

PLANNING COMMITTEE

TUESDAY, 11 JUNE 2019

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

An apology for absence was received from Councillor Paul Dixon.

1. 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.

Councillor Steph Exell made a personal and prejudicial declaration of interest in respect of application numbered S/18/1546/RM and left the room during the voting on the application.

2. Minutes

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

3. Public Question Time

The Committee received public questions in respect of (a) what planning policies the Council was implementing to reduce carbon emissions, (b) what planning policies the Council would introduce to improve insulation on properties, the budget for such work and how many properties this would cover in the coming year, (c) what environment audit checks were being conducted by the Council in respect of planning applications, (d) whether the Planning Committee, on behalf of the Council, was willing to be pro-active in tackling climate change issues, (e) whether the Committee was sure that all applications granted would reduce carbon emissions, and (f) the time periods for consultation on applications and policies.

The Chair and Officers responded at the meeting and indicated that if the questioners provided the Committee Officer with their names and addresses, or provided the questions in writing, a more detailed written response would be provided.

4. S/18/1546/RM - Erection of a canopy and siting of storage container to existing car park for use as car wash/valeting bays, The Boundary House , 1 The Street, Moredon, Swindon

In respect of application numbered S/18/1546/RM (Erection of a canopy and siting of storage container to existing car park for use as car wash/valeting bays, The Boundary House, 1 The Street, Moredon, 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>
Michelle Rupnarin	Local Resident
Councillor David Renard	Ward Councillor

Councillors Alan Bishop, Malcolm Davis, 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:

- Following work with the applicant the Council's Environmental Health team found the application acceptable, subject to conditions to ensure the amenity of local residents was protected.
- Drainage issues had been addressed and subject to conditions the drainage engineer was content with the application.
- Highways officers were satisfied that there was sufficient car parking on the site for both the Public House and Car Wash.
- There were no policy objections to the scheme and objections could be overcome through the imposition of conditions.
- Noise from the operation of a car wash should be kept to an acceptable level with an acoustic report required and noise mitigation measures to be put in place prior to the commencement of activities.

Submissions opposing the application can be broadly summarised as:

- The site was surrounded on three sides by residential properties which made the location inappropriate for the use proposed.
- Other car washes in north Swindon were located close to commercial properties and some distance from residential properties.
- There were concerns regarding drainage and noise.
- The suitability of the application should be seen in the light of the fact that none of the conditions were proposed in order to make it acceptable.
- There would be a clear loss of amenity for local residents should the application be granted.
- Objections to the application had been received from Ward Councillors, the Parish Council and local residents and these were referred to within the officer's report.
- A number of changes to the site's drainage would be required to conform to National Planning Policy, Local Planning Policy and best practice design guidance.
- There has been no noise assessment undertaken and the significance of this increases given the close proximity of residential properties and the long hours of operations proposed.
- There were concerns as to whether water spray from the operation of the car wash would affect neighbouring properties and whether such water would include chemicals.

- That assurance set out within the report were not considered credible by local residents.
- A previous application for a vending vehicle had been turned down because of the concern of the loss of amenity to residential properties in close proximity.
- Over the past twenty years the local area had seen considerable development including an elderly Persons Group Dwelling, a large doctor's surgery and a new housing estate which has created local congestion and associated pollution and this will be further exasperated in the application were granted.
- There were already 15 car wash sites in the town and another on an unsuitable site was not needed.
- The proposed operational hours of the car wash were also core hours for the public house which was a quiet pub that held functions during the day which would affect car parking availability on site having a knock-on effect for local residents as car-parking was pushed into nearby residential streets.
- Local properties and a children's play area directly looked over the site and people ate and drunk in the pub's gardens and would be subject to spray containing chemicals.
- Staff would be using protective clothing, local residents and pub patrons would not have access to these.
- Due to the cost the company running the car wash would be using industrial chemicals, albeit watered down affect the water spray from the site.
- People from the public house would be smoking in close proximity to chemicals.
- Chemicals from the car wash would adversely affect local wildlife including bees, butterflies, birds and bats some of which were on the endangered list.
- Local residential properties already suffered from low water pressure with old infrastructure and the car wash would almost certainly worsen this situation.
- Noise emanating from the operation of a car wash would adversely affect the amenity of local residents, especially adjoin properties.
- The quality of waste water was of concern as was the current surface water drainage of the site with the car park being the subject of standing water after rain.
- Work needed to be undertaken to establish were the drainage would be diverted and the potential effect on the local environment.

Resolved – That application S/18/1546/RM be refused for the following reason:

Reasons

1. The proposed development by reason of its location and activities associated with that use, will be likely to give rise to an adverse impact upon the amenity enjoyed by the occupants of nearby dwellings to the detriment of their living conditions contrary to Policy DE1 of the Swindon Local Plan.

(Councillor Steph Exell made a personal and prejudicial declaration of interest in respect of this application and left the room during the voting on the application.)

5. S/HOU/19/0196/FELY - Erection of a first floor front extension, 15 Whitefield Crescent, Peatmoor, Swindon

In respect of application numbered S/HOU/19/0196/FELY (Erection of a first floor front extension, 15 Whitefield Crescent, Peatmoor, 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>
Connor Thompson	Applicant
Councillor David Renard	Ward Councillor

Councillors John Ballman, Nick Martin, Vera Tomlinson and Peter Watts spoke in respect of this application.

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

- Materials proposed for the development were matching and care had gone into the application.
- The application was to allow the family to remain in their home as the applicants were expecting a child and in order to allow family to visit.
- An extension at No.2 Whitefield Way was of a similar build and design.

Submissions opposing the application can be broadly summarised as:

- The proposed first storey extension would project significantly from the main residence and would form a dominant feature to the street scene and approach to the property.
- The proposed extension would not in scale to its surroundings.
- The design was contradictory to Supplementary Planning Documents and would impact the amenity of 14 Whitefield Crescent through the loss of light to its living area.
- The addition of a further floor to the current garage would be overbearing.
- Other development in the locality were undertaken prior to the adoption of the current Supplementary Planning Documents and were of a different orientation.
- The concern relating to the loss of amenity was for current and future occupiers.

Resolved – That application S/HOU/19/0196/FELY be refused.

Reason

The proposal is contrary to Policy DE1 of the Swindon Borough Local Plan 2026 (2015), the Residential Extension and Alteration Supplementary Planning Document (2011) and the National Planning Policy Framework (2019) as by reasons of its

scale, appearance, prominent location and poor design. It is considered that the addition would be oppressive and have an overbearing impact that would result in harm to the residential amenity enjoyed by the occupants of No.14 Whitefield Crescent.

6. S/18/1617/SASM - Installation of a 7.5MW flexible generation plant, 2.4 metre security fence and associated works, Land At Wood Farm, Swindon Road, Wroughton

In respect of application numbered S/18/1617/SASM (Installation of a 7.5MW flexible generation plant, 2.4 metre security fence and associated works, Land At Wood Farm, Swindon Road, Wroughton) 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>
John Colombi	Applicant
Jennifer Joule	Agent
Jammie Taylor	Local Resident
Councillor Cathy Martyn	Ward Councillor
Councillor Brian Ford	Ward Councillor

Councillors Steph Exell, Jane Milner-Barrie, Stan Pajak, Jim Robbins and Peter Watts spoke in respect of this application.

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

- The application was for a flexible low carbon generation plant involving the installation of four generators.
- The facility would burn mains gas to generate electricity to the local grid to meet short term demand fluctuations and would be distributed locally.
- The application met the requirement of Policy SD2 of the Local Plan to support development outside of the settlement boundaries.
- Policy IN4 production of low carbon energy and infrastructure was not defined in the Local Plan but was within the Paragraph 1.48 of the MPPF.
- The question was one supporting low carbon infrastructure to support peak demand periods rather than the production of low carbon electricity.
- This type of infrastructure had been regarded as Carbon Energy Infrastructure by the Planning Inspectorate and Policy IN4 subject to an assessment of its social and economic benefits, impact on the benefit to local communities and its environmental impact.
- Following the submission of impact assessments by the applicant there were no outstanding objections from Council Officers subject to conditions applied to the application.
- The application was compliant with the relevant policies within the Local Plan.
- The application supported renewable energy generation, such as wind or solar, which could not be relied upon to produce electricity when required

throughout the year and their output can change quickly and large scale power station could take a number of hours to become operational.

- Due to the cost of burning Natural Gas the generators would only be operational for a limited time each week.
- The Government and National Grid recognised the need and role of local power generation and in ensuring energy demand is met in the future.
- The application was for back-up generators that would only be used for limited time during peak demand or loss of nationally produced power.
- That schemes such as the proposed application were key to moving away from the use of major generating plants and in decarbonising energy.
- Technologies such as battery storage were not yet capable of guaranteeing energy supply and projects like this were needed in the transition to a dynamic low carbon grid.
- There was a clear officer recommendation for approval and this recommendation had been considered against national and local planning policy and neighbourhood plans and given it was low carbon infrastructure development was supported by the Council's Development Plan.
- There were no objections from Council Officers, Statutory consultees or the Parish Council and Natural England had raised no concerns.
- The term power station vastly over-stated the scale and impact of the proposed development which was a small scale scheme operating on a limited basis when there is insufficient energy being produced and its air quality and noise impact are low.
- Conditions were proposed to deal with noise and environmental issues.

Submissions opposing the application can be broadly summarised as:

- An on-line petition containing 91 signatures from Swindon and further afield had been received opposing the application.
- A late objection from the Wiltshire Branch of the Campaign to Protect Rural England on the grounds that the proposal was not renewable or low carbon, visible impact concerns and insufficient noise conditions to protect neighbours, the impact on the Berkley Farm housing and that it should be located on an industrial estate.
- The site was with a farm and access would require the removal of some hedge way.
- The development was not farm diversification under the meaning of Policy EC5 as the land would be rented with no further involvement in the activities.
- Gas was a fossil fuel and the country was trying to reduce its use of fossil fuels, indeed Swindon Borough Council had been successful in the installation of solar farms which supplied the local grid in the case of electricity shortage.
- The application could adversely affect those properties anticipated to be built as part of Wroughton's future expansion.
- The access for the site was Swindon Road in the middle of Wroughton and could not therefore be considered a rural site.
- The Prospect Hospice and local residential properties would be subjected to noise from the generator during its operation.
- The development was neither sustainable nor environmentally friendly, nor did it positively impact climate change as it burnt mains gas which was not a renewable energy source, was inefficient, nor did it constitute low carbon technology.

- The application was in effect an industrial unit placed close to residential units.
- There were no guarantees as to the annual operating hours or times of operation nor limits in place on its operation.
- The site was unsuitable due to the noise of operation being so great it required noise attenuation measures in the form of four meter acoustic barrier.
- The chimneys were higher than the proposed screening measures so would adversely affect the visual amenity of the area.
- The application cannot be considered farm diversification under Policy EC5.
- The measuring point of noise assessments and enforcement action, if required, were not properly addressed within the application.
- The effect of heat inversion was not adequately addressed within the application.
- The application was unsustainable, the site was unsuitable, there would be an unreasonable noise impact on existing and future neighbours, it would contribute to climate change, it uses fossil fuels, and did not contribute to the Council's vision to reduce Swindon's carbon footprint.
- Previous applications of this nature within the Borough had been refused.
- Conrad Energy's handbook for landlords suggests development away from residential areas and/or industrial or commercial zones and their own assessment stated that noise generated overnight would be above the level of significant adverse impact and that no further mitigation is possible.
- Experience from similar developments around the country that have led to issues with low frequency noise which can penetrate the walls of residential properties.
- That if approved the electric generation would be undertaken on a 25 year contract which would complicate any remedial actions if required.
- The production of electricity on the scale proposed would be inefficient and produces carbon dioxide, methane and nitrogen dioxide.
- Demand flexibility and storage were more economically and environmentally appropriate means of meeting peak demand for electricity.
- Monitoring of noise levels would only be undertaken by the Council following noise complaints.

Resolved – That application numbered S/18/1617/SASM be refused.

Reasons

1. It has not been sufficiently demonstrated to the satisfaction of the Local Planning Authority that noise levels and disturbance produced during the flexible power plant's operation would not harm the residential amenity of nearby residents contrary to Policies DE1 (c) and EN7(a) of the Swindon Borough Local Plan 2026 (2015).
2. The proposed development by reason of its appearance and proposed height of the acoustic screening would comprise an intrusive feature in the rural landscape and cause harm to the character and appearance of the area contrary to Policy DE1 of the Swindon Borough Local Plan 2026 (2015).
3. The proposal does not represent farm diversification and accordingly represents inappropriate development in the countryside and therefore is not in accordance with Policy EC5 of the Swindon Borough Local Plan 2026 (2015).

(Councillor Peter Watts made a non-prejudicial Declaration of interest in respect of this item in his capacity as a non-executive Director of Public Power Solutions.)

7. S/18/1403/TB - Erection of up to 100no. dwellings and associated works without compliance with condition 11 of consent S/OUT/14/1005, Land at Berkeley Farm, Swindon Road, Wroughton

In respect of application numbered S/18/1403/TB (Erection of up to 100no. dwellings and associated works without compliance with condition 11 of consent S/OUT/14/1005, Land at Berkeley Farm, Swindon Road, Wroughton) 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>
Jammie Taylor	Local Resident
Hannah Dosanjh	Wroughton Parish Council
Councillor Cathy Martyn	Ward Councillor
Councillor Brian Ford	Ward Councillor

Councillors Nick Burns-Howell, Malcolm Davies, Jenny Jefferies, 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:

- That the application was approved following an appeal to the Planning Inspectorate and Reserved Planning Matters were subsequently approved.
- The application was to amend the trigger point for the installation of a pedestrian crossing to the construction of 95 dwellings rather than occupation of dwellings and to clarify the planning obligation.
- That the Planning Authority needed to be reasonable and practical in agreeing and enforcing conditions at an initial stage.
- The development was approved through an appeal to the Planning Inspectorate followed a failure to demonstrate a 5 year housing land supply.
- That an agreement of a trigger point for the construction of a crossing provided the Local Planning Authority will more control in an enforcement scenario.

Submissions opposing the application can be broadly summarised as:

- That the developer should have provided a crossing when properties were occupied and they had failed to do and therefore failed in their planning obligation.
- That there was a safety issue due to the absence of a crossing as this would increase with the number of properties being occupied.
- That initially the developer had applied to remove the requirement of a crossing from the planning permission granted.

- A crossing was needed opposite the Lister's estate which is where school children would cross the road which is a busy road.
- That the crossing should be in the form of a zebra crossing with an island in the middle of the road.
- That enforcement action should be taken against the developer in accordance with Section 58 of the National Policy Framework following a temporary 28 day stop notice under Section 171(e) of the Town and Country Planning Act 1990.
- The development was outside of Wroughton's settlement boundary and not identified in the Neighbourhood Plan as access to the village's facilities required either crossing a busy road or using a car thus making the site unsustainable.
- The site was an overdevelopment of the site and was one of a number of developments off Swindon road and the increase in the number of properties could act as a precedent.
- The trigger point for the installation of a crossing for the development had been proposed by the developer and had not been agreed on highway safety grounds and that officers should investigate lowering the trigger point for the pedestrian crossing below the proposed 95th Dwelling.
- There was an expectation that conditions attached to planning consents would be carried out in their entirety.
- The concern that should the development be delayed for any reason this would further delay the installation of a pedestrian crossing.

Resolved – That consideration of application numbered S/18/1403/TB be deferred in order to allow the Head of Planning, Regulatory Services and Heritage to undertake further discussions with the developer (Linden Homes (Thames Valley)) to secure a more appropriate trigger point for the provision of the crossing conditioned as part of the planning permission granted upon appeal by the Planning Inspectorate.

8. S/18/1774/TB - Erection of 44 dwellings and associated works, Berkeley Farm, Swindon Road, Wroughton

The Committee considered application numbered S/18/1774/TB (Erection of 44 dwellings and associated works, Berkeley Farm, Swindon Road, Wroughton).

Resolved – That application S/18/1774/TB be deferred pending the outcome of discussions in respect of application S/18/1403.

9. S/OUT/19/0218/TB - Outline application for the erection of 1 no. dwelling (access and layout not reserved), Ringstones, 1 Kingsdown Lane, Blunsdon

In respect of application numbered S/OUT/19/0218/TB (Outline application for the erection of 1 no. dwelling (access and layout not reserved), Ringstones, 1 Kingsdown Lane, Blunsdon) the Committee considered: -

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

Name

Address/Organisation

Andrew Miles
Ian Jankinson

Agent
Blunsdon Parish Council

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

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

- That whilst the proposed development fell outside of the Blunsdon Settlement boundary it was surrounded by other residential and commercial developments on three sides.
- That resulting in the shortage in the housing land supply the fact that development fell outside of the Blunsdon Settlement boundary was not in itself reason for refusal.
- The adverse impact of permitting the development was not considered to significantly and demonstrably outweigh its benefits.
- The density of the development would be the equivalent of 11 house per hectare which was considerably lower than other recently approved developments within the Parish.
- The potential loss of privacy to adjoin properties is mitigated through the design of the development.
- The loss of sunlight to the neighbouring garden was only for a short period in the afternoon and couldn't therefore sustain an objection especially given the retention of the current vegetation on the boundary.
- There is no current planning policy prohibiting the current proposed development.
- There are no objections from Council officers to a development that is sustainable and responds to the local context.

Submissions opposing the application can be summarised as:

- The application was contrary to Policy SD2 of the Swindon Local Plan.
- The application could not be considered as Brown Field Development.
- There was a history of foul water drainage issues in the area arising from properties in the locality into the ditch in the front of the proposed development.
- The development should be considered as back land development in accordance with the Swindon Residential Design Guidance.

Resolved – That application S/OUT/19/0218/TB be granted subject to the following conditions:

1. This approval shall be in respect of the site location plan received by the Local Planning Authority on 8th February and drawing number LPC,4583,19,01 A received on 19th March 2019.

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

2. Prior to the commencement of works on site in connection with the development hereby permitted, details of the scale, appearance and landscaping (hereinafter

called "the Reserved Matters") shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with Section 92 of the Town and Country Planning Act 1990.

3. Application for the approval of the Reserved Matters referred to in condition 2 above, shall be submitted in writing to the Local Planning Authority before the expiration of 3 years from the date of this permission and shall be carried out in accordance with the approval.

Reason: To enable the Council to review the suitability of the development in accordance with Section 92(2) of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be commenced either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Council to review the suitability of the development in accordance with Section 92(2) of the Town and Country Planning Act 1990.

5. The material submitted with the landscaping reserved matters shall include: i) Details of the species, location, diameter, approximate height, and general state of health and stability, of every tree, bush or hedgerow on the site which is to be retained and of each tree, bush or hedgerow which is on land adjacent to the site and to which paragraphs ii), iii), iv) and v) below shall apply; ii) No tree, bush or hedgerow which is to be retained and which has been identified in paragraph i) above, shall be topped, lopped, felled, destroyed or wilfully damaged, including any severance of its roots without the prior written consent of the Local Planning Authority; iii) No materials, plant, soil or spoil shall be stored underneath, and no burning of materials shall take place, within the furthest extent of the canopy of any tree, bush or hedgerow, which is to be retained and which has been identified in paragraph i) above without the prior written consent of the Local Planning Authority; iv) Details of the specification and position of fencing and of any other measures to be taken for the protection of any tree, bush or hedgerow, which is to be retained and which has been identified in paragraph i) above. Such fencing or any other measures shall be retained until the approved development has been completed or the Local Planning Authority has approved, in writing, that such fencing or any other measures may be removed; v) All works to protect any tree, bush or hedgerow, which is to be retained and which has been identified in paragraph i) above shall be carried out in accordance with BS 5837(2012); vi) A planting plan and timetable of works for the soft landscaping of the site; all works shall be carried out in accordance with the approved plan and timetable; and any trees or plants, which within a period of five years from first being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation; and vii) details of fencing and boundary treatments.

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

7. No development shall take place, including any site preparation works, 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 wet 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

8. The allocated private car parking spaces for each unit (Ringstones and the new dwelling) plus the associated turning space shown on the approved plan, shall be laid out and made available for use prior to the development hereby permitted. These spaces shall thereafter be retained only for the parking of motor vehicles in connection with the development hereby permitted and Ringstones.

Reason: In the interests of highway safety.

9. Construction and demolition works associated with the development hereby permitted shall only take place between 0800 hours to 1800 hours on Mondays to Fridays and 0900 hours to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity.

10. Development shall not commence above ground level until details of all external facing materials shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with these approved details.

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

11. Adequate and appropriate provision for foul and surface water drainage within the site must be made so that none discharges onto the highway or adjacent land.

Reason: In the interests of highway safety and amenity.

12. Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted Site Plan [drawing no. LPC,4583,19,01 Rev A] with any gates hung so as not to open outwards towards the public highway and with the area of driveway within at least 6m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway impact by ensuring the access is suitably laid out.

10. S/HOU/19/0399/RM - Erection of a replacement garage linked to main house and new 1.8m high boundary wall and fence, Eldswyn, Kingsdown Lane, Blunsdon

In respect of application numbered S/HOU/19/0399/RM (Erection of a replacement garage linked to main house and new 1.8m high boundary wall and fence, Eldswyn, Kingsdown Lane, Blunsdon), Ringstones, 1 Kingsdown Lane, Blunsdon) 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>
Bob Keech	Agent
Ian Jankinson	Blunsdon Parish Council

Councillors Alan Bishop and Nick Martin spoke in respect of this application.

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

- There were no policy, highway or neighbour objections to the application and officers did not consider the application to constitute overdevelopment of the site.
- The garage is already an existing structure and the extension was relatively small and linked the garage to the house.
- The gate and wall were solely for security purposes.

Submissions opposing the application can be broadly summarised as:

- Planning permission for a first floor extension and porch was granted in 2016 although this has not yet been built and together with the current application and the application for a single storey annex to the rear on a relatively small plot would constitute over intensification of use of the site.

Resolved - That application numbered S/HOU/19/0282 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. The accommodation to be provided within the annex hereby approved shall remain as permanently ancillary accommodation to the principal dwelling at Eldswyn, and shall be occupied only by persons of the same household and the building shall not

be let or rented to any other person(s). There shall be no subdivision of this single residential planning unit.

Reason: The site is unsuitable to accommodate an additional residential unit

3. The development hereby permitted shall be constructed using external facing materials that match and correspond with those of the existing building. Such facing materials shall be retained thereafter in their approved form.

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

4. This approval shall be in respect of site plan and drawing no. 19/009 received by the Local Planning Authority on 20 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.

5. Notwithstanding the submitted details, work for the construction of the annexe shall not commence until a scheme for the disposal of surface and foul water has been submitted to and approved in writing by the LPA. The development shall take place in accord with the details so approved.

Reason: To ensure adequate provision is made for drainage, in the interests of amenity.

11. S/HOU/19/0282 - Erection of a detached single storey annex to rear, Eldswyn, Kingsdown Lane, Blunsdon

In respect of application S/HOU/19/0282 (Erection of a detached single storey annex to rear, Eldswyn, Kingsdown Lane, Blunsdon) 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>
Bob Keech	Agent
Ian Jankinson	Blunsdon Parish Council

Councillors Stan Pajak and Vera Tomlinson spoke in respect of this application.

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

- There were no policy, highway or neighbour objections to the application and officers did not consider the application to constitute overdevelopment of the site.
- The detached single storey annexe it was not considered to have an adverse effect on the surrounding area as it was set away from neighbouring properties.

- The annexe had no kitchen as it was usual for annexe applications to be reliant on the main house and not an independent unit.
- There was an existing septic tank on site which could be used by the annexe.
- When the side extension was completed it would mean that there would only be pedestrian access to the annexe and therefore hard to get separate title for the annexe.
- The design, whilst not usual was in keeping with the main building.

Submissions opposing the application can be broadly summarised as:

- Planning permission for a first floor extension and porch was granted in 2016 although this has not yet been built, together with the previously considered application and the application for a single storey annex to the rear on a relatively small plot the Parish Council considered this would constitute over intensification of use of the site.

Resolved – That application numbered S/HOU/19/0282 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. The accommodation to be provided within the annex hereby approved shall remain as permanently ancillary accommodation to the principal dwelling at Eldswyn, and shall be occupied only by persons of the same household and the building shall not be let or rented to any other person(s). There shall be no subdivision of this single residential planning unit.

Reason: The site is unsuitable to accommodate an additional residential unit.

3. The development hereby permitted shall be constructed using external facing materials that match and correspond with those of the existing building. Such facing materials shall be retained thereafter in their approved form.

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

4. This approval shall be in respect of site plan and drawing no. 19/009 received by the Local Planning Authority on 20 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.

5. Notwithstanding the submitted details, work for the construction of the annexe shall not commence until a scheme for the disposal of surface and foul water has been submitted to and approved in writing by the LPA. The development shall take place in accord with the details so approved.

Reason: To ensure adequate provision is made for drainage, in the interests of amenity.

12. S/HOU/19/0492/RM - Erection of a two storey extension, North Farm

**Barn, South Side, 2A Trenchard Road, Swindon and S/LBC/19/0493/RM
- Erection of a two storey extension, North Farm Barn, South Side, 2A
Trenchard Road, Swindon**

With the agreement of the Committee, Agent and Tom Charnock, Parish Councillor, agenda items 14 and 15 were considered together.

In respect of application numbered S/HOU/19/0492/RM (Erection of a two storey extension, North Farm Barn, South Side, 2A Trenchard Road, Swindon), and /LBC/19/0493/RM (Erection of a two storey extension, North Farm Barn, South Side, 2A Trenchard Road, 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>
Howard Waters	Agent
Councillor Steve Weisinger	Ward Councillor
Tom Charnock	Stanton Fitzwarren Parish Council

Councillors Alan Bishop, Steph Exell and Peter Watts spoke in respect of this application.

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

- The application for a two storey extension would join the two existing buildings which were both Grade II Listed Buildings and would form an “L” shaped footprint.
- Paragraph 1.96 of the NPPF states where there is less than substantial harm these should be weighed against the benefits and optimal use of the asset.
- Initially there was one objection in principle however that has now been withdrawn as the applicant has agreed to provide screening for the neighbour and agreed for that to be put in as a condition of the development if it is approved this evening. Highways have no objections to this application as it is an extension to a property.
- The views of the Council’s Conservation Officer were considered to be negative by the applicant and his agent.
- The barn had previously been converted to a residential property.
- The proposed extension 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.
- There had been a recent barn conversion with a brand new property erected next to it which is on the main road, this proposed extension was not.
- The application was supported unanimously by Stanton Fitzwarren Parish Council, which took great care in scrutinising planning applications and in protecting the local environment and village setting.

- The application had been considered by the Parish Council on three separate occasions and accepted the applicant's Heritage Statement as being a comprehensive document meeting all the statutory requirements.
- The architect of the scheme was experienced in design work for Listed Buildings, well qualified and a member of the RIPA conservation register and a Governor of Wiltshire Historic Buildings Trust.
- The scheme enjoyed a high level of local support.
- Full plans had been submitted to the Local Planning Authority although all of these did not appear in the report.
- The Heritage Report prepared by the architect had not been properly represented by officer comments and the report, the architect drew Members' attention to the following: that the building was largely rebuilt when converted so it's a Listed Building in name only, the conservation used materials on site and new materials from off-site, matching double roman clay tiles would be used in the extension, the extension was clearly lower than the existing barn to which the extension was attached, the extension was in line with good practice and Council policies, the extension would be largely out of view and facing into a courtyard, the extension would represent a gradual development of the existing buildings using traditional materials, and the application was high quality using traditional materials and therefore would enhance the local area.
- The only visual impact was from the bottom of a neighbour's garden and a simple course of planting had been agreed to mitigate this.
- The applicant, who had need of an additional bedroom, had owned the property for a considerable time and he and his family used the village's facilities and school.
- The application would help enhance a quality home within the Borough and therefore be a public benefit.

Submissions opposing the application can be broadly summarised as:

- The Council's Conservation Officer had raised concerns relating to Designated Heritage Assets which did not enhance the buildings or setting and which needed to be weighed against the public benefits of the proposal or which would mitigate the harm to the Heritage Asset and whether the works proposed were the minimum required to ensure the continued use of the asset.
- Paragraph 1.96 of the NPPF states where there is less than substantial harm these should be weighed against the benefits and optimal use of the asset.
- The Local Plan sought to protect the character of the asset and local context and ensure the design and materials were appropriate for the significance and settings.
- The proposed extension was taller than the existing barn and would hide features of the barn.
- There were no benefits to the extension other than for the owner of the barn and no public benefits to outweigh the less than substantial harm caused to the barn and listed building.
- The existing barns are characterised by their simple design reflecting the agricultural nature of the buildings and the proposed work would fail to preserve the buildings or features of historical or architectural interest which it possesses and is therefore inappropriate.

- Too much of the Borough's historical buildings were being lost to inappropriate development.
- The NPPF described two forms of harm in respect of Listed Building Substantial Harm which referred to the demolition or near demolition of a Listed Building and Less than Substantial Harm which covered everything else and so Less than Substantial Harm should still be given appropriate weight when reaching a decision.

Resolved – (1) That application numbered S/HOU/19/0492/RM be refused for the following reasons:

1. The proposed scheme, as a result of the design, visual massing and siting, would result in an incongruous, prominent form of new development that has an unacceptable appearance which causes harm to the simple form and function and layout of the listed building which is key to its significance and how it is experienced within the setting of the listed farmhouse and the Conservation Area. The proposal would, therefore fail to preserve the traditional and agricultural local character and distinctiveness of the area and fails to make a positive contribution to the locality. Which is contrary to paragraph 127 of the NPPF and policies DE1 and EN10 of the Local Plan.

2. The proposed development would result in less than substantial harm to the significance of the designated heritage asset (the grade II listed property). There are no public benefits of sufficient weight to override the harm caused. As such the proposed development is contrary to paragraph 196 of the National Planning Policy Framework 2018 (NPPF).

(2) That application numbered S/LBC/19/0493/RM be refused for the following reasons:

The proposed scheme, as a result of the design, visual massing and siting, would result in an incongruous, prominent form of new development that has an unacceptable appearance which causes harm to the simple form and function and layout of the listed building which is key to its significance and how it is experienced within the setting of the listed farmhouse and the Conservation Area. The proposal would, therefore fail to preserve the traditional and agricultural local character and distinctiveness of the area and fails to make a positive contribution to the locality. Which is contrary to paragraph 127 of the NPPF and policies DE1 and EN10 of the Local Plan.

The proposed development would result in less than substantial harm to the significance of the designated heritage asset (the grade II listed property). There are no public benefits of sufficient weight to override the harm caused. As such the proposed development is contrary to paragraph 196 of the National Planning Policy Framework 2018 (NPPF).

13. Parking Standards for New Development (SMTPDS&W)

The Service Manager, Transport Planning, Development and Street Works Management submitted a report seeking approval for the draft Parking Standards for New Developments within the Borough to be approved for public consultation.

Resolved – That the draft Parking Standards 2019 attached at Appendix 1 to the report of the Service Manager, Transport Planning, Development and Street Works

Management be approved for consultation.

(2) That the Service Manager, Transport Planning, Development and Street Works Management be authorised to undertake a Public Consultation exercise to secure feedback from a range of stakeholders.

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

14. Protocol for Dealing with Planning and Related Applications and Local Planning and Related Application Validation Lists (HPRS&H)

The Head of Planning, Regulatory Services and Heritage submitted a report seeking approval for dealing with planning and related applications.

Resolved - (1) That the protocol and the additional clarification contained therein, including the change to how representations are titled when published on public access be noted.

(2) That the procedures set out in Appendix 1 to the report of the Head of Planning, Regulatory Services and Heritage be approved for the purpose of consultation on planning and related applications ("consultation protocol").

(3) That approval be given to the circulation of consultation protocol to all Borough Councillors for information and that they be reminded of the obligation that where they request an application be determined by the planning committee that they do so in writing within the prescribed timescales and the request must provide reasons for the request.

(4) That approval be given to the circulation of the consultation protocol to all Parish and Town Councils for information and that they be reminded of the obligation that where they request an application be determined by the planning committee that they do so they do so in writing within the prescribed timescales and that reasons be given for the request as to why a particular application is considered to raise significant planning issues or is locally controversial.

(5) That the Local Application Validation Lists be approved and the Head of Planning, Regulatory Services and Heritage be authorised to review and amend them as necessary, or at least on a biannual basis, and to publish them on the council's web site.

(6) That the Protocol be approved and the Head of Planning, Regulatory Services and Heritage be authorised to review and amend the protocol as necessary, or at least on a biannual basis, and publish the protocol in the planning pages of the Councils Web site.

(7) That the Head of Planning, Regulatory Services and Heritage be authorised to make any minor or typographical changes as may be necessary to the documents set out within the report.

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