



## COMMITTEE REPORT

**Item Number:**

**Application Number:** S/19/0821/CHHO

**Ward:** Ridgeway

**Parish:**

Bishopstone And Hinton Parva

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

**Site Location:** Land At Netherwater, City Corner, Hinton Parva

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

**Agent:**

Mr Rob Spurr  
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**Applicant**

Mrs P Bennett  
Netherwater  
City Corner  
Hinton Parva  
Swindon  
SN4 0DH

### Officers Report

**Background:**

This application is called to Planning Committee by Bishopstone Parish Council who object to the principle of a new dwelling in this location. The site is located outside of the rural settlement boundary and is not in a sustainable location, contrary to Policy SD2.

**Recommendation:**

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

**The Proposal:**

2. This application seeks planning permission for the erection of 1no. detached dwelling to the rear of the existing dwelling at Nether Water, City Corner with a new access to be created off Short Drove. The proposed two storey dwelling would provide 3no. bedrooms. A detached garage is also proposed which includes a canopy area which could be used as a car port, together with a separate cycle store area. Ample space is provided on site for the parking of 2+ vehicles to the front of the garage/side of the property. The access and parking arrangement for the host property at Netherwater will remain as existing.

**The Site and Surroundings:**

3. The application site is located approximately 600 metres from the centre of Hinton Parva but outside of the rural settlement boundary. The site is not located within a conservation area, nor within an area of outstanding natural beauty (AONB). However, the boundary of the North Wessex Downs AONB is located approximately 260 metres to the south. The nearest listed buildings are located approximately 200 metres to the west of the site. The east of the site is bounded by mature

hedges and trees up to 10 metres tall, with a stream, which separates the site from Short Drove. To the west of the site is a mature hedge forming the boundary with Chestnut Cottage, with a wire fence and mature trees to the north of the site beyond which is open countryside. To the south east of the site, close to the junction between City Corner and Short Drove, is a public footpath.

4. There are a number of residential properties in the vicinity of the site, including those along City Corner and Short Drove. These are typically large detached or semi-detached dwellings at low density, which vary in architectural style and character

5. The host property, together with the 2 properties to the east of the site (Brook Cottage and Elm Cottage) take access from Short Drove which is a single track rural lane. Planning permission was recently granted in February 2019 by the planning committee for a new dwelling to the south of Elm Cottage (S/15/1701) which will also take access from Short Drove.

6. There is a bus stop located on City Corner approximately 200 metres from the site. Within the village is a church and village hall, with the nearest primary schools and shops/pubs in Wanborough some 2.6km to the west.

#### Representations:

7. Neighbours: 2no. letters of objection received, 1 each from Brock Cottage and Elm Cottage.

Representations raise one or more of the following points:

- There has never been a dwelling here before and this would be building on a greenfield site
- The building will seem completely out of character with the other cottages as it will have a much higher roof line
- The land has a tendency to flood
- The proposed access would be via the lay-by, a useful parking space created and used by the owners of Elm Cottage for at least the past 50 years
- Entrance to the new dwelling could impact access to other properties
- Impact of additional traffic on single track lane
- Poor condition of road

8. Bishopstone Parish Council: Objects to principle of new dwelling in this location. The site is located outside of the rural settlement boundary and is not in a sustainable location. Furthermore, and contrary to the circumstances applicable to the application S/15/1701, the site of the proposed dwelling is clearly not previously developed land. Notwithstanding the lack of a five year land supply the proposal remains contrary to Policy SD2 which is not solely a housing delivery policy and so should not necessarily be considered out of date. The proposal meets none of the special circumstances required to permit development in countryside locations under this policy, namely:-

- local needs have been identified and allocated through a neighbourhood Plan or neighbourhood Development Order; and/or
- It supports the expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centre; or
- The proposal satisfy the policy requirements of this Plan

9. Planning Policy: No objection. Paragraph 11 of the NPPF directs the decision maker to consider the 'tilted balance' in the presumption in favour of development. Whilst there is some harm in respect of opportunities to promote sustainable transport modes by virtue of its location, this harm is not significant. Should the conclusion be that there is no harm, by virtue of the design, to the character of the surrounding area, the planning balance is considered to weigh in favour of the proposal.

10. Landscape: Objection raised. Primary concern would be loss of vegetation to create the access which would cause significant harm to the character of the lane. Also identifies harm to the setting of an important group of trees - Significant Beech tree (T2) which is an important tree within a larger group. The proposed dwelling does not properly respect their setting in landscape terms.

11. Arboricultural Officer: No issues with this as long as they adhere to the plan provided and the necessary tree protection is installed before any works take place.

12. Highways: No Highway Objection raised, subject to conditions. It is considered that the proposed three bedroom dwelling would not lead to a significant volume of traffic being generated on the adjoining public highway network. Furthermore, whilst the means of access is not shown in detail, it is likely that an acceptable access could be provided by a cross-over from Short Drove and a culvert over the adjoin watercourse. It is therefore not anticipated that the proposed development would lead to conditions prejudicial to the safety or operational capacity of the adjoining public highway.

13. Drainage: Recommends approval with conditions.

### **Relevant Policy:**

14. Adopted Swindon Borough Local Plan 2026

- Policy SD1 - Sustainable Development Principles
- Policy SD2 - Sustainable Development Strategy
- Policy DE1 - High Quality Design
- Policy HA1 - Mix, Types and Density
- Policy EN4 - Biodiversity and Geodiversity
- Policy EN5 - Landscape Character and Historic Landscape
- Policy EN6 - Flood Risk
- Policy TR2 - Transport and Development

Supplementary Planning Documents

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

National Planning Policy Framework (NPPF) 2019

### **Planning Considerations:**

15. The main issues to be considered are the principle of the development, whether the proposal has provided a high standard of design, the impact on the character and appearance of the surrounding area including any landscape impact, the impact on the amenity of neighbouring properties, the impact on the living conditions of the future occupiers and whether the proposal site provides safe access and adequate parking.

### **Principle:**

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

17. Policy SD1 'Sustainable Development Principles' of the Swindon Borough Local Plan states to enable the delivery of sustainable development and support sustainable communities in the Borough, all development proposals will: be of high quality design; promote healthy, safe and inclusive communities; respect and conserve, and/or enhance the natural built and historic environments; be accessible by walking, cycling and/or public transport.

18. The proposal site is located outside the Hinton Parva settlement boundary. Policy SD2 'The Sustainable Development Strategy' of the Swindon Borough Local Plan states that development proposals in rural and countryside locations outside the rural settlement boundaries will be permitted where:

- Local needs have been identified and allocated through a Neighbourhood Plan or Neighbourhood Development Order; and/or

- It supports the expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in a rural service centre; or
- It is in accordance with other policies in this Plan permitting specific development in the countryside

19. In this respect, as the proposal does not meet any of the above criteria, it is not in accordance with Policy SD2. As a conflict with the development plan is identified, it is then necessary to look at other material considerations.

20. It is acknowledged that at present, the Council cannot demonstrate a five-year housing land supply. At the planning inquiry for Land at Hill Cottage Blunsdon (Planning Inspectorate reference: APP/U3935/W/17/3192234, SBC reference: S/OUT/17/1032) the council's position was that it is able to demonstrate 2.7 years' supply of housing land in the Borough. Paragraph 11 (part d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless:

- i) The application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing development; or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

21. Footnote 7 of the NPPF confirms that for applications involving the provision of housing, where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites, then policies which are most important for determining the application are out of date. The lack of a demonstrable 5-year housing supply is not in itself a reason for approval. Rather, those local policies which concern the provision of housing cannot alone be the basis of a refusal, and the proposal has to be assessed against the policies within the NPPF taken as a whole.

22. Therefore, the consideration is whether the benefits of the proposed development in respect of contributing to house types in the area and making a contribution to the delivery of housing would outweigh any adverse impacts in respect of design and impact on the character and appearance of the area, together with an assessment of the acceptability of the scheme in respect of highways, landscape and drainage.

23. The proposal site consists of the curtilage to an existing residential dwelling and is laid to a garden, mainly lawn. Paragraph 117 of the NPPF promotes the use of previously developed or 'brownfield' land. The NPPF definition of previously developed land includes the curtilage of developed land (although it should not be assumed that the whole of the curtilage should be developed). The NPPF definition excludes land in built-up areas such as residential gardens, however residential gardens in rural areas are not excluded from this definition. The development site is not considered to be within a built up area and in the context of paragraph 117 of the NPPF, it constitutes previously developed land and enjoys some material benefit in this respect.

24. Paragraph 79 of the NPPF states that planning policy and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
  - is truly outstanding or innovative, reflecting the highest standards in architecture, and would

- help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

25. In March 2018, the Court of Appeal confirmed a High Court judgement into the lawful interpretation of 'isolated homes' in the context of former paragraph 55 of the NPPF. Here, Justices McCombe and Lindblom agreed with Justice Lang that the inspector at the appeal for 2 detached dwellings at Lower Green Road, Blackmore End in Essex had made no error in law. The inspector had taken a 'narrow view' of the meaning of isolated in so much as it concerned the physical separation of the site as opposed to a more functional interpretation relating to access to services. In his judgement, Justice Lindblom states the word isolated *"is itself generally used to describe a location"*.

26. He then goes onto say:

*The word isolated in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. What constitutes a settlement for these purposes is not defined in the NPPF. There is no specific minimum number of dwellings, or population. It is not said that a settlement boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will constitute the settlement. In my view a settlement would not necessarily exclude a hamlet or cluster of dwellings, without for example, a shop or post office of its own, or a school or community hall or public house nearby, or public transport within easy reach. Whether, in a particular case a group of dwellings constitutes a settlement or village for the purposes of the policy will again be a matter of fact and planning judgement for the decision maker.*

27. In respect of the specific case he concludes:

*That Blackmore End is indeed a settlement and that there are dwellings a short distance to the north of the appeal site, others a short distance to the south and another on the other side of the road to the west, is obvious when one looks at a map. And it is not contested, or contestable that if the word 'isolated' in paragraph 55 of the NPPF means physically isolated in being isolated from a settlement, the inspector was entitled - as a matter of fact and planning judgement, if not simply as a matter of fact - to conclude at the end of paragraph 9 that the "development would not result in the new isolated homes in the countryside to which Framework paragraph 55 refers".*

28. He then goes on to say:

*"In the circumstances, there was no need for "special circumstances" to be identified to justify a development of "new isolated homes in the countryside". This was not such a development".*

29. Applying this logic to the application site, a similar conclusion can be drawn with the dwellings to the east and south of the site and others in close proximity. Therefore following the Court of Appeals lead, the proposal cannot be regarded as isolated and the justification for the proposal under this part of the NPPF paragraph 55 (Paragraph 79 of revised NPPF) falls away.

30. However, it is instructive to look at other aspects of the Judgement as the case has many parallels with the application at Short Drove. There is a regular but infrequent bus service to Hinton Parva and there is a bus stop approximately 200 metres from the site. There are a limited number of facilities at Hinton Parva including a church and village hall, but the nearest primary school and shops are in Wanborough some 2.6km to the west. One of the principles of sustainable development as expressed in Policy SD1 of the Swindon Borough Local Plan 'Sustainable Development Principle' is that development should be accessible by walking, cycling and/or public transport.

31. The inspector of the Blackmore End case considered the accessibility of the proposal. He noted that Blackmore End had a very limited range of services and facilities. There is for example no shop, the nearest being about 2 miles away. It is likely that those occupying the dwelling would rely heavily on the private car to access everyday services, community facilities and employment. While this

weighs against the development, it is consistent with the Framework that sustainable transport opportunities are likely to be more limited in rural areas. Justice Lindblom commented that the inspector had rightly considered this within the *"overall balance and sustainable development"* and that it was a matter of planning judgement, and in so much he had not erred in law.

32. The updated NPPF reference in this respect is paragraph 103: *"However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making"*.

33. Whilst there is some harm in respect of opportunities to promote sustainable transport modes by virtue of its location, mindful of the scale of development (1 dwelling) and the provisions of paragraph 103 of the NPPF, this harm is not deemed to be significant.

### **Design and Layout:**

34. A consideration needs to be given to the potential harm to the character and appearance of the surrounding area. Policy DE1 'High Quality Design' of the Swindon Borough Local Plan requires high standards of design for all development. The proposal will be assessed in terms of context and character; layout form and function of the development and amenity.

35. The Residential Design Guide SPD amplifies Policy DE1 and provides specific guidance on infill and backland development, stating that new development must reflect inherent plot size, building lines, boundary treatments, built form, scale, massing, landscaping and details.

36. Paragraph 130 of the NPPF states that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*. Paragraph 131 states that *"In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings"*.

37. Whilst it is not necessarily considered that the proposed dwelling represents an outstanding or innovative design, the proposed dwelling which is simple and traditional in design and uses appropriate materials, would not appear as out of context or character with its surroundings. The host property would retain a reasonable garden area and the plot sizes of the host dwelling and new dwelling would not be dissimilar to those of the properties directly to the east, therefore the proposal respects the spatial qualities of its surroundings in accord with Policy DE1 and the SPD. The new dwelling would have a road frontage onto Short Drove and would be served by its own access, in keeping with the linear pattern of development within the vicinity of the site. The dwelling would achieve a sufficient set back from the road frontage, largely screened from Short Drove by mature vegetation and would not appear unduly dominant within this setting.

38. Local Plan Policy HA1 'Mix, Types and Density' of the Swindon Borough Local Plan states housing should be design-led and that densities, house types, and sizes should respect the character of the surrounding area and meet local needs. The proposal is for the erection of a three bed detached 2 storey dwelling, which is considered to reflect and contribute to the house types in the area.

### **Amenity:**

39. Policy DE1 'High Quality Design' of the Swindon Borough Local Plan and the Residential Design Guide, also seek to protect neighbouring amenity in respect of light, outlook, privacy, noise, disturbance and smell. The proposal is not considered to create significant or unacceptable harm to neighbouring amenity in respect of loss of light, overshadowing or overbearing impact. Whilst the proposal will partially obstruct the views of the properties to the east of the site towards the open countryside, loss of view is not a material planning consideration. Further, neighbouring privacy will not be unacceptably harmed. The new dwelling would have 3 no. first floor windows on the west

(rear) elevation, overlooking the lower garden area of Chestnut Cottage. One of these windows would serve a bedroom window, however as this window would not directly overlook the most private or sensitive area of the garden at Chestnut Cottage, it is not considered an unacceptable impact would arise. The remaining two rear (west) facing windows would serve a bathroom and en-suite, therefore a condition could be imposed that these windows are obscurely glazed to assist in minimising opportunities for overlooking. The proposal accords with Policy DE1 and the SPD in respect of protecting neighbouring amenity.

40. It is considered that the occupiers of the proposed new dwelling would have sufficient access to natural light and outlook, with adequate internal space and external private amenity space. A good standard of amenity would be provided in accordance with Policy DE1 and the Residential Design Guide.

### **Landscape Impact:**

41. Policy EN5 'Landscape Character and Historic Landscape' (a) states that proposals for development will only be permitted when the intrinsic character, diversity and local distinctiveness of landscape within Swindon Borough are protected, conserved and enhanced; the design of development and materials used are sympathetic to the surrounding landscape; unacceptable impacts of the landscape are avoided.

42. The proposal site is not located within an area of outstanding natural beauty (AONB), although the boundary of the North Wessex Downs AONB is approximately 260 metres to the south. Whilst the proposal site may be considered to be in the 'open countryside' in the context of the adopted Swindon Borough Local Plan due to its location outside the defined rural settlement boundary, in reality it is surrounded by residential development to the east and south, with the site being a residential garden constituting previously developed land in the context of paragraph 117 of the NPPF. The proposed development on this site at this scale, is unlikely to have affects to the intrinsic character of the AONB.

43. Landscape Officers raise concern with the loss of vegetation required to create the access, noting than any visibility splays would need to be kept clear of vegetation above 600mm. They note this would create an urbanising impact and would be harmful to the rural character. Highways Officers confirm that the type of access proposed, without any formal visibility splays, would be appropriate due to the vehicle speeds along Short Drove likely to be low (circa 20mph). As formal visibility splays are not required in this instance, this limits the extent of vegetation removal required to that depicted on the proposed site layout plan. Further, it should be noted three properties already have accesses from Short Drove, with a further dwelling granted planning permission to the south of Elm Cottage (S/15/1701) which would also take access.

44. Landscape Officers also raise concern with harm to the setting of an important group of trees to the north of the site, which includes a significant Copper Beech Tree (T2) which is recognised as an important tree within a larger group. Whilst it is accepted the proposed development will alter the setting of the group of trees by built form in closer proximity, the trees are not protected by TPO's and nor is the site within the AONB itself. The plans demonstrate these trees will be retained and protected during construction works and a condition can be imposed to control this. No objection is raised by the Arboricultural Officer, subject to works being carried out in accordance with the plans provided and the tree protection installed before works takes place.

### **Highways:**

45. Policy TR2 'Transport and Development' of the Swindon Borough Local Plan states development shall be permitted where proposals provide access that is appropriate to the scale, type and location without detriment to highway safety and local amenity and where there is an existing safe and convenient pedestrian access or provision is made for such access.

46. Short Drove serves three existing dwellings and an additional dwelling has been granted

consent on the opposite side of the road, to the south east of this proposed dwelling (S/15/1701). Five dwellings in total would take access from Short Drove if this development was permitted. The existing dwellings are accessed by simple cross-overs without any formal visibility splays. Highway Officers consider that this type of cross over access would be appropriate as due to its width and alignment, vehicle speeds along Short Drove are likely to be low (circa 20mph). Whilst the means of access is not shown in detail, it is likely that an acceptable access could be provided by a cross-over from Short Drove and a culvert over the adjoining watercourse. These details would need to be agreed with the relevant authority responsible for this water course. It is considered that the proposed three bedroom dwelling would not lead to a significant volume of traffic being generated on the adjoining public highway network. It is therefore not anticipated that the proposed development would lead to conditions prejudicial to the safety or operational capacity of the adjoining public highway and there is no Highways Objection to the proposal. There is sufficient space to accommodate at least two parking spaces in front of the garage and an informal turning area is also available. The proposal accords with the Parking Standards (2007) and Policy TR2.

### **Flood Risk:**

47. Policy EN6 'Flood Risk' of the Swindon Borough Local Plan seeks to minimise the risk and impact of flooding. The site is not located within Flood Risk Zone 2 or 3 and is not deemed to present a significant risk to flooding. The Lead Local Flood Risk Authority (LLFA) recommends approval of the application subject to conditions, requiring the submission of a surface water drainage scheme for the site and surface water drainage maintenance scheme.

### **Biodiversity and Geodiversity:**

48. Policy EN4 'Biodiversity and Geodiversity' of the Swindon Borough Local Plan seeks to protect and enhance biodiversity. The site is previously developed in terms of the majority consisting of managed lawns and shrubbery. As such it is unlikely to contain any significant wildlife habitats. No significant harm to biodiversity or geodiversity has been identified.

### **Tilted Balance:**

49. Paragraph 11 of the NPPF directs the decision maker to consider the 'tilted balance' in the presumption in favour of sustainable development.

50. Paragraph 11 part d) i) states the permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development. Whilst the site has a rural setting, it is not located within a conservation area nor an area of outstanding natural beauty (AONB) which have the highest levels of protection. Further, there are no listed buildings within the immediate vicinity of the site which would be harmed. As such, there is no clear reason for refusing the development under this criterion.

51. Paragraph 11 part d) ii) states permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

52. The benefits of the proposal include the provision of much needed housing (albeit 1 house only) to contribute to the Boroughs 5-year housing supply shortfall together with short term economic benefits that construction would bring. Further, the additional population created could also assist the local economy in terms of utilising local services. The adverse impacts identified include the loss of vegetation to create the access which impacts the rural character of the lane together with the impact on the setting to a group of important (but unprotected) trees. On balance, taking into account the limited level of vegetation removal required to create the access, together with the existing properties which have accesses from Short Drove, it is not considered that the harm would significantly and demonstrably outweigh the benefits. The proposed layout plan shows that it will be possible to retain trees and shrubbery within the garden as well as along the boundaries. In addition, as the group of trees within the site are to be retained and do not have Tree Preservation Orders (TPOs) attached it is not considered the identified landscape harm significantly and demonstrably



outweigh the benefits.

53. Further, whilst there is some harm in respect of opportunities to promote sustainable transport modes by virtue of its location, mindful of the scale of development (1 dwelling) and the provisions of paragraph 103 of the NPPF, which acknowledges *"opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making"*, this harm is not significant and does not significantly and demonstrably outweigh the benefits.

54. In applying the tilted balance, Officers are of the view that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits

#### **CIL/Infrastructure requirements:**

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

#### **Concluding Comments:**

56. In summary, although the site is located outside the rural settlement boundary of Hinton Parva and thus contrary to Policy SD2 of the adopted Swindon Borough Local Plan, as the Council cannot demonstrate a 5 year housing land supply, paragraph 11 of the NPPF is engaged. Paragraph 11 of the NPPF directs the decision maker to consider the 'tilted balance' in the presumption in favour of sustainable development. The key consideration is whether any adverse impacts of granting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The benefits of the proposal include the provision of much needed housing (albeit 1 house only) to contribute to the Boroughs 5-year housing supply shortfall together with short term economic benefits that construction would bring. Further, the additional population created could also assist the local economy in terms of utilising local services. The resulting balancing exercise concludes that the landscape harm identified as a result of the removal of vegetation to create the access and impact to the setting of a group of important (unprotected trees), is limited and is not considered to amount to significant and demonstrably harm which outweighs the benefits. Further, whilst there is some harm in respect of opportunities to promote sustainable transport modes by virtue of its location, mindful of the scale of development and the provisions of paragraph 103 of the NPPF which recognises *"opportunities to maximise sustainable transport solutions vary between urban and rural areas"*, this harm does not significantly and demonstrably outweigh the benefits.

57. Officers are of the view that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission is granted subject to conditions.

#### **Recommendation:**

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

## **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the

date of this permission.

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

2. This approval shall be in respect of:

Dwg no. 001 16/05/2019 received 24th May 2019

Topographical Survey and Proposed Site Layout Dwg. No. 19798-200-01 received 24th May 2019

Tree Protection Plan (1:1250) PLAN 05224/2019 received 24th May 2019

Planning Design and Access Statement received 24th May 2019

Arboraicultural Report March 2019 REF: SCD 05224/2019 received 24th May 2019

Drainage Strategy Option 1 6875/501/01 Rev A received 18th June 2019

Drainage Strategy Option 2 6875/501/02 Rev A received 18th June 2019

Technical Note 6875/01 June 2019 Issue 2 received 18th June 2019

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

3. The development hereby permitted shall be constructed using external facing materials as detailed on the approved plans and application form. Such facing materials shall be retained thereafter in their approved form.

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

4. No glass other than obscure glass manufactured to a privacy level of 4 or above shall be used in the glazing of the first floor bathroom and en-suite windows in the west (rear) elevation of the dwelling hereby permitted.

Reason: In the interests of residential amenity.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order no windows, roof lights, dormers or roof extensions shall be inserted into any roof or wall above ground floor level other than shown on the approved plans without the express planning permission of the Local Planning Authority.

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

6. Development shall not begin until a surface water drainage scheme for the site, in accordance with the approved drainage strategy 'Drainage Statement and SuDS Maintenance Plan - Nether Water Cottage, Hinton Parva - Issue 2, June 2019', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include, but not be limited to:

- Evidence that the proposed flows from the site will discharge at or below greenfield runoff rates, or as close as practical for any areas that have been previously developed;
- Details of how the drainage scheme has incorporated SuDS techniques to manage water quantity and maintain water quality in accordance with best practice guidance including the latest SuDS Manual C753;
- Detailed drainage plan showing the location of the proposed SuDS and drainage network with exceedance flow routes clearly identified;
- Details to demonstrate the SuDS Scheme has been designed in accordance with best practice guidance including the latest SuDS Manual C753;
- General arrangement, which should be coordinated with the landscape proposals and the masterplan;
- Manhole Schedules;
- Detailed drainage calculations for all rainfall events up to and including the 1 in 100 year plus climate change to demonstrate that all SuDS features and the drainage network can cater for the critical storm event for its lifetime;

- Details of how the scheme shall be maintained and managed after completion;
- Any drainage systems offered for adoption will be designed to Sewers for Adoption 7th edition and/or SBC standards as part of the detailed design and relevant technical approval processes.

Reason: To ensure there is no localised flooding

7. The development shall not be occupied until a surface water drainage maintenance scheme for the site, in accordance with the approved maintenance regime 'Drainage Statement and SuDS Maintenance Plan - Nether Water Cottage, Hinton Parva - Issue 2, June 2019', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be maintained in accordance with the approved details.

Reason: To ensure there is no localised flooding

8. Prior to any occupation of the dwelling hereby permitted, the access, parking and garaging shall be constructed as generally set out on application drawing number 001 16/05/2019

Reason: To ensure the satisfactory provision is made for vehicles to be parked off the highway at all times.

9. The proposed garage shall be used only for the accommodation of private motor vehicles and for purposes incidental to the main use of the dwellinghouse and no trade or business shall be carried on therein.

Reason: To safeguard the amenities of the area and to ensure adequate provision of parking.

10. Prior to the commencement of works on site in connection with the development hereby permitted, the trees shown for retention on tree protection plan 05224/2019 shall have first been protected by the erection of a temporary protective fence in accordance with details on this plan, which shall be of and maintained to a standard compliant with BSI 5837:2005.

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

11. The trees to be protected on site as shown on tree protection plan 05224/2019 shall not be lopped, topped, felled, destroyed or wilfully damaged including severance of roots, without the prior written consent of the Local Planning Authority.

Reason: To prevent loss or damage to the trees on the site in the interests of amenity.

12. There shall be no external lighting, including floodlighting installed within the site, unless in accord with details that have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

13. No works for the construction of the building shall take place outside of the hours of 08.00 - 18.00 Monday to Friday, 08.00 to 13.00 on Saturdays and no work shall take on Sundays and Bank Holidays

Reason: In order to ensure that works likely to give rise to disturbance to nearby residents do not take place at unsocial hours, in the interests of residential amenity.

## Informatives

1. CIL Liable Development: This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit [www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil) or telephone the SBC CIL Team on 01793 466289 or 466397 or email [cil@swindon.gov.uk](mailto:cil@swindon.gov.uk). To avoid additional financial penalties the

requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Information on possible exemptions that may be capable of being applied for can be found at:

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

2. A licence to construct the access will be required from Swindon Borough Council. Permission to culvert or construct an access will also be required from the relevant authority with responsibility for the watercourse.

3. In the interests of safety, the applicant is recommended to incorporate fire prevention measures within the development, such as sprinkler systems. Further advice can be obtained from Wiltshire Fire Brigade by visiting [www.wfb.org.uk](http://www.wfb.org.uk)

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

End of Report