

PLANNING COMMITTEE

TUESDAY, 8 DECEMBER 2020

PRESENT: - Councillors Timothy Swinyard (Chair), Junab Ali, Alan Bishop, Nick Burns-Howell, Matthew Courtliff, Malcolm Davies, Paul Dixon, Steph Exell, Jenny Jefferies, Vinay Manro, Nick Martin, Jane Milner-Barry, Stan Pajak, Carol Shelley and Peter Watts.

Apologies for absence were received from Councillors John Ballman and Vera Tomlinson.

24. Declarations of Interest

The Chair reminded Councillors to declare any known interests in any of the matters to be considered by the Committee.

Councillor Vinay Manro made a declaration of interest in respect of application numbered S/20/0546/RA as this was considered by Haydon Wick Parish Council which he served as a Parish Councillor. As the interest was personal but not prejudicial, and given he did not participate in its consideration by the Parish Council, he remained in the room during the discussion and voting on the application.

25. Minutes

Resolved – That the minutes of the meeting held on 10th November 2020, be confirmed and signed.

26. Public Question Time

There were no public questions

27. S/OUT/20/0422/SASM - Outline planning application for 250 dwellings (including 30% affordable housing) with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Shrivenham Road. All matters reserved except for means of access, Land at Shrivenham Road, Highworth, Swindon

In respect of application numbered S/OUT/20/0422/SASM - Outline planning application for 250 dwellings (including 30% affordable housing) with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Shrivenham Road. All matters reserved except for means of access, Land at Shrivenham Road, Highworth, Swindon the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Director of Strategic Development;
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;
- (d) Additional information circulated prior to the meeting;
- (e) The comments at the meeting of the following interested persons:-

Name

Address/Organisation

Helen Ball	Agent
Norman Jeffery	Local Resident
Mr Crawley	Local Resident
Kim Trueman	Local Resident
Julie Murphy	Parish Councillor

Councillors Alan Bishop, Nick Burns-Howell, Matthew Courtliff, Jenny Jefferies, Vinay Manro, Jane Milner-Barry, Stan Pajak, Carol Shelley and Peter Watts spoke in respect of this application.

The application can be broadly summarised as:

- The application has been brought to planning committee at the request of Highworth Town Council.
- The application sought outline planning permission for up to 250 dwellings (including 30% affordable housing) with associated open space, drainage, highways infrastructure and landscaping.
- The site was just over 11 hectares of greenfield agricultural land located outside the settlement boundary of Highworth. It is approximately one kilometre from the centre and relatively close to Highworth Warneford Secondary School.
- Shrivenham Road borders the site to the west with open countryside to the east and south.
- The recommendation was amended to read:

“That the Director of Strategic Development be authorised to GRANT outline planning permission subject to:-

- (a) Completion of a legal agreement to secure the planning obligations that are material to the decision in respect of open space, affordable housing, off site highway improvements, Travel Plan, and subject to suitable projects in the ward being identified as CIL compliant contributions to off-site sports provision and allotments; 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.”
- In determining the application, special attention should be paid to the desirability of preserving listed buildings or their setting as required in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- There was the need to consider the effect of the development on designated heritage assets and the reference to these in the National Planning Policy Framework the tilted balance in paragraph 11d was not triggered unless the proposal can first pass the simple balancing exercise; in this respect of addressing any harm to the setting of the listed St Michael’s Church and Conservation Area.
- The Conservation Officer considered that there was harm to the setting of St Michael’s Church and the setting of the Conservation Area with the level of harm identified as less than significant at the lower end of the scale.
- This harm should be weighed against the public benefits of the proposal and these are set out in paragraph 41 of the report. In this respect it was considered that the significant benefits of the proposed development were demonstrable and outweighed the less than substantial harm on the

significance of the setting of the listed St Michael's Church and the setting of the Conservation Area.

- There was a similar situation in policy terms with the site recently developed on the other side of the road, now known as Wrag View.
- The housing policy of the Local Plan had been detailed in the report and as a consequence of the lack of a five year housing land supply officers did not consider it is reasonable to object to the proposal on the grounds that it does not comply with Policy SD2 in respect of the settlement boundary for Highworth as that policy is currently considered out of date in accordance with paragraph 11(d) of the National Planning Policy Framework.
- The allocation of the site in the emerging Local Plan Review was a material factor in the application's favour and taking the Government's guidance on prematurity there was no objection on policy grounds.
- The Highways officer advised that, subject to a package of highway works, a safe and effective means of access to the development site can be secured. New vehicle movements associated with the development would give rise to impacts on the safe and effective operation of the wider highway network but, subject to appropriate works, these impacts could be mitigated.
- Highways England was primarily concerned with the ongoing safe and efficient operation of the strategic road network; in this case the A419 trunk road. It had no objections following the submission of further details submitted by the applicant but advised that appropriate contributions should be sought from the development site towards the future transport strategy supporting the Local Plan and its allocations.
- Ideally any development proposal should await the production of the transport strategy underpinning Local Plan allocations but enforcing this was not possible as the Council had a lack of a 5 year housing supply. Government guidance in relation to prematurity of development proposals had been set out in the report.
- The proposed development would be subject to highways obligations totalling £90,000 which had been justified as being directly related to this development.
- There would be the loss of some roadside hedgerow which was regrettable, although it was to be mitigated by the provision of a proposed new hedgerow of native species set back within the development site from the road frontage which would become established in time.
- The development would also allow for the planting of new trees and green open spaces within the design in place of an open agricultural field.
- Over four hectares of green infrastructure was proposed comprising 37% of the total area. This and the additional provision for the accommodation of bats and birds within the development provided for by condition would lead to a net gain in biodiversity for the site.
- The setting was a hilltop settlement which was surrounded by more open fields with built development extending south but would remain a hilltop settlement surrounded by more open fields.
- It was considered that there was harm caused to the open agricultural landscape within the setting of Eastrop Grange. However, the development has been sited to avoid any impact on the views to the south east from the property. Officers considered that on balance with appropriate landscaping on the development site closest to Eastrop Grange the proposal was considered satisfactory.
- Two play areas were proposed on the site and officers proposed a change to condition 28 that triggers the two open spaces at different times; the Leap

would be provided by the occupation of the 25th dwelling and the Neap provided by the occupation of the 75th dwelling.

- According to the Open Space standards the application generated the need for off-site contributions for sports pitch provision and allotments (although projects for these funds have yet to be identified).
- Following trenching work the County Archaeologist has advised that there is no more work to be carried out and no conditions were recommended.
- The Drainage Engineer considered that the site is generally well planned in terms of surface water drainage and further details could be provided for by conditions.
- Late objections to the proposal had been received on the grounds that (i) the site was outside the Highworth Neighbourhood Plan, (ii) the impact on the Public Right of Way and on infrastructure and (iii) the impact on Shrivenham Road when the schools were open. These matters had been considered in the report although there was no proposal to divert the public right of way with this proposal.
- Officers considered that there are a number of benefits arising from the development proposal and that it would make a significant contribution to meeting the overall housing needs of the Borough, and the shortfall in provision against overall Local Plan expectations. It would also make a significant contribution to supporting the vitality and viability of shops and services in Highworth Town Centre, provide (i) 30% affordable housing, (ii) a number of accessible dwellings, (iii) short term economic benefits through construction, (iv) an improvement of the Public Right of Way linking the site to Kings Avenue, (iv) a contribution to the improvement of cycle connections between Highworth and Swindon, and (v) subject to suitable projects in the ward being identified as Community Infrastructure Levy compliant, contributions to off-site sports provision and allotments.
- Officers did not consider that there were adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the National Planning Policy Framework taken as a whole, subject to conditions and the satisfactory completion of a S106 Agreement.

Submissions in support of the application can be broadly summarised:

- The applicant has worked closely with Officers over the past nine months to carefully address all issues and have tried wherever possible to accommodate suggested amendments to the proposals.
- Whilst an outline application at this stage, careful consideration has been given to indicative design principles to ensure that the foundations are set for a high-quality development to be achieved through any subsequent reserved matters applications.
- The site was a proposed allocation in the emerging Local Plan and has therefore been identified by Council Officers to be in a sustainable location and a suitable site for further growth within Highworth.
- By delivering 250 new homes the application would make a very significant contribution to meeting the Borough's housing needs and bolstering the Council's five-year housing land supply, which was currently between two to three years, leaving a significant shortfall of 3-4,000 homes.
- As outlined in the officer report, the site is accessible to the services and facilities within the Town Centre. The policy officer at the Council has not

objected to the proposed development and suggested that it will in fact contribute to enhancing vitality and the viability of shops in Highworth. This was particularly pertinent following the impact the recent pandemic has had on town centres.

- Much of the Community Infrastructure Levy monies would be utilised to enhance local facilities with the Town Council expected to receive approximately £268,000 to spend directly on local projects that could make a significant difference to the town.
- The application would provide a significant range of measures to help promote, encourage and enable sustainable transport within the town including electric vehicle charging points. It would also make a significant financial contribution, in the region of £90,000, including towards the improvement of local public rights, including the public right of way and the wider cycle networks linking Highworth to Swindon Town Centre.
- The application would deliver 75 affordable dwellings for real people and families in real need of a home. This would lift around 180 local people out of housing need.
- The site offered a biodiversity net gain of 17% and commitment to the use of 50% native plant species and green infrastructure on site accounts for over 37% of the total site. It provided two large play areas, which would be accessible early in the development by all local residents in addition to contributions to offsite sports provision and allotments.
- Whilst some roadside hedgerow loss is regrettable this was not unusual in any new housing development and was to be mitigated by the provision of a proposed new hedgerow of native species set back within the development site from the road frontage.
- The applicant had worked closely with officers to amend the visibility splays to ensure minimal hedgerow losses, significant compensatory planting as well as retaining highway safety.
- Council officers had carefully considered all of the technical matters to conclude that, on balance, there are no unacceptable impacts and that the public benefits would outweigh the perceived harm to local heritage and landscape, which had been outlined to be less than substantial.
- The applicant fully endorsed the officers recommendation for approval and in line with this respectfully invited the Committee to grant permission for the scheme.
- The traffic surveys related to this site were undertaken prior to lock-down and the impact of Covid-19.

Submissions opposing the scheme can be broadly summarised as:

- The applicant had failed to engage constructively with Highworth Town Council and had refused to hold a public consultation, instead sending flyers to local residents.
- The site was located outside of the Neighbourhood Plan boundary as well as those of the Local Plan.
- The Town Council had unanimously refused the application at its planning committee meeting.
- Local resident strongly opposed the application.
- The Town Council had requested a road survey during those time schools were open and not in a lock-down situation.

- All traffic generated by the site will use the B4000, Shrivenham Road which was a narrow country road. It was anticipated that 20% of the site traffic would turn east and link up with the A420 to head towards Oxford. The remaining 80% would turn right towards the Fox roundabout which was a bottleneck at school start and finish times and after travelling through a single track road would travel along the A361 and through Sevehampton which was already a rat-run.
- Once the site was finished there could be an additional 350-400 vehicles using the road network.
- There were adverse implications for the two schools located in Shrivenham Road with a potential danger to pupils attending these schools arising from increased traffic volumes.
- There were adverse environmental implications and on the health of the pupils and residents of Highworth through vehicle pollution generated by the application.
- There were grounds for refusing the application on traffic grounds alone with Shrivenham Road being extremely busy at some times of the day. This included Heavy Goods Vehicles.
- Hundreds of pupils walked to and from Highworth Warneford school on a three foot pavement which was currently dangerous without adding further traffic.
- Resident's cars parked outside the cottages cause a traffic jam for cars trying to go down the road while others travel the other way causing more pollution.
- Information from Health Awareness UK showed many Councils were creating traffic free zones. Whilst this was not possible in Shrivenham Road the Council shouldn't be adding traffic for the safety and health of the children attending school.
- Cars can queue outside of Warneford school for a distance of over three hundred yards with parents waiting for children when the school day finished causing a complete logjam with children walking past and cars doing three-point turns.
- The Localism Act was aimed at devolving power in order to improve people's lives by taking account of local circumstances and making the planning system more democratic. The majority of people opposed the proposed application and their concerns appeared to be ignored.
- The application was being rushed through by a developer during restrictions imposed due to Covid-19 and who was driven by profit rather than local need.
- The application had seen the proposed number of houses rise from 200 to 250 with insufficient consideration to the development on Shrivenham Road and the town's infrastructure.
- The development should be refused on the grounds that it was contrary to the Neighbourhood Plan and Local Plan. There were unresolved objections to the site and the development of the site outweighed the public benefit with considerable vegetation destroyed.
- The development of this site was considered inappropriate during consideration of the Neighbourhood Plan and should be treated as open countryside.
- The Council has not provided an evidence based traffic assessment.
- Should 250 additional homes be built there would be a need to increase educational and health facilities serving the town and there was no such provision in the application.

- In 2019 the site was reviewed as part of the Strategic Housing and Economic Land Availability Assessment (SHELAA) and the Swindon Borough Council Landscape Officer consider the development of any part of this field harmful to Highworth and should be avoided. In the final draft the site wasn't mentioned so the application contravened the Neighbourhood Plan and emerging draft Local Plan.
- During the Neighbourhood Plan process a Shrivenham Road site was assessed by the Inspector who considered development inappropriate as it was intrusive on open countryside.
- Swindon Borough Council are reviewing Highworth's infrastructure needs to support future development and have identified that substantial investment is required for a new primary school, upgrades to the water and waste network as well as enhancement to walking, cycling, transport and highways.
- The pandemic has allowed the applicant to forego the public consultation process and evidence based traffic surveys. The highways officer acknowledges potential harm to users in the vicinity of Highworth school and that the Fox roundabout is already above capacity at peak times. However formal traffic concerns have not been addressed nor have officers undertaken a traffic survey.
- There are 67 houses being built nearby to the proposed site, with a further 125 proposed in the planning process, also on Shrivenham Road. This will lead to a significant increase in vehicular and pedestrian traffic on an already congested road.
- Both the Town Council and Warneford School have opposed the application and raised concerns of highway and pedestrian safety as per LA19 F and G of the emerging Local Plan with their being material harm to the safety of pedestrian crossing the road.
- The one uncontrolled crossing proposed contravened the minimum two required and would leave children without a safe crossing; the nearest access to the school from the site was the exit where there is no footpath.
- The traffic consultant estimated 150 car movements am and pm peak times and most of this traffic would travel through Sevenhampton which already had an unacceptable volume of traffic speeding through the village which had narrow footpaths.
- Sevenhampton was not considered as part of this application, although in a nearby application on the opposite side of the road an impact assessment was considered necessary for the village. This showed an inconsistency in considering the application.
- The delivery of the site was questionable due to a covenant on adjoining land.

Resolved - That the application be deferred to allow for further assessment of the highways impact of the proposal particularly in relation to the impact on the pedestrian and vehicular movement associated with the schools at the beginning and end of the school day.

28. S/20/0435/RA - Erection of 3no. dwellings and associated works, Land At Ashley Close, Walcot, Swindon

In respect of application numbered S/20/0435/RA - Erection of 3no. dwellings and associated works, Land at Ashley Close, Walcot, Swindon the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Director of Strategic Development;
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;

Councillors Alan Bishop, Paul Dixon, and Jane Milner-Barry, Stan Pajak and Peter Watts spoke in respect of this application.

The application can be broadly summarised as:

- The application had been called to Planning Committee by Councillor Amin due to concerns raised by local residents and the Parish Council.
- The application had been submitted by the Council's Housing Department for three specialist bungalows designed for wheelchair users and for those with mobility needs.
- Each dwelling is proposed with 2 car parking spaces, two visitor spaces in the close and three additional spaces for general use. This accorded with the Council's Parking Standards.
- The site was identified as open space both within the Local Plan and the Open Space Audit and Assessment. However it had been assessed as below standard due to its quality and small size it had limited recreational value.
- It was considered that, specialist bungalows, the community benefit outweighed the loss of open space.
- The application was recommended for approval subject to a legal agreement to secure contributions towards the Wiltshire Wildlife Trust and open space within the vicinity of the site.

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

- That there was inherent benefit to the community arising from the development of three social housing bungalows and outweighed any potential negative impact.
- The open space loss was minor and was not of high quality.
- Previous bungalows of this design had operated successfully as social housing.
- That whilst this type of social housing was welcome the Council had missed the opportunity to design and build zero carbon houses and set an example for other house builders.

Resolved – That, subject to the completion of a legal agreement to secure open space and Wiltshire Wildlife Trust contributions the Director of Strategic Development be authorised to grant planning permission.

29. S/20/0546/RA - Erection of 8no. dwellings and associated works (Site 1) and construction of parking area (Site 2), Land At Ventnor Close, Haydon Wick, Swindon

In respect of application numbered S/20/0546/RA - Erection of 8no. dwellings and associated works (Site 1) and construction of parking area (Site 2), Land At Ventnor Close, Haydon Wick, Swindon the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Director of Strategic Development;
- (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>
Councillor David Renard	Ward Councillor

Councillors Matthew Courtliff, Paul Dixon, Jane Milner-Barry and Peter Watts spoke in respect of this application.

The application can be broadly summarised as:

- This application been called to Planning Committee by Councillor Robbins regarding concerns around achieving Passivhaus certification.
- The application was for eight bungalows 8 no. two bedroom bungalows and the additional provision of 16 on-street car parking spaces for general use in front of the bungalows and a car parking area of 10 spaces at the most eastern end of Ventnor close.
- The site was identified as open space both within the Local Plan and the Open Space Audit and Assessment but it had to weighed against the community benefit arising from the provision of specialist social housing units.
- The application was recommended for approval subject to a legal agreement to secure contributions towards open space and play areas within the vicinity of the site.

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

- The open space was steep and had limited recreational value.
- There was other open space that could be used for recreation and leisure in the vicinity.
- Additional parking would be provided as part of the application in an area that parking was at a premium and that often saw vehicles parked on pavements on older narrow roads.
- The specialist accommodation would be used by older people who could be housed within the Borough in suitable accommodation.
- The buildings would be low carbon energy efficient.
- The road would be widened and re-laid as part of the proposed scheme and would improve access for service and emergency vehicles and local allotments.
- That whilst this type of social housing was welcome the Council had missed the opportunity to design and build zero carbon houses and set an example for other house builders.

Resolved – That, subject to the completion of a legal agreement to secure open space and play area contributions the Director of Strategic Development be authorised to grant planning permission.

**30. S/19/1755/CHHO - Erection of 11 no. dwellings and associated works,
Land East Of Berricot Lane, Badbury**

In respect of application numbered S /19/1755/CHHO - Erection of 11 no. dwellings and associated works, Land East Of Berricot Lane, Badbury the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Director of Strategic Development;
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;
- (d) Additional information from the applicant circulated to Members prior to the meeting;
- (e) The comments at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Councillor Keith Williams	Swindon Borough Council
Peter Mapson	Applicant
Anthony Cohen	Local Resident
Paul Walton	Local Resident

The Chair advised the meeting that under the Council's Planning Protocol that governs the meeting he had decided to use his discretion to depart from the normal protocol to allow Councillor Keith Williams, Cabinet Member for Climate Change, who was not a Ward Councillors or a Member of the Committee to speak on the application for up to five minutes subject to points already made not being repeated. The Chair exercised his discretion as it was an important development within the Area of Outstanding Natural Beauty and relevant to Councillor William's Cabinet portfolio. During his tenure and prior to it the Committee had allowed Councillors not serving on the Committee to address it. In exercising this discretion he was ensuring consistency.

Councillors Junab Ali, Nick Burns-Howell, Matthew Courtliff, Jenny Jefferies, Vinay Manro, Jane Milner-Barry, Stan Pajak, Peter Watts spoke in respect of this application.

The application can be broadly summarised as:

- The application was brought before Planning Committee at the request of Councillor Sumner for the reason that it is locally controversial.
- The application was for eleven dwellings on a greenfield site to the north of Badbury together with a new access onto Medbourne Lane.
- The site had previously been assessed against the Strategic Housing and Economic Land Availability Assessment for potential development and had been included as a potential housing allocation site in the Regulation 18 (Emerging Strategies) consultation of the Local Plan.
- However, the proposed site has not been taken forward as part of the Submission Draft Local Plan due to landscape and conservation concerns.

- The site fell within the Area of Outstanding Natural Beauty and the proposal site is located outside the Badbury rural settlement boundary and conservation area boundary to the south of the site.
- There are a number of listed buildings in vicinity of the site and in accordance with Section 66 the Planning (Listed Buildings and Conservation Areas) Act 1990 special attention must be paid to the desirability of preserving listed buildings and their setting.
- Although located outside the rural settlement boundary, contrary to Policy SD2, as the Council cannot currently demonstrate a 5 year housing land supply Paragraph 11(d) of the National Planning Policy Framework; therefore consideration must be given as to whether the application of policies in the framework that protects Areas of Outstanding Natural Beauty and heritage assets provide a clear reason for refusing the development.
- The site currently contributes to the rural setting of the village and conservation area providing an open and undeveloped aspect to the village approach and providing visual links to the surrounding countryside.
- The site also forms the setting of listed building and a key building of local interest with the countryside surrounding contributing to their legibility and therefore significance.
- The application would add a cul-de-sac style development at odds with the predominant linear pattern of development and undermining the open rural setting of the village edge.
- The development has benefits including the provision of market and affordable housing although these benefits were limited and didn't outweigh the harm to heritage assets via development within their setting.
- The scale of development would overly urbanise this approach to the development, dominating and interrupting views to the wider open countryside to the detriment of the Area of Outstanding Natural Beauty and its special qualities. The proposed dwellings by reason of scale, density, layout and design would have a harmful effect on the landscape character of Badbury and the natural scenic beauty of the Area of Outstanding Natural Beauty, dominating and interrupting views of the wider countryside. The development would be contrary to the North Wessex Downs Management Plan resulting in a discordant urban intrusion into the rural landscape which did not respect the historical settlement pattern.
- The development constituted a major development within the Area of Outstanding Natural Beauty when considered with the existing development pattern and size of Badbury which no exceptional circumstances in the public interest demonstrated.
- Badbury is limited in terms of facilities and services with the site deemed to be car dependent with the site not well located to minimise travel and maximise the use of sustainable transport modes.
- Chiseldon provides services and facilities but was a 15 to 20 minute walk away along a poor walking environment with a lack of pavement through the village and limited street lighting.
- Officers drew Members' attention to Paragraph 80 of the Committee report which should be amended to reflect that there is limited rather than no street lighting in some parts of the village core
- The harm to the Area of Outstanding Natural Beauty and Designated Heritage Assets provided a clear reason for refusal of the application; the presumption of sustainable development or tilted balance in paragraph 11 of the National

Planning Policy Framework did not apply due to the less than significant harm caused to the various heritage assets.

- That due to the very limited detail on green energy efficiency homes contained within the application submission, if Members were to approve the application giving weight to the green credentials of the scheme, they may wish to impose a condition requiring further details of these measures are provided via condition.

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

- There is a need for sustainable development within the Borough with housing that is of high energy efficiency and lessens reliance on fossil fuels.
- The development was on the edge of the village but was between two current dwellings in the area.
- The historic setting was 150 meters from the M4 motorway.
- The proposed development was highly energy efficient, with 150mm cavity walls, 50 meters of air gap, 100mm of insulation followed by thermalite bricks on the interior, with dry lining to provide additional insulation, underfloor heating powered by air source heat pumps, triple glazing and with sympathetic materials such as thatched roofs. This meant that there was no reliance on fossil fuels and making them some of the greenest homes in the Borough.
- All properties had electric vehicle charging points.
- The development included more than the expected 30% affordable dwellings but not enough to be considered a rural exception site.
- These energy efficient properties were being delivered by the private sector and were being built to a very high standard.
- The developer had won over thirty national and local design awards and developed properties to be sympathetic to their environment.
- The development would increase the range of housing within the village offering a choice of homes to all families, not just the affluent, making the village accessible to all.
- The design followed the Council's residential guidance in respect of the density of the development with six principle buildings, Overall the scheme offered three 5 bed detached homes, one 4 bed detached home, two 2 bed terraced homes and five 3 bed terraced homes. This mix included 4 affordable terraced units built using the same materials as the rest of the development ensuring that they were just as sustainable.
- More than 55% of the village had not objected to the application, despite the use of a standard worded letter by objectors
- Objections to the application were subjective with no objections on highway drainage, amenity, noise, archaeology or other grounds.
- The application was not contrary to the North Wessex Downs Management Plan as no objections had been received from that quarter following the reduction in the number of proposed units.
- The site was half a mile from a bus stop with a good service, which was better than many other proposed developments in a rural setting.
- The design scheme was very sensitive to the local environment.
- The development would add young families to the village supporting local amenities.

- The current properties within the village were a mix of designs, including properties built in the 1970's that were more discordant with the local countryside than the application.
- The application enhanced the local housing stock using materials that enhanced and protected the character of the surrounding countryside and should be considered in that light and was well designed.
- The proposed development of the site didn't offer anything exceptional to the village and had previously been identified for potential development in the Section 18 emerging strategies consultation of the Local Plan.

Submissions opposing the application can be broadly summarised as:

- Many residents of the village opposed the application and commended the reasons set out within the report why the proposed development is unacceptable.
- Village residents had taken professional advice before submitting objections. It became clear that the residents objections were well made.
- Planning applications needed to be considered on their individual merits, in this case beginning with the principle of development in this location, whether it is sustainably located in terms of accessibility to services, its impact on the Area of Outstanding Natural Beauty, its impact on the countryside, its impact on heritage assets and its impact on the settlement as a whole, not least in this case Badbury's delicate pastoral setting.
- Formal consultees considered the proposal, for reasons set out in the report, to be substantially at variance with the objectives of the National Planning Policy Framework, the Council's development plan and supplementary planning guidance, particularly that setting out the characteristics of the Badbury Conservation Area and its management.
- Badbury had no services or community facilities save for the local pub.
- The proposal would increase the number of dwellings in our hamlet by 27% or so and this is a substantial extension to a modest sized settlement. Moreover, the development would take place within part of the landscape filling a gap that is integral to the setting and charm of Badbury.
- The design typology is unrepresentative of and therefore wholly at odds with, the linear form of the settlement. The result is a discordant proposal of closely packed dwellings with much hardstanding, parked cars and little landscaping.
- The alien suburban and inward-looking nature of the development would be further highlighted by street lighting during the hours of darkness.
- Resident's concerns made in their objections were supported by the Council's urban design team.
- The proposal represents a harmful major development in the Area of Outstanding Natural Beauty, a contention supported by Area of Outstanding Natural Beauty unit. As a consequence, and notwithstanding the Council's housing land supply position the "Tilted Balance" contained within paragraph 11 of the Framework is not engaged.
- Great weight should be given to conserving and enhancing the landscape and scenic beauty of the Area of Outstanding Natural Beauty. Planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest which is not the case here. The proposed development is

wholly inappropriate in our hamlet and we fully support the reasons for refusal set out in your report.

- To go against the officer recommendation would be unreasonable and not supportable.

Resolved – That, subject to the completion of a legal agreement to secure open space contributions and affordable housing, together with appropriate conditions, that the Director of Strategic Development be authorised to grant the application.

Reasons:

1. That in accordance with foot note 55 of the National Planning Policy Framework the Committee did not determine that the application would constitute major development taking into account its nature, scale and setting.
2. The development complemented the nature, scale and setting of Badbury village.
3. The nature of the development complemented the primarily linear development of the village, it being noted that other properties within the village were off-set.
4. The proposed design of the development, including thatched roofing, did not adversely affect the current type of property designs within the village.
5. That the sustainable design of the development was in accordance with national and local policies.
6. That the development offered affordable housing and a mix of property types that enhance the housing options within the village.

31. S/20/0957/TB - Erection of a pavilion with associated works, Maunsell Way Pavilion, Maunsell Way, Wroughton

In respect of application numbered S/20/0957/TB - Erection of a pavilion with associated works, Maunsell Way Pavilion, Maunsell Way, Wroughton, the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Director of Strategic Development;
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;
- (d) Additional representations received
- (e) The comments at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Councillor Brian Ford	Ward Councillor
Councillor Cathy Martyn	Ward Councillor
Parish Councillor John Hewer	Applicant
Sarah Clarke	1st Wroughton Scouts, Cubs and Beavers
Finley Ballantyne	Local Resident
Jennifer Purcell	BMX Wroughton

Councillors Matthew Courtliff, Stan Pajak and Peter Watts spoke in respect of this application.

The application can be broadly summarised as:

- The application had been called to Planning Committee by Cllr Brian Ford (Ward Councillor).
- The application seeks planning permission for the erection of a detached pavilion/community building at Maunsell Way playing fields, Wroughton.
- The application would create space for a number of community uses, including the scouts and youth facilities.
- The existing structure was no longer considered fit for purpose and would be removed as part of the development.
- The proposed would be larger than the current building but would not be much higher.
- The parking space would be reconfigured to provide cycle and motorcycle parking as well as dedicated disabled parking spaces.
- The building would be divided up to provide a main hall, smaller secondary hall, dedicated rooms/space for early years (nursery/crèche), storage (internally and externally accessible), shared kitchen plus associated office and toilet and shower facilities.
- The development also proposes a secure outdoor play area, the reconfiguration of the car park and tree planting.
- Additional representations had been received although the subject of these were covered by paragraph 7 of the report.
- The application was supported by a drainage strategy and the local flood authority had not objected to the application subject to conditions 8 and 9. There was confidence therefore that the development would not lead to increased flooding.
- The recommendation of the report outlined in paragraph 27 was that the Director of Strategic Development be authorised to GRANT planning permission subject to the completion of a legal agreement to secure £6,000 towards the implementation of waiting restrictions on Maunsell Way and subject to the conditions set out below or any amended, omitted or additional conditions that may be appropriate.

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

- New facilities were required to support the scouts and other youth provision in the vicinity, and to replace the current dated facilities which were not of the required standard for the building or parking. These were also sub-standard for changing and toilet provision.
- The site was chosen as it would replace an existing pavilion that was not fit for purpose and did not meet the needs of current or potential future users.
- The application had taken full regard of the national and local planning regulations and plans.
- To make the building sustainable a number of groups would be using the proposed new facilities.
- Over 350 young people aged 6-16 used the community facilities through youth activities such as football groups and scouts.

- The Wroughton Scout Group was established in 1917 and the current facilities were built in 1952 had subsidence issues and was expensive to heat, was cold and not big enough to house the current user groups.
- Local groups had raised over £100,000 in support of providing new facilities; work had been undertaken with Wroughton Parish Council to build new community facilities.
- The site had large playing fields for youth activities such as football and BMX riding and storage facilities for equipment with a community forest area adjacent to the site.
- The scouts were also involved in conservation activities within the Parish as part of their activities which would be supported by the new facilities.
- Due to the variety of groups using the facility it would be a sustainable development with frequent usage and low maintenance costs.
- The proposal would help support the planned future development of Wroughton providing support for the current and future young people.
- If granted the development would enable the site currently occupied to be returned to Swindon Borough Council for other uses.
- The new building would support a wider range of activities for young people and would replace a pavilion that had been condemned and was not fit for purpose acting as a storage only facility.
- The BMX group helped to maintain the current track and promote cycling across age groups; this work and the offer to users would be greatly enhanced with new facilities.
- The new facilities would provide facilities that met the standards of bodies such as Sports England.
- Consultation with the public, sports governing bodies and statutory authorities had been on-going for over two years and the proposal was widely supported by Wroughton's residents.
- The development was a very positive development for Wroughton residents.

Submissions opposing the application can be broadly summarised as:

- The proposed building was too large.
- There had not been a drainage survey undertaken and there were concerns in respect of increased ground water and flooding arising from the development.
- Around 40 years ago properties around the location were prevented from being sold because of the drainage problems in the area.
- A drainage survey should be undertaken prior to permission being granted.
- Additional consideration needed to be given to parking provision, especially for football activities.

Resolved –That the Director of Strategic Development be authorised to grant planning permission subject to the completion of a legal agreement to secure £6,000 towards the implementation of waiting restrictions on Maunsell Way and subject to the conditions set out in the report with condition 8 be amended to include foul water and any other omitted, amended or additional conditions that may be appropriate.

32. S/OUT/20/0556/TB - Erection of 104no. dwellings, traffic roundabout, roads and associated works - Means of Access, Layout and Scale not reserved - (without compliance with condition 29 of permission S/OUT/15/1750 regarding substitute drawings), Land To The Rear Of

Woodland View, Wroughton, Swindon

In respect of application numbered S/OUT/20/0556/TB - Erection of 104no. dwellings, traffic roundabout, roads and associated works - Means of Access, Layout and Scale not reserved - (without compliance with condition 29 of permission S/OUT/15/1750 regarding substitute drawings), Land To The Rear Of Woodland View, Wroughton, Swindon, the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Director of Strategic Development;
- (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>
Councillor Cathy Martyn	Ward Councillor
Councillor Brian Ford	Ward Councillor
Steven Smallman	Applicant
Joy Bells	Local Resident
David Martyn	Parish Council

Councillors Matthew Courtliff, Jane Milner-Barry, Stan Pajak, Tim Swinyard and Peter Watts spoke in respect of this application.

The application can be broadly summarised as:

- The application had been called to Planning Committee by Councillors Brian Ford and Cathy Martyn (Ward Councillors).
- The application sought seeks outline planning permission for the erection of up to 104 dwellings and associated works with all matters reserved apart from the means of access, layout and scale on land to the rear of Woodland View, Wroughton without compliance with condition 29 of consent S/15/1750.
- Condition 29 of the consent relates to the relevant drawing numbers and lists those approved as part of the permission and thereby the applicant is seeking consent for a variation of the permitted scheme by substituting new drawings.
- The former permission was granted in 2019 following the agreement of a Section 106 agreement.
- The proposed variations are minor and are required partly in order to accommodate the houses types that have now been designed and typically relate to changes to the footprint of some of the buildings, including the flat block and the positioning of car parking spaces. Changes are also proposed as a result of minor adjustments to the alignment of access roads. In addition parallel parking spaces at the access have been switched from one side of the road to the other. Furthermore changes are proposed to the footprint of the cricket pavilion and its associated parking area plus some minor adjustments to finished ground levels.
- The principle of residential development on the site has already been established by virtue of the 2018 permission; all that needs to be determined is the minor amendments. These have been assessed by officers who consider that no significant impact arises.

- It was recommended that the Director of Strategic Development be authorised to grant the application subject to suitable conditions and the completion of a legal agreement to secure necessary mitigation.
- There is a need to make minor amendments to a number of conditions set out within the report with regard to numbering which would be covered within the recommendation.

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

- This was an allocated site within the Wroughton Neighbourhood Plan and outline planning permission had been granted on 15th February 2018.
- In granting the application the Council had agreed the principle of the development as well as the scale of the development, the access arrangements and the layout.
- The only matters outstanding were appearance and landscaping.
- The Section 73 application had been submitted in May and proposed several amendments to the approved layout of the development.
- Applications for the outline and pre-commencement conditions were submitted at the same time but had been held in abeyance pending the conclusion of the Section 73 application.
- The amendments were necessary for the housing currently being designed and detailed in the reserved matters application.
- Similarly there were some changes to the footprint of the buildings, including the block of flats, and the positioning of car-parking spaces, some of which were repositioned for improved tree protection.
- The footprint of the cricket pavilion and car parking had been amended had been amended following discussions with Wroughton Parish Council and Wroughton Cricket Club and there were changes to finished ground levels.
- The decision before Committee related to the acceptability of the changes proposed to the approved layout. Officers had found they were accepted and had recommended approval.
- Matters raised by residents following the grant of outline permission do not relate to the proposed amendments to be determined and Hills had previously consulted extensively with the Parish Council, Cricket Club and general public. Any additional meeting with the Parish Council or public should be separate from the current planning process.
- There were no difference to the separation distances under the current application.

Submissions opposing the application can be broadly summarised as:

- Disappointment that the separation between adjoining Clyde cottages, built prior to 1910, and the site development was so small. The new development elevation would be higher than the cottages.
- The developer had refused to consider moving the new buildings an additional two meters from the boundary adjacent to the cottages.
- Parking provision only saw eight parking spaces to replace that lost on the entrance to the development.
- The removal of a tree line on the south of the site would have an adverse effect on the water table levels.

- There had been no response from the developer to a request that the narrow access road be tarmacked as part of the development.
- The communal garden to the side of No.1 Clyde Cottage should be maintained.
- Changes should be made under Priority one, Pledge 6 of the Council's Vision of Swindon; the 7 meter strip of land behind Clyde Cottages will be reduced to 1.2 meters reducing the buffer and removing land that had been used for community events for decades.
- In front of the cottages was a 2.3 meter land that was unadopted, unsuitable for children playing, and needed to be tarmacked; it was currently too narrow for a fire engine to access. If 3.5 meters of the strip of land on the development boundary were retained it would allow access for emergency vehicles.
- The height of the new development would impact on the amenity of the residents of Clyde Cottages.
- If there was a track around the cricket pitch, additional parking and a village shop this would enhance the development and community.
- Site access was via Woodland View and road markings on Swindon Road would need to be repainted for safety reasons and to accommodate the additional traffic generated by the development.
- The 30mph speed zone should be extended past the Woodland View access point.
- There was a lack of 20 mph zones (this site should be a designated 20 mph zone) and cycle ways with the number of children walking through the site expected to increase.
- There was a shortage of visitor parking spaces on the development with 26 required under parking standards with proposed parking arranged as tandem parking. Other schemes show this create driving hazards and spoils the street scene of the development.
- On the north of the site there were concerns from residents about being able to safely access their properties.
- Street Lighting along the access should use LED bulbs programmed to dim after 10:00pm to mitigate light pollution on adjoining properties.
- The two horse chestnut trees at the entrance to Woodlands View should be retained.
- There should be a construction management plan which should cover the prevention of construction vehicles queuing on the main road to the site.
- Additional traffic from the development would have an adverse effect on congestion and air quality in Old Town.

Resolved - That the Director of Strategic Development be authorised to grant planning permission subject to the conditions listed in the report and any varied, omitted or additional conditions that may be appropriate and the completion of a deed of variation S106A legal agreement to secure the necessary mitigation.

As per the S106 for the previous approval the deed of variation legal agreement will secure:

- The provision and mix of affordable homes.
- If required, to provide for access through the site, to the adjoining land for the purpose of redeveloping the adjacent site for educational purposes or such other use as may be agreed by the parties.

- Open space: The timing of the provision of the cricket pitch, pavilion and parking and an agreement for the future management / operation of the pitch and pavilion.
- Access to the rear of Clyde Cottages to continue to be maintained.

33. S/19/1565/TB - Demolition of existing tented market and erection of a two storey building comprising 4no. Food and Drink units (Class A3), 1no. shop unit (Class A1) and associated works, Market Hall, Market Street, Swindon

In respect of application numbered S/19/1565/TB - Demolition of existing tented market and erection of a two storey building comprising 4no. Food and Drink units (Class A3), 1no. shop unit (Class A1) and associated works, Market Hall, Market Street, Swindon, the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Director of Strategic Development;
- (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>
Councillor Bob Wright	Ward Councillor
Christopher Moore	Applicant

Councillors Junab Ali, Paul Dixon, Nick Martin, Jane Milner-Barry and Stan Pajak spoke in respect of this application.

The application can be broadly summarised as:

- The application is brought before the Committee for consideration at the request of Councillor Bob Wright.
- The application sought permission for the redevelopment of the tented market site to demolish the existing Tented Market and to replace it with a two storey building comprising four food and drink units (Class A3) and one coffee shop unit (Class A1). The application also included a cycle store on the small area of land to the west of the tented market and external works to marry into the existing paving in Market Street and Wharf Green.
- The application was very similar to an application allowed on appeal in 2016 which remains a material consideration.
- There are minor design changes which are acceptable in principle being even less fussy than the approved scheme along Commercial Road/Farnsby Street with regards to materiality and design.
- No concerns have been raised in respect of the impact on the character of the area, residential amenity, highways or drainage and the application is recommended for approval subject to conditions.
- There was a need to extend the offer available in the town centre which the development would help achieve.

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

- The architect had worked with Ward Councillors prior to the submission of the application.
- The application consisting of six floors would not have the impact the previous application would have had.
- The site had been identified in the Swindon Town Centre Master Plan as a multipurpose/multi use site to balance the area in the vicinity of the Debenhams site to provide a draw on both sides of the town centre.
- The previous application for commercial mixed use and residential had been granted in 2017 subject to the completion of a Section 106 Agreement.
- This permission had not been granted as the S106 agreement had never been completed; this was due to an economic downturn with the agreement not being signed with the result that the tower scheme was no longer viable.
- The scheme was redesigned with 68 flats and a lower height in order to make it more viable and had taken into account the need for land prices to recover following the impact of Covid-19.
- The two applications were submitted together to prevent the demolition of the existing building without building the replacement to prevent the site being a blight on the town centre.
- The two storey building was a full back position which would be constructed with the foundations, lift shafts and other building infrastructure to implement the residential scheme whilst being capped at two storey until that time.
- If there were insufficient demand for restaurants at the podium level the applicant would consider other uses and seek the appropriate authorisations from the Council.

Submissions opposing the application can be broadly summarised as:

- The application consisting of six floors would not have the impact the previous application would have had but reduced the potential offer in respect of use of floor space.
- The proposed development needed a defined feature matching the Brunel Centre and looked an ordinary building and the same was true for the end facing market street.
- If the development was based on restaurants, cafes and shops the development was likely to fail. With recent events it was questionable whether there would be enough tenants given the current market for retail outlets.
- The design was the same standard that the Council originally rejected.
- There should be more flexibility on the types of business that could be housed in the new development in order to make it commercially more viable in line with the Town Centre Master Plan.
- There was no rationale for giving planning permission if the development were not to proceed in the immediate future.
- There were a lot of single aspect flats in the proposed development which did not strictly accord with the Local Plan.
- There appeared to be little design connection between the lower and upper parts of the proposed development.

Resolved - That planning permission be granted subject to conditions set out in the report.

34. S/17/0673 - Demolition of existing tented market and erection of a replacement building of between 6 and 10 storeys high comprising 68no. Flats, 4no. Class A3 (Food and Drink) units, 1no. Class A1 (Shop) unit, cycle and recycling store, substation and associated works, Market Hall, Market Street, Swindon

In respect of application numbered S/17/0673 - Demolition of existing tented market and erection of a replacement building of between 6 and 10 storeys high comprising 68no. Flats, 4no. Class A3 (Food and Drink) units, 1no. Class A1 (Shop) unit, cycle and recycling store, substation and associated works, Market Hall, Market Street, Swindon, the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Director of Strategic Development;
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;

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

The application can be broadly summarised as:

- The application is brought before the Committee at the request of Councillor Bob Wright.
- The application was a revised scheme from one considered by Members in 2017 which was for a building up to fifteen storeys in height with a number of food and drink outlet on the ground floor and 101 flats above.
- Members had agreed that scheme subject to a legal agreement which was never entered into; planning permission expired and a revised application submitted.
- The scale of the development has been reduced to ten storeys and sixty-eight flats.
- The mixed use development was appropriate and acceptable in the town centre and it was recommended that the application be approved subject to the completion of a legal agreement.

Submissions in support and opposing the application were broadly that set out in respect of agenda item 12 (application numbered S/17/0673).

Resolved - That the Director of Strategic Development be authorised to grant planning permission subject to the conditions set out in the report together with any amendments, omitted or additional conditions and the completion of a section 106 agreement to secure the necessary mitigation. In the event that the applicant fails to agree to an extension of time to allow sufficient time for the Local Planning Authority to deal with these matters then the Director of Strategic Development be authorised to refuse planning permission as set out in the Committee report.

35. Planning Committee Protocol for Agenda Items on the Main Schedule

The Chief Legal Officer submitted a report seeking to update the protocol and guidance on how agenda items (on the main schedule only) are dealt with by the Planning Committee including how both Councillors and members of the public can address the Committee, including the holding of virtual meetings.

Resolved – (1) That subject to, the protocol's amendment to permit officers to respond to points or questions at any time during the consideration of an application, the protocol as set out in the agenda papers be adopted for future use.

(2) That the reduction of Councillors attendance at the planning pre-meeting to the Chair and Vice-Chair be approved.