

PLANNING COMMITTEE

TUESDAY, 26 JANUARY 2021

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

Apologies for absence were received from Councillors Stan Pajak and Vera Tomlinson.

36. 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.

37. Public Question Time

Mr Ben Williams asked a public question regarding parking standards for houses in multiple occupation. The Chair responded at the meeting indicating that Officers would respond to points raised during their presentation of the item.

38. S /OUT/20/0356/TB - Outline application for the erection of 1 No. dwelling - access not reserved, 17 The Lodge, Swindon Road, Highworth

In respect of application numbered S /OUT/20/0356/TB - Outline application for the erection of 1 No. dwelling - access not reserved, 17 The Lodge, Swindon Road, Highworth, Swindon the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Director of Strategic Development contained in the officer's report;
- (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>
Alan Bishop	Ward Councillor
Steve Weisinger	Ward Councillor
Dan Norman	Applicant

Councillors Alan Bishop, Malcolm Davies, Nick Martin and Jane Milner-Barry spoke in respect of this application.

The application can be broadly summarised as:

- The application sought outline planning permission with all matters reserved apart from access for one detached dwelling on land at 17 The Lodge, Swindon Road, Highworth.

- The dwelling will be located on part of the existing back garden to the south of the Lodge which is considered to be of significant local interest and therefore a heritage asset.
- The result of the siting of the dwelling so close to the gatehouse lodge building would be that the development would reduce the historic value of this heritage asset and its existing status.
- The development would also represent uncharacteristic development creating an out of keeping residential frontage and create an urbanising effect.
- Future residents of the dwelling would suffer from poor amenity with the small garden being overshadowed by nearby trees.

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

- The wider setting of the application was a town of 9,000-10,000 people which was rapidly growing, particularly to the east.
- The town clerk of Highworth Town Council had forwarded the application to 15 Town Councillors for comment, two supported it and three opposed it. Since this time many things had changed with a nearby development of 70 houses on the opposite side of the road being approved, this development would be visible from the main road.
- Road works including a nearby roundabout on the A361 had been agreed for a nearby development.
- The development approved opposite the site had also seen the removal of a hedge to facilitate that development.
- A further 12 existing houses are located approximately 250 yards to the south of the site.
- This meant that this was not a standalone development.
- There was also a 125 development planned to be sited off Shrivenham Road, a far busier road with an application for a further 250 properties off Shrivenham Road which was recommended for approval.
- The Lodge, bought in 1958 was small and had been the subject of a number of alterations/extensions including a kitchen, three bedrooms, on-suite shower room and a four car garage. This removed any historical value.
- It was understood that there were no heritage or highway objections.
- The dwelling would sit on a larger plot of land than other local developments provided with its own access off Swindon Road.
- The applicant would be willing to provide screening between the existing and proposed dwelling, providing privacy to both properties.
- The property would also count against the current shortfall in the required five year housing supply.
- The application had sought to address all planning issues raised.
- Given its local the proposed dwelling could not be considered unsustainable or to have an uncharacteristic impact on the locality.
- Before reaching this site the road had a varied ribbon development on the approach to Highworth which would not adversely impact the area.
- The existing building had lost most of its significance and charm due to the number of alterations had had been undertaken to it and would be further impacted by forthcoming developments in the vicinity, including one that was seven metres from the front boundary of the existing property.

- The officer's view on the amenity of the proposed property was subjective with the landscape a major benefit. There would also be natural light due to the positioning of the new building within the site.
- If required, the owner of the trees had offered to cut them back to the south, the trees to the east were much lower and were part of a Forestry Commission hardwood project; softwood in this area would be thinned out.
- The accepted development opposite would be in a similar situation regarding tree coverage on three of its sides, although a number of shielding trees had been removed.
- Access and egress from the site was supported by highways officers.
- The application was not contentious locally with no objections from neighbours and was intended to provide accommodation to the applicant's family.

Submissions opposing the application can be broadly summarised as:

- The loss of trees might harm the diversity of local wildlife; these were not currently protected.
- The approved development site opposite differs in that it is an allocated site within the Neighbourhood Plan Area and was a planned development.

Resolved – That the outline planning permission for the erection of 1 No. dwelling - access not reserved be granted subject to appropriate conditions, including drainage, approved by the Director of Strategic Development.

Reasons

1. The current dwelling could not be considered a non-designated heritage asset due to development that has already taken place within its setting and the number and scale of alterations undertaken to it. Minimal weight was therefore applied to the impact on the non-designated heritage asset.

2. The development was not out of character or size with a number of dwellings and other buildings along the approach which comprised a ribbon development.

3. The site provided a plot size and amenity that was not out of character with other proposed developments in the vicinity.

39. S /20/1198/PEKO - Erection of 1no. dwelling (Retrospective), Costow Farm Cottages, 3 Track To Costow Lane, Wroughton

In respect of application S /20/1198/PEKO - Erection of 1no. dwelling (Retrospective), Costow Farm Cottages, 3 Track To Costow Lane, Wroughton, Swindon the Committee considered: -

- An application for permission to develop;
- Recommendations of the Director of Strategic Development contained in the officer's report and provided verbally at the meeting;
- The views of interested persons set out in the report circulated with the Committee Agenda;
- 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
Stuart Rackham	Agent
David Martyn	Parish Councillor

Councillors Nick Burns-Howell, Matthew Courtliff, Paul Dixon, Jenny Jefferies, Nick Martin, Carol Shelley and Peter Watts spoke in respect of this application.

The application can be broadly summarised as:

- The Application was brought to Committee at the request of Ward Councillors as there were specific local circumstances that should be considered by the Planning Committee.
- The proposal was for the retention of a new build dwelling at Costow Farm that was being built without planning permission.
- In 2018 permission had been given to the conversion of an office building, itself being a former agricultural building, into a dwelling under the prior approval regime.
- Instead the former building had been demolished and a new building erected in its place.
- There is no part of the former building to convert therefor the prior approval that was granted is extinguished and is no longer valid.
- The site does not have any consents or approvals that can be lawfully implemented for any purpose including residential use.
- The agent has provided Members with photographs of the former and current premises. The isolated location is also identified.
- Costow Farm is located well away from any settlement and not in a location where new settlement would be encouraged and as such is contrary to national and local planning policy.
- In correspondence the agent refers to the fall-back position but the former building has been removed and therefore the prior approval cannot be implemented there is no fall-back position or consents relating to that site that can be implemented.
- The Parish Council have not objected but expressed displeasure at the development and design of the building.
- Financial stress to the applicant was not a material planning consideration on this application.
- The design is inappropriate due to its scale and appearance with no empathy to its surrounding, and which would be more in place in a business park setting.
- An identical application to retain the building was refused in 2019 and this decision was not appealed; rather the application was re-submitted and is before Members.
- Planning history is a material consideration which is set out in paragraphs 10 to 18 of the report with this building appearing to be the third built on site with retrospective permission sought later. However, the fact that the application was retrospective was not a material planning consideration.
- Paragraph 12 shows the former office building now demolished took place without the benefit of planning permission and the applicant sought a Certificate of Lawfulness on the basis that it had remained undetected for 10 years.

- Paragraph 11 shows the details of an outbuilding erected and later converted into a separate dwelling without the benefit of planning permission, this too became a lawful dwelling through the passage of time.
- The lack of five year housing land supply did not mean that all planning policy should be set aside or that all applications for housing should be approved.
- There was a lack of exceptional circumstances to support planning policy being set aside.
- The dwelling represented an unacceptable and undesirable application set in countryside with which to set aside planning policy.

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

- The existing building was an improvement on that which it replaced.
- The agent's belief that some of the information within the report was inaccurate or incorrect.
- The dwelling was the same height and size as the building it replaced.
- The personal circumstances of the applicant and family, including a death in the family leaving the family in considerable distress and constituted exceptional circumstances.
- Paragraphs 7 to 18 in the applicant's agents letter could form the basis of conditions should the application be approved.
- Originally planning permission (Prior Approval) was granted for the conversion of an office building to a residential property; regardless of this being rendered void as the building has been demolished Swindon Borough Council has indicated but that permission for conversion and change of use that the site is suitable for residential accommodation.
- The existing building is no better or worse than the converted permission and therefore would likely be granted on appeal and so there is no reason for the refusal of the retrospective application for planning permission.
- The agents have worked with officers to ensure certain windows use obscured glass and landscaping has been changed to improve the appearance and to prevent any potential or perceived overlooking.
- The impact is no worse than if the office had been converted.
- There was no sense in demolishing the house.
- The applicant apologised for the retrospective application.
- The applicant's late husband oversaw the development of the dwelling and the applicant had to pick up outstanding planning and financial issues and that an outstanding loan on the property could only be repaid following the completion and sale of the dwelling.
- Prior approval had been granted for conversion from offices to a dwelling in 2018. The building was a metal shed of similar height and on the same footprint as the new dwelling.
- When the planning authority discharged the approval and approved materials of brick, tiles and upvc windows in 2019 this was interpreted by the former applicant and his architect as permission for a building on the footprint rather than a conversion with those approved materials.
- When this mistake became apparent, an application was immediately submitted and meeting regarding mitigation with officers and the parish was held. These included detailed landscaping, additional planting on the boundary and glazing to prevent overlooking nearby properties.

- The site is brownfield, previously developed land with a cluster of five houses and farm buildings.
- It is no higher and more dominant than the office building it replaced and occupies the same footprint.
- The new materials used in the construction of the building enhanced the character of the area in accordance with Policies SD1 and DE1.
- The Parish Council would have preferred the application to have been determined prior to commencement but any demolition would create significant financial hardship and distress to the applicant.
- Given the mitigating circumstances the Parish Council did not oppose the application.
- The previous building had no planning merit but the new dwelling could be made more rural in character with more sympathetic cladding materials.
- The building was not dominant when viewed from the road forming part of a cluster of buildings.
- It could be argued that there was a moral approval for residential dwelling on the site given previous approvals, although this would probably carry little legal weight in an appeal scenario.
- If the dwelling was in place for four years it would become legal although this timescale would be suspended during any enforcement appeal process.

Submissions opposing the application can be broadly summarised as:

- Development on the site constituted creeping development and showed a continual disregard of planning regulations.
- Although the Committee might sympathise with the applicant's personal circumstances only limited weight should be attributed to it as a material consideration as generally personal financial circumstances should not be considered.
- The misinterpretation of the agreement of materials as permission for development was not one that should have arisen either by the applicant or architect.
- Financial hardship should not form a precedent for retrospective planning permission.
- Planning permission is required when completely demolishing and rebuilding a building, even where the building is to be rebuilt exactly the same as that demolished; the application before members, if approved, would not result in the exact same building as that demolished.
- If planning permission were not granted it would be an unauthorised building requiring enforcement action to ensure the land is returned to its previous use.
- The applicants could appeal both a planning refusal and any subsequent enforcement action.
- Morality is not a material planning consideration.

Resolved – That, subject to agreeing appropriate alternative external cladding and/or rendering materials to be applied to the building to improve its appearance, planning permission be granted by the Director of Strategic Development.

Reasons for resolving to grant permission

1. That the visual impact of the development can be mitigated by the use of sympathetic cladding materials to make it acceptable within the character of the established setting and would meet the requirements of Paragraph 78 of the National Planning Policy Framework on sustainable housing in rural areas and enhance the local community.
2. That the property was materially the same height and occupied the same footprint as the previous building.
3. The building did not represent an overly dominant structure given its setting, nor did it erode the rural setting, when considering other properties in the ribbon development of the vicinity; other measures such as tree planting would further mitigate the development.
4. That subject to appropriate conditions and exterior materials the building would accord with the standards required in the Core Policies of the National Planning Policy Framework.
5. That if granted the application would help meet the Borough's shortfall in the five year housing land supply.
6. The lack of neighbour or Parish Council objections indicated that the amenity of neighbouring properties would not be unacceptably affected.

40. Parking Standards for New Development

The Committee considered (a) Service Manager – Transport Planning, Development and Street Works Management seeking approval for an updated Parking Standards document, and (b) issues raised during Public Question Time relating to parking requirements for houses in multiple occupation.

Resolved - (1) That the further work undertaken to refine the Parking Standards Document (Supplementary Planning Document), along with the associated amendments to the document since it was presented to Planning Committee in May 2019 be noted.

(2) That the revised draft Parking Standards as a development management Document be approved.

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