

PLANNING COMMITTEE

TUESDAY, 14 NOVEMBER 2017

PRESENT: - Councillors Kevin Parry (Chair), John Ballman, Alan Bishop, Malcolm Davies, Steph Exell, Nick Martin, Derique Montaut, Stan Pajak, James Robbins, Eric Shaw, Gary Sumner, Timothy Swinyard and Peter Watts.

26. Declarations of Interest

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

27. Minutes

Resolved – That the minutes of the meeting held on 10th October 2017, be confirmed and signed as a correct record.

28. Public Question Time

There were no public questions

29. New Eastern Villages Infrastructure Delivery Plan Prioritisation Matrix

The Head of Planning, Regulatory Services and Heritage submitted a report summarising work undertaken to prioritise the required infrastructure at the New Eastern Villages (NEV) to ensure timely delivery of all infrastructure given the scale and complexity of the site, to support the new community and deliver sustainable development in accordance with national and local policy.

In the absence of a Framework s106 agreement for the NEV, the NEV Infrastructure Delivery Plan Prioritisation Matrix, attached as Appendix 1 to the report, provides a robust framework for s106 negotiations on a site by site basis in accordance with Local Plan policy and the NEV Planning Obligations SPD

Resolved – That this Committee agrees to:

- (1) The New Eastern Villages (NEV) Infrastructure Delivery Plan Prioritisation Matrix as a framework for s106 negotiations where viability has been independently tested for development proposals at the NEV, be endorsed;
- (2) The Head of Planning, Regulatory Services and Heritage be authorised, in consultation with the Director of Law and Democratic Services, and Chair of Planning Committee and Cabinet Member for Strategic Planning to undertake any necessary minor amendments as required in accordance with the NEV Planning Obligations SPD
- (3) The Head of Planning, Regulatory Services and Heritage be authorised, in consultation with the Director of Law and Democratic Services, and Chair of Planning Committee and Cabinet Member for Strategic Planning to carry out any consultation that may be required for a future review in accordance with the NEV Planning Obligations SPD, and bring a report to Planning Committee in respect of the review for consideration.

30. Determination of Planning and Related Applications

The Committee considered: -

- (a) Applications 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 of Councillors Jane Milner-Barry, Des Moffatt and Bob Wright in respect of application numbered S/OUT/15/0943/TB;
- (e) The comments of Councillor Emma Faramarzi in respect of application numbered S/17/0703;
- (f) The comments of Councillor Des Moffatt in respect of application numbered S/HOU/17/1371/FELY;
- (g) The comments of Councillors Junab Ali and Bob Wright in respect of application numbered S/17/1227/RA;
- (h) The comments of the following interested persons:-

<u>App No.</u>	<u>Name</u>	<u>Address/Organisation</u>
S/OUT/13/1555	Nick Freer Colin McKewan	Agent South Marston Parish Council
S/OUT/15/943	John Watkins Paula Carney Stephen Evans	Seven Capital – Applicant WYG Planning Consultants Transport Consultant – Agent
S/17/528	Emma Greening Trevor Morton Holmes	Agent 5 Beechlea
S/17/703	Sarah Hodgson Mark Keenan	Local resident Local resident
S/17/1227	Penny Robinson	15 Shrivenham Road
S/HOU/17/1409	Bob Keech	Agent
S/17/1301	Alistair Dixon Patterson Kevin Turner	Applicant Local resident

Resolved – That this Committee agrees to:

1. That the Head of Planning, Regulatory Services and Heritage be authorised to grant permission in respect of applications numbered S/17/0703, S/17/0704, S/HOU/17/1409, S/17/1301 subject to the conditions listed in the Committee reports.

2. That the Head of Planning, Regulatory Services and Heritage be authorised to **GRANT** outline planning permission respect of applications numbered S/OUT/13/1555 subject to :

- (a) Completion of a legal agreement to secure the planning obligations that are material to the decision (as set out in paragraph 8.262 to 8.296 of this report); and,
- (b) The planning conditions set out in this report, with delegated authority to make reasonable amendments, additions or omissions to those conditions before issuing formal consent as may be necessary.

The applicant has agreed to extend the period in which the application can be determined until Friday 12th January 2018. In the event that a further extension(s) of time is not forthcoming to enable the planning obligation to be completed and the decision issued, the Head of Planning, Regulatory Services and Heritage be authorised to refuse the application for the following reason:

The proposal does not comply with policies NC3, RA3, IN1 and EN2 of the Adopted Swindon Borough Local Plan 2026 and the provisions of the National Planning Policy Framework (NPPF), as an infrastructure package to mitigate the impact of the development has not been secured by means of a planning obligation and / or planning condition, so as to meet the infrastructure needs arising from the development.

3. That the Head of Planning, Regulatory Services and Heritage be authorised to grant permission in respect of application numbered S/OUT/15/0943 subject to the conditions listed in the Committee report together with any amended, omitted or additional conditions, the completion of a Section 106 agreement to secure the necessary mitigation and the completion of a re-consultation process regarding the revised retail and food and drink floorspace totals provided no adverse impacts are demonstrated and no significant concerns are raised, and the following amended condition:

19) No construction works that gives rise to noise, vibration or are audible outside of the site associated with the development hereby permitted shall take place outside 0700 hours to 1900 hours on Mondays to Fridays and 0800 hours to 1800 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity

4. That the Head of Planning, Regulatory Services and Heritage be authorised to grant permission in respect of application numbered S/17/0528 subject to the conditions listed in the Committee report together with any amendments, omitted or additional conditions and the completion of a Section 106 agreement to secure the necessary mitigation; and

In the event that the applicant fails to agree an extension of time to allow sufficient time for the LPA to deal with these matters then the Head of

Planning, Regulatory Services and Heritage be authorised to refuse planning permission.

5. That the Head of Planning, Regulatory Services and Heritage be authorised to grant permission in respect of application numbered S/HOU/17/1371 subject to the conditions listed in the Committee report with the addition of an extra condition:

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any amended or re-enacted Order the property shall be used solely as a dwelling falling with Class C3 of the aforementioned order, and shall not be used for any other purpose including any commercial purpose without the prior express consent of the local planning authority.

Reason: To safeguard residential amenity

That the Head of Planning, Regulatory Services and Heritage be authorised to grant permission in respect of application numbered S/HOU/17/1344 subject to the conditions listed in the Committee report with the addition of an extra condition:

The development hereby permitted, shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling house and not as an independent residential unit.

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

6. That permission be refused in respect of application numbered S/17/1227 for the reasons set out below:
 1. The proposed development would result in the loss of open space/ playing field where no alternative provision of an equivalent or better size, quality and accessibility is being made locally. As such the proposal would reduce the amount of such open space enjoyed in the area to the detriment of users of the open space contrary policy EN3 of the Swindon Borough Local Plan 2026 and the NPPF.
 2. The proposed development by virtue of the noise and disturbance associated with the use of the 3G artificial pitch and the appearance and impact of the acoustic mitigation would be likely to cause harm to the living conditions of the occupants of neighbouring dwellings, to the detriment of their residential and visual amenity. As such the proposal is contrary policies DE1 and ENV7 of the Swindon Borough Local Plan 2026 and the NPPF.
 3. The proposed development would be likely to have a detrimental impact on the visual amenity enjoyed by users of the County Ground by virtue of the erection of a 3 metre high acoustic barrier. As such the proposal is contrary policy DE1 of the Swindon Borough Local Plan 2026 and the NPPF.