

## PLANNING COMMITTEE

TUESDAY, 10 SEPTEMBER 2019

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

Apologies for absence were received from Councillors Alan Bishop and Vera Tomlinson.

### 37. 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.

### 38. Minutes

Resolved – That the minutes of the meeting held on 13<sup>th</sup> August 2019, be confirmed and signed.

### 39. Public Question Time

No public questions were received prior to or at the meeting.

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

In respect of application numbered S/17/1114/SASM (Demolition of buildings, and erection of 8no. dwellings and employment building (Use Class B1), conversion and alteration of stables and barn to employment (Use Class B1) including Access and Parking - Manor Farm, 47 Queens Road, Hannington, Swindon 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) An update “Documents which may be relied upon in the preparations of the applications report” sheet circulated at the meeting;  
A letter received from Hannington Parish Council dated 4<sup>th</sup> September 2019;
- (e) Additional representations received and reported
- (f)
- (g) The comments at the meeting of the following interested persons:-

Name

Address/Organisation

Aaron Smith On behalf of the Applicant

Scott Talbert  
Kelli Salone

Parish Council  
Local Resident

The beginning of the Officer's presentation was repeated following the arrival of two Councillors after its commencement in order to allow all Councillors to be in possession of all information presented to the Committee prior to the discussion and determination of the application.

The Committee noted that a representation had been made from an individual claiming to challenge the legitimacy of the Committee's authority to make a decision in respect of this application however the Committee were advised they could determine the application before it.

Councillors Steph Exell, Tim Swinyard and Peter Watts spoke in respect of this application.

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

- The application was previously considered by the Committee in January 2018.
- Since its previous consideration the Revised National Planning Policy Framework ('revised NPPF') has been published (July 2018) and subsequently amended (February 2019) the effect of the policy framework on conservation matters remained the same.
- The Hannington Neighbourhood Plan was adopted in November 2018.
- Since its previous consideration by the Committee 6 letters of objection and also 3 letters of support for the proposal had been received from Hannington residents.
- A letter had also been received from the Parish Council acknowledging the mainly positive attitude within the community towards the application, but noting the Parish Council cannot support it since the development lay outside the current settlement boundary. It also requested that the settlement boundary be reviewed as a matter of urgency. This letter had been circulated to Members prior to the meeting.
- The proposal would see the demolition of number of buildings and the conversion of a building to B1(c) light industrial use.
- On the western part of the site 8 dwellings would be constructed. There would be a mix of dwelling sizes and 2 of the proposed dwellings would be Category 2 accessible and adaptable dwellings.
- The easternmost of the two courtyards would serve a new commercial building (comprising 5 separate units) and the converted building B increasing the commercial floor space on site from 550 square meters to 625 square meters.
- The proposed use of the industrial units was the proposed use of the commercial space is described as B1(c) light industrial.
- That the Local Plan, Neighbourhood Plan and Revised National Planning Policy Framework (NPPF) were relevant to the consideration of the application.
- That the Council could only demonstrate 2.7 years of housing land supply in accordance with Paragraph 73 of the NPPF and following the planning enquiry for Land at Cottage this was a relevant consideration.
- That there was not significant harm arising from the development of the site when considering Section 72 of Planning (Listed Building and Conservation Areas) Act 1990 and Paragraphs 192 and 193 of the revised NPPF.

- That the Council's Conservation Officer had no objections to the proposed demolition of the existing commercial buildings on the site.
- The main conservation concerns involved the loss of view arising from the development however, it was considered that the most important views of the hillside and pastoral setting were preserved. When considering Paragraph 194 of the NPPF the level of harm to the conservation area was deemed to be less than substantial and therefore Paragraph 196 of the revised NPPF should be considered in association with Paragraph 193 of the NPPF when determining the application.
- There were demonstrable public benefits arising from the application (set out in paragraph 44 of the report) and these were deemed to outweigh the less than substantial harm on the significance of the Conservation Area and heritage assets and should be considered in accordance with the tilted balance requirements of paragraph 11d of the revised NPPF.
- A conflict with Policy SD2 of the Local Plan was counterweighted by Policy EC4 of the Local Plan.
- Although the application was contrary to policies HPRD1 and HRD6 of the Hannington Neighbourhood Plan this needed to be considered in the light of the Council being unable demonstrate a 5 year supply of housing land in accordance with tilted balance considerations and Paragraph 14 of the revised NPPF.
- The design and materials to be used had been deemed acceptable once conditioned.
- Section 106 obligations had been agreed and signed in an agreement dated 3<sup>rd</sup> January 2019 and remained relevant and a material consideration and CIL considerations had been agreed.
- The level of parking provided in the application complied with the Council's Parking Standards and that other highway considerations could be dealt with through the imposition of conditions.
- The applicants were local people who had grown up on the farm and would remain part of the Hannington community.
- The site was redundant to modern farming meaning the requirement for diversification of the site.
- The current units were too small and not fit for purpose requiring new units for support small businesses.
- The applicants had met with the Parish Council and wider community and had reduced the scale of the application to reflect comments received reducing the number of residential units from ten to eight and increasing the number of 2 and 3 bedroom properties and homes for downsizers. The applicants would continue to engage the local community during development.
- Without development there was a risk that the site would further decay which would impact the conservation area.
- The proposal meant the Neighbourhood Plan's objective of proportional growth which had included the dwellings on this site.

Submissions opposing the application can be broadly summarised as:

- The application was contrary to Policy SD1 of the Local Plan in respect of the residential element of the application.

- The application was contrary to policies HPRD1 and HRD6 of the Hannington Neighbourhood Plan adopted in 2018 by virtue of the development being located outside of the settlement boundary.
- A number of objections had been received from the village community and the Parish Council and a precise of these comments, largely relating to Local Plan, Conservation issues and Highway matters had been reported at the meeting.
- A letter from the Parish Council was circulated at the meeting highlighting the concerns of local residents in relation to the size of the development in context to the village, the non-residential element of the application, the failure of the application to meet the requirements of the Hannington Neighbourhood Plan, and that the application fell outside of the Rural Settlement Boundary.
- The Committee were also appraised of earlier Parish Council representations and letters dated 8<sup>th</sup> August and 11<sup>th</sup> November 2017 forwarded to Borough Council Officers.
- The Parish Council's submission in their letter dated 4<sup>th</sup> September 2019, and reiterated by their representative at the meeting that any approval should be further conditioned by six conditions set out within the letter.
- The Parish Council had considered the application in the context of the Hannington Neighbourhood Plan and supporting documentation including a village referendum result, the Housing Conservation Area and Housing Management Plan 2009, the Swindon Borough Local Plan and outcome of a further public meeting on 30<sup>th</sup> August 2019.
- The development was not in keeping with one of the few rural villages remaining in the Borough.
- The Hannington Neighbourhood Plan had been established following a number of meetings and a lot of hard work by villagers and should be provided with the status it deserved.
- If the Neighbourhood Plan were ignored it would undermine the integrity of the Plan and its role in the planning process as well as potentially setting a precedent for future application as the Manor Farm application was received after the Approval of the Neighbourhood Plan.
- The development could have substantial and harmful effects as it was not within the settlement area and did not enhance the village and would adversely affect many aspects of the village not only due to the dwellings but also the industrial units and offices proposed.
- The development as proposed on the site was too much, too soon in a small village and could lead to an additional 65 cars a day accessing the village with the possibility of this increasing in the longer term.
- The village road was narrow with two cars struggling to pass each other in a number of places.
- There would inevitably be light pollution arising from the industrial units, including from security lighting and health and safety purposes.
- Any installation of yellow lines or street lighting would affect the nature of the village and residents feared the introduction of traffic calming measures.
- Land within the settlement area should be identified and developed prior to developing sites outside of the settlement boundary.
- Development on the site might lead to mud on narrow roads causing a potential hazard.

Resolved –That planning permission be granted in respect of application numbered S/17/1114/SASM subject to (a) the conditions set out in the report of the Head of Planning, Regulatory Services and Heritage, as amended below, and (b) to the

Section 106 agreement dated 3<sup>rd</sup> January 2019 containing planning obligations in respect of off-site open space contributions.

#### Amendments

1. That the words “and street lighting” be deleted from condition 11.

#### Reason

This condition is duplicated by Condition 32.

2. That when the developer applies to discharge condition 9, the Head of Planning Regulatory Services and Heritage be requested to circulate those details to the members of the Planning Committee.

#### Reason

To allow Members of the Planning Committee to consider and comment to the Head of Planning Regulatory Services and Heritage on the Construction Method Statement submitted by the developer.

(Councillor John Ballman made a personal and non-prejudicial declaration of interest in respect of this item as he knew the agent acting on behalf of the applicant. Councillor John Ballman left the room and took no part in the discussion or voting thereon.)

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

The Committee considered a report of the Head of Planning, Regulatory Services and Heritage seeking approval for introduction and adoption of a Local Development Order for 14 Custom Build units at Tadpole Garden Village.

Resolved – (1) That the Planning Committee authorises the Head of Planning, Regulatory Services and Heritage:

- (a) to consult on a Local development Order for the custom build parcel at Tadpole Garden Village as set out in the report; and
  - (b) to make minor drafting or typographical changes to the Order and any supporting documents arising from the consultation if required prior to publication.
- (2) That in the event that no significant objections are received or changes required as a result of the consultation, the Head of Planning, Regulatory Services and Heritage be authorised to adopt the Local development Order for the custom build parcel at Tadpole Garden Village after outline planning permission is granted.”

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