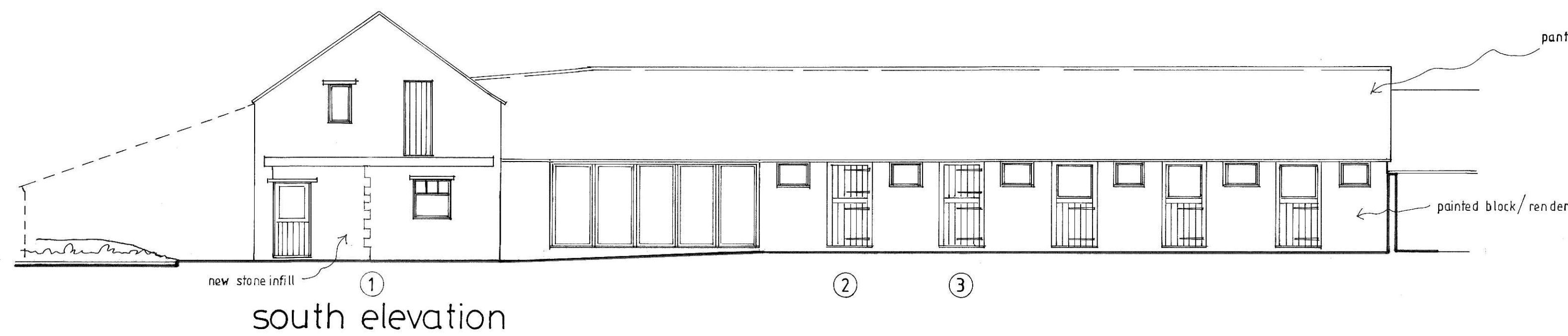


Figure 3 - Identification of existing buildings



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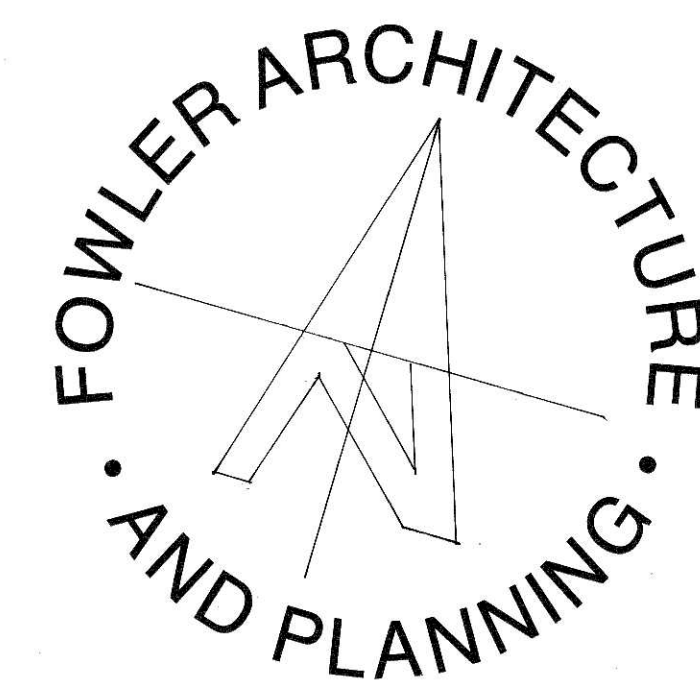
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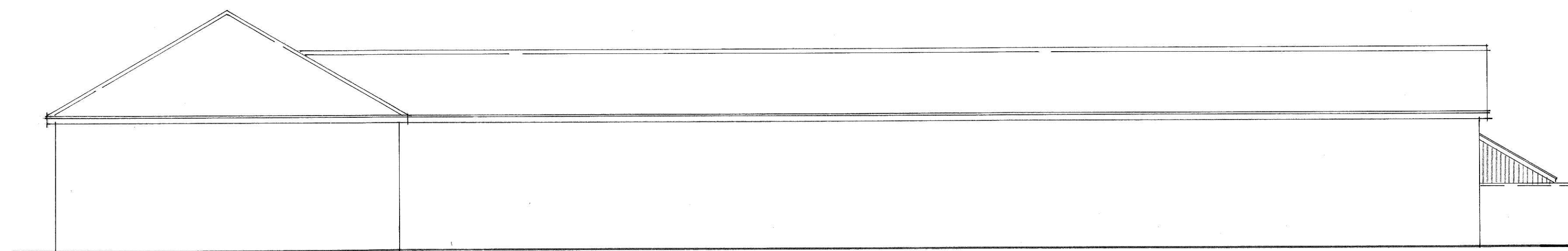


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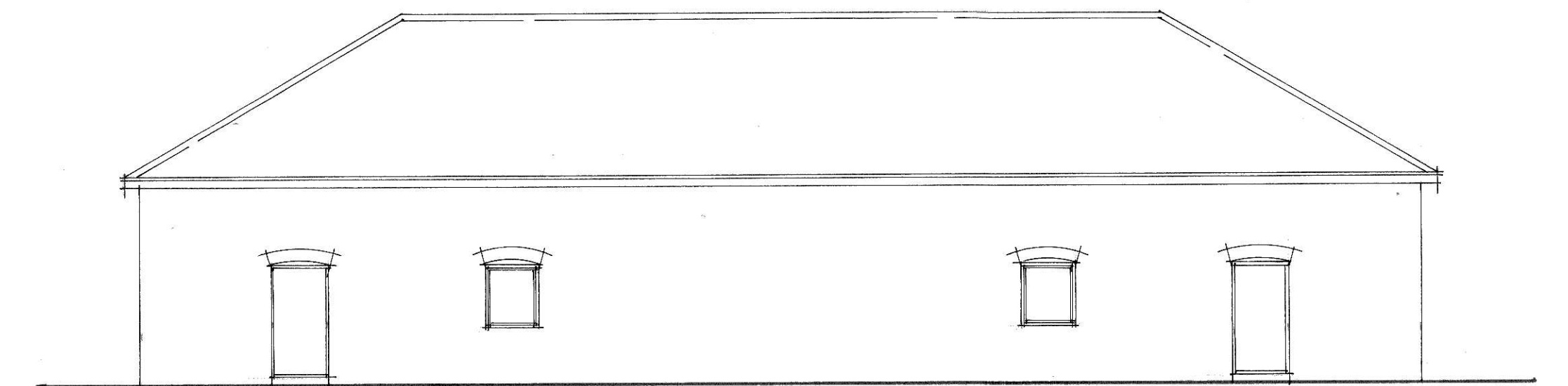
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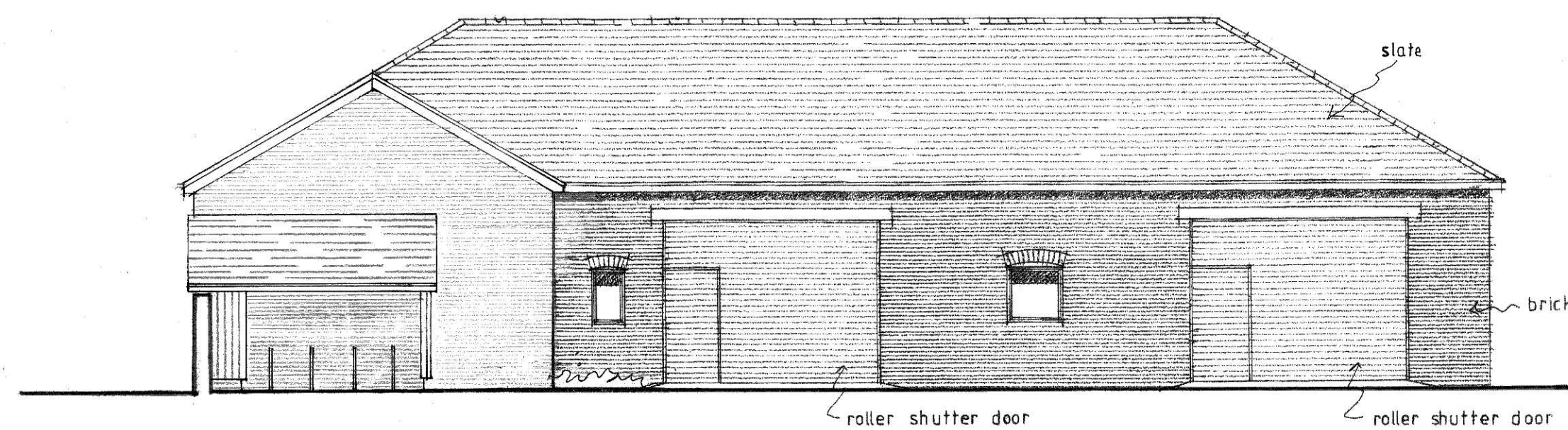




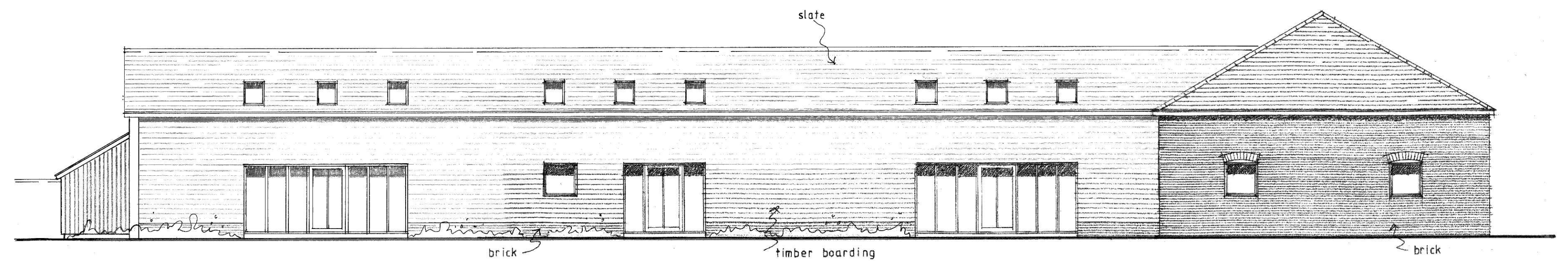
east elevation



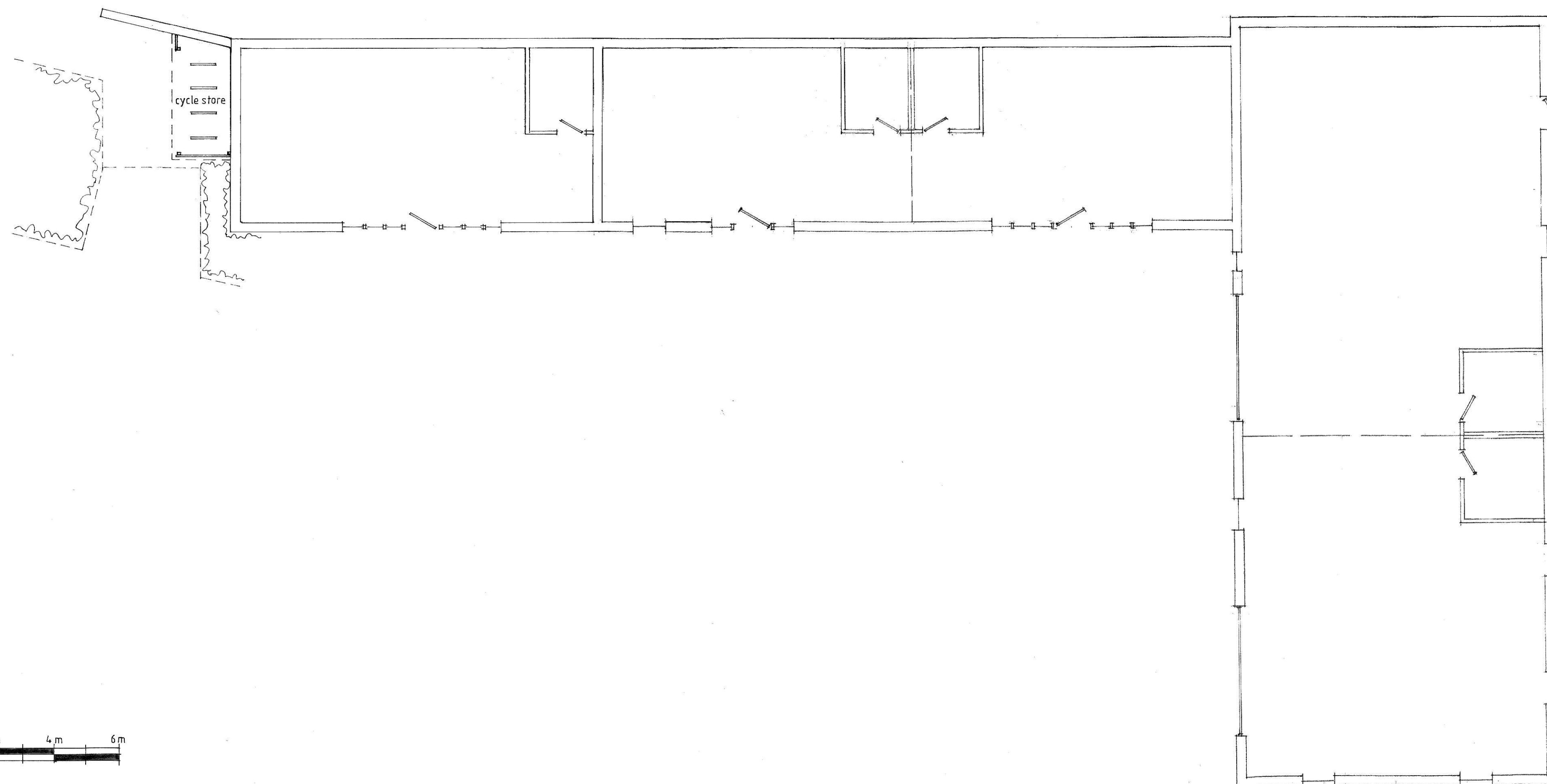
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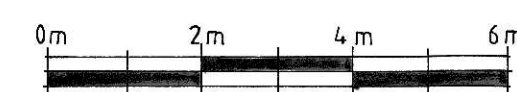
north elevation



west elevation



floor plan



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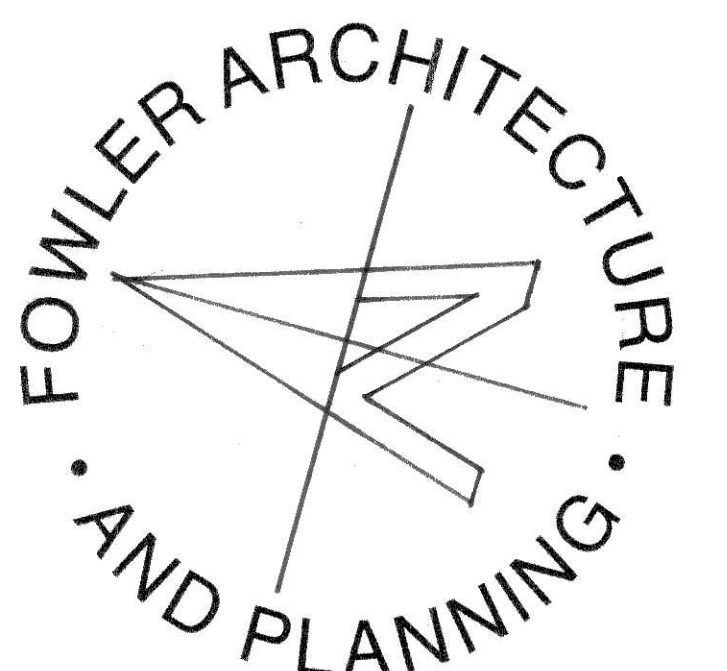
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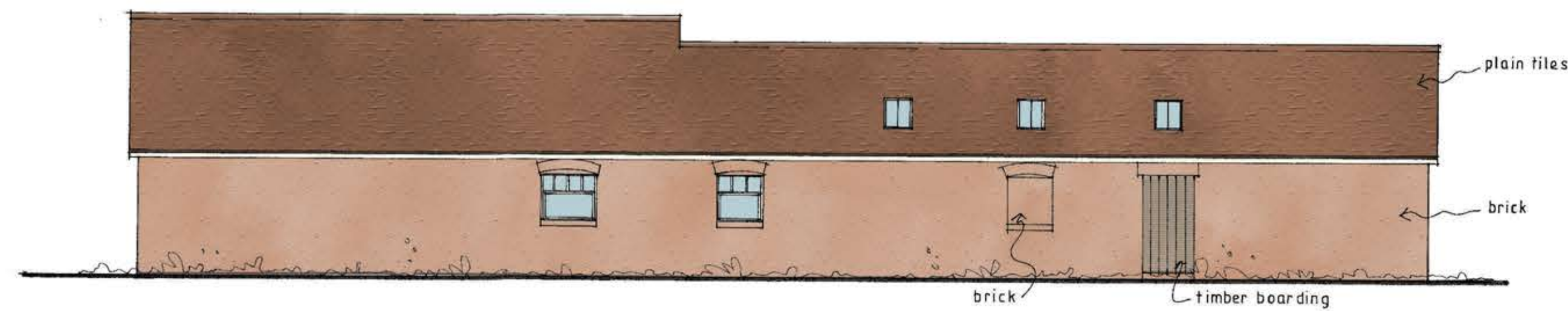


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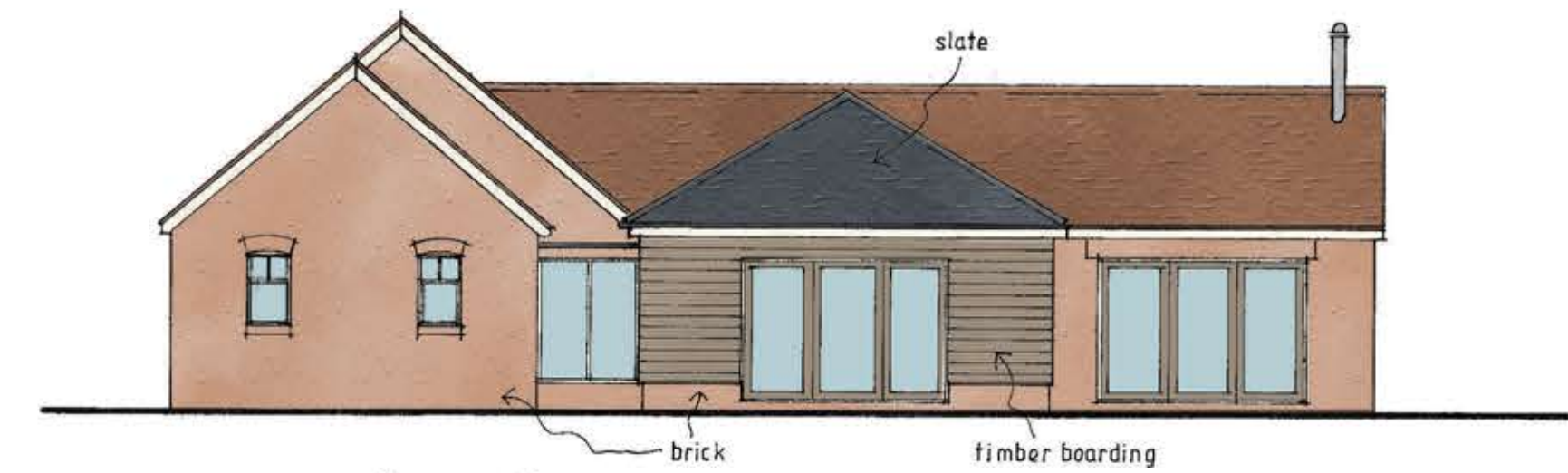
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north elevation



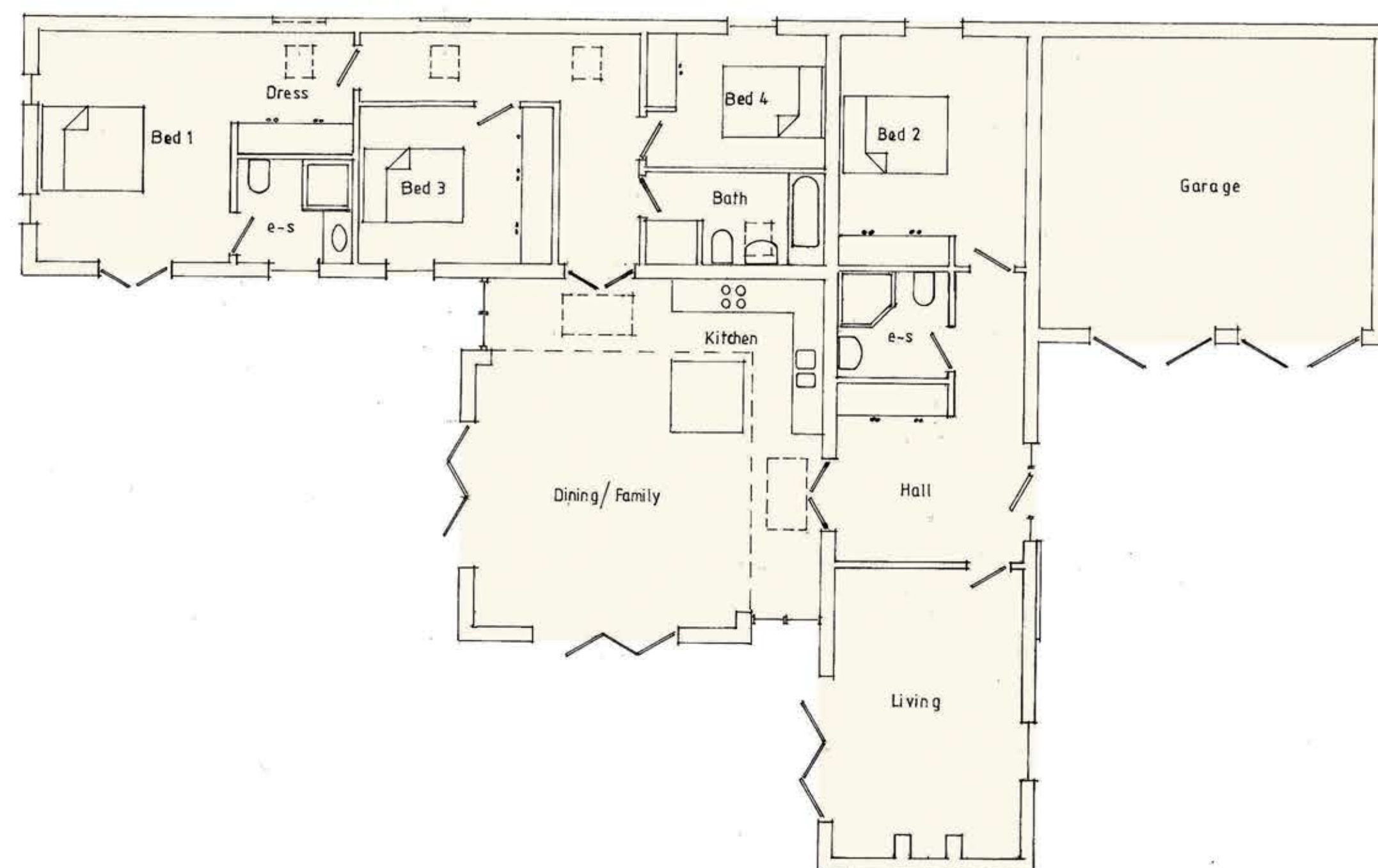
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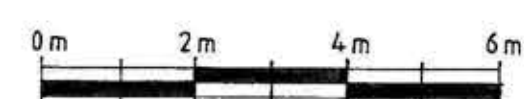
east elevation



south elevation



floor plan



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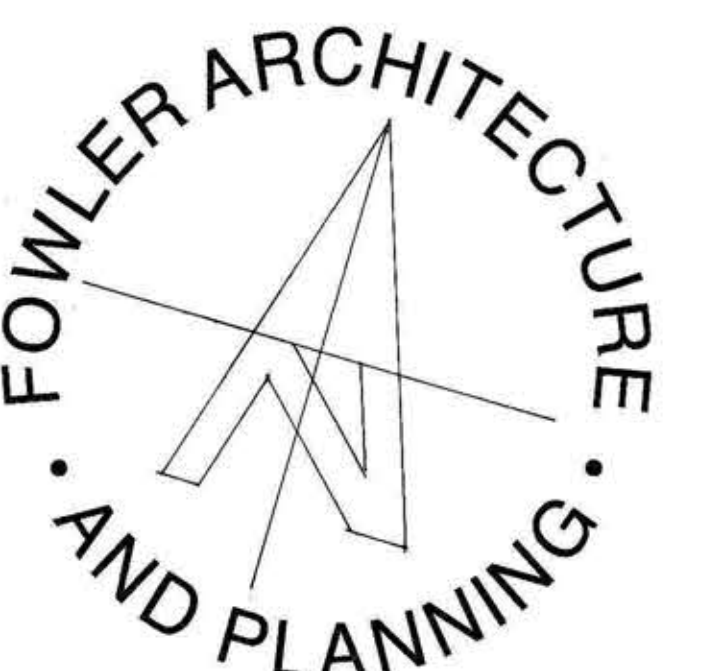
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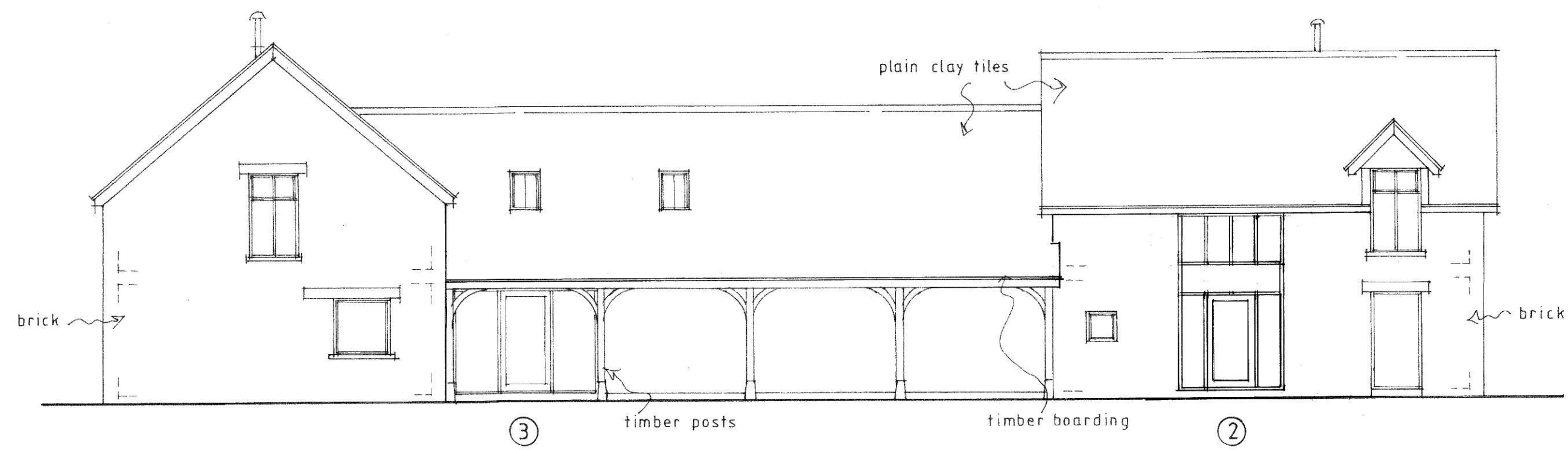


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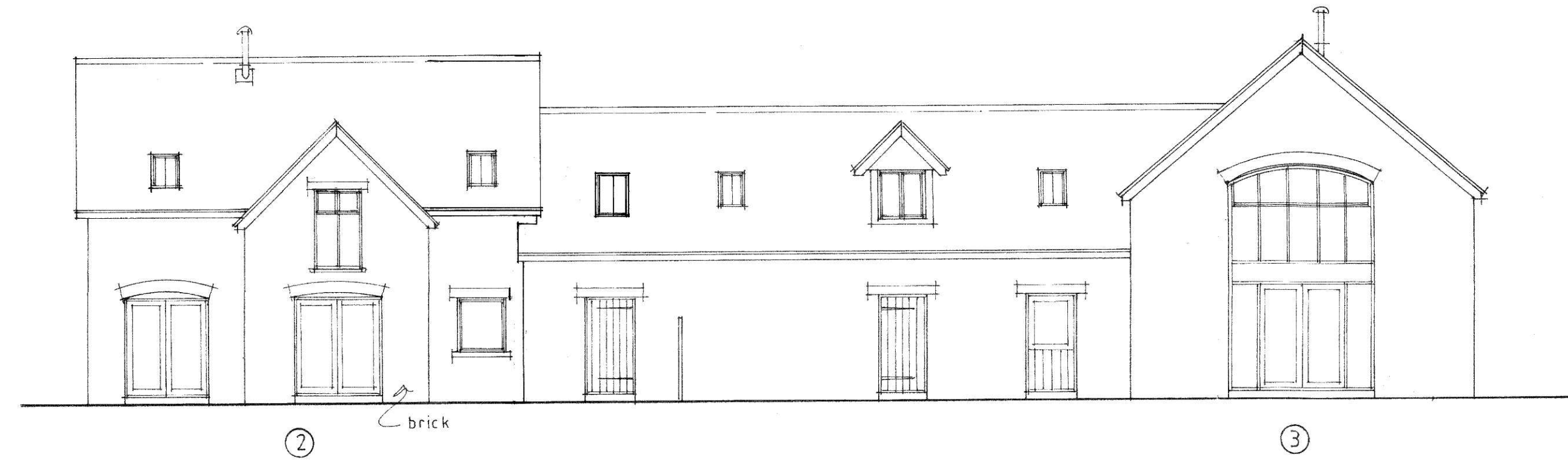
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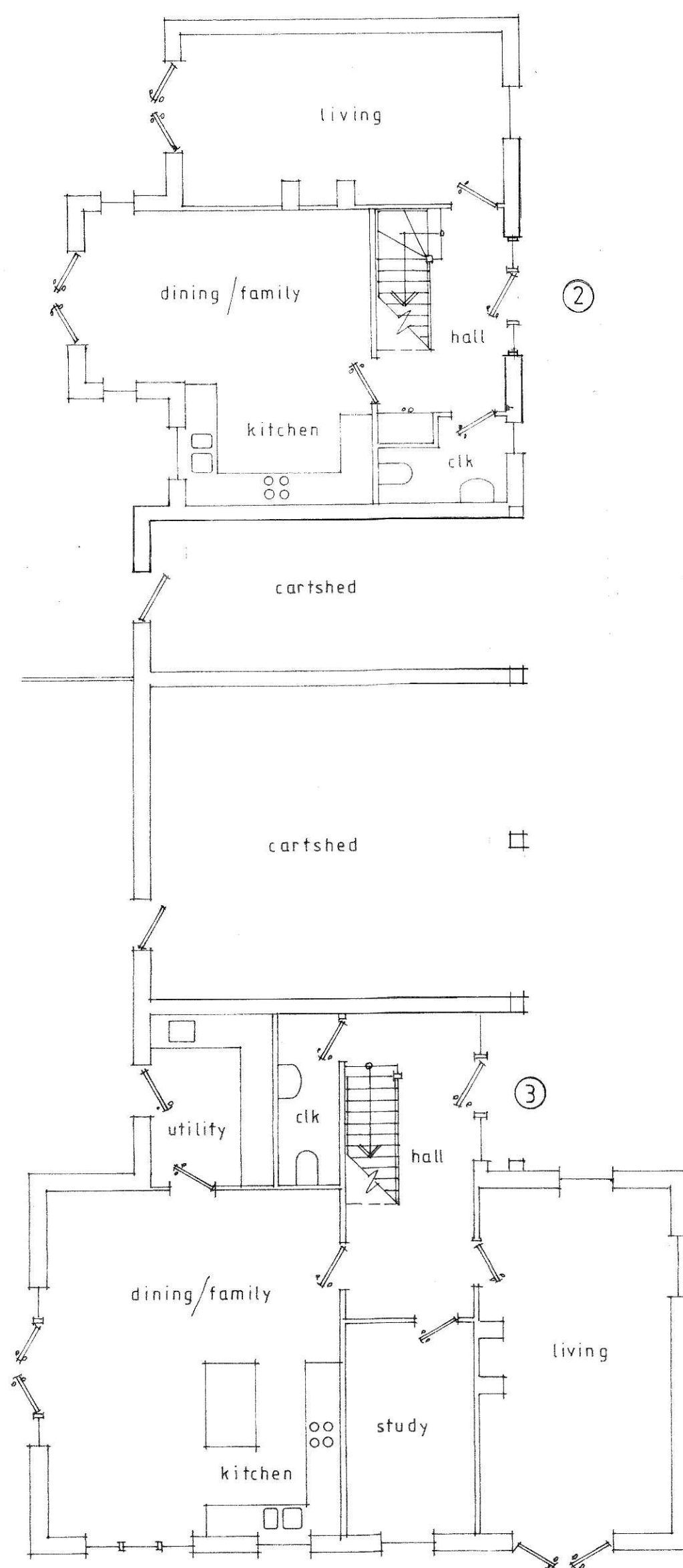




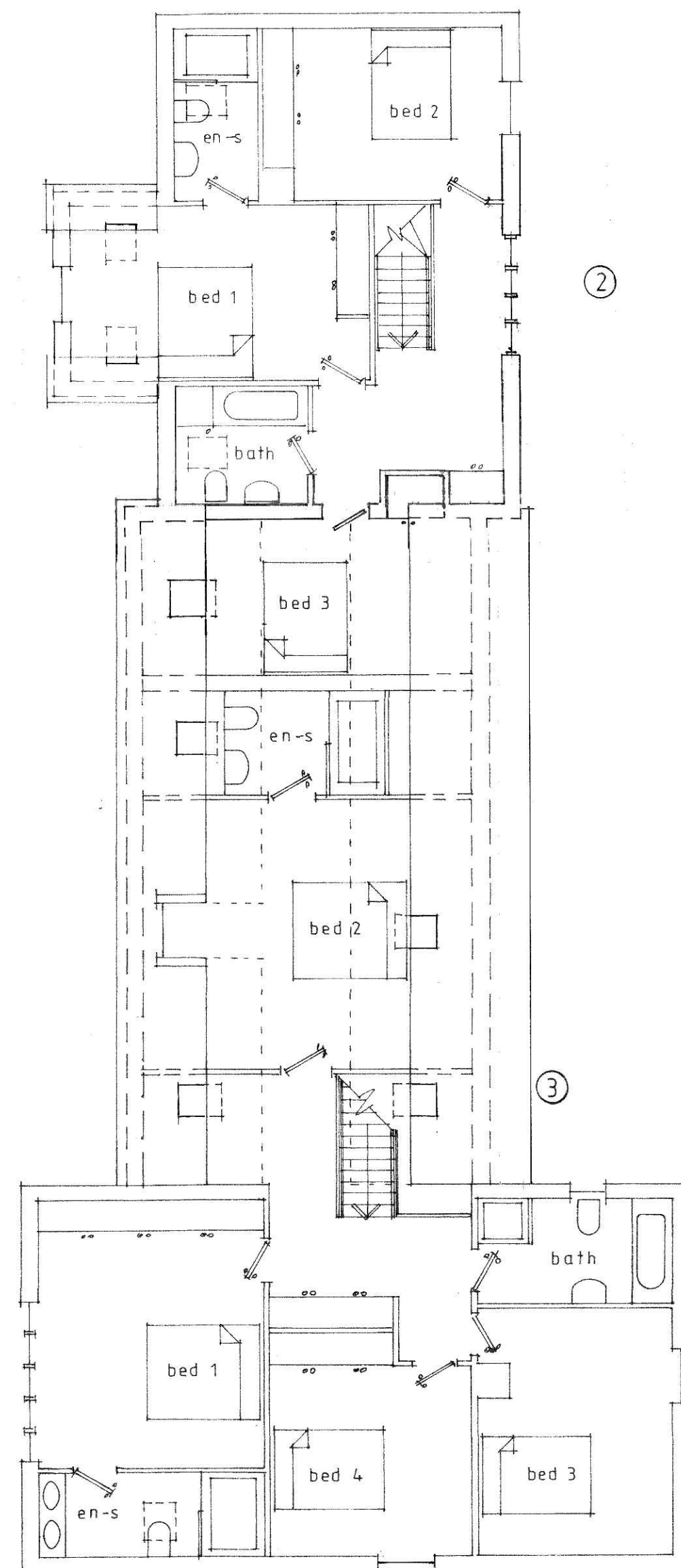
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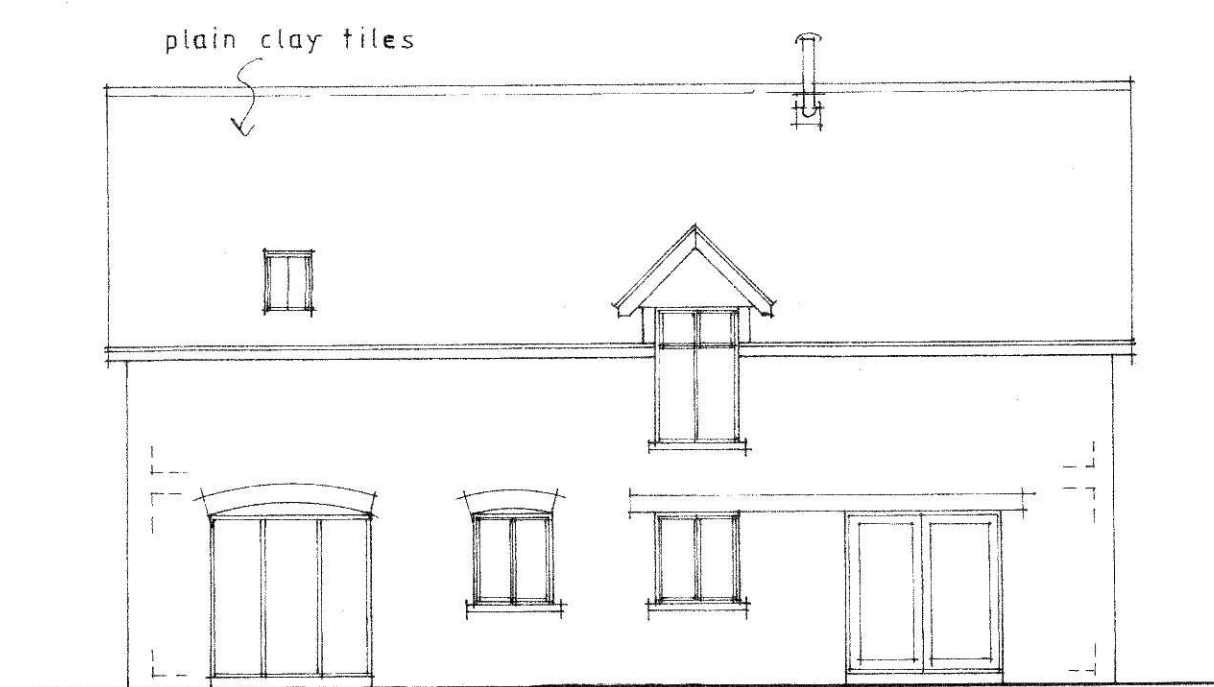
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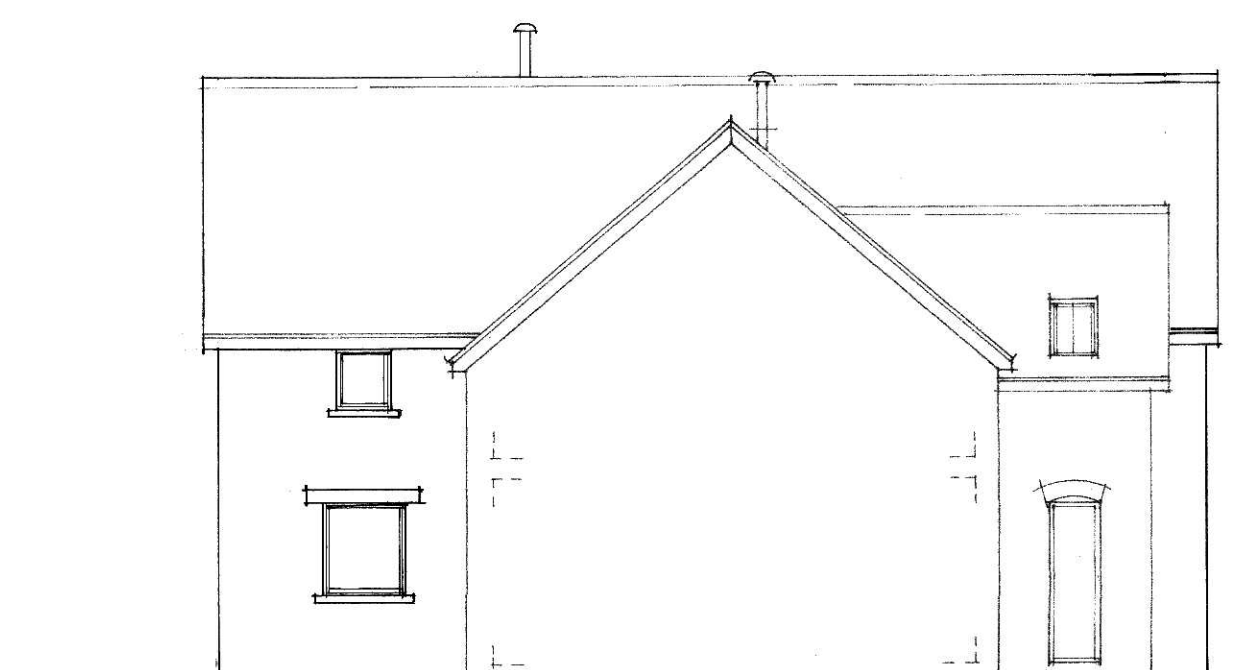
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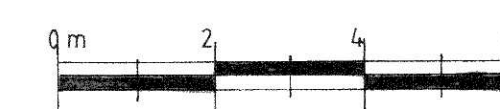
first floor plan



south elevation



north elevation



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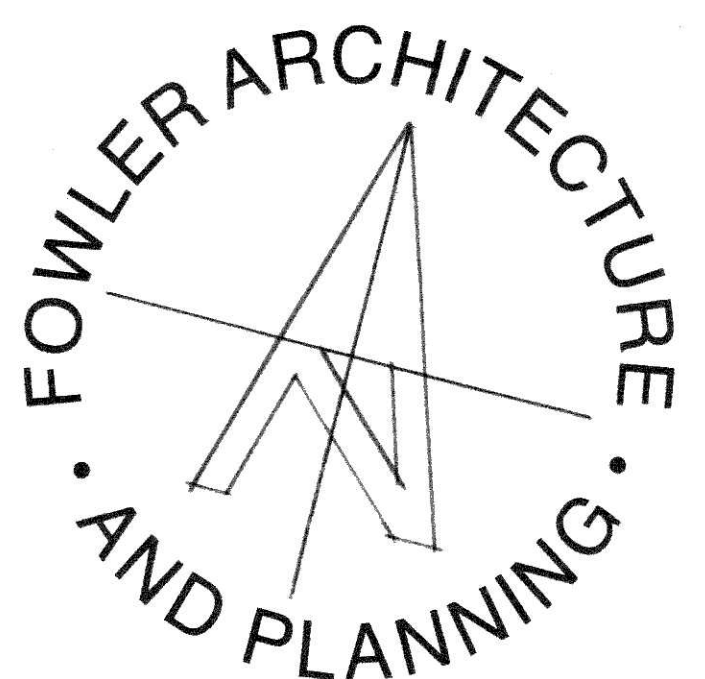
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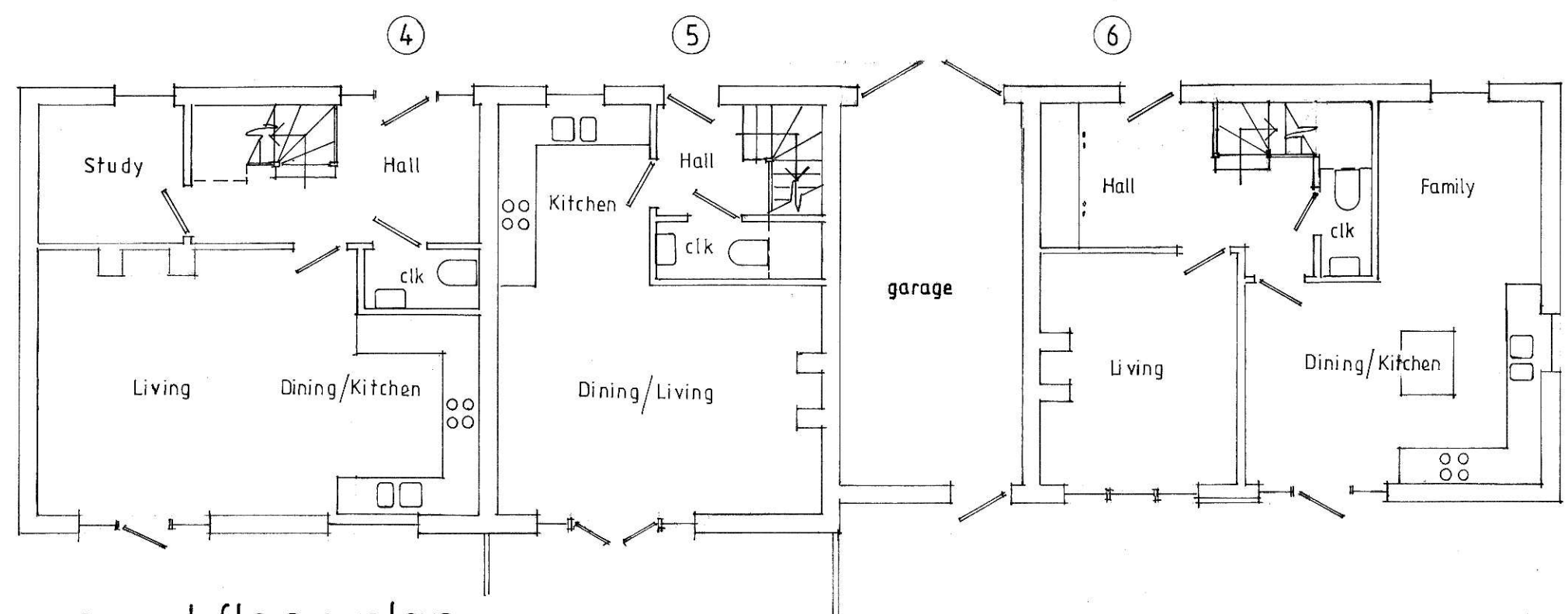
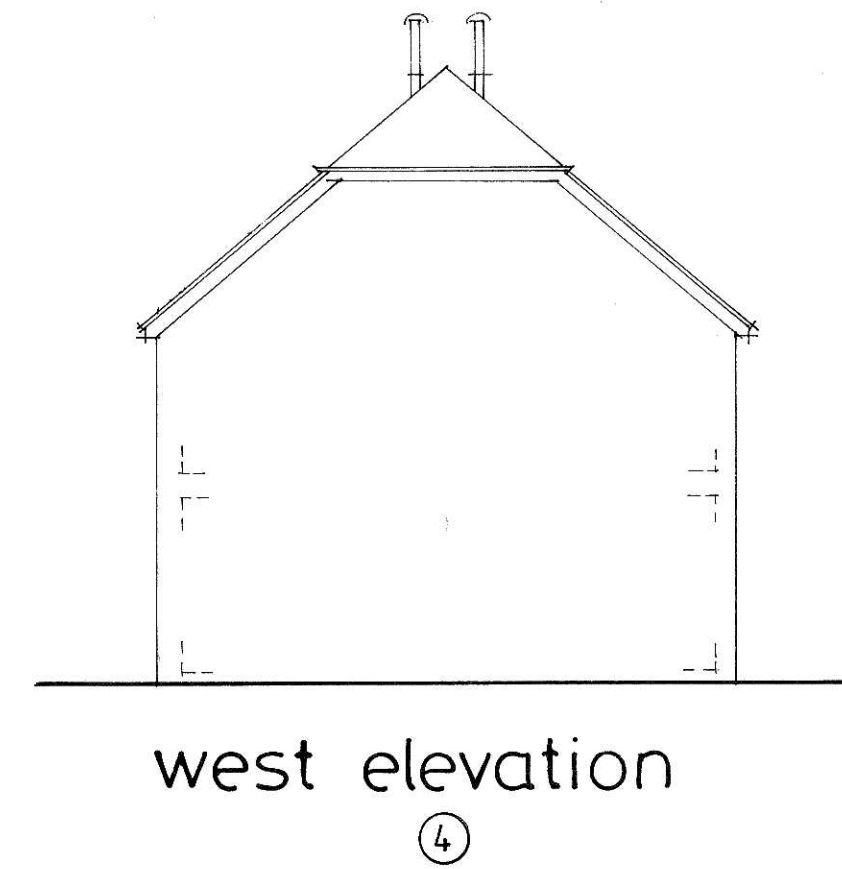
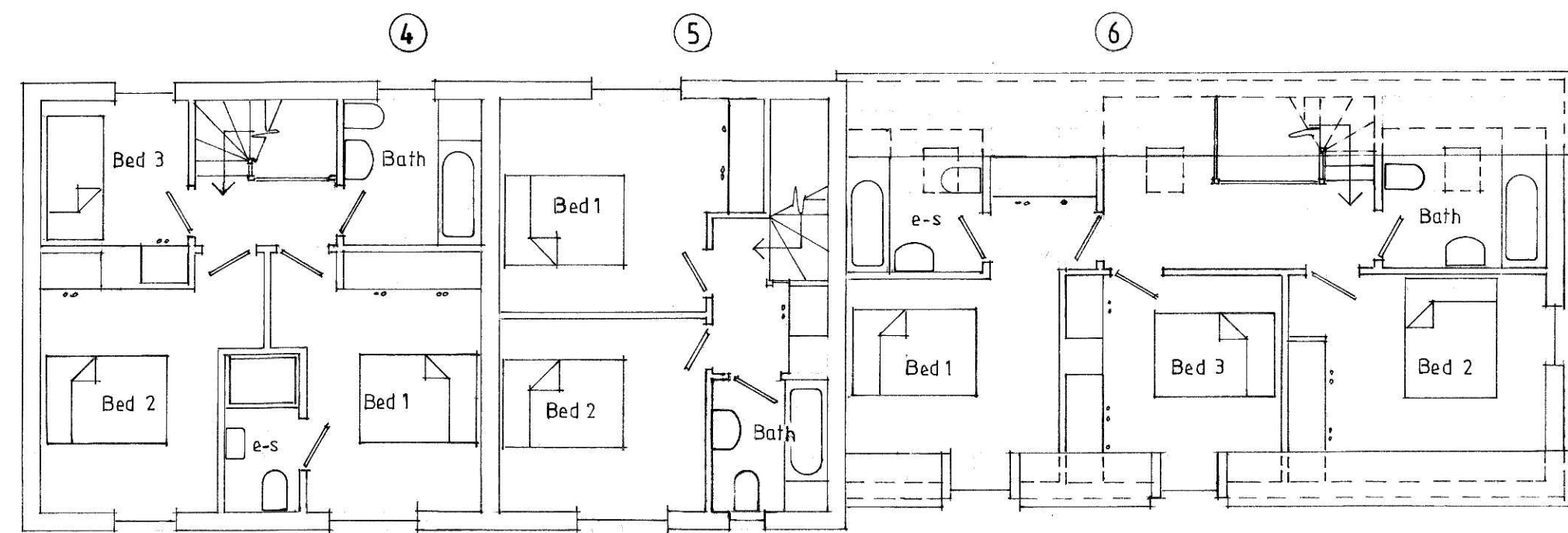
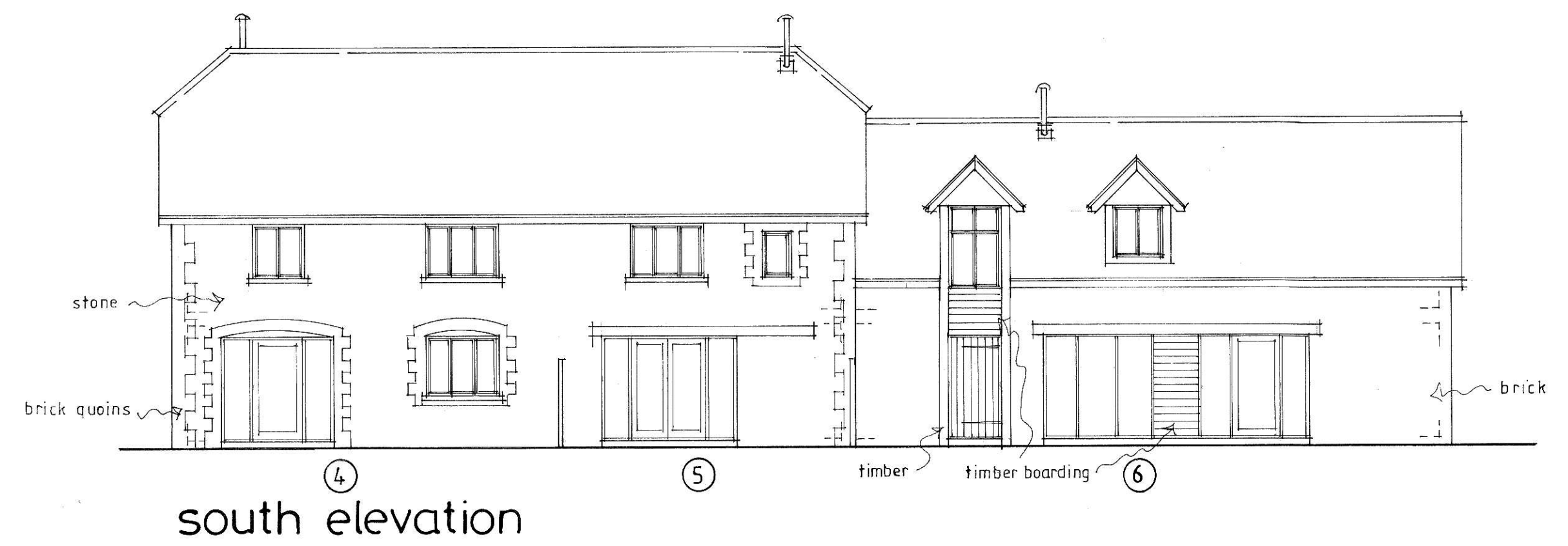
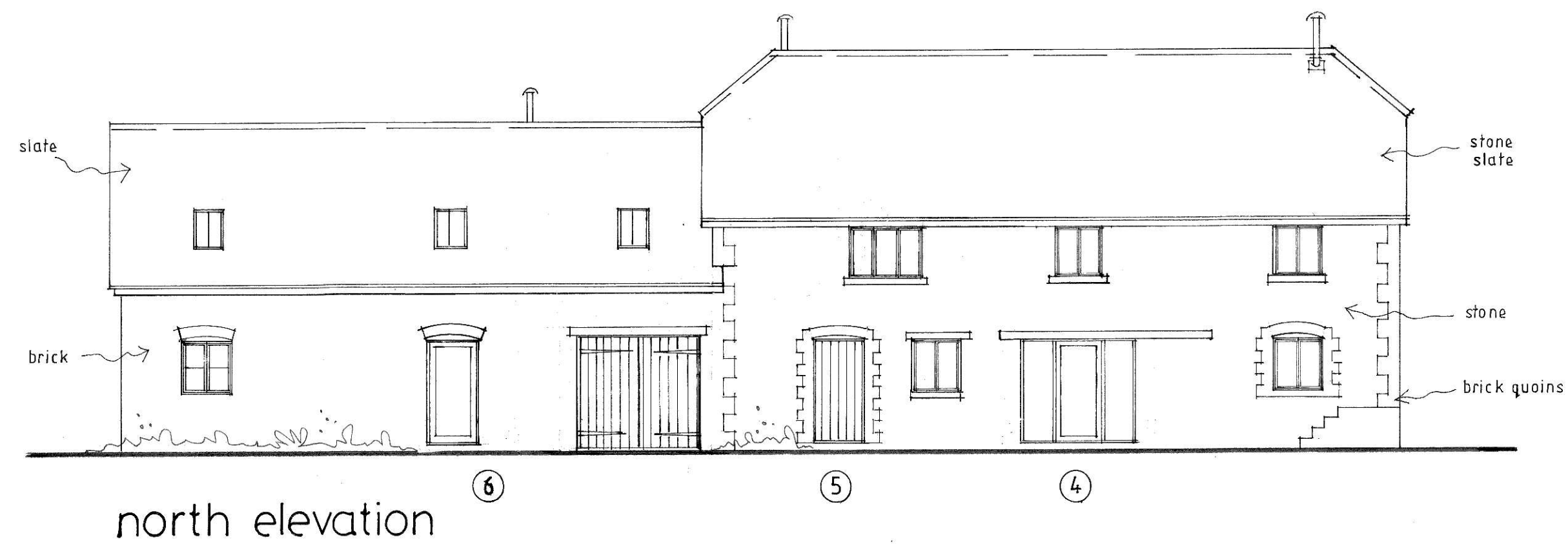
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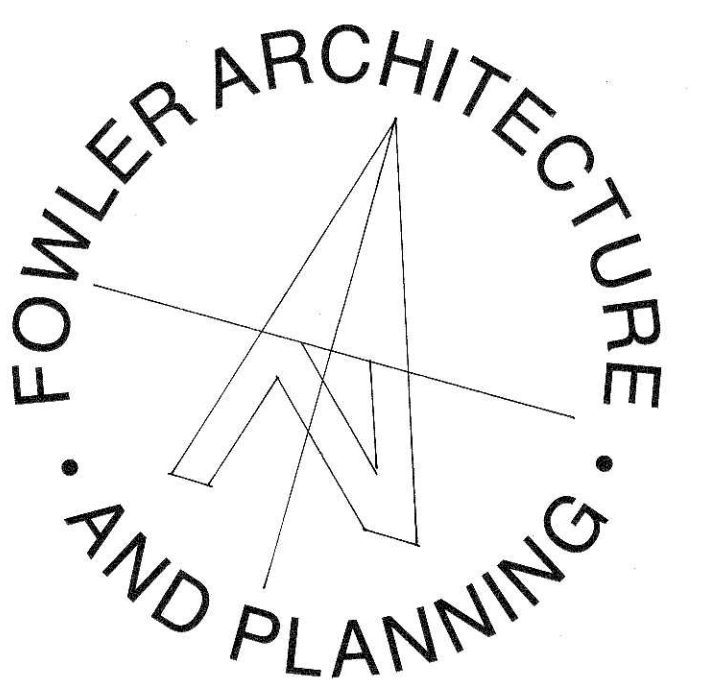
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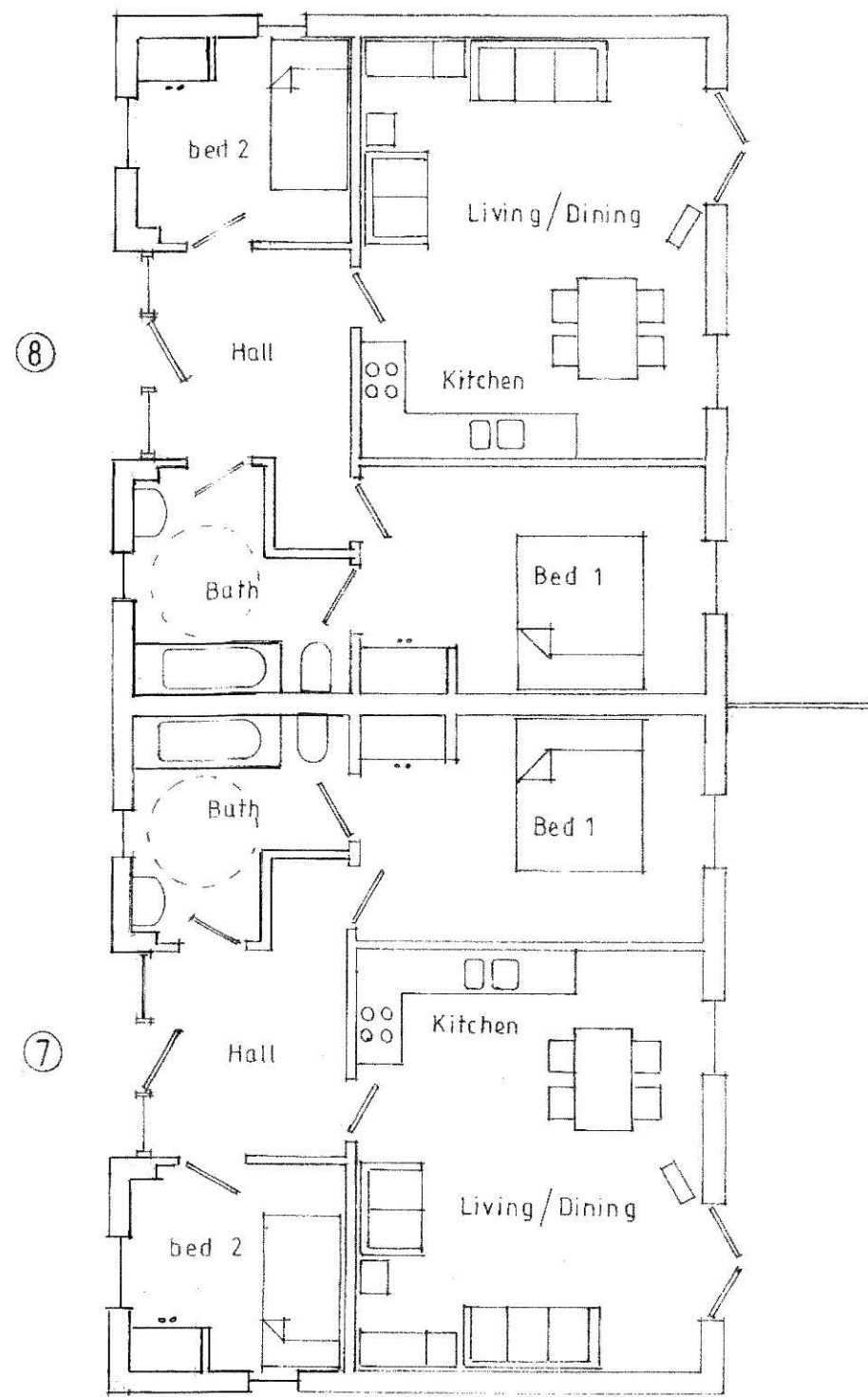


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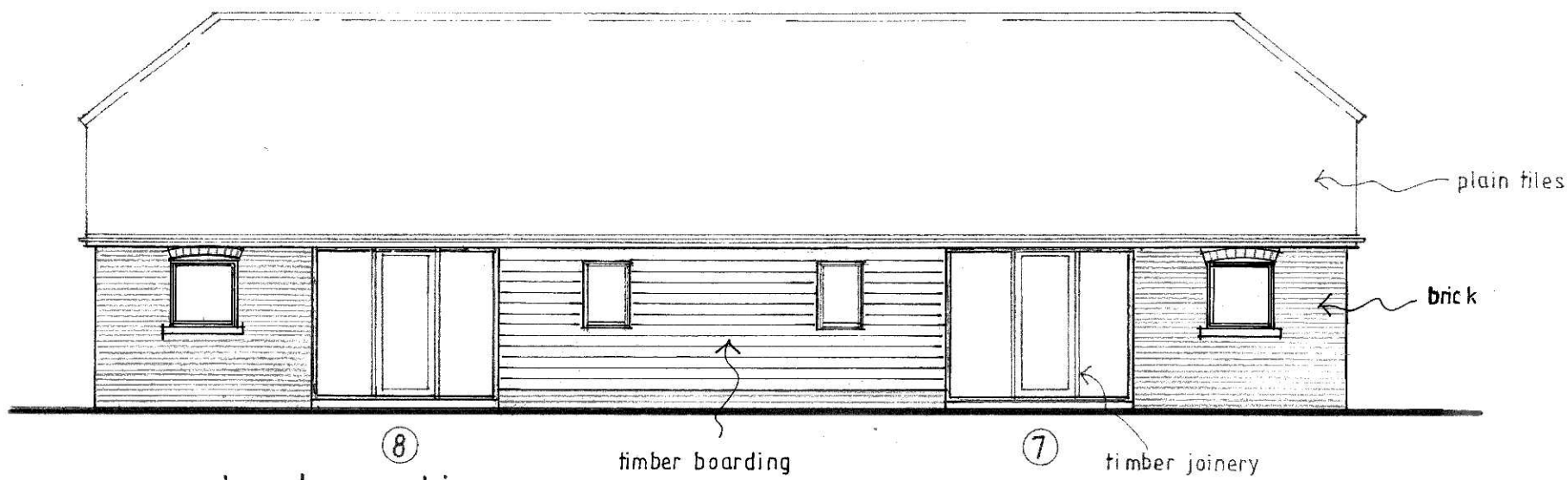
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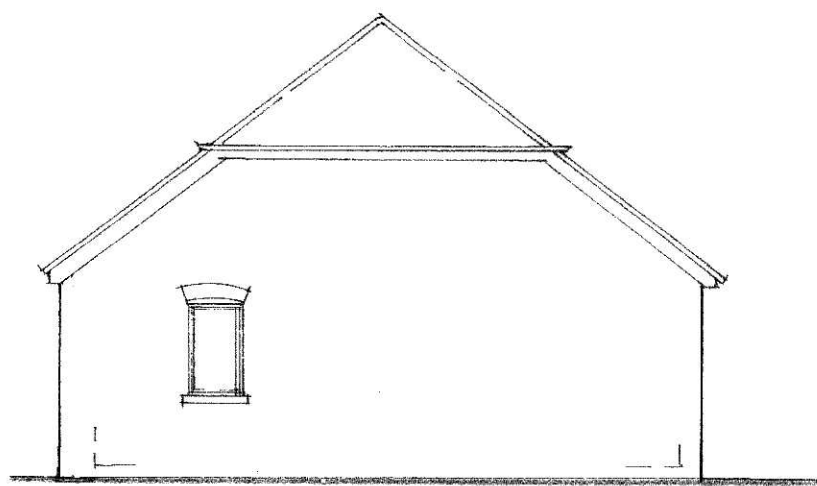




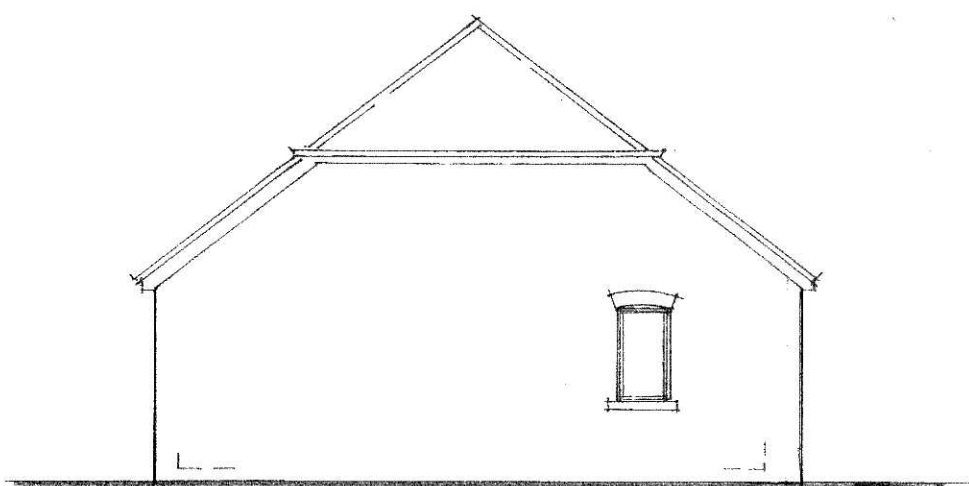
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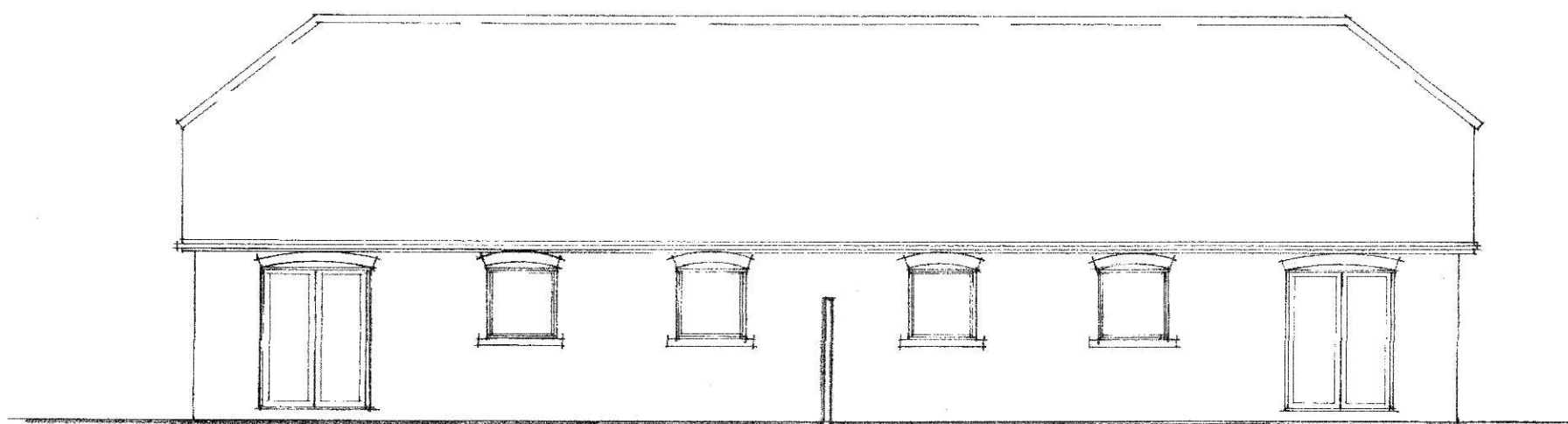
west elevation



south elevation



north elevation



east elevation



revisions \_\_\_\_\_ date \_\_\_\_\_

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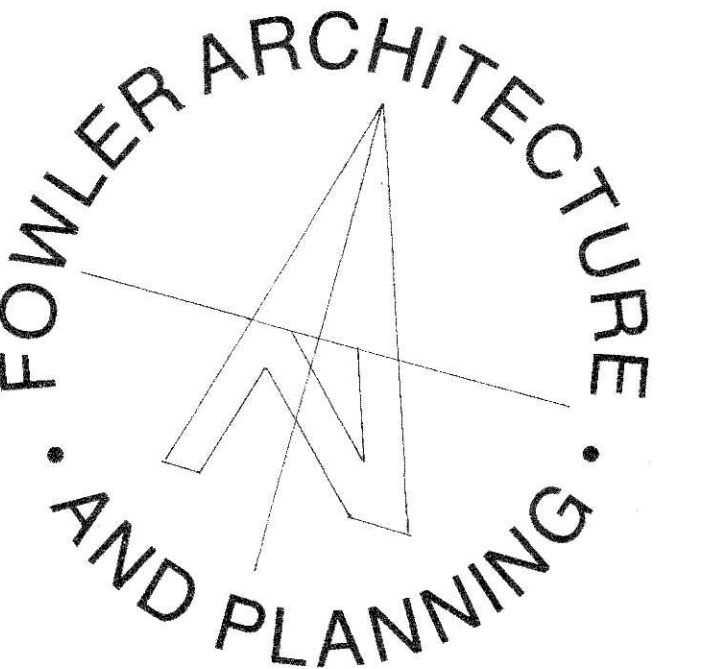
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design scheme  
PLOTS 7 & 8

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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 3<sup>rd</sup> January 2019 and the decision issued under delegated powers on 7<sup>th</sup> January 2019.

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

on Monday 18<sup>th</sup> 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 23<sup>rd</sup> 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.

0.7 The application was placed on the agenda for the 13<sup>th</sup> August 2019 meeting of the Planning Committee, but was withdrawn from consideration to enable further consultation to take place.

#### 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,
- Kempford 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.

#### Further Consultation

15 At the time of writing no further representations have been received in respect of the application following the reconsultation period which will expire 5<sup>th</sup> September. Any representations received will therefore be reported to Planning Committee.

#### Planning Considerations

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 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.

18 The site lies outside of the rural settlement boundary of the village of Hannington, as defined on the Local Plan policies map. 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<sup>1</sup> 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 its 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 its 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.

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<sup>1</sup> 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.

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.

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 Hannington 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:

- o Queens Road is very lightly trafficked, flows peaking at 30 two-way vehicles per hour;
- o Predominately light vehicle traffic [84%] versus HGV movement [16%];
- o 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 3<sup>rd</sup> 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:

| <b>Contribution</b>                         | <b>Amount</b>        |
|---|----------------------|
| 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            |
| <del>Allotments</del>                       | <del>£1,805.36</del> |
| <b>TOTAL Combined</b>                       | <b>£16,434.09</b>    |

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 Skinners 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 Liabe 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 floorspace 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.

101 There 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 3<sup>rd</sup> 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 heritage 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 heritage 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](http://www.swindon.gov.uk/cil) or telephone the SBC CIL Team on 01793 466289 or 466397 or email [cil@swindon.gov.uk](mailto:cil@swindon.gov.uk). To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Information on possible exemptions that may be capable of being applied for can be found at:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy) and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

2. 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](mailto: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



## **Consultation upon and Adoption of Tadpole Garden Village Custom Build Local Development Order**

**Planning Committee**

**10 September 2019**

**Author:** Head of Planning, Regulatory Services and Heritage

**Parish / Wards Affected:** St Andrews

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### **1. Purpose and reasons**

- 1.1 To seek the approval for introduction and adoption of a Local Development Order for 14 Custom Build units at Tadpole Garden Village.
- 1.2 If approved, a Local Development Order (LDO) would, subject to listed criteria being met, automatically grant planning permission for the type of development specified in the LDO, and by so doing, would speed up and simplify the application process and provide greater certainty in the delivery of new housing and custom build plots in particular.

### **2. Recommendation**

2.1 That the Planning Committee authorises that:

- A) the Head of Planning, Regulatory Services and Heritage be authorised to consult on a Local Development Order for the custom build parcel at Tadpole Garden Village as set out in paragraph 3.1.2.2 the Head of Planning Regulatory Services and Heritage be authorised to make minor drafting or typographical changes to the Order and any supporting documents arising from the consultation if required, prior to publication / consultation.
- B) In the event that there no significant objections are received or changes required as a result of the consultation, the Head of Planning, Regulatory Services and Heritage be authorised to adopt the Local Development Order for the custom build parcel at Tadpole Garden Village after outline planning permission is granted.
- C) the Head of Planning be authorised to carry out the steps detailed in the report in paragraph 3.1.

### **3. Detail**

- 3.1. The planning department is currently considering an application submitted by Crest Nicholson for 14 custom build plots at Tadpole Garden Village. Custom housebuilding is a way for purchasers to obtain a home built to their specifications, but designed and provided by a third party. In this instance Crest have chosen a commercial partner to deliver the homes for the plot purchaser.

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Further information on the subject of this report can be obtained from *Nicola Smith* on 466517 or Email [nsmith2@swindon.gov.uk](mailto:nsmith2@swindon.gov.uk).

# **Consultation upon and Adoption of Tadpole Garden Village Custom Build Local Development Order**

**Planning Committee**

**10 September 2019**

**Author:** Head of Planning, Regulatory Services and Heritage

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- 3.2. This application is accompanied by a detailed design code and 'plot passports' for each plot that will be offered for sale. The design code identifies the characteristics and parameters that must be adhered to across the whole parcel, and the plot passports contain plot specific criteria. Together the Code and passports set out the detailed design requirements for each plot. Within those criteria there is scope for the choice and specifications of the plot purchaser to influence the design.
- 3.3. We want to support the Custom and Self build sectors by making it easier for plot purchasers to navigate the planning system to building one's own home. To this end we would like to introduce an LDO to effectively enable Reserved Matters consent to be granted automatically for houses which are in accordance with the approved design code and individual plot passports.
- 3.4. All businesses and landowners impacted by the LDOs will be consulted, in addition to the following Statutory Consultees:
- Environment Agency
  - Natural England
- 3.5. As a monitoring measure and to provide plot purchasers with confirmation that their scheme is compliant with the LDO, plot purchasers would be expected to submit a self-certification form to the Council prior to commencing the works. The plot purchaser would then be issued with a legally binding "Certificate of Lawfulness". There would be a fee to cover the costs of this service.
- 3.6. It is considered that the combination of relaxed planning controls and provision of a serviced site by Crest Nicholson will provide for a compelling package to encourage people to build their own homes in this location.

## **4. Next Steps**

- 4.1. If members approve the process the LDO would be published and consulted upon as soon as possible. Nearby or affected businesses and landowners, Ward members and the Parish Council would be notified. Once adopted The LDO would be made available to view on the Council's website and signposted by Crest who would market the plots to purchasers.
- 4.2. If no significant objections are received, or changes required as a result of the consultation, the Local Development Order will be adopted. In adopting the LDO an LPA must send a copy of the LDO, the Statement of Reasons relating to the

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Further information on the subject of this report can be obtained from *Nicola Smith* on 466517 or Email [nsmith2@swindon.gov.uk](mailto:nsmith2@swindon.gov.uk).

# Consultation upon and Adoption of Tadpole Garden Village Custom Build Local Development Order

Planning Committee

10 September 2019

**Author:** Head of Planning, Regulatory Services and Heritage

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making of that order, to the Secretary of State as soon as reasonably practicable.

## 5. Alternative Options

- 5.1. All proposals for dwellings in this location would continue to require individual Reserved Matters approval. However this 'business as usual' option would not maximise the potential of the planning system in Swindon to facilitate the take up of custom build plots.

## 6. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

- 6.1. As this is a small site of 14 units and the Self-Certification process will attract a fee, there is not expected to be a material impact on planning fee income levels.

### Legal and Human Rights Implications

- 6.2. The LDO will be subject to formal consultation, which will provide the opportunity for comments to be made on the proposals. It is not envisaged that the content of this report will have any direct implications for human rights.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 6.3. The LDOs should help deliver the more efficient use of staff time.

### Links to the Council Vision, Priorities and Pledges

- 6.4. This LDO 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.

### Diversity Impact Assessment

- 6.5. A Diversity Impact Assessment (DIA) has not been completed for this report as it deals with the adoption of a Local Development Order and does not make any recommendations or have any implications that affect services that have not been previously addressed.

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Further information on the subject of this report can be obtained from *Nicola Smith* on 466517 or Email [nsmith2@swindon.gov.uk](mailto:nsmith2@swindon.gov.uk).

# **Consultation upon and Adoption of Tadpole Garden Village Custom Build Local Development Order**

**Planning Committee**

**10 September 2019**

**Author:** Head of Planning, Regulatory Services and Heritage

**Parish / Wards Affected:** St Andrews

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## **Risk Management**

6.6.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.

## **Consultees**

- Impacted businesses, landowners, local residents, and statutory consultees will be consulted.

## **Appendices**

- “Draft Local Development Order for Tadpole Garden Village” 10 September 2019



**Tadpole Garden Village**  
**Custom Build Local Development Order 2019**  
**Section 61A of the Town and Country Planning Act 1990**

1. This Local Development Order (“LDO”) is made by Swindon Borough Council (“the Council”) under section 61A (2) of the Town and Country Planning Act 1990 (as amended) (“the Act”) and comes into force on #Date to be inserted#
2. It applies only to land at the custom build parcel, Tadpole Garden Village, edged in red on the plan included as Schedule 1 to the Order.
3. Subject to the Council’s power to revoke this Order under Section 61A (6) of the Act, this Order will remain in force for a period of ten years.
4. If the Order is revoked or revised such that it ceases to grant planning permission in respect of a development that has commenced and has received confirmation of compliance under this Order, that development may be completed.
5. This Order grants planning permission subject to the conditions and limitations set out in the schedule. And development that does not comply with the conditions and limitations in this LDO will require planning permission. Unauthorised development will be liable to enforcement action.

**Interpretation**

6. In this Order:

“access” has the same meaning as in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (“the Procedure Order”)

“appearance” has the same meaning as in the Procedure Order

“completion” means that to all intents and purposes the dwellinghouse has been completed and is either occupied or capable of being occupied as a dwellinghouse and “complete” and “completed” shall be construed accordingly

“confirmation of compliance” means a formal written notification of the local planning authority confirming that a proposed development complies with the Illustrative Layout Plan and Design Code approved under the outline planning permission

“custom build” and “self build” means the erection or construction by (a) individuals, (b) associations of individuals, or (c) persons or companies with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.

“development” has the same meaning as in section 55 of the Act

“highway” has the same meaning as in the Highways Act 1980

“landscaping” has the same meaning as in the Procedure Order

“layout” has the same meaning as in the Procedure Order

“Masterplan” and “Design Code” means the masterplan and design code approved under the outline planning permission, and any subsequent amendment to the masterplan and design code approved pursuant to an application under section 73 of the Act relating to that outline planning permission

“outline planning permission” means the planning permission S/OUT/19/1064 granted by the Council on #Date to be inserted# and any subsequent planning permission granted pursuant to an application under section 73 or 96A of the Act relating to that outline planning permission

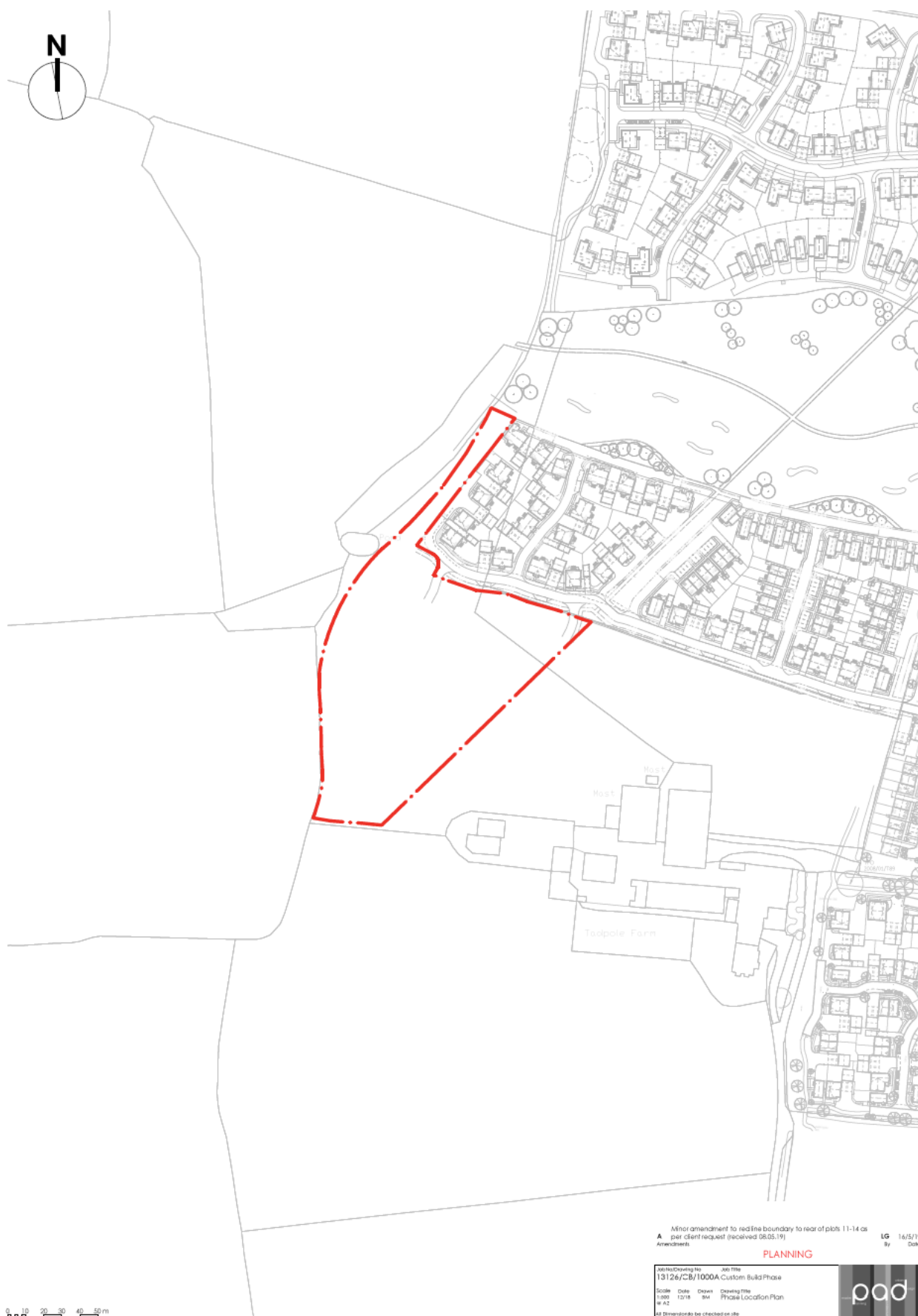
“scale” has the same meaning as in the Procedure Order

7. For the purposes of determining whether development complies with the Masterplan and Design Code:

“GIA” The Gross Internal Area is the floor area measured from the finished internal face of perimeter walls at each floor.

#### **Permitted Development**

8. Reserved Matters approval pursuant to the outline planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.
9. Nothing in this order permits development contrary to or without compliance with any condition imposed on the outline permission.



Minor amendment to red line boundary to rear of plots 11-14 as per client request (received 08.05.19)  
 Amendments

**PLANNING**

| Amendment                         | By | Date  |
|-----------------------------------|----|-------|
| 13126/CB/1000A Custom Build Phase | BM | 12/18 |

Scale: 1:500 Date: 12/18 Drawn: BM Checking Title: Phase Location Plan  
 All dimensions to be checked on site

pad Design Ltd - The Tobacco Factory - Raleigh Road - Ballybeg 17 - Tel: 017 9330304 - www.pad-design.com

# Schedule 1 – Site Location Plan

## Schedule 2 – Permitted Development

*Class A – The construction of a dwelling house*

### **Development Permitted**

*A. The construction of a dwellinghouse including layout, access and landscaping pursuant to the outline permission*

### **Development Not Permitted**

A.1 Development is not permitted by Class A if –

- (a) The development is not a custom build or self build dwellinghouse;
- (b) the dwellinghouse is to be constructed on land not identified for development as a dwellinghouse in the Masterplan or Design Code approved under the outline permission; or
- (c) the dwellinghouse does not comply with the Masterplan or Design Code approved under the outline permission.

### **Conditions**

A.2 Development is permitted by Class A subject to the following conditions –

- (a) Prior to the development commencing, the developer must apply to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission and the provisions of Schedule 3 of this Order shall apply in relation to that application

## **Schedule 3 – Procedure for Confirmation of Compliance under Schedule 2**

- (1) The following provisions apply where under this Order a development is required to make an application to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission
- (2) The application must be accompanied by –
  - (a) a written description of the proposed development
  - (b) a completed self-certification form
  - (c) a plan indicating the site and showing the proposed development
  - (d) a plan or plans showing the details of access, appearance, landscaping, layout and scale of the proposed development
  - (e) the requisite fee
- (3) The Local Planning Authority may refuse an application where, in the opinion of the Authority –
  - (a) the proposed development does not comply with, or
  - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies withany conditions, restrictions or limitations specified in this Order as being applicable to the development in question.
- (4) Where the Local Planning Authority refuses an application under paragraph (3), for the purposes of Section 73(appeals) of the Act such a refusal shall be treated as a refusal of an application for approval.
- (5) The development must not begin before the occurrence of one of the following –
  - (a) The receipt by the applicant from the Local Planning Authority of a written notice of their determination that the development complies with the Masterplan and Design Code approved under the outline planning permission;
  - (b) The expiry of 28 days following the date on which the application under sub-paragraph (2) was received by the Local Planning Authority without the authority notifying the applicant as to whether confirmation of compliance is given or refused.
- (6) The development must be carried out in accordance with the details provided in the application referred to in sub-paragraph (2) unless the Local Planning Authority and the developer agree otherwise in writing.

## Statement of reasons

In accordance with paragraphs (1) and (2) of Article 38 of The Town and Country Planning (Development Management Procedure) Order 2015, the Council is required to prepare a statement of reasons for making the Order containing a description of the development which the Order would permit, and a plan or statement identifying the land to which the Order would relate.

### Description of Development

The development which the Order would permit is:

The erection or construction of a dwellinghouse that is either a custom build or self build dwellinghouse, pursuant to the outline planning permission for the site (ref: S/OUT/19/1064).

The development which would be permitted by the Order would be subject to limitations and conditions as detailed under Schedule 2 of the draft Order, in that it must comply with the Masterplan and Design Code approved under the outline planning permission. And the developer of each plot must apply for confirmation as to whether the development complies.

### Land to which the Order would relate

The land to which the Order would relate is the land at Tadpole Garden Village outlined in red on the plan included as Schedule 1 to the draft Order.

### Reasons for Making the Order

The Order would relate to land within the new community of Tadpole Garden Village allocated under Policy NC4 of the Swindon Borough Local Plan 2026 (2015). Policy HA1 states “Large development proposals will be expected to consider the contribution self-build can make to the mix and type of development”. Whilst the Tadpole Garden Village permission pre-dates the adoption of the Local Plan, Policy HA1 supports this particular proposal.

The Planning Practice Guidance states that Local Development Orders streamline the planning process by removing the need for developers to make a planning application to a local planning authority, they create certainty and save time and money for those involved in the planning process. The rationale for using an LDO to deliver these custom build plots (as opposed to the conventional planning application route) is that the outline permission was accompanied by a Design Code and Plot Passports which clearly set the design parameters for each site. An LDO provides the certainty and flexibility, speed and affordability that would attract potential plot purchasers and encourage the burgeoning custom/self build market in Swindon.

The Council's reasons for making the Order are to facilitate and encourage self build and custom build housing in the Borough by simplifying the planning process whilst providing certainty that individuality and variety in design would be supported within the parameters set by the Masterplan and Design Code to be approved under the outline planning permission.