

## **PLANNING COMMITTEE**

**TUESDAY, 9 APRIL 2019**

PRESENT: - Councillors Timothy Swinyard (Chair), Toby Elliott, John Ballman, Alan Bishop, Malcolm Davies, Steph Exell, Fionuala Foley, Nick Martin, Jane Milner-Barry, Stan Pajak, Vera Tomlinson and Peter Watts.

An apology for absence was received from Councillor Jim Robbins.

### **65. Declarations of Interest**

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

### **66. Minutes**

Resolved – That the minutes of the meeting held on 12<sup>th</sup> February 2019, be confirmed and signed.

### **67. Public Question Time**

There were no public questions

### **68. S/18/1709/CHHO - Demolition and conversion of existing barns and erection of 2no. new buildings to create 5no. dwellings, with associated garages, landscaping, ancillary development and repairs to Grade II Listed wall. and LBC/18/1710/CHHO Demolition and conversion of existing barns and erection of 2no. new buildings to create 5no. dwellings, with associated garages, landscaping, ancillary development and repairs to Grade II Listed wall**

With the agreement of the Committee, Agent and Tom Green Parish Councillor, agenda items 6 and 7 were considered together.

In respect of application numbered S/18/1709/CHHO (Demolition and conversion of existing barns and erection of 2no. new buildings to create 5no. dwellings, with associated garages, landscaping, ancillary development and repairs to Grade II Listed wall), and LBC/18/1710/CHHO Demolition and conversion of existing barns and erection of 2no. new buildings to create 5no. dwellings, with associated garages, landscaping, ancillary development and repairs to Grade II Listed wall 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>
Jonathan Hoban	Agent

Councillor Gary Sumner  
Tom Green

Ward Councillor  
Bishopstone Parish Council

Councillors John Ballman, Toby Elliott, Fionuala Foley, Nick Martin, Jane Milner-Barry, Stan Pajak, Vera Tomlinson and Peter Watts spoke in respect of this application.

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

- The current site comprised traditional and modern agricultural buildings and was within the defined settlement site for Bishopstone.
- The original buildings were to be retained and converted whilst the modern barn and silo would be demolished to facilitate the new development.
- The development was deemed acceptable for the location which was situated within the rural settlement boundary and the number of units being proportional in number and size to the village of Bishopstone.
- The design was considered to reflect the rural/agricultural nature of the Conservation Area and would help protect the historic buildings and boundary wall.
- The absence of a pedestrian link through the site was not unsympathetic given the lack of pedestrian facilities in the vicinity of the proposed development.
- There was no right of way established through development area although some access had been granted by the landowner.
- The current location was used for village events.
- The application protected the amenity of existing residents whilst providing a good standard of amenity for new residents.
- There was good access and egress to and from the development via Icknield Way.
- The applicants had worked with heritage and conservation experts and both the Parish and Borough Council to produce a sustainable housing site and had taken on board comments and suggestions from those authorities removing two units and the redesign of other units.
- The site was identified within the local SHLAA as being suitable for 12 properties and complied with all local and national policies.
- The application had been supported by all statutory consultees with conditions which had been accepted by the applicant.
- The application if successful would make a small contribution to the deficit in the Council's 5 year housing plan.
- The application would assist in the preservation of designated and non-designated assets and would enhance the local economy.
- There was no legal right of way to the site and would be subject to different regulatory regulations.

Submission opposing the application can be broadly summarised as:

- The application was lacking a pedestrian footway between Icknield Way to West End Lane as well as traffic calming measures along Icknield Way.
- Local residents have been used to being able to use access to the current site to avoid a dangerous corner along Icknield Way.

- The Church Commissioners as landowners and agent were significant landowners in the village and could provide a pedestrian footpath through the site if they were so minded.
- The remainder of the village was connected with footpaths and walkways and the Parish Council requested pedestrian access be provided to the community facilities in the village centre which would provide a benefit to the wider community.
- There was an outstanding issue arising from comments of the conservation officer relating to the height of the building proposed on plot 4 of the development.

Resolved – (1) That application S/18/1709 be granted subject to the following 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 decision shall be in respect of the following drawing numbers, plans and information received by the Local Planning Authority:

Existing Plans: 17020-02, 17020-03, 17020-04, 17020-05, 17020-06, 17020-07, 17020-08, 17020-09 received on the 22nd October 2018

Proposed Plans: 101631-T-004 Rev A, 101631-T-003 Rev A, 17020-16 received on the 22nd October 2018, 17020-11 Rev B, 17020-12 Rev C, 17020-13 Rev B, 17020-15 Rev B, received on the 12th March 2019 and 17020-14 Rev C received on the 18th March 2019, 101631-T-005 Rev B received by the Local Planning Authority on the 20th March 2019 and 17020-10 Rev D received by the Local Planning Authority on the 21st March 2019.

Supporting Information: Planning Design and Access Statement received 22nd October 2018, Condition Appraisal of Redundant Agricultural Buildings (dated 22nd May 2017) received 22nd October 2018, Bat Roost Survey Report (dated January 2019) received 11th February 2019, Heritage Statement (dated July 2018) received 22nd October 2018, Transport Assessment Report (dated 20th August 2018) received 22nd October 2018, Arboricultural Impact Assessment (dated 25th January 2019) received 11th February 2019.

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

3. Notwithstanding the approved plans and prior to the commencement of the proposed works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, unless further consent in writing is given by the Local Planning Authority.

- Full details of any new hard landscaping materials, details of soft landscaping and boundary treatments that divide properties, details of brick piers to entrance;
- Details of the methodology utilised in repairing and applying new lime pointing to the historic wall and Plot 3,
- Details of the proposed ramp to proposed Plot 3 including details of any associated hand rail and balustrading;

- iv) Details of how the structural defects as raised in the Surveyor's report are to be dealt with, such as cracking to walls, roof reinforcement and rebuilding/ repair of walls;
- v) Full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all window joinery including exterior finish, glazing bar arrangement, method of opening and thickness of glazing panel;
- vi) Full details and location of proposed external pipes, vents and flues, including their colour and projection from the façade/roof.

Reason: To ensure the details and appearance of the development is satisfactory and to preserve the special interest of the conservation area and historic buildings

4. Prior to the occupation of any residential development hereby permitted, the boundary treatments shall have first been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be retained in accordance with these approved details unless approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure the character and appearance of the development is acceptable.

5. Notwithstanding the submitted plans, the vehicular access to serve the new development shall not be brought into use until visibility splay lines have been submitted to and approved in writing by the LPA, extending from a point 2.4m back along the centre of the access (measured from the public road carriageway edge) to a point on the nearer carriageway edge of the public road 43m distant in both directions, and the area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between those points at a height of between 0.6m and 2.1m above the adjacent carriageway level.

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

6. The vehicular access to serve the new development shall not be brought into use until the passing bay is provided in accordance with dwg no.17020-10 Rev D and 101631-T-005 Rev B and shall thereafter be retained for as long as the development remains on site

Reason: In the interest of highway safety.

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

Reason: In the interests of amenity.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order), no development as specified in Schedule 2 Part 1 Classes A-H, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development and to safeguard the character and visual amenities of the area

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, the garaging serving Plots 1, 4 and 5 shall be retained as an open car port and no garage doors shall be installed.

Reason: To preserve the special interest in the historic buildings

10. The proposed rooflights shall be of a 'conservation type' which finishes flush and does not protrude from the plane of the roof.

Reason: To preserve the special interest of the historic buildings and avoid an unsatisfactory appearance and clutter to the roof.

11. No glass other than obscure glass manufactured to a privacy level of 4 or above shall be used in the glazing of the first floor windows in the south side elevation of Plot 2 and the west side elevation of Plot 4.

Reason: In the interests of residential amenity.

12. Prior to the occupation of any residential unit hereby permitted, the vehicular parking facilities shall have first been provided in accordance with the submitted plan [drawing no 17020-10 Rev D], and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure adequate parking facilities are available within the site.

13. Prior to the occupation of any residential unit hereby permitted, cycle parking facilities shall have first been provided on site in accordance with the submitted plan [drawing no 17020-10 Rev D]. The bicycle parking facilities shall thereafter be kept available for such use at all times and for no other purpose.

Reason: To promote and encourage sustainable transport and travel.

14. Prior to the first occupation of the development hereby permitted, the bin storage areas shall have first been provided as per the approved plans and shall thereafter be retained for as long as the development remains on site.

Reason: In the interest of amenity.

15. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

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

16. In the event a remediation scheme is required as set out by the circumstances in Condition 15, the remediation scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

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

17. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

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

18. The development shall proceed in accordance with the bat mitigation scheme supplied with the application 'Bat Roost Survey Report (v6 Final Amended, Colmer Ecology, January 2019)', together with the ecology recommendations set out in Section 5, subject to any variation required by Natural England under the licence issued,

Reason: To safeguard and mitigate against harm to bats identified on site and in the interests of ecological enhancements.

19. Prior to the commencement of works on site, an external lighting strategy which includes details of lighting in the open garages, shall be submitted to and approved in writing by the Local Planning Authority in accordance with "Bats and artificial lighting in the UK" (Institute of Lighting Professionals, 2018).

Reason: To safeguard and mitigate against harm to bats identified on site

20. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall:

- i. specify the type and number of vehicles;
- ii. specify the point of construction access and access route to the site;
- iii. set out details of the parking of vehicles of site operatives and visitors;
- iv. set out arrangements for the loading and unloading of plant and materials;
- v. set out arrangements for the storage of plant and materials used in constructing the development;
- vi. set out arrangements for wheel washing facilities;
- vii. specify the intended hours of construction operations;

Reason: To reduce the potential impact on the public highway during the site preparation and construction phase(s) of development

21. Prior to the commencement of works on site in connection with the development hereby permitted, the trees shown for retention in the Arboricultural Impact Assessment & Method Statement dated 25th January 2019 shall have first been protected by the erection of temporary protective fences as shown in the Arboricultural Impact Assessment & Method Statement. The fencing shall remain until such time as, approval for removal, has been confirmed in writing by the Local Planning Authority.

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

22. 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 timetable of works, shall have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as per the approved timetable. Any tree or shrub planted in accordance with the scheme which is removed, dies or becomes diseased within a period of five years from first being planted, shall be replaced by one of a similar size and the same species.

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

(2) That application S/LBC/18/1710/CHHO be granted subject to the following conditions:

1. The works, for which this consent is granted, shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. This decision shall be in respect of the following drawing numbers, plans and information received by the Local Planning Authority:

Existing Plans: 17020-02, 17020-03, 17020-04, 17020-05, 17020-06, 17020-07, 17020-08, 17020-09 received on the 22nd October 2018

Proposed Plans: 101631-T-004 Rev A, 101631-T-003 Rev A, 17020-16 received on the 22nd October 2018, 17020-11 Rev B, 17020-12 Rev C, 17020-13 Rev B, 17020-15 Rev B, received on the 12th March 2019 and 17020-14 Rev C received on the 18th March 2019, 101631-T-005 Rev B received by the Local Planning Authority on the 20th March 2019 and 17020-10 Rev D received by the Local Planning Authority on the 21st March 2019.

Supporting Information: Planning Design and Access Statement received 22nd October 2018, Condition Appraisal of Redundant Agricultural Buildings (dated 22nd May 2017) received 22nd October 2018, Bat Roost Survey Report (dated January 2019) received 11th February 2019, Heritage Statement (dated July 2018) received 22nd October 2018, Transport Assessment Report (dated 20th August 2018) received 22nd October 2018, Arboricultural Impact Assessment (dated 25th January 2019) received 11th February 2019.

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

3. Notwithstanding the approved plans and prior to the commencement of the proposed works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity, unless further consent in writing is given by the Local Planning Authority.

- i) Details of the methodology utilised in repairing and applying new lime pointing to the historic boundary wall and historic building of proposed Plot 3,
- ii) Details of how the structural defects as raised in the Surveyor's report are to be dealt with, such as cracking to walls, roof reinforcement and rebuilding/ repair of walls where this applies to the historic boundary wall and proposed Plot 3;
- iii) Full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all window joinery including exterior finish, glazing bar arrangement, method of opening and thickness of glazing panel for the historic building of proposed Plot 3;
- iv) Full details and location of proposed external pipes, vents and flues, including their colour and projection from the façade/roof of the historic building of proposed Plot 3.
- v) Details of the materials and finishes to be used in the inside of the historic building of proposed Plot 3

Reason: To ensure the special character of the listed building and listed wall is preserved and enhanced.

4. All pointing, re-pointing and mortar beds to the historic boundary wall and the historic building of proposed Plot 3 shall be undertaken using NHL3.5 lime mortar at a ratio of 1 part lime to 3 parts sand.

Reason: To ensure the special character of the listed building and listed wall is preserved and enhanced.

5. The method of pointing and bedding of new and existing masonry to the historic boundary wall and historic building of Plot 3 shall be as follows:

- All raking out of old mortar shall be by hand;
- All new pointing shall be given a flush finish (not weather struck); and
- All pointing shall be pat finished and not smoothed by tooling.

Reason: To ensure the special character of the listed building and listed wall is preserved and enhanced and decay/erosion of the historic fabric does not escalate.

**69. S/19/0147/SASM - Erection of 1no. dwelling and associated works, Land To The Rear Of The Rocks, The Avenue, Stanton Fitzwarren**

In respect of application numbered S/19/0147/SASM - Erection of 1no. dwelling and associated works, Land To The Rear Of The Rocks, The Avenue, Stanton Fitzwarren 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>
Jeremy Flawn	Agent Jeremy Flawn



Tom Sharnock                      Stanton Fitzwarren Parish Council  
Councillor Steve Weisinger   Ward Councillor

Councillors Alan Bishop, Toby Elliott, Fionuala Foley, Jane Milner-Barry, Stan Pajak, Vera Tomlinson and Peter Watts spoke in respect of this application.

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

- The application was of a modernist design, attractive and had been well designed.
- The majority of the site was within the village policy boundary as defined in the Stanton Fitzwarren Settlement Boundary and therefore within an area where development was acceptable in accordance with Policy SD2 and a valuable self-build property in accordance with Policy HA1 and the NPPF.
- The application contributed towards meeting the Council's housing need and 5 year land supply.
- The application had been supported by Stanton Fitzwarren Parish Council and 16 local residents had also written in support of it with no objections received.
- The only objection had been from the Conservation Officer.
- Twenty years previously there had been a Dutch Barn located on the site.
- The proposed development would not be visible from the road although a recent barn conversion close to the site was.
- That given the history of development in the area of the village over the previous twenty years there was no detrimental effect arising from the proposed development.
- The site historically fell within a farm and the site had been occupied by a Dutch Barn and the site was developed and not open at the time of designation and the openness could not therefore be considered integral to the character or setting of the historical assets.
- There were no clear views relating to the Conservation Area across the site, looking out or rights of way.
- The development complied with the Design Policies in the NPPF that development should be sympathetic of character and history including built environment and landscape whilst not preventing innovation or change and had been drawn up with one of the country's leading Heritage Consultants.
- Very little counter evidence had been provided to dispute the applicants' Heritage Consultants report.
- The village comprised approximately 80 homes with a new property being built approximately every 5 years due to the extraordinary efforts required of developers.
- There were two solar farms within the village boundary with a third to be developed on the east side of the village and there had been an enquiry from PPS about a possible fourth solar farm within the Parish. The proposed development was also on the east side of the village and would looking towards these solar farms.
- The dwelling was sited within the Village Settlement Boundary, the design was discreet and well sited, used suitable materials, had a low roof height and solar panels and the site already had a garage.
- The architect had designed the last property built in the village which had featured in national magazines and been shortlisted for awards.

- The application and its location had been vetted by three Parish Council meetings which had helped shape the application before the Committee.
- The site was only visible through a 1 metre gap between 2 properties situated on the road, it was outside the Conservation Designated Area of Special Interest and was between 80 and 110 metres from the nearest Listed Buildings. The Village Conservation Plan had none of the village key views looking into the location of the proposed dwelling.
- The character of the village was along the road and not the discreet location of the development.
- The character of the buildings forming the village centre along the road were of mixed design and had been erected over a considerable time period.
- On balance, there was no “harm” arising from the development.

Submissions opposing the application can be broadly summarised as:

- The site was located within the Stanton Fitzwarren Conservation Area and is close to assets of acknowledged value including Listed Buildings which would neither be enhanced nor protected by the application.
- The amended NPPF guidance paragraphs 195 and 196 of the published in 2018 set out how applications affecting conservation area assets should be dealt with. The primary consideration was the harm such an application would have on those designated assets which may include Listed Buildings and Conservation Areas.
- NPPF Paragraph 197 also gave weight to non-designated conservation area assets which also formed part of the consideration of significance.
- If harm was found to the significance of those assets then this needed to be weighed against the public benefit the proposal would bring and if such public benefits did not outweigh any harm under national planning policy planning permission should be refused; if it did outweigh harm then the decision should be made on tilted balance and permission granted unless any adverse impact of the granting of planning permission significantly and demonstratively outweigh the benefits of the local and national planning policies.
- In determining harm under the 1990 Act and Paragraph 193 of the NPPF consideration should be given to the preserving or enhancing the character of the Conservation Area and great weight to the Heritage Assets Conservation regardless of whether this would lead to harm, total loss or less substantial harm to the assets.
- Conservation advice set out within the report was based upon the Council’s Conservation Area Appraisal indicated that harm would less than substantial although this still significant and weighed against the application.
- The application was for a single unit that did not meet any affordable need and tree planting proposed by the applicant was not a planning issue.
- The design of the building was out of character with other dwellings in the village.

Resolved - That the Head of Planning Regulatory Services and Heritage be authorised to grant permission in respect of application numbered S/19/0147/SASM subject to any conditions required to control the development.

Reasons

1. That the development as a result of its design and siting, would result in a scheme that is of acceptable appearance, and which supports the Conservation Area and the setting of adjacent Listed Buildings.

2. That the development would enhance the area and provide an additional home that is needed within the village to help meet the deficit in the Council's 5 year Housing Supply.

3. That the development would cause no overriding "harm" as it was not visible from the main road through the village and nor would it impact on the properties situated on the main road which formed the character of the village and supporting its Heritage Assets.

(Councillor Peter Watts made a personal declaration of interest in respect of this application. As the interest was personal but not prejudicial the Councillor Watts remained in the room during the discussion and voting on the application.)

#### **70. South Marston Village Centre Design Brief**

The Head of Planning, Regulatory Services and Heritage submitted a report summarising the work undertaken through the preparation of the South Marston Village Centre Design Brief setting out how the key facilities and infrastructure could be integrated and delivered at the new South Marston Village Centre, to support the new community and deliver sustainable development in accordance with national and local policy.

Resolved – (1) That the South Marston Village Centre Design Brief be endorsed as a framework for the delivery of the new South Marston Village Centre.

(2) That the Head of Planning, Regulatory Services and Heritage be authorised to undertake any necessary minor amendments to the Design Brief as required in accordance with the Swindon Borough Local Plan and NEV Planning Obligations SPD.

#### **71. Re-launch of the Pre-application Advice Service**

The Head of Planning, Regulatory Services and Heritage submitted a report seeking approval to introduce a revised pre-application advice fee structure and guidance that is transparent, and commits to a level of service that meets applicant's needs, provides certainty, improves efficiency in the overall planning service and meets total costs of providing the service.

Resolved – (1) That the Agrees to the introduction of the new Pre-application Advice Service in accord with the Pre-application Guidance Note and Fee Structure as set out in Appendix 1 to the report be approved.

(2) That the Pre-application Service Guidance Note be approved and the Head of Planning, Regulatory Services and Heritage be authorised to publish the protocol in the planning pages of the Councils Web site.

(3) That the Head of Planning, Regulatory Services and Heritage be authorised to make any minor or typographical changes as may be necessary prior to publication.

(4) That the Head of Planning, Regulatory Services and Heritage be authorised to refresh any forms required to operate the Pre-application Service in accordance with the Council's online forms and to amend the Pre-application Service Guidance Note to capture changes in process.