



COMMITTEE REPORT

Item Number:

Application Number: S/18/1403/TB

Ward: Wroughton And Wichelstowe

Parish:

Wroughton

Proposal: Erection of up to 100no. dwellings and associated works without compliance with condition 11 of consent S/OUT/14/1005.

Site Location: Land at Berkeley Farm, Swindon Road, Wroughton

Case Officer: Tom Buxton (01793 466240 tbuxton@swindon.gov.uk)

Agent:

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Applicant

Linden Homes (Thames Valley)
C/o Agent

Officers Report

Background:

1 This application has been called to Planning Committee at the request of Wroughton Parish Council.

Summary of Recommendation:

2 That the Head of Planning, Regulatory Services and Heritage be authorised to GRANT planning permission subject to the conditions set out in the report and the completion of a Section 106 agreement with authority to amend the terms / wording of the conditions / S106 agreement if appropriate to secure the necessary mitigation relevant to the development.

The Proposal:

3 This application seeks outline planning permission for the erection up to 100 dwellings with all matters reserved apart from the means of access without compliance with condition 11 of consent S/OUT/14/1005.

4 Outline planning permission was allowed at appeal in 2016 subject to conditions with condition 11 worded as follows:

Prior to the commencement of works on site, details of all works to be carried out on the public highway within the vicinity of the site, including the setting back of the southbound bus stop and the provision of a pedestrian crossing shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented prior to the occupation of the development.

5 The developer was of the belief that they had satisfied the condition and commenced

works on site. When it was brought to their attention that the condition had not been complied with this application was submitted to resolve the matter. Whilst when originally submitted the application sought to remove the requirement for the pedestrian crossing, the proposal now before Members simply proposes to amend the wording of the condition to allow a different trigger point for the delivery of the crossing. Permission is therefore sought for condition 11 to be amended to be worded as follows:

Prior to the construction of the 95th dwelling hereby permitted details of the provision of a pedestrian crossing within the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented prior to the construction of the 95th dwelling .

Reason: In order to promote sustainable transport choices.

6 All other elements of the development that were previously permitted remain the same.

The Site and Surroundings:

7 The site is a 5.90 hectare plot of land to the east of Swindon Road, Wroughton. The site was previously fields but is now a development site with the S/OUT/14/1005 outline planning permission having been commenced and the northern part of the site being partially complete with some dwellings now occupied.

8 Agricultural land is located to the east and north east. Allotment gardens are located immediately to the south and to the north are agricultural buildings. Beyond Swindon Road to the west are residential properties and abutting the site to this west also are several dwellings and some light industrial uses (including a dairy and car repairs business)

Representations:

9 Neighbours:

10 representations of objection received each raising one or more of the following concerns: typical approach by developers to remove commitments once planning permission is granted, pedestrian crossing is essential on ground of health and safety, Swindon Road is very busy, all shops and services are to the opposite side of Swindon Road, removal of the crossing will be dangerous, traffic and need to safeguard the countryside.

NB All of these representations were received as a result of the original proposals to remove the requirement for the crossing completely, not for the revised proposal to amend the trigger points for delivery of it.

10 Highways:

The pedestrian crossing is required in order to encourage pedestrian movements to and from the site and in the interests of promoting sustainable transport and reducing congestion. No objection to proposed amended trigger points for its delivery.

11 Parish Council:

Object to application on basis that developer and SBC recognised the need for a pedestrian crossing at the time the outline application was submitted and that the removal of the requirement for the crossing will be detrimental to pedestrian safety.

NB All of these representations were received as a result of the original proposals to remove the requirement for the crossing completely, not for the revised proposal to amend the trigger points for delivery of it.

Planning Considerations:

12 The only consideration is whether the proposed new trigger point for submission of the details of the pedestrian crossing (i.e. specification and location) and the timing of its delivery are acceptable with regard to the requirement to encourage walking to and from the site. The principle of residential development and all associated matters of design/layout, amenity, traffic etc. have already been established under the previous outline and reserved matters applications for the site and thus are not a consideration here. Of relevance to the determination of the application are Policies TR1 and TR2 of the adopted SBLP and the NPPF.

13 The details of the exact location and type of crossing have yet to be agreed but it seems likely that the only suitable place in the vicinity of the site will be just to the north of the junction of Swindon Road and Perrys Lane. As detailed above the wording of the proposed amended condition 11 will require the full specification and siting of the crossing to be agreed with the Local Planning Authority (in consultation with Highways), ensuring that the type of crossing is appropriate and safe. As a consequence the type and location of the crossing is not a consideration of this application.

14 Following negotiations with the developer it is deemed reasonable that the new trigger point be that details of the crossing be agreed and the crossing be installed prior to the construction of the 95th dwelling on site. The construction trigger point is considered to be better than the former 'prior to occupation' limit (as currently set down within condition 11) as it will prevent the developer from building all of the dwellings without carrying the necessary crossing works. The current wording of condition 11 allows for all the dwellings to be constructed but not occupied.

15 In summary the proposal is acceptable in that a pedestrian crossing will be delivered to serve the development ensuring that pedestrian travel is encouraged in terms of a safe opportunity for crossing the road and accessing schools, shops and services available in Wroughton. This complies with Policies TR1 and TR2 of the adopted SBLP which are supportive of the need to encourage walking as part of new developments.

16 As this permission will result in a fresh consent for residential development (100 dwellings) there is a need to vary the Section 106 agreement that formed part of the previous outline consent. A deed of variation legal agreement will thus need to be completed. At the time of writing this was still being finalised but will include the securing of 30% affordable housing (as previously) and contributions towards off site major open space and off-site outdoor sports. This will ensure compliance with Policies HA2 and EN3 of the adopted SBLP.

CIL

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

rate which is subject to indexation annually. 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.

Other:

18 With regard to the comments made within the representations section that have not already been covered the following is noted. The proposal will bring about no more traffic movements or result in any further loss of countryside over that already permitted.

Concluding Comments:

19 The proposal will deliver the pedestrian crossing within the vicinity of the site as was the original intention of the Local Planning Authority and the Planning Inspector, meaning that it can be more safely accessed by pedestrians in compliance with Policies TR1 and TR2 of the adopted Swindon Borough Local Plan and the NPPF.

Recommendation

20 That the Head of Planning, Regulatory Services and Heritage be authorised to GRANT planning permission subject to the conditions set out in the report and the completion of a Section 106 agreement with authority to amend the terms / wording of the conditions / S106 agreement if appropriate to secure the necessary mitigation relevant to the development.

Conditions

1) The development shall be carried out in accordance with the reserved matters (appearance, landscaping, layout and scale) approved under consent S/RES/17/0635 or such other reserved matters submission that shall be submitted within 2 years of the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town & Country Planning Act 1990.

2) The development shall be carried out in accordance with the approved Construction Method Statement (as approved under S/COND/17/1172). The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of Highway safety.

3) Construction works associated with the development hereby permitted shall only take place between 0800 hours to 1800 hours on Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of amenity.

4) The development hereby permitted shall be carried out in accordance with all plans as approved under consent S/OUT/14/1005 insofar as they relate to access: Drawing No 1002 rev A; Drawing No 3202 rev B; Drawing No 4201 rev A; Drawing No 5000.

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

5) The development shall be carried out in accord with the details of slab levels of the buildings as approved under S/COND/18/0003.

Reason: To ensure the appearance of the development is acceptable and in the interests of amenity.

6) The development shall take place in accord with the scheme and specification for the provision and location of fire hydrants as approved under S/COND/18/0562. No development shall take place other than in accordance with the approved scheme.

Reason: In the interests of fire fighting.

7) The development shall be carried out in accordance with the details of: the estate roads, footways, footpaths, verges, junctions, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture as approved as part of S/COND/18/0003.

Reason: In the interests of Highway safety.

8) The allocated private car parking spaces for each unit together with the visitor car parking space(s) on the highway in association with those units, as secured as part of Condition 8 above, shall be laid out and made available for use prior to the occupation of the each unit. These spaces shall thereafter be retained only for the parking of motor vehicles in connection with the development hereby permitted.

Reason: In the interests of Highway safety.

9) No dwelling hereby permitted shall be occupied unless or until it is served by a fully functioning highway, including access roads, footways and turning spaces, the hard surfaces of which have been constructed to at least base course level before each dwelling is occupied.

Reason: In the interests of Highway safety.

10) All private accesses within the development shall be by means of a dropped kerb crossing.

Reason: In the interests of Highway safety.

11) Prior to the construction of the 95th dwelling hereby permitted details of the provision of a pedestrian crossing within the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented prior to the construction of the 95th dwelling .

Reason: In order to promote sustainable transport choices.

12) The development shall be carried out in accordance with the foul water drainage strategy (including timetable for implementation) as approved under S/COND/17/17/1172.

13) The development shall be carried out in accordance with the surface water drainage strategy (including timetable for implementation) as approved under S/COND/18/0003.

Reason: To ensure the development does not increase the risk of flooding.

14) Not less than 2% of the total residential development shall provide ramped access with flush thresholds into all doorways, doorway widths, space for internal circulation and for through-the-floor lift vertical circulation, and for use of a bathroom, toilet and kitchen at entry level designed to provide for wheelchair user occupiers in accordance with a plan or schedule, which shall have been submitted to and approved in writing by the Local Planning

Authority. These design features and provisions shall be retained for so long as the buildings hereby permitted remain in use as dwelling houses.

Reason: In the interests of accessibility.

15) The proposed residential units shall be designed to meet the minimum indoor ambient noise levels contained in British Standard 8233:2014 (or later versions) which currently require:

Resting 35 dB LAeq,16 hour (07:00 - 23:00)

Dining 40 dB LAeq,16 hour (07:00 - 23:00)

Sleeping 30 dB LAeq, 8 hour (23:00 - 07:00)

45dB LAFmax between the hours of 23:00 and 07:00

Reason: In the interests of amenity.

16) Where the BS 8233 guidance on sound insulation and noise reduction for buildings standards cannot be met with windows open, a scheme of noise insulation (to the standard laid down in the Noise Insulation Regulations 1975 or, any equivalent standard approved by the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before occupation of any building so affected. This may include the use of acoustic double glazing with sound attenuated means of ventilation where considered necessary.

Reason: In the interests of amenity.

Informatives

1. CIL Liable Development: This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk. To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Information on possible exemptions that may be capable of being applied for can be found at:

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

End of Report